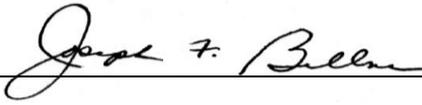


 <p style="text-align: center;">STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION</p> <p style="text-align: center;"><b>DIRECTIVE</b></p>	TITLE		NO. 0701
	<b>Central Monitoring Cases</b>		DATE 07/21/2014
SUPERSEDES DIR# 0701 Dtd. 05/08/2013	DISTRIBUTION A B	PAGES PAGE 1 OF 7	DATE LAST REVISED
REFERENCES (Include but are not limited to)	APPROVING AUTHORITY 		

- I. DESCRIPTION:** Certain inmates, because of the nature of their crime, status, or behavior, require special evaluation and tracking of their movement through the correctional system. This directive sets forth the criteria and procedures for identifying and designating such inmates as Central Monitoring Cases (CMC).
- II. POLICY:** Any inmate designated CMC shall not be transferred to another facility or assigned to a Temporary Release Program without prior review and approval by Central Office. However, CMC designation does not preclude consideration for transfer or assignment.
- Exception: Transfer of a CMC inmate from a general confinement facility to its ICP (Intermediate Care Program) Unit is considered an internal move not requiring CMC review.
- III. DESIGNATION CRITERIA:** At the discretion of the Inspector General (IG), an inmate may be designated as a CMC if one or more of the following criteria are met:
- A. Nature of Criminal Activity: The inmate has been convicted of criminal behavior that has a high degree of sophistication or planning, or was a part of a large scale criminal conspiracy or a continuing criminal enterprise. Indicators include:
1. High level narcotics trafficking or conspiracy in narcotics trafficking (large volume of narcotics, e.g., possession or sales of multiple kilos, or significant sum of money, or indication that the subject was a member in a large scale or sophisticated narcotics ring.);
  2. Loan shark operations, criminal usury, strong arm operations, collections, and conspiracy to commit usury;
  3. Hijacking;
  4. Assassination or attempted assassination for hire;
  5. Large scale robberies (banks, jewelry, gold, armored cars, payrolls);
  6. Dealing in or receiving of stolen property as a business;
  7. Union racketeering, coercion, strong arm activities, etc;
  8. Convictions emanating from involvement in the carting industries (trash and garbage removal);
  9. Smuggling;
  10. Securities theft, white collar criminal activity, enterprise corruption, stock fraud, large scale identity theft, credit card fraud, insurance fraud, etc.;
  11. Arson and destruction of private property where profit was the motive;
  12. Organized prostitution rings (including interstate);
  13. Gambling rings;
  14. Child pornography (Internet and otherwise);
  15. Organized gang activity;
  16. High profile Internet crime;
  17. Tampering with a witness or confidential informant; and
  18. Terrorist activities.

- B. History/Notoriety: The inmate requires close supervision because of his or her past criminal history or because of the notoriety of the inmate or the victim, the notoriety or heinous nature of the crime, or because of an escape or attempted escape or history of absconding from lawful custody/supervision. Indicators include:
1. Assassination or attempted assassination;
  2. Bribery or attempted bribery of public officials or law enforcement agents;
  3. Accepting bribes;
  4. Any large scale crime which captures the public attention, e.g., multiple bank robberies, homicide or multiple homicides, sex crimes, arson, bombings, kidnapping/hostage taking, terrorist activity, hate crimes, crimes of violence against children or elderly persons, sexual abuse of children, including incest, where available records indicate considerable media coverage and/or publicity, etc.;
  5. Crimes committed by persons who are public officials or public figures;
  6. Crimes committed against persons who are public officials or public figures; and
  7. Escape or attempted escape.
- C. Official Status: The inmate requires special supervision/protection while in custody because of his or her status as a former criminal justice official, public official, or informant.
- D. Management Problem: The inmate has become a severe management problem, including, but not limited to, documented involvement in conduct which represents a risk to facility safety and order through the participation in unauthorized group and/or gang activity.

#### IV. IDENTIFICATION & REFERRAL

- A. Classification Screening: As part of the initial screening during classification, the Offender Rehabilitation Coordinator will review the records of all incoming inmates for possible CMC designation, looking for specific indicators as set forth in Section III above using the available materials, including the following:
1. The Presentence Report;
  2. DCJS Summary Case (Criminal) History (Rap Sheet);
  3. Information submitted by law enforcement officers;
  4. Comments of the sentencing judge and prosecuting attorney and their recommendations regarding parole;
  5. Information appearing in news media corroborated by other sources;
  6. Substantiated disclosures of reliable informants;
  7. Reports of undercover agents; and
  8. Admissions or confessions of the inmate.
- B. Referral: The Classification Analyst or Offender Rehabilitation Coordinator shall submit "CMC Case – Transfer Request Summary," Form #149, specifying inmates who meet any of the criteria for CMC designation as soon as practical (not to exceed one week) along with the following documentation for each inmate so identified:
1. One copy of the Presentence Report;
  2. DCJS Summary Case (Criminal) History (Rap Sheet);
  3. Court commitments;
  4. Initial Security Classification Guideline; and
  5. Any other relevant material or reports.

- C. Referral Schedule: Insofar as it is practicable, the following schedule will be adhered to when processing referrals from reception centers:

- Day 1 Referral leaves facility within two business days of Offender Rehabilitation Coordinator's signature.
- Day 3 Referral received at the Office of Inspector General for CMC designation decision.
- Day 4 Referral received at the Office of Classification and Movement for Security Classification Recommendation.
- Day 6 Referral received by Deputy Commissioner for Correctional Facilities for review.
- Day 10 Referral received back at the Office of Classification and Movement for issuance of transfer order.

The processing of CMC referrals from the extended classification units at the reception centers will be similar to the above with the exception that where the Office of Health Services or the Office of Mental Health Services needs to review the case, the information exchange will be coordinated by the Office of Classification and Movement.

- D. Post-Classification Referral: When it is determined that an inmate who has completed the classification process (i.e., an inmate in general confinement or transit unit status) meets the criteria for designation as a Central Monitoring Case, the assigned Supervising Offender Rehabilitation Coordinator or Offender Rehabilitation Coordinator is responsible for preparing and submitting Form #149 as set forth in Sections IV-B and C above.

Copies of the referral Form #149 should not be maintained in the inmate record folder at the institution until the IG determination of CMC classification (acceptance or rejection) is received. Pending receipt of the IG determination, copies of the referral Form #149 are to be secured to the outside of the record folder. When the IG response is received, it shall be filed in the inmate record and Guidance folders.

- E. Any Department of Corrections and Community Supervision employee who has reason to believe that an inmate meets the criteria for designation as a CMC, as set forth in Section III above, shall advise the appropriate Classification Analyst, Classification Offender Rehabilitation Coordinator, or his or her supervisor of the basis for this conclusion as soon as practical. Central Office employees may make referrals directly to the Office of the Inspector General.
- F. Any inmate not currently classified CMC may be submitted or resubmitted for CMC review at any time during his or her incarceration. Documentation not previously reviewed, new evidence received or located, or deterioration of behavior will be factors considered in addition to the criteria set forth in Section III of this directive.

## V. REVIEW & DESIGNATION

### A. Inspector General

1. Reviews referrals and if the review indicates that the inmate comes within the criteria set forth in Section V-A-2 below, the Office of Inspector General shall complete a "Central Monitoring Case Designation," (Electronic E-Form #1172). This form shall be distributed as follows:
  - a. The inmate, informing him or her of the designation and the reason(s) for the designation (in advising of the reason(s), however, care should be taken so as to not jeopardize either the security of the institution or the safety of the inmates);
  - b. The facility Deputy Superintendent for Security Services;
  - c. The facility Deputy Superintendent for Program Services;
  - d. Central files; and
  - e. Guidance and Counseling.

2. Reviews referrals and any other available collateral evidence to determine whether the inmate requires special protection while in custody or requires close supervision because of the nature of his or her offense, his or her institutional record, his or her criminal history, or because of the community status of the inmate or his or her victim, or whether the inmate's offense or prior offenses involved a high degree of sophistication or planning or was part of a large-scale criminal conspiracy or a continuing criminal enterprise.
3. If the review does not indicate that the inmate comes within the criteria set forth in Section V-A-2 above, the record is so marked and filed in the Office of the Inspector General and the determination is communicated back to the referring facility by forwarding a copy of the annotated Form #149. Upon receipt of the annotated Form #149, the facility's Inmate Records Coordinator (IRC) and Guidance and Counseling Unit shall note the inmate's files to reflect the consideration and the rejection.
4. The Office of the Inspector General shall maintain an up-to-date record on all inmates designated as CMC.

B. Facility: Upon notification of the designation of an inmate as a CMC or not a CMC by the IG, the facility's IRC, Guidance and Counseling Unit, and Deputy Superintendents will enter the information in the appropriate records, including the inmate's record and Guidance folders.

**VI. APPEAL:** An inmate who has been designated as a CMC has the right to appeal such designation at any time during his or her incarceration. The appeal process is a two step procedure: The first step is to appeal to the Office of the Inspector General; the second step is to appeal to the Counsel. The Counsel will not review any case that has not been reviewed first by the Office of the Inspector General.

A. Facility

1. The Offender Rehabilitation Coordinator shall notify the inmate at the time of designation as a CMC of the right to appeal at any time during incarceration. If the inmate wishes to appeal, he or she fills out the appeal statement at the bottom of Form #1172 and forwards a copy to the Office of the Inspector General.
2. The Offender Rehabilitation Coordinator will provide the inmate the opportunity to respond and object to the designation as a CMC if he or she desires to do so. The response may be made orally to a designated person in the facility and shall be submitted in writing (with the inmate's concurrence) to the Office of the Inspector General.
  - a. The inmate may submit written information in lieu of or in addition to that transcribed by the facility staff member to the Office of the Inspector General for review.
  - b. If the inmate indicates that information must be obtained from outside the facility, he or she may be given reasonable time to provide it. The facility should notify the Office of the Inspector General of the inmate's intention to contest the designation as a CMC.
  - c. If the inmate accepts the designation as a CMC, he or she should sign the notification and a copy should be sent to the Office of the Inspector General for the CMC file.

B. Inspector General

1. Upon receipt of the written material specified in Section VI-A-1 and 2 above, the Office of the Inspector General will review the information and arrive at a decision as to the designation of the inmate within a reasonable time.

2. If a review of all available and relevant data, including material and objections submitted by the inmate, indicates that the CMC designation is not appropriate under the criteria of this directive, the CMC designation shall be removed. The IG will complete a "CMC Appeal Designation," Form #1173. This form shall be distributed as follows:
    - a. The inmate;
    - b. The facility; and
    - c. Central Files.
  3. If the decision after completion of the review is to maintain the designation as a CMC, the IG shall notify, in writing (Form #1173) with the reason(s) (e.g., the nature of the inmate offense, the inmate's institutional history, etc.):
    - a. The inmate;
    - b. The facility;
    - c. Inmate's CMC File; and
    - d. Central Files.
  4. The CMC records of evidence and review shall be entered into the folder of the inmate maintained in the Office of the Inspector General.
- C. Facility
1. Upon receipt of the written notice removing the designation of CMC from an inmate, the facility shall expunge from its records all prior information entered which designated this inmate as a CMC.
  2. Upon receipt of a written notice from the Office of the Inspector General which sustains CMC designation of the inmate, the facility shall inform the inmate of his or her right to appeal to the Department's Counsel to remove the designation as a CMC. He or she shall provide documentation in writing to the Counsel.
- D. Counsel
1. Upon receipt of the appeal, the Counsel shall obtain from the Office of the Inspector General the complete record folder and whatever other information it deems appropriate to conduct a review of the CMC designation.
  2. Within a reasonable time, the decision shall be rendered stating the reasons therefore and a written notice, accompanying the folder, shall be returned to the Office of the Inspector General.
  3. If the decision is to remove the designation as a CMC, written notice to that effect should also be provided by the Counsel to:
    - a. The inmate;
    - b. The facility;
    - c. The IG; and
    - d. Inmate's Central File.
  4. If the decision of the Counsel is to maintain the inmate's designation as a CMC, written notice and the reason for the determination shall also be sent to:
    - a. The inmate;
    - b. The facility;
    - c. The IG; and
    - d. Inmate's Central File.

- E. Facility
1. If the designation by the Counsel is to remove the CMC status of the inmate, the procedure identified in Section VI-C-1 above is to be followed.
  2. If the designation is maintained, the facility shall file the material in the appropriate records.
- F. Inspector General: Upon receipt of the decision from the Counsel, the IG shall maintain the records accordingly as outlined in Section VI-B-3 and 4 above except for the written notification to the inmate which would duplicate notification already sent by Counsel. (See Sections VI-D-3 and 4 above.)
- G. Inmate: The inmate retains the right of any further appeal procedure available to him or her if his or her designation as a CMC is upheld by the Counsel.

## VII. PROCESSING TRANSFER REQUESTS/REVIEWS

- A. Classification and Movement
1. Upon receipt of a Transfer Review for a CMC-A case or a Transfer Review for reduced security for a CMC-B case, the Classification Analyst reviews and enters comments in the Transfer Recommendation section of the Transfer Review.
  2. Classification and Movement forwards the Transfer Review to the IG.  
  
NOTE: Transfer from Reception to Sing Sing Transit Unit for a CMC-B case does not require prior approval. Other transfers from Reception to Transit Units or transfers for emergency purposes may be made with the approval of the Deputy Commissioner for Correctional Facilities (or designee) or, as an interim measure, movement may be approved by the Director of Classification and Movement (or designee).  
  
It shall be the responsibility of the Reception Center IRC to ensure that an inmate being considered for CMC, or for pending CMC, is not transported out of the facility without proper approval.
- B. Inspector General: Upon receipt of Transfer Review, the IG shall:
1. Indicate on the Transfer Review his or her recommendation and reasons therefore; and
  2. Forward to the Deputy Commissioner for Correctional Facilities for approval or other action.
- C. Deputy Commissioner for Correctional Facilities or Designee
1. Indicates on the Transfer Review his or her decision and reason therefore; and
  2. Forwards to Classification and Movement for final processing.

## VIII. PROCESSING TEMPORARY RELEASE APPLICATIONS: Upon receipt of a temporary release application or appeal by an inmate designated as a CMC, the Director of Temporary Release shall forward recommendations to the Commissioner or designee for final decision.

No CMC inmate shall be transferred or approved for temporary release until the Commissioner or designee has reviewed such CMC file and indicated their approval of such proposed action.

## IX. MOVEMENT PROCEDURES

- A. Facility
1. Inmate Records Coordinator: Upon receipt of a Transfer Order, Court Order, or request for transportation outside the facility (e.g., medical appointment, sick visit, funeral visit, etc.) for any inmate classified as a CMC, notify the Deputy Superintendent for Security Services.
  2. Deputy Superintendent for Security Services: Upon notification by the IRC of an anticipated movement involving a CMC-A inmate, contact the Central Office Communications Control Center giving the inmate's name, DIN, reason for movement, and identify the inmate as a CMC-A prior to movement. Ensure that this notification is made at the minimum of at least one business day prior to the scheduled movement of the inmate. In the event of an emergency, the Communication Control Center must receive telephone notification prior to the actual movement.

---

**B. Central Office**

1. Communications Control Center: Notify the IG of the movement as soon as possible. Ensure that this notification is made prior to the movement of the inmate.
2. Inspector General
  - a. Completes a file check to obtain any information of a current nature necessary for making security determinations; and
  - b. Relays any pertinent information to the facility's Deputy Superintendent for Security Services.

**C. Facility - Deputy Superintendent for Security Services: Keeping in mind any information received from the IG, recommend appropriate security measures to be followed when transporting said inmate.**

NOTE: Inmate in escape or absconder status will be designated CMC prior to return and appropriate designation form will be forwarded to their last facility.

- X. EARNED ELIGIBILITY/MERIT TIME EVALUATIONS: CMC designation in and of itself does not disqualify an inmate from the issuance of his or her Earned Eligibility/Merit Time Certificate, but when such an inmate's earned eligibility or Merit Time evaluation is received in Central Office, the reviewer shall forward the inmate's name and DIN to the IG for relevant comments. After comments on the case are received by the Earned Eligibility Unit, the case shall be presented to the Deputy Commissioner for Program Services for the earned eligibility Merit Time determination.**