



THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION



DIRECTIVE



<input checked="" type="checkbox"/> NEW <input type="checkbox"/> INTERIM <input type="checkbox"/> REVISED		SUBJECT	
EFFECTIVE DATE 7 / 1 / 88		*TERMINATION DATE / /	
CLASSIFICATION # 3256		SUPERSEDES	
DATED		DISTRIBUTION A	
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER		PAGE 1 OF 10 PAGES	
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I. PURPOSE

- A. The purpose of this Directive is to:
1. Set forth procedures and guidelines for establishing Inmate Councils in facilities of the New York City Department of Correction.
 2. Implement a mechanism to establish and maintain communications between facility administration and inmates.
 3. Provide inmates with a vehicle to address issues concerning their general welfare; a forum for offering suggestions that could improve conditions of confinement; and to identify potential problems which could adversely affect the orderly administration of the facility.

II. POLICY

- A. An Inmate Council shall be established in all housing facilities of the Department, except, the following:
1. Kings County Hospital Prison Ward
 2. Elmhurst Hospital Prison Ward
 3. Bellevue Hospital Prison Ward
 4. Work Release Facility

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II. POLICY (continued)



- B. The Commanding Officer shall have the right to exclude any inmate from membership on the Council or prohibit any inmate from attending a council meeting, whose presence at the Council Meeting or whose membership on the Council would jeopardize the safety and security of the institution.

III. GUIDELINES

- A. No reprisals shall be initiated against any inmate who is a member of the Council or who utilizes the Inmate Council process.
- B. The Inmate Council may address any issue concerning the general welfare of inmates assigned to the respective facility or any topic concerning class actions on behalf of all inmates or a class of inmates assigned to the Facility. However, matters pertaining to individual grievances, security issues, or issues resulting from investigations, shall not be accepted for discussion.

For Example:



The Inmate Council may raise an issue concerning access to recreation in the gymnasium, as it pertains to all inmates assigned to the facility. However, the Inmate Council may not raise an issue with respect to an individual inmate, who may not have been permitted to participate in said recreation. INDIVIDUAL COMPLAINTS OR GRIEVANCES MUST BE PROCESSED THROUGH THE INMATE GRIEVANCE RESOLUTION PROGRAM.

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III. GUIDELINES (cont'd)



Decisions rendered by the Commanding Officer are final and are not subject to appeal. However, individuals personally affected by such decisions may file an individual grievance with the Inmate Grievance Resolution Program.

- C. Administrative responsibility for supervising the Inmate Council Program shall be delegated to the Deputy Warden for Programs.
1. The Deputy Warden for Programs shall select a Correction Officer/Program Staff Person who shall function as liaison to the Inmate Council. The person selected should have good interpersonal communication skills and the ability to interact and communicate with inmates on a positive level.
- D. Absent of security considerations or a change in an inmate's status, an elected delegate or alternate should not arbitrarily be removed from his/her position on the Inmate Council or routinely transferred to another Facility. Prior to any such action, the Head of the Facility must be notified, who shall review the action recommended. In absence of the Facility Head, the Deputy Warden For Security shall assume such responsibility.
- E. Any inmate placed in punitive segregation shall be removed as a council or board member and shall be prohibited from participating in Council activities. The vacated position shall be filled by the alternate delegate.

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IV. DEFINITIONS

1. Inmate Council - A voluntary group (unpaid), consisting of elected delegates selected by their peers, who meet with facility administration to discuss issues concerning the general welfare of the inmate population.
2. Council Delegates - Elected by inmates of each respective housing unit.
3. Council Board - Consist of members elected by Council Delegates.
4. Composition Of Council Board Members
 - o Chairperson -Presides over all Inmate Council Meetings, (except meetings that are held with Facility Administration); assists the Secretary of the Council Board with agenda preparation.
 - o Vice Chairperson - Performs the Chairperson's duties in absence thereof; assists with agenda preparation and performs other council related duties.
 - o Secretary - Records minutes of Inmate Council Meetings for Inmate Council Members ONLY. Assist with agenda preparation.
5. Joint Monthly Meetings - Monthly meetings held with Facility Commanding Officer and Inmate Council Board.

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IV. DEFINITION (cont'd)



6. Inmate Council Meetings - Consist of a discussion group comprised of Council Delegates.
7. Liaison To Inmate Council - A Correction Officer or a Program Staff Person who assist the Inmate Council in procuring equipment/supplies, agenda preparation, recordkeeping, etc. The Liaison may also be assigned the task of recording minutes at meetings held with Facility Administration and the Inmate Council.

V. CODE OF ETHICS

- A. Council delegates or alternate delegates shall not obstruct any inmate from exercising his/her right to address issues through the Inmate Council process.
- B. No council member shall seek or receive preferential treatment because of participation in the Inmate Council.
- C. Members of the Council shall not violate inmate rules of conduct. Violations of such rules may subject the violator to removal from the Council.

VI. INMATE COUNCIL MEETINGS WITH FACILITY ADMINISTRATION

- A. The Commanding Officer of each Facility shall personally meet with the Inmate Council (at 1:00 p.m.), on the last Thursday of each month.
 1. A completed copy of the minutes shall be forwarded to the respective Supervising Warden and the Chief of Operations.



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VI. INMATE COUNCIL MEETINGS WITH FACILITY ADMINISTRATION
(cont'd)

2. In addition to the "joint" monthly meetings conducted by the Commanding Officer, weekly meetings between the Inmate Council and appropriate facility staff shall be held each Thursday at 1:00 P.M. If mitigating circumstances preclude the convening of said meeting, it may be held on a day and time convenient to the Facility. However, the reason(s) for the change must be included in the minutes of the meeting.

NOTE: At the discretion of the Commanding Officer, the weekly meeting held on the last Thursday of each month may be preempted to accommodate the "joint" monthly meeting.

3. Notices announcing all meetings of the Council with Facility administration shall be posted in each housing area, allowing sufficient time for Council Delegates to prepare for the scheduled meeting.
- C. The Chairperson or the Secretary of the Inmate Council Board shall forward one (1) copy of the Council Board's agenda to the Commanding Officer and one (1) copy to each respective Deputy Warden. This submission should be submitted no later than five (5) days prior to each meeting.
1. The meeting shall be limited to the items on the agenda. However, other items may be added, subject to the discretion of the Commanding Officer or the Commanding Officer's designee presiding over the meeting.
 2. Members of the Inmate Council may request a facility staff member to attend the meeting to address questions regarding his/her area of responsibility. A representative of an organized group approved by the Department may also attend such meeting, subject to the Commanding Officer's approval.



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VI. INMATE COUNCIL MEETINGS WITH FACILITY ADMINISTRATION
(cont'd)

3. Minutes of all meetings between Facility Staff and the Inmate Council shall be posted in all housing units (including the Law Library), no later than one (1) week following the meeting.



VII. INMATE COUNCIL MEETINGS WITH COUNCIL DELEGATES

- A. The Inmate Council shall be permitted to meet at least once per week to discuss issues pertaining to the general welfare of their constituents, and to prepare for meetings with Facility Administration.
- B. All delegates to the Inmate Council shall be permitted to attend general Council Meetings with the Council Board and weekly meetings with Facility Administration. In absence of the respective housing area delegate, the alternate delegate shall be permitted to attend said meetings. **However, Monthly Meetings conducted by the Commanding Officer of the Facility may only be attended by Council Board Members.**
- C. Emergency meetings of the Inmate Council may be requested subject to the approval of the Commanding officer, or in absence of the Commanding Officer, such approval must be obtained from the Deputy Warden for Programs, who shall then apprise the Deputy Warden for Security of the approved meeting. When requesting such meeting, the Chairperson of the Council Board or the Vice Chairperson in absence thereof, must set forth the reason in writing.

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VIII. SELECTION OF INMATE COUNCIL MEMBERS

- A. The Deputy Warden for Programs shall be responsible for establishing procedures governing the nomination and election process.
1. The adopted procedures shall be conspicuously posted in all inmate housing areas and other inmate congregate areas, where appropriate. This posting shall be effected no later than five (5) days prior to the date of nominations.
 2. The election process shall be conducted by secret ballot.
 3. All inmates shall be permitted to participate in the nomination and election process, **except those inmates who are confined to punitive segregation.**
 4. **All members elected to the Inmate Council are subject to clearance by the Deputy Warden for Security and must also receive the endorsement and approval of the Facility Head.**
 5. No inmate shall hold simultaneous membership in the Inmate Grievance Resolution Program while serving as a member of the Inmate Council.
 6. No inmate shall be permitted to serve more than two (2) consecutive terms as a council delegate or as a member of the Council Board in a single facility.
 7. The term of office shall be ninety (90) days.
 8. Elections shall be conducted every eighty (80) days or when necessary, to fill vacancies. Members filling vacancies shall only assume office upon receipt of official notice from the Program Deputy Warden.

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VIII. SELECTION OF INMATE COUNCIL MEMBERS (cont'd)

9. Election results shall be posted in each respective housing unit.
10. The individual receiving the highest number of votes shall be designated the Council Delegate. The individual receiving the second highest number of votes shall be designated the alternate delegate. In order to maintain continuity in the council body, each housing area should have no less than three (3) candidates available to fill vacancies.
11. The newly elected body of council delegates shall elect members to the Council Board at the next official meeting of the Council Delegates. The election process shall be determined by a simple nominating and voting procedure of the Council Delegates. The newly elected Council Board shall assume office at the next scheduled meeting of Council Delegates.

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IX. COMPOSITION OF INMATE COUNCIL

- A. The Inmate Council shall consist of representatives elected by inmates in each respective housing area and from each special status category, i.e., maximum security, protective custody, etc.. No inmate, while confined to punitive segregation, will be permitted to hold office as a council delegate or Council Board Member or to participate in Council related activities.
- B. Each special status category shall have one (1) representative and one (1) alternate, elected by inmates in that category. Inmates in any category comprised of fewer than five (5) persons shall be permitted to select a representative from their own category, except, in a situation where every inmate in a particular category is a person whose presence at the Inmate Council Meeting is determined to constitute a threat to the safety and security of the institution. Inmates so situated shall be permitted to consult with and be represented by a Council Delegate not in that category, but acceptable to a majority of inmates in said category.
- C. Any category comprised of five (5) or more persons shall be represented by a person in that category, except that, in any exceptionally unusual instance where every inmate in a category is a person whose presence at the Inmate Council meeting is determined to constitute a threat to the safety and security of the institution, detainees in such category shall be permitted to consult with and be represented by a council delegate not in that category but acceptable to a majority of the detainees in that category.

X. OFFICE SPACE

- A. The facility shall provide an appropriate area for Inmate Council members to conduct their meetings, and shall also designate a suitable space for the Inmate Council to maintain records/files.
- B. The Inmate Council shall be given access to writing materials, a typewriter and photo copying facilities to perform Council related duties **Only**.

NEW MATERIAL UNDERLINED