




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 03/29/23			*TERMINATION DATE / /		
CLASSIFICATION # 4491			SUPERSEDES 4497R-A		DATED 07/26/16
			APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		DISTRIBUTION A
					PAGE 1 OF 11 PAGES
AUTHORIZED BY THE COMMISSIONER					
LOUIS A. MOLINA 					
SIGNATURE					

I. PURPOSE



The purpose of this Directive is to establish New York City Department of Correction policy and procedures for the selection and housing of incarcerated individuals in, and the operation of, Enhanced Supervision Housing (ESH).

II. POLICY

- A. The Department shall maintain ESH for incarcerated individuals who require an enhanced level of supervision for security reasons.
- B. ESH programming shall be aimed at protecting other incarcerated individuals and staff, facilitating rehabilitation, and addressing the root causes of violence.
- C. The Department shall maintain statistical data on the operation of ESH in the Monthly Facility Management Report (MFMR) for Security, including number of placements, length of stays, and releases.

III. DEFINITIONS

- A. ESH: A housing unit for incarcerated individuals who pose a demonstrated threat to the safety, security, and good working order of the facility. Incarcerated individuals housed in ESH shall have access to programming aimed at facilitating rehabilitation and addressing the root causes of violence with the goal of safely returning the individuals to general population. ESH shall consist of two program levels (Levels I and II) that differ in restrictions.
- B. The ESH Committee: Shall consist of the Deputy Warden for Security, or designee, a representative from the Classification Division, and a representative from Division of Programs. The Committee's duties are set forth below.

	EFFECTIVE DATE 03/29/23	SUBJECT		
	CLASSIFICATION # 4491	ENHANCED SUPERVISION HOUSING (ESH)		
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 2 OF 11 PAGES	

IV. PROCEDURES

A. EXCLUSIONS FROM PRE-HEARING DETENTION AND ESH

The following individuals are excluded from placement in Pre-Hearing Detention and ESH:

1. Incarcerated individuals with serious mental illness

Note: If an individual would otherwise qualify for placement in Pre-Hearing Detention or ESH but has a serious mental illness, the individual shall be referred to CAPS. See Directive 4019R, "Clinical Alternatives to Punitive Segregation (CAPS)."

2. Incarcerated individuals with serious physical disabilities or conditions; and
3. Incarcerated individuals housed in a women's housing unit at the time of the qualifying incident.



Note: Incarcerated individuals under age 22 may be placed in ESH.

Note: An incarcerated individual who is excluded from ESH at the time of an incident shall not be placed in ESH for the same incident at a later date, regardless of whether the individual's health status has since changed.

B. QUALIFYING OFFENSES

1. The following are qualifying offenses:

- a. Assault on Staff,
- b. Forcible sexual assault,
- c. Slashings, stabbings, or other violent acts,
- d. Possession of a scalpel, hobby blade, single-edge razor, or any weapon (including jail-made weapons), capable of causing serious physical injury,
- e. Any violent incident resulting in serious injury,
- f. Riot,
- g. Barricade incident,
- h. Gang assaults (three or more individuals acting in concert),



	EFFECTIVE DATE 03/29/23	SUBJECT		
	CLASSIFICATION # 4491	ENHANCED SUPERVISION HOUSING (ESH)		
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 3 OF 11 PAGES	

IV. PROCEDURES (Cont.)

- i. Escape or attempted escape,
- j. Arson,
- k. Any other serious incident, or attempt, that threatens the safety and security of the Department as determined by the Deputy Commissioner of Custody Management and Facility Operations or designee.

C. PLACEMENT IN PRE-HEARING DETENTION (PHD)

1. An incarcerated individual shall be placed in Pre-Hearing Detention (PHD) as soon as practical after an alleged qualifying offense.
2. The Deputy Commissioner of Custody Management and Facility Operations, or designee, shall determine whether placement in Pre-Hearing Detention is warranted. Placement is warranted if:
 - a. There is reasonable cause to believe that the individual has committed a qualifying offense,
 - b. The individual is not excluded from placement in Pre-Hearing Detention under IV.A. above, and
 - c. There are no compelling mitigating circumstances. If it is determined that placement is not warranted, the incarcerated individual shall be placed in appropriate alternate housing. Such determination shall be documented on Form ESH-1, "*Recommendation for Placement in Pre-Hearing Detention (PHD)*".
3. Individuals in Pre-Hearing Detention shall not be comingled during out of cell time with individuals in ESH.
4. Pre-Hearing Detention shall have the same restrictions as ESH Level I.
5. Pre-Hearing Detention is authorized for no more than seven (7) days. An adjudication hearing must be held within seven (7) days, or the individual must be placed in appropriate alternate housing.

	EFFECTIVE DATE 03/29/23	SUBJECT ENHANCED SUPERVISION HOUSING (ESH)		
	CLASSIFICATION # 4491			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 4 OF 11 PAGES	

IV. PROCEDURES (Cont.)

D. ADJUDICATION OF A QUALIFYING OFFENSE

1. Hearing and Due Process



- a. All hearings related to qualifying offenses are subject to the procedures outlined in Directive 6500R-G, entitled *"Disciplinary Due Process for Individuals in Custody."*
- b. If requested, an incarcerated individual may have a facilitator to assist them in presenting their defense.

2. Determination

- a. If an incarcerated individual is found guilty of a qualifying offense, the adjudication paperwork must indicate the following on Form ESH-2, entitled *"Notice of Hearing Determination for Enhanced Supervision Housing (ESH),"*
 - i. The guilty finding; and
 - ii. Whether a referral to the ESH Committee for placement in ESH is appropriate. A referral for ESH placement is not appropriate if the individual meets an exclusion listed above or there are compelling mitigating circumstances.
- b. If an incarcerated individual has been placed in Pre-Hearing Detention and is found 'not guilty' during the Due Process hearing or the hearing officer determines that a referral to the ESH Committee is inappropriate, the individual must be immediately removed from Pre-Hearing Detention and placed in appropriate alternate housing.

F. PLACEMENT IN ESH

1. Upon a finding of guilt of a qualifying offense and a referral for placement in ESH, the ESH Committee shall convene within seven (7) days to determine whether placement in ESH is appropriate.
 - a. The incarcerated individual should have the opportunity to appear before the ESH Committee for purposes of understanding the basis for the referral and to present any factual data or information that may affect the determination of whether the individual should be placed in ESH.

	EFFECTIVE DATE 03/29/23	SUBJECT		
	CLASSIFICATION # 4491	ENHANCED SUPERVISION HOUSING (ESH)		
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 5 OF 11 PAGES	

IV. PROCEDURES (Cont.)

b. Placement in ESH is not appropriate if the incarcerated individual is excluded for the reasons outlined above; there are compelling mitigating factors; placement would impose danger to the individual's physical or mental health; or any other relevant factors exist that would negate placement. The ESH Committee should carefully consider any information received from Correctional Health Services (CHS); [see section IV.J.]. If the ESH Committee determines that ESH placement is inappropriate, the individual shall immediately be placed in appropriate alternate housing.



2. The ESH Committee shall document its decision on Form ESH-3, entitled "*ESH Committee Determination for ESH Placement*".
3. If the ESH Committee determines that placement in ESH is appropriate, then the incarcerated individual shall be placed in Level I unless the Committee determines that placement in Level II is most appropriate given relevant mitigating factors.

G. ESH LEVELS

1. ESH shall consist of two program levels (Level I and Level II) that differ in restrictions.
2. An incarcerated individual must successfully complete Level I before being transferred to Level II and must complete Level II before being eligible for release to general population, unless either the Deputy Commissioner of Custody Management and Facility Operations (or designee) or the ESH Committee determines otherwise.
3. Levels I and II shall be operated in separate housing units.

G. INITIAL PLACEMENT MEETINGS

Upon placement in Level I or Level II, the ESH Captain and a representative from the Counselling Service Unit (CSU) shall meet with the incarcerated individual within 48 hours and explain the reasons for such placement. The ESH rules shall be reviewed, including policies related to out-of-cell time, restraints, visits, packages, and correspondence. The CSU staff shall briefly explain the specific behavioral and program engagement expectations that must be met for the individual to be promoted to the next level and/or returned to general population.

	EFFECTIVE DATE 03/29/23	SUBJECT ENHANCED SUPERVISION HOUSING (ESH)		
	CLASSIFICATION # 4491			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 6 OF 11 PAGES	

IV. PROCEDURES (Cont.)

H. ESH CASE PLAN



1. Within 72 hours of placement into ESH Level I, CSU shall assign a staff member to an incarcerated individual to develop a written Individual Support Plan (ISP) using Form #ESH-4 entitled "*ESH Individual Support Plan.*"
2. The ISP shall detail the behavioral and program participation requirements for the incarcerated individual to be transferred to Level II and from Level II to general population.
3. The CSU staff member shall conduct a face-to-face meeting with the individual to review and explain the ISP within seven (7) business days of the staff member's assignment to the individual and shall provide a copy of the ISP to the individual.
4. The CSU staff member shall conduct a weekly in-person meeting with the individual in a private interview room for the purpose of assessing the individual's progress in complying with the ISP.
5. The CSU staff member shall submit a formal review of the incarcerated individual's compliance with the ISP prior to the ESH Committee meetings.
6. The CSU staff member may modify the incarcerated individual's ISP based on changes in the individual's service needs and behavior. Any change to an individual's ISP shall be reviewed with, and explained to, the individual during the weekly in-person meeting. A copy of the revised ISP shall be provided to the individual.

I. ESH PLACEMENT REVIEW

1. The ESH Committee shall review each incarcerated individual's placement no later than thirty (30) days following entry in the level to determine whether the individual has complied with the ISP and whether the individual's status should be changed (e.g., promoted to Level II, returned to Level I, released to general population). The individual shall be present during the review as appropriate.

Note: All time served in Pre-Hearing Detention prior to the ESH Committee's placement determination shall count as time served in ESH for the purpose of scheduling an individual's first ESH Placement Review.

2. The ESH Committee shall review the individual's status every 30 days thereafter. The individual shall be present during such review[s] as appropriate.



	EFFECTIVE DATE 03/29/23	SUBJECT ENHANCED SUPERVISION HOUSING (ESH)		
	CLASSIFICATION # 4491			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 7 OF 11 PAGES	

IV. PROCEDURES (Cont.)

3. In reviewing an incarcerated individual's status, the ESH Committee shall consider the following:
 - a. The nature of the individual's conduct that led to placement in ESH
 - b. The individual's conduct while in ESH, including their compliance with the ISP
 - c. The individual's prior conduct in the facility. To be considered, such conduct must have occurred within the preceding two (2) years
 - d. Any statement or other evidence submitted by the individual prior to, or at the review
 - e. Any mental illness or physical disability that does not constitute grounds for exclusion from ESH but might impact continued ESH placement
 - f. Any information received from Correctional Health Services (see section IV.J.).
 - g. Any other credible evidence relevant to the ESH status determination.
4. The ESH Committee shall render its determination on Form #ESH-5, entitled "*Enhanced Supervision Housing (ESH) 30-Day Review.*"
5. A copy of the completed Form #ESH-5 shall be provided to the incarcerated individual within 24 hours of the ESH Committee's determination. Information that could potentially identify a confidential informant shall be redacted, but the incarcerated individual shall be advised of the general nature of the information.

J. CORRECTIONAL HEALTH SERVICES (CHS) RESPONSIBILITY

1. Correctional Health Services (CHS) shall conduct escorted clinical rounds daily of individuals in Pre-Hearing Detention (PHD) and Level I; for individuals under age 22 in Level II; and weekly for other individuals in Level II unless otherwise needed.
2. Prior to each ESH Committee meeting, the Committee shall provide CHS with a list of incarcerated individuals to be discussed at the meeting. A CHS representative shall then meet with the committee or its designee; and indicate whether CHS recommends that placement in ESH for any of the listed individuals should be reconsidered, including any comments CHS believes the Committee should be aware of. In particular, CHS shall include whether the

	EFFECTIVE DATE 03/29/23	SUBJECT ENHANCED SUPERVISION HOUSING (ESH)		
	CLASSIFICATION # 4491			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 8 OF 11 PAGES	



IV. PROCEDURES (Cont.)

placement (or continued placement) of any individual in ESH is clinically contraindicated. CHS' participation, recommendation, and comments shall remain confidential and not shared with any incarcerated individual.

K. MANAGEMENT OF ESH



The following custody management policies are applicable to ESH:

1. Housing Type: Cells
2. Restraints: Individuals in Level I shall be subject to reasonable restraints that allow for participation in programming, including the use of restraint desks, in accordance with Directive 4522R-B entitled "Restraints" (as amended).
3. Movement: Individuals housed in ESH Level I shall be escorted with mechanical restraints (rear-cuffed unless medically contraindicated). All enhanced restraint status, Red ID, and Centrally Monitored Case (CMC) individuals shall be escorted in specified restraints in accordance with Department policy.
4. Search Requirements for Movement in and out of the Housing Area: Standard three-point searches shall be conducted, including the use of the magnetometer, transfrisker, and line scan machine.
5. Programming: Structured programming shall be provided five (5) days a week and must be sufficient to address the needs of the individuals housed in ESH Level I and II.
6. Tablets: Individuals in ESH Levels I and II shall have tablets for use only in their cells; the tablets shall be set so that no premium programming (e.g., movies and games) are available.
7. Telephone privileges: If an individual does not have a tablet, they shall be provided access to a telephone to make one call a day of at least six (6) minutes, plus calls with their attorneys.
8. Work assignments: Within housing unit Level II only.
9. Commissary:
 - a. Individuals in Level I are limited to commissary purchases of \$25 per week for personal hygiene products only.

	EFFECTIVE DATE 03/29/23	SUBJECT		
	CLASSIFICATION # 4491	ENHANCED SUPERVISION HOUSING (ESH)		
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 9 OF 11 PAGES	

IV. PROCEDURES (Cont.)

- b. Individuals in ESH Level II are limited to commissary purchases of \$45 per week.
10. Lock-out & Recreation
- a. Incarcerated individuals in ESH Levels I and II shall be offered a minimum of seven (7) hours of lockout time each day between 0500 and 2100 hours.
- b. Weather permitting, at least one (1) of the hours shall be outdoor recreation. In Level I, outdoor recreation shall be in individualized recreation pens. In Level II, outdoor recreation shall be the same as for general population.
- c. Any refusal by an individual to come out of their cell must be recorded on a body-worn camera (BWC) and in the housing area logbook.
11. Religious Services: Chaplains from each denomination shall make weekly rounds.
12. Access to Law Library: The law library coordinator shall make rounds twice a week.
13. Visits: Individuals in PHD and ESH shall be afforded non-contact visits only, pursuant to Directive 2007R-E, entitled "*Visit Procedures for Incarcerated Individuals*," as amended.
14. Mail/Packages:
- a. Mail: Individuals in ESH shall receive mail in the same manner as individuals in general population and in accordance with Directive 4001R-C, entitled "*Inmate Correspondence*".
- b. Packages and publications: Individuals in ESH shall receive packages in the same manner as individuals in general population and in accordance with Directive 4001R-C, entitled "*Inmate Correspondence*".
15. Tours
- a. Staff assigned to ESH must conduct security tours every 30 minutes.
- b. All tours, including Guard 1 Plus Patrol (as outlined in Operations Order # 01/23, "Guard 1 Plus Patrol System," and supervisory tours, must be captured on the Body Worn Camera (BWC) and recorded in the housing area logbook.

	EFFECTIVE DATE 03/29/23	SUBJECT ENHANCED SUPERVISION HOUSING (ESH)		
	CLASSIFICATION # 4491			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 10 OF 11 PAGES	

ATTACHMENTS



- A. Form ESH-1, "*Recommendation for Placement in Pre-Hearing Detention (PHD)*" dated 03/29/23
- B. Form ESH-2, "*Notice of Hearing Determination for Enhanced Supervision Housing (ESH)*" dated 03/29/23
- C. Form ESH-3, "*ESH Committee Determination for ESH Placement*" dated 03/29/23
- D. Form ESH-4, "*ESH Individual Support Plan (ISP)*" dated 03/29/23
- E. Form ESH-5, "*Enhanced Supervision Housing (ESH) 30-Day Review*" dated 03/29/23

V. REFERENCES

- A. Directive 2007R-E entitled, "*Visit Procedures for Incarcerated Individuals,*" dated 3/1/21 (as amended)
- B. Directive 4001R-C entitled, "*Inmate Correspondence,*" dated 4/19/16 (as amended)
- C. Directive 4019R entitled "*Clinical Alternatives to Punitive Segregation (CAPS)*", dated 03/10/14
- D. Directive 4522R-B entitled "*Restraints*" dated 10/11/17
- E. Directive 6500R-G entitled, "*Disciplinary Due Process for Individuals in Custody,*" dated 07/09/21
- F. Operations Order #01/23, entitled, "*Guard 1 Plus Patrol System (The PIPE),*" dated 3/7/23

VI. SUPERSEDES

- A. Directive 4497R-A entitled, "*Enhanced Supervision Housing (ESH),*" dated 7/26/16.
- B. Any other Directive, Operations Order, Teletype, Memorandum, etc., that may be in conflict with the policies and procedures outlined herein.

	EFFECTIVE DATE 03/29/23	SUBJECT		
	CLASSIFICATION # 4491	ENHANCED SUPERVISION HOUSING (ESH)		
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 11 OF 11 PAGES	

VII. SPECIAL INSTRUCTIONS

- A. Within ten (10) days of the effective date of this order, Deputy Warden of ESH shall promulgate an Enhanced Supervision Housing (ESH) Manual to ensure strict compliance with the provisions outlined herein.
- B. Copies of the ESH Manual shall be emailed and/or delivered to the Deputy Commissioner of Custody Management and Facility Operations, and Policy & Procedure Unit (PPU).
- C. The Deputy Warden for ESH shall promptly notify the Deputy Commissioner of Custody Management and Facility Operations and PPU of any changes in the Enhanced Supervision Housing (ESH) Manual.