



**Commission of
Correction**

Reportable Incident Manual

for

County Jails

and

**The New York City
Department of Correction**

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Incident Reporting via the eJusticeNY Integrated Justice Portal

As directed more specifically below, all significant correctional facility incidents shall be reported to the Commission of Correction via the eJusticeNY Integrated Justice Portal. Faxed and mailed reports will no longer be accepted. For assistance, online tutorials that demonstrate the process of electronically submitting reportable incidents have been published under the "Tutorials" tab of the Commission's website (www.scoc.ny.gov).

Provided an incident is reported via the portal, consistent with the requirements of this manual, telephone notification is not required. Nevertheless, should the eJusticeNY Integrated Justice Portal be inaccessible for any reason, a facility must contact the Commission of Correction at (518) 485-2466 to report any incident otherwise required by the revised manual to be reported immediately. Upon re-establishment of portal access, the incident report must then be submitted as normal.

For questions and issues regarding the eJustice NY Integrated Justice Portal, please contact the CCC Center via e-mail (portalhelpdesk@ejusticenyny.gov) or telephone (888-462-8003).

GENERAL INCIDENT CATEGORY: **ASSAULT**

DEFINITIONS: *Assault* shall mean an intentional or reckless infliction of physical injury upon another person.

Treatment shall mean any specific medical procedure used for the cure or improvement of a disease, injury or pathological condition (e.g. stitches, medicine, splints, sterile dressings, injections). Examination, evaluation (X-rays, blood tests, etc.) and diagnosis do not constitute treatment.

REPORTABLE INCIDENT CATEGORIES:

01. Inmate/Inmate Assault - the perpetrator of the assault is one inmate and victim of the assault is one or more inmates, or the inmate perpetrator and inmate victim are not clearly distinguishable.
02. Inmate/Personnel Assault - the perpetrator of the assault is one or more inmates and victim is one or more facility personnel.
03. Inmate/Visitor Assault - the perpetrator of the assault is one or more inmates and the victim is one or more visitors.
04. Personnel/Inmate Assault - the perpetrator of the assault is one or more facility personnel and the victim is one or more inmates.
05. Visitor/Inmate Assault - the perpetrator of the assault is one or more visitors and the victim is one or more inmates.
06. Inmate/Inmate Group Assault/Gang Assaults - The perpetrators of the assault are **two or more** inmates and the victim of the assault is one or more inmates.
07. Visitor Assault- an assault on a visitor by one or more personnel, visitors or inmates.

COMMISSION OF CORRECTION REPORTING REQUIREMENTS:

Report submitted to the eJusticeNY Integrated Justice Portal within 24 hours of occurrence or discovery of:

1. any assault requiring treatment to one or more inmates, personnel, or visitors at the facility medical unit, hospital or emergency room following the incident.
2. any assault which was terminated by the use of following:
 - a. impact weapons;
 - b. mechanical restraints other than for routine inmate movement;
 - c. electronic devices;

- d. chemical agents;
- e. canines;
- f. firearms; or
- g. medication ordered by a physician, physician's assistant or nurse practitioner as an emergency intervention.

3. any Inmate/Inmate Group Assault/Gang Assault.

GENERAL INCIDENT CATEGORY: *SEX OFFENSE*

DEFINITION: *Sex Offense* shall mean conduct constituting an offense as prescribed by Article 130 of the New York State Penal Law, including, but not limited to, any degree of rape, criminal sexual act, forcible touching, sexual abuse or sexual misconduct.

REPORTABLE INCIDENT CATEGORIES:

01. Inmate/Inmate Sex Offense - both the perpetrator and the victim are inmates.
02. Inmate/Personnel Sex Offense - the perpetrator is an inmate and the victim is an employee, as that term is defined by Penal Law §130.05(3)(f).
03. Inmate/Visitor Sex Offense - the perpetrator is an inmate and the victim is a visitor.
04. Personnel/Inmate Sex Offense - the perpetrator is an employee, as that term is defined by Penal Law §130.05(3)(f), and the victim is an inmate.
05. Visitor/Inmate Sex Offense - the perpetrator is a visitor and the victim is an inmate.

COMMISSION OF CORRECTION REPORTING REQUIREMENTS:

Report submitted to the eJusticeNY Integrated Justice Portal within 24 hours of occurrence of a sex offense or initiation of an internal and/or criminal investigation into an alleged sex offense.

GENERAL INCIDENT CATEGORY: *CONTAGIOUS ILLNESS*

DEFINITION: *Contagious illness* shall mean an infectious illness or disease capable of being transmitted by environmental condition or human contact.

REPORTABLE INCIDENT CATEGORIES:

01. Inmate Contagious Illness - only inmates have contracted the illness.
02. Personnel Contagious Illness - only personnel have contracted the illness.
03. Group Contagious Illness - a significant number of inmates and personnel have contracted an illness as a probable result of being exposed to the ailment (e.g., flu, measles, mumps, hepatitis, meningitis).

COMMISSION OF CORRECTION REPORTING REQUIREMENTS:

Report submitted to the eJusticeNY Integrated Justice Portal within 24 hours of discovery or occurrence of:

1. all physician-confirmed cases of communicable diseases listed in 10 NYCRR section 2.1 and reportable to the NYS Department of Health pursuant to 10 NYCRR section 2.10.
2. any quarantine of a facility or portion of a facility by a physician or local, state or federal department of health or other agency.
3. any removal or relocation of an inmate or staff member for quarantine purposes by a physician or local, state or federal department of health or other agency.

GENERAL INCIDENT CATEGORY: **CONTRABAND**

DEFINITION: *Contraband* shall mean any article or substance, the possession of which would constitute an offense under the New York State Penal Law or that is specifically prohibited by facility regulations.

REPORTABLE INCIDENT CATEGORIES:

01. Inmate-Introduced Contraband - when one or more inmates are found to be in possession of contraband, his/her ownership of it has been confirmed, or he/she attempts to bring it into the facility.
02. Personnel-Introduced Contraband - when one or more personnel provides, or attempts to provide, contraband to one or more inmates.
03. Visitor-Introduced Contraband - when one or more visitors deliberately bring contraband into the facility and provide, or attempt to provide, it to one or more inmates and/or personnel.
04. Unknown Source-Introduced Contraband - when ownership or responsibility for contraband found within the facility cannot be determined or presumed. Following an arrest, an update shall be submitted within 14 days.
05. Arrest of Security Staff/Civilian Staff/Volunteer Staff - when any person of authority within the facility is arrested and charged with violating sections 205.20 or 205.25 of the Penal Law.

COMMISSION OF CORRECTION REPORTING REQUIREMENTS:

Report submitted to the eJusticeNY Integrated Justice Portal within 24 hours of:

1. any discovery of the following contraband introduced by an inmate or visitor after the admission procedure has been completed:
 - a. a deadly weapon or dangerous instrument, as defined in Article 10 of the New York State Penal Law;
 - b. ammunition;
 - c. explosive substances and/or fireworks;
 - d. quantity of drugs, legal or illegal, the possession of which would constitute an offense under the Penal Law, or which violates facility policy and procedure;
 - e. any quantity of alcohol; or
 - f. any other contraband capable of endangering the safety or security of the facility or any person therein.

2. any discovery of contraband introduced by personnel.
3. any discovery of the following contraband introduced by an unknown source:
 - a. a deadly weapon or dangerous instrument, as defined in Article 10 of the New York State Penal Law;
 - b. ammunition;
 - c. explosive substances and/or fireworks;
 - d. quantity of drugs, legal or illegal, the possession of which would constitute an offense under the Penal Law, or which violates facility policy and procedure;
 - e. any quantity of alcohol; or
 - f. any other contraband capable of endangering the safety or security of the facility or any person therein.

GENERAL INCIDENT CATEGORY: DEATH

DEFINITION: *Death* shall mean the cessation of a person's life.

REPORTABLE INCIDENT CATEGORIES:

01. Inmate Death - the deceased is an inmate.
02. Personnel Death - the deceased is a facility personnel member.
03. Visitor Death - the deceased is a visitor at the facility.
04. Newborn/Infant Death - the death or stillbirth of a child of an inmate.

COMMISSION OF CORRECTION REPORTING REQUIREMENTS:

Report submitted to the eJusticeNY Integrated Justice Portal (under "Inmate Mortality Reporting" tab) **within six (6) hours of death**, followed by **SCOC Form M-187** (available in the "Forms" tab of the SCOC website at www.scoc.ny.gov), which shall be completed by facility health staff and submitted to the Commission within 10 days of death, for:

1. Any inmate death.

Report submitted to the eJusticeNY Integrated Justice Portal, within 24 hours of:

1. any personnel death;
2. any visitor death, which occurs as a result of an act by one or more inmates or by personnel, while on facility property, or in a temporary SCOC-approved facility, hospital or court detention area; and
3. any stillbirth, or perinatal death, or death of an infant who has been housed with its mother at the facility.

GENERAL INCIDENT CATEGORY: *MAINTENANCE/SERVICE DISRUPTION*

DEFINITION: *Major maintenance/service disruption* shall mean an occurrence which disrupts normal facility operations, or the delivery of inmate services required by Chapter I of of Subtitle AA, Title 9 NYCRR (e.g., medical care, food services), or causes a substantial breakdown in the functioning of essential facility utilities and/or infrastructure. This does not include brief power outages scheduled by utility companies for routine maintenance or repair.

REPORTABLE INCIDENT CATEGORIES:

01. Major Maintenance/Service Disruption

COMMISSION OF CORRECTION REPORTING REQUIREMENTS:

Report submitted to the eJusticeNY Integrated Justice Portal **immediately** following:

1. any major maintenance/service disruption that results in one or more of the following:
 - a. physical injury requiring one or more inmates, personnel or visitors to be admitted to a hospital; or
 - b. essential services or essential facility utilities or infrastructure interruptions extending beyond 8 hours in duration.

GENERAL INCIDENT CATEGORY: *DISTURBANCE*

DEFINITION: *Major disturbance* shall mean an occurrence simultaneously and collectively caused by a group of inmates or other individuals which results in a temporary loss of control of any correctional facility, or portion thereof, by the established authority.

Loss of control shall mean a disruption of routine facility activities and functions causing a lockdown of any part of a correctional facility, the vacating of mandated posts, or the necessity of additional responding staff to quell the disruption.

Minor disturbance shall mean an occurrence, caused by inmates or other individuals acting in concert, which does not result in a loss of control by the established authority, but may threaten the safety, security and good order of a correctional facility (not an assault).

Treatment shall mean any specific medical procedure used for the cure or improvement of a disease, injury or pathological condition (e.g., stitches, medicine, sterile dressings, and splints) examination; diagnosis and evaluation (X-rays, blood test, etc.) do not constitute treatment.

Individual inmate disturbance shall mean an occurrence during which an individual inmate exhibits behavior that disrupts the normal operation of a correctional facility.

REPORTABLE INCIDENT CATEGORIES:

01. Major Disturbance
02. Minor Disturbance
03. Individual Inmate Disturbance

COMMISSION OF CORRECTION REPORTING REQUIREMENTS:

Report submitted to the eJusticeNY Integrated Justice Portal **immediately** following:

1. any major disturbance

Report submitted to the eJusticeNY Integrated Justice Portal, within 24 hours of:

1. Any minor disturbance which results in one or more of the following:
 - a. treatment provided to one or more inmates, personnel or visitors at the facility medical unit, hospital or emergency room;
 - b. property damage that limits the use of a correctional facility, or portion thereof (must involve the closing of more than one cell);
 - c. intervention requiring the use of:

- (1) impact weapons;
- (2) electronic devices;
- (3) chemical agents;
- (4) canines;
- (5) firearms; or
- (6) medication ordered by a physician, physician's assistant or nurse practitioner as an emergency intervention.

2. Any individual inmate disturbance that results in one or more of the following:

- a. treatment provided to one or more inmates, personnel or visitors at the facility medical unit, hospital or emergency room; or
- b. intervention requiring the use of:
 1. impact weapons;
 2. mechanical restraints other than for routine inmate movement;
 3. electronic devices;
 4. chemical agents;
 5. canines;
 6. firearms; or
 7. medication ordered by a physician, physician's assistant or nurse practitioner as an emergency intervention.

GENERAL INCIDENT CATEGORY: *NATURAL/CIVIL EMERGENCY*

DEFINITION: *Natural or civil emergency* shall mean an occurrence, originating outside the facility, of a serious and urgent nature by natural forces or human action resulting in damage, loss, destruction, or injury that requires immediate attention and poses a direct threat to the safety, security, and good order of the facility (e.g., explosions, weather, bomb threats, gas leaks, aircraft accidents, nuclear accidents, assaults on the facility, fire originating outside the facility proper, etc)

REPORTABLE INCIDENT CATEGORIES:

01. Natural/Civil Emergency
02. A declared county state of emergency
03. Evacuation of any portion of a correctional facility

COMMISSION OF CORRECTION REPORTING REQUIREMENTS:

Report submitted to the eJusticeNY Integrated Justice Portal **immediately** upon:

1. any natural/civil emergency;
2. any declared county state of emergency; or
3. an evacuation of any part of the facility.

GENERAL INCIDENT CATEGORY: *ESCAPE / ABSCONDENCE / ERRONEOUS RELEASE*

DEFINITIONS: *Escape* shall mean conduct constituting an offense as prescribed by sections 205.05, 205.10 and 205.15 of the New York State Penal Law.

Attempted escape shall mean conduct constituting an attempt to commit an offense as prescribed by sections 205.05, 205.10 and 205.15 of the New York State Penal Law.

Abscondence shall mean conduct constituting an offense as prescribed by sections 205.16, 205.17, 205.18 and 205.19 of the New York State Penal Law.

Erroneous release shall mean the discharge of an inmate in violation of a lawful securing order or commitment.

REPORTABLE INCIDENT CATEGORIES:

01. Escape/County Supervision - the escape of an inmate in the custody of a county sheriff's department or county department of correction personnel.
02. Escape/Other Agency Supervision - the escape of an inmate while under the custody of an agency other than the one to which he/she is committed (e.g., NYS Police, Municipal Police, Parole, Probation, etc.) .
03. Attempted Escape
04. Abscondence
05. Erroneous Release
06. Capture/Return to Custody

COMMISSION OF CORRECTION REPORTING REQUIREMENTS:

Report submitted to the eJusticeNY Integrated Justice Portal **immediately** following:

1. any escape.
2. any capture/return to custody following an escape.

Report submitted to the eJusticeNY Integrated Justice Portal, within 24 hours of:

1. any attempted escape.
2. any abscondence.

3. any erroneous release.
4. a capture/return to custody following an abscondence or erroneous release.

GENERAL INCIDENT CATEGORY: FIRE

DEFINITION: Arson shall mean the intentional damaging of property by intentionally starting a fire or causing an explosion

REPORTABLE INCIDENT CATEGORIES:

- 01. Arson Fire
- 02. Non-Arson Fire
- 03. Unknown Origin

COMMISSION OF CORRECTION REPORTING REQUIREMENTS:

Report submitted to the eJusticeNY Integrated Justice Portal **immediately** following:

Any fire occurring within a correctional facility that results in any of the following:

- a. treatment provided to one or more inmates, personnel or visitors at the facility medical unit, hospital or emergency room;
- b. a portion of the facility is deemed unusable by the appropriate authority;
- c. transfer of inmates within the facility; or
- d. transfer of inmates to another jail (requires substitute jail order).

GENERAL INCIDENT CATEGORY: *DISCHARGE OF FIREARM*

DEFINITIONS: *Discharge* shall mean the ballistic expulsion of any projectile from a firearm.

Firearm shall mean any pistol or revolver, a shotgun having one or more barrels, a rifle having one or more barrels, any weapon made from a shotgun or rifle whether through alteration or modification, a machine gun or an assault weapon.

REPORTABLE INCIDENT CATEGORIES:

01. Firearm Discharge

COMMISSION OF CORRECTION REPORTING REQUIREMENTS:

Report submitted to the eJusticeNY Integrated Justice Portal **immediately** upon:

1. any firearm discharge occurring while one or more personnel are performing official facility-related duties, except those occurring during practice or qualification procedures; or
2. any other firearm discharge occurring on facility property.

GENERAL INCIDENT CATEGORY: *GROUP ACTION*

DEFINITION: *Inmate group action* shall mean a temporary stoppage of established activities by two or more inmates acting in concert, for the purpose of disrupting the operation or good order of the facility or obtaining a change in the operation or services provided by a facility.

Personnel group action shall mean any action or inaction by two or more employees that interferes with, or has the potential to threaten, the routine operation of a correctional facility including, but not limited to, a temporary stoppage or slow-down of established job activities.

REPORTABLE INCIDENT CATEGORIES:

01. Inmate Group Action
02. Personnel Group Action

COMMISSION OF CORRECTION REPORTING REQUIREMENTS:

Report submitted to the eJusticeNY Integrated Justice Portal, within 24 hours of:

1. any inmate group action

Report submitted to the eJusticeNY Integrated Justice Portal **immediately** upon:

1. a personnel group action that threatens the safety, security and good order of the facility;
2. a personnel group action that results in the facility being unable to maintain minimum staffing levels as determined by the NYS Commission of Correction; or
3. a personnel group action that affects scheduled inmate programs and/or services (rescheduled, cancelled or otherwise modified from routine provision).

GENERAL INCIDENT CATEGORY: *HOSTAGE SITUATION*

DEFINITION: *Hostage situation* shall mean the unlawful abduction or restraint of one or more individuals by another.

REPORTABLE INCIDENT CATEGORIES:

01. Hostage Situation

COMMISSION OF CORRECTION REPORTING REQUIREMENTS:

Report submitted to the eJusticeNY Integrated Justice Portal **immediately** upon:

Any hostage situation, regardless of duration:

1. which occurs within a correctional facility, an SCOC approved temporary facility, hospital prison ward or court detention cell; or
2. involves an inmate and occurs outside the confines of a correctional facility for any reason, including, but not limited to court, work detail, medical or mental health treatment, transport to another facility, etc.

GENERAL INCIDENT CATEGORY: *PHYSICAL INJURY / HOSPITALIZATION*

DEFINITIONS: *Physical injury* or *injury* shall mean an impairment of physical condition or substantial pain.

Attempted suicide shall mean an act during which an individual attempts to terminate one's own life by inflicting life-threatening injury upon oneself, or by placing oneself in a life-threatening situation, (e.g., by hanging, setting oneself on fire, ingesting poisonous chemicals or drugs, inflicting lacerations, etc.).

Self-inflicted injury shall mean an act by which an individual intentionally injures oneself which is not considered life threatening and does not represent a highly lethal attempt to terminate one's life. This shall include a refusal to consume food or fluids for a period of forty eight (48) consecutive hours.

Accidental injury shall mean an injury resulting from an unexpected occurrence with no indication of direct intentional involvement of the victim or any other individual.

Treatment shall mean any specific medical procedure used for the cure or improvement of a disease, injury or pathological condition (e.g. stitches, medicine, splints, sterile dressings, injections). Examination, evaluation (X-rays, blood tests, etc.) and diagnosis **do not** constitute treatment.

REPORTABLE INCIDENT CATEGORIES:

01. Inmate Attempted Suicide
02. Inmate Self-Inflicted Injury
03. Inmate Accidental Injury
04. Personnel Accidental Injury
05. Hospital Admission of Inmate
06. Release of Hospitalized Inmate From Custody

COMMISSION OF CORRECTION REPORTING REQUIREMENTS:

Report submitted to the eJusticeNY Integrated Justice Portal, within 24 hours of:

1. an attempted suicide by an inmate;
2. any self-inflicted injury requiring an inmate to receive medical treatment;

3. any accidental injury requiring an inmate, employee, volunteer or visitor to be admitted to a hospital or facility medical unit as an inpatient;
4. the custodial release of an inmate, while such inmate is admitted to, or otherwise presented for treatment in, a hospital due to:
 - a. the revocation or amendment of a court securing order;
 - b. the posting of bail; or
 - c. the expiration of a sentence; or
5. the transfer or relocation of an inmate to a hospital, as defined by Article 28 of the Public Health Law, for the residential care, medical management or as an inpatient for a period of 24 hours or longer.