NEW YORK STATE COMMISSION OF CORRECTION

Albany, New York

ADULT LOCK-UP MANAGEMENT MANUAL

Thomas A. Beilein
Chairman

Phyllis Harrison-Ross, M.D.
Commissioner

Thomas Loughren
Commissioner

FOREWARD

This manual is intended to provide guidance to agencies that operate an adult lockup in New York State. This manual is not intended to be an all-inclusive document. It has been prepared to set forth the minimum a department must perform in order to ensure compliance with the Commission's Minimum Standards and other state and federal requirements.

Included you will find information and various forms covering the following topics:

1. Minimum Standards and Appendix A
2. Reportable Incidents and Appendix B
3. Suicide Prevention
4. Office of Juvenile Justice Delinquency Prevention Act and Appendices C and D

Note: This document was revised on August 2013

9NYCRR, PART 7500 - MINIMUM STANDARDS AND REGULATIONS FOR MANAGEMENT OF CITY JAILS – TOWN AND VILLAGE LOCKUPS

These Minimum Standards outline the various requirements Police Lockup Facilities must observe. They also serve as the foundation for operational documents such as policies and procedures, post orders and forms. It is critical that these requirements are observed on a consistent basis.

Please find attached Part 7500 of the Minimum Standards (Appendix A)

The Minimum Standards are also available on the Commission's website (below)

http://www.scoc.state.ny.us (click on the "Manuals" box)

REPORTABLE INCIDENT FORMS

Pursuant to Part 7508, Reportable Incidents, certain incidents that occur within a police lockup must be reported to the Commission of Correction.

1. The following reportable incidents must be reported to the Commission within 24 hours of occurrence, using the attached *Reportable Incident Form SCOC-501*.
    a. Inmate injury requiring hospitalization
    b. Inmate illness requiring hospitalization
    c. Civil Emergency
    d. Natural Emergency
    e. Disturbance

Please find attached Reportable Incident Form SCOC-501 (Appendix B)

The *Reportable Incident Form SCOC-501* is also available on the Commission's website:

http://www.scoc.state.ny.us (click on the "Forms" box)

2. The death of an inmate shall be reported to the Commission within 6 hours of pronouncement of death using *Report of Inmate Death M-187* form.

Please find attached *Report of Inmate Death M-187* form (Appendix B)

The *Report of Inmate Death M-187* form is also available on the Commission's website:

http://www.scoc.state.ny.us (click on the "Forms" box)

SUICIDE PREVENTION FOR POLICE LOCKUPS

In 1984, the Commission of Correction and the New York State Office of Mental Health initiated a design of a model to address the problem of jail/lockup suicides. They were joined by the Ulster County Mental Health Department and the DCJS Office of Public Safety. The program was designed to:

- Reduce the number of inmate suicides and attempts in jails and police lockups.
- Assure timely crisis intervention and follow-up for inmates with serious mental illness.
- Enhance the safety of high risk suicidal inmates and decrease litigation for police and corrections agencies.
- Enhance the quality of communication/coordination between local detention and correctional facilities and local mental health service providers.

The result of this collaboration was the development of the Suicide Prevention Screening Guidelines and the Suicide Prevention and Crisis Intervention Program in County Jails and Police Lockups. The Suicide Prevention Screening Guidelines (form ADM-330) is a structured questionnaire designed to identify inmates at high risk for suicide during early incarceration. Each question is based on research that documents its direct relationship to suicide risk. The form is designed to be used at booking/arrest processing and is designed to help officers make the most effective use of time and effort in identifying potentially suicidal detainees.

The Suicide Prevention and Crisis Intervention Program in County Jails and Police Lockups is an eight hour training program for the purpose of training officers on how utilize the ADM-330 form and how to complete a suicide screening. Completion of the training is required prior to utilizing the form. The course is designed to be taught by instructors certified in the curriculum. The course is generally offered throughout the state on an annual basis. **Information regarding program location and registration is available through the Commission of Correction website**:

http://www.scoc.state.ny.us (click on the "Training" box)

NOTE: **Those police lockup staff who administer the ADM-330 form must have completed the required training course.**

OFFICE OF JUVENILE JUSTICE DELINQUENCY PREVENTION ACT

The New York State Division of Criminal Justice Services has charged the New York State Commission of Correction with the responsibility of evaluating the compliance with the Juvenile Justice and Delinquency Prevention Act (JJDPA) for adult jails and lockups.

The Commission will be monitoring the deinstitutionalization of status offenders, jail removal of juveniles, and sight and sound separation of juveniles from adult offenders. A report will be issued citing violations, if any, that have been identified, as well as what corrective action is deemed appropriate to rectify any outstanding violations. It is incumbent upon the facility administrator to comply with the provisions set forth in the Act.

Commission staff will be scheduling training on the standards and how agencies must deal with the various categories of juvenile offenders. A letter will be sent to each Sheriff or Chief of Police inviting you to attend either the training session or send a representative from your agency to represent you. The Commission will also supply your agency with materials that will guide you on the fundamentals of handling juveniles in a manner that is in compliance with the Juvenile Justice and Delinquency Act.

Please find the following related documents in Appendices C and D:

1. *New York State Record of Juvenile Detention in Adult Lockups* form. This form must be completed and submitted to the Commission of Correction any time a juvenile is detained in an adult lockup. This form is located in **Appendix C** and can be downloaded from the Commission of Correction's website:

   http://www.scoc.state.ny.us (click on the "Forms" box)

2. *OJJDP Evaluation for Adult Lockups in NYS* checklist. This form is used by Commission of Correction staff during on-site assessments and is included in this manual so that you are aware of the scope of the assessment prior to the visit. **Please see Appendix D**.

NOTE: **If you have any questions or are in need of technical assistance concerning the handling of juveniles, please contact Commission staff members Richard Kinney or Keith Zobel at (518) 485-2346.**

APPENDIX A

PART 7500
Minimum Standards and Regulations for Management of City Jails – Town and Village Lockups

CHAPTER IV
Minimum Standards and Regulations for Management of City Jails--Town and Village Lockups

PART

7500 Legal Authority
7501 Definitions
7502 Admission Procedures
7503 Medical
7504 Supervision of Detention Areas
7505 Food
7506 Sanitation and Maintenance
7507 Discipline
7508 Reportable Incidents
7509 Records
7510 Visits
7511 Construction and Renovation
7512 Variances

PART 7500

LEGAL AUTHORITY

(Statutory authority: Correction Law, § 45(6))

Sec.
7500.1 Legal authority

Section 7500.1 Legal authority. (a) Article XVII, section 5, of the New York State Constitution provides that there shall be a State Commission of Correction which shall visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime.

(b) Article 3, sections 45 and 46, New York State Correction Law defines the following as functions of the State Commission of Correction:

(1) Promulgate rules and regulations establishing minimum standards for the care, custody, correctional treatment, supervision, discipline and other correctional programs for all persons confined in local correctional institutions. (Note: As used in this statute, the term local correctional institution means any county penitentiary, county jail, city jail, court detention pen, hospital prison ward, or town, village or county lockup.)

(2) Aid in securing humane and economic administration and best sanitary conditions of the institutions subject to inspection.

(3) Investigate their management and conduct of their officials.

(4) approve or reject plans for construction or renovation.

(5) Collect statistical information with respect to the inmates.

(6) Close any of the facilities subject to inspection which are unsafe, unsanitary or inadequate to provide for the separation and classification of prisoners as required by law or which has not adhered to or complied with the rules or regulations promulgated by the commission.

PART 7501

DEFINITIONS

(Statutory authority: Correction Law, § 45(6))

Sec.
7501.1 Definitions

Section 7501.1 Definitions. Unless otherwise specifically provided herein, the following words or terms used in this Chapter are defined as follows:

(a) Chief administrative officer shall mean the commissioner of police, chief of police or other officer in charge of a city jail, lockup or precinct station detention facility.

(b) Commission and Commission of Correction shall mean the New York State Commission of Correction.

(c) Lockup shall mean a place where individuals 16 years of age and over are temporarily detained while awaiting disposition of their cases in the courts, before arraignment in court, or for a brief period after arraignment or sentence while awaiting transfer to another correctional facility. An individual who has not reached his or her 16th birthday shall not be detained in any adult lockup except in accordance with section 304.1 of the Family Court Act or section 510.15 of the Criminal Procedure Law.

PART 7502

ADMISSION PROCEDURES

(Statutory authority: Correction Law, § 45(6))

Sec.
7502.1 Admission procedures

Section 7502.1 Admission procedures. (a) Before being placed in a cell or detention room, the clothing and person of each prisoner shall be thoroughly searched.

(b) Belts, neckties, shoes and clothing items such as jackets, overcoats or other similar outergarments shall be removed and stored temporarily where they will not be accessible to prisoners. A supply of disposable type fiber or paper footwear to replace shoes may be kept available for issue as required.

(c) An accurate listing shall be made of all money, and items such as rings, watches and any other personal property taken at the time of admission, such list to be properly witnessed by the receiving officer and the prisoner. At the appropriate time, a receipt signed by the prisoner shall be obtained, acknowledging that all money and property have been returned.

(d) Searching of a female prisoner shall be accomplished by the regularly appointed police matron, or other qualified female person whose services may be available on a part-time basis.

(e) On request, within a reasonable time after arrival at the place of detention, a prisoner shall be allowed to make, without charge, one local telephone call to communicate with an attorney, a family member or relative, an employer, etc. Requests to place additional local calls and those of a long distance nature should be decided on an individual basis consistent with the prisoner's situation, funds in his possession and the possibility of reversing toll charges or otherwise having the prisoner make reimbursement for same. Telephone calls should be properly supervised and preferably made from an area where best security can be maintained.

PART 7503

MEDICAL

(Statutory authority: Correction Law, § 45(6))

Sec.
7503.1 Medical

Section 7503.1 Medical. (a) Definite arrangements shall be in effect so the services of a physician will be available, on a standby basis, to examine prisoners in cases of illness and injury. As an alternative, and to provide for situations of an emergency nature, the facilities of a conveniently located hospital, particularly emergency ward services, shall be utilized.

(b) Every prisoner to be detained who appears to be physically incapacitated due to drug or alcohol intoxication should preferably be examined by a physician. Note: Experience has firmly established that an alcoholic odor emanating from a prisoner can obscure a serious physical deficiency such as narcotic drug addiction, stroke, diabetic coma, heart attack, etc., or an abnormal mental condition.

(c) No medication shall be given to a prisoner unless authorized or prescribed by a physician.

(d) A record of medical attention provided for a prisoner shall be maintained.

PART 7504

SUPERVISION OF DETENTION AREAS

(Statutory authority: Correction Law, § 45(6))

Sec.
7504.1 Supervision of detention areas

Section 7504.1 Supervision of detention areas. (a) As a minimum, the condition of prisoners shall be checked, by actual visits to cells and detention rooms, at intervals not to exceed 30 minutes.

(b) In situations where a prisoner's physical or mental condition obviously
warrants it, constant observation and supervision shall be provided.

(c) The supervisory visit procedure shall be accomplished either by personnel on full-time duty in the detention area or by those assigned to other duties in police department operations.

(d) A suitable record of supervisory visits shall be maintained in ink and in a legible manner and shall include but shall not necessarily be limited to the following information:

(1) date;
(2) time of each visit;
(3) condition of prisoner(s), e.g., awake, sleeping, etc;
(4) other notations considered relevant;
(5) signature of officer or matron.

(e) Supervision of female prisoners shall be accomplished by a matron, and a female prisoner shall not be placed in or removed from a detention area unless the matron is present. The matron shall retain the key for the detention area for females and no male person shall be permitted to enter an area where female prisoners are detained unless accompanied by the matron.

(f) If a detention facility is located in a structure which is not of fire-resistant construction and where a fire hazard of extensive proportions exists, constant supervision is required.

(g) The use of closed circuit television to visually monitor an area in which prisoners are detained is approved only as an adjunct to actual physical supervisory visits by police

department personnel and shall not be considered as a substitute for such visits.

(h) Under no circumstances shall an officer while armed enter a detention area where prisoners are being detained.

PART 7505

FOOD

(Statutory authority: Correction Law, § 45(6))

Sec.
7505.1 Food

Section 7505.1 Food. (a) Prisoners who are detained during any of the usual three daily meal hours, i.e., morning, noon and evening, shall be provided with a suitable repast at the expense of the city, town, village or county maintaining the detention facility.

(b) Food shall be given to prisoners in the cell or detention room. Under no circumstances shall prisoners be taken outside the security area for this purpose.

(c) A record of meals provided, including a notation of the prisoner's refusal thereof, shall be maintained.

(d) Consistent with the requirements of this Part, inmates shall be entitled to observe dietary laws established by their religion. Each facility shall furnish or provide access to the type of food required by recognized religious dietary rules. Such special diets shall conform as closely as possible to the foods served other inmates.

(e) Consistent with the requirements of this Part, inmates shall be entitled to medical diets ordered by a physician. Each facility shall furnish or provide access to the type of food required by their medical diets. Such special diets shall conform as closely as possible with the foods served other inmates.

PART 7506

SANITATION AND MAINTENANCE

(Statutory authority: Correction Law, § 45(6))

Sec.
7506.1 Sanitation and maintenance

Section 7506.1 Sanitation and maintenance. (a) Definite arrangements shall be made so that janitorial and maintenance services are regularly provided to insure that satisfactory conditions will exist at all times.

(b) If bedding items such as sheets and pillow cases are used, they shall be changed each time a prisoner is released.

(c) Mattresses if used in cells or detention rooms should preferably be of a soil and water-resistant type and their condition should be checked regularly for damage, attempts to conceal contraband items, etc.

(d) When an approved type wood bunk is in use, mattresses, sheets and pillowcases are not required in routine operations.

(e) A supply of clean blankets shall be kept available for issue depending on such circumstances as the condition of the prisoner, and the temperature in the detention area. Blankets should be routinely left in the cells, and should be laundered or sterilized as necessary to ensure proper cleanliness.

(f) A supply of soap, paper towels and toilet tissue shall be maintained, and paper drinking cups made available when lavatories do not have an integral drinking fount. Supplies of this nature should be issued as needed and not routinely left in cells.

(g) Locks on cell doors and security doors, locking devices and the security aspects of detention type windows and screens shall be checked regularly to insure that they are in proper condition.

PART 7507

DISCIPLINE

(Statutory authority: Correction Law, § 45(6))

Sec.
7507.1 Discipline

Section 7507.1 Discipline. (a) Minor matters of discipline, where no danger of safety, property or life exists, shall be handled in such a manner as to attract as little attention as possible to the incident.

(b) Officers shall not strike or lay hands on a prisoner unless it be in self defense, to prevent escape or serious injury to person or property, to quell a disturbance, or to effect detention. In such cases, only the amount of physical force necessary to accomplish the desired result is authorized.

(c) Some type of restraining equipment, e.g., jacket or sheets, should be available for use in emergencies and under the direction of trained personnel and competent medical authority. In such instances, full time supervision shall be provided and further action determined by a physician.

(d) The use of chemical agents such as tear gas to control or reduce a prisoner to submission shall be used only when other restraint methods or efforts to subdue have not proven effective. Authority shall first be obtained from a supervisory or command officer and the chemical agent shall be used only by staff personnel who have been trained in its use.

PART 7508

REPORTABLE INCIDENTS

(Statutory authority: Correction Law, § 45(6))

Sec.
7508.1 Definition
7508.2 Reportable incidents

Section 7508.1 Definition. As used in this section, "reportable incident" shall mean inmate death; inmate injury or illness requiring hospitalization; civil or natural emergency; or disturbance.

7508.2 Reportable incidents. (a) Except as provided in subdivision (b) of this section, reportable incidents shall be reported to the commission by mail within 24 hours of occurrence in a form and manner prescribed by the commission.

(b) The death of an inmate shall be reported to the commission within six hours of pronouncement of death in a form and manner prescribed by the commission.

PART 7509

RECORDS

(Statutory authority: Correction Law, § 45(6))

Sec.
7509.1 Records

Section 7509.1 Records. (a) A record of the number of male and female prisoners detained on a daily basis shall be maintained and shall be kept available at all times for review by commission representatives at the time of an official inspection or as may otherwise be required. A supply of forms (Record of Detentions) which can be utilized for this purpose shall be provided to each lockup upon request to the commission office.

(b) On or before the first day of February of each year, the chief administrative officer shall submit a report to the commission of the total number of male and female prisoners detained during the preceding calendar year. The form on which such data are to be reported shall be forwarded at the appropriate time by the commission to each lockup.

PART 7510

VISITS

(Statutory authority: Correction Law, § 45(6))

Sec.
7510.1 Visits

Section 7510.1 Visits. (a) All prisoners shall be permitted to converse with their counsel or religious advisor under such reasonable regulations and restrictions as the officials in charge may establish.

(b) Visits to prisoners by a family member, relative or other person may be permitted at the discretion of, and in accordance with regulations established by, the officials in charge.

PART 7511

CONSTRUCTION AND RENOVATION

(Statutory authority: Correction Law, § 45(6))

Sec.
7511.1 Construction and renovation

Section 7511.1 Construction and renovation. (a) Correction Law, section 45, subdivision 10, requires that any plans and specifications for the construction or renovation of detention facilities must be submitted for review to the State Commission of Correction.

(b) Approval of the commission must be obtained before a construction or renovation project is advertised for bids. If it is not contemplated that a bidding procedure is to be followed, approval must be obtained before any construction or renovation is undertaken.

(c) A booklet which contains outline data and general requirements to be observed in the construction or renovation of city, town and village detention facilities is available and will be provided on request to the commission office at Albany.

PART 7512

VARIANCES

(Statutory authority: Correction Law, § 45(6))

Sec.
7512.1 Policy
7512.2 Conditions for applying for a variance
7512.3 Variance applications
7512.4 Review of variance applications
7512.5 Variance reapplications

Section 7512.1 Policy. The Commission of Correction recognizes the need to provide a mechanism by which a lockup may apply for a variance to the requirements of this Chapter when situations exist or arise that would prevent or alter the lockup's ability to meet a requirement as set forth in this Chapter. The commission may, in its discretion, grant such variance only under certain conditions when so doing will not jeopardize the safety, security or good order of a lockup.

7512.2 Conditions for applying for a variance. (a) The chief administrative officer may apply to the commission for a variance to requirements of this Chapter when:

(1) compliance with a specific rule or regulation cannot be achieved by the effective date of such rule or regulation;

(2) due to a temporary condition or situation, compliance with a specific rule or regulation cannot be achieved; or

(3) compliance is to be achieved in a manner other than that which is specified in a rule or regulation until such time as compliance with such specific rule or regulation can be achieved.

(b) The provisions of this Part shall not apply to any requirements of this Chapter where it is specifically stated that variances to such requirements are prohibited.

7512.3 Variance applications. (a) Any application to the commission for a variance shall be made in writing by the chief administrative officer.

(b) Such application shall include:

(1) the specific rule, regulation or provision that is the subject of the application;

(2) the specific reasons and facts supporting the belief that compliance with the specific rule and regulation cannot be achieved;

(3) the specific plans, provisions and timetables for achieving full compliance with the rule or regulation at issue, the time period for which the variance is requested and any other material that the chief administrative officer deems supportive of the application; and

(4) when the application is made for reasons stated in section 7512.2(a)(3) of this Part, the specific plans which fully explain and support alternative methods of compliance when compliance is to be achieved in a manner other than that which is specified in the provisions of this Chapter, and the time period for which the variance is requested.

(c) The commission may require additional information concerning any variance application prior to rendering its decision.

7512.4 Review of variance applications. (a) The commission shall review and issue a written determination to the chief administrative officer on each variance application which complies with the requirements of this Part.

(b) When a variance is granted, the commission's determination shall specify:

(1) the time period for which the variance is granted; and

(2) any special requirements or conditions imposed as a condition of the variance.

(c) When a variance is granted, such variance and any special requirements or conditions imposed shall become the standard for compliance with the specific rule or regulation at issue for the lockup involved.

(d) When a variance is denied, the commission's determination shall include the specific facts and reasons underlying its decision.

(e) Within 30 days after a variance is denied by the commission pursuant to this Part, the chief administrative officer may request a hearing before the commission. Such hearing shall provide the chief administrative officer an opportunity to present his/her position and to respond to any questions the members of the commission may have on the matter.

7512.5 Variance reapplications. (a) When a variance is denied, the chief administrative officer may reapply to the commission for a variance if:

(1) additional information is available which supports the application and addresses the specific facts and reasons for the denial; and/or

(2) conditions or circumstances within the lockup have changed in a manner which would justify reconsideration of the application.

(b) Any such reapplication shall be made in accordance with the requirements of this Part.

APPENDIX B

1. Reportable Incident Form SCOC-501
2. Report of Inmate Death M-187 form

SCOC-501

NEW YORK STATE COMMISSION OF CORRECTION

REPORTABLE INCIDENT FORM

NAME AND TITLE OF REPORTING PERSON: _____

DEPARTMENT: _____ PHONE NUMBER: _____

DATE OF INCIDENT: _____ TIME: _____

DATE REPORTED: _____ TIME: _____

LOCATION OF INCIDENT: _____

PERSON(S) INVOLVED: _____

DATE OF BIRTH(S): _____

BRIEF SUMMARY OF INCIDENT

_____

_____

_____

_____

_____

_____

DO NOT WRITE BELOW THIS LINE (FOR SCOC STAFF ONLY)

_____

DATE REPORT RECEIVED: _____

SCOC STAFF NAME: _____

REFERRALS: YES _____ NO _____ IF YES, WHERE? _____

SCOC CONTROL NUMBER: _____

Return to:

New York State
Commission of Correction
80 Wolf Road, Albany, NY 12205

SCOC M187
(518) 485-2466
(518) 485-2467

6/05
24 Hr On Call
Fax machine

Report of Inmate Death to State Commission of Correction

Instructions: Call the on-call number to advise the Commission of the death within 6 hours of death.
Follow this up by sending a completed **Section I by facsimile within 6 hours of death.**
Section II must be completed and sent within 10 days of death (with a **copy of Part 1).**
Enter clinical summary on page 2, enter "DNA" if not applicable. Answer all questions, explain unavailable information.

Commission Use Only — Control # M ____ RI# ____

Section I- REPORTING FACILITY, INMATE INFORMATION, CIRCUMSTANCES OF DEATH

1. Name of Reporting Facility	1a Code	17. Name of Inmate		
2.Name of Chief Administrative Officer		18. Date of Birth	19. Height ' "	20. Weight
3.Name of Hospital		21. Race	22.Sex	23. Inmate # / NYSID #
4.Name of Reporting Official		24. Date of Death	24a. Time of Death	
5.Telephone		25. Assigned Housing Unit	25 a. Housing Unit type	
6. Name of Ambulance/Rescue Squad		26. Location of Terminal Incident:		
7. Date and Time Admitted		27. Supervision Immediately Prior to Incident General ( ) Active ( ) Constant ( )		
8. Date of Arrest	9. Arrest Charge(s)	28. History of substance abuse: (check all that apply) Drugs ( ) Alcohol ( ) None ( ) Unknown ( )		
10. Date Convicted	11. Conviction Charge(s)	29. What type of treatment was inmate under? see page 2 Medical ( ) Psychiatric ( ) None ( )		
12. Sentence	13. Date of Sentence	30. Date of last Contact: Medical Psychiatric		
14. Intake screening done? Yes ( ) score _____ No ( )		31. Officer Supervising Death Location:		
15. Date of Last Admission				
16.Witnesses Staff/Inmate/Other? a _____ _____ b _____ _____ c		32. Date of this report		

33a. Reported Immediate Cause of Death:

33 b. Due To or As a Result Of:

34 Facility Administrator's Report of Circumstances of Death

35. Autopsy Performed? (MANDATORY) Yes ( ) Date _____ Time _____ No ( )

36. Autopsy: Location

Name of Medical Examiner or Coroner:

Section II-MEDICAL DIRECTOR'S INMATE HISTORY AND CLINICAL SUMMARY

Instructions: include in Section IIA a description of the inmate's medical and mental health status during the 90-day period prior to the death, including problem list, medications, sick call visits, infirmary/hospital admissions, mental health evaluations, laboratory findings, and treatment rendered. Include in Section II B a description of the events preceding the death, including relevant history, when symptoms were first noted, treatment provided, inmate's response, circumstances of death and other relevant information. Include in Section II C the names and titles of all medical staff involved or present. Attach additional sheets if needed.

Section II A: MEDICAL AND MENTAL HEALTH HISTORY

Problem list	
Dx:	Date:
Dx:	Date:
Dx:	Date:

Section II B- EVENTS PRECEDING DEATH

Section II C: MEDICAL STAFF INVOLVED IN TERMINAL EVENT

Medical Director's Signature _____ MD

Please Print Name _____

APPENDIX C

1. New York State Record of Juvenile Detention in Adult Lockups form

NEW YORK STATE RECORD OF JUVENILE DETENTION IN ADULT LOCK-UPS

(PERSON UNDER THE AGE OF 16)

The following information must be submitted to the New York State Commission of Correction whenever a Juvenile has been detained in an adult lockup.

Name of Juvenile: _____ Date of Birth: _____

Did juvenile give a false DOB? Yes ☐ No ☐ If so indicate the false DOB: _____

Gender: Male ☐ Female ☐

Race and Ethnicity:

- ☐ White (non-Hispanic)
- ☐ Asian (non-Hispanic)
- ☐ American Indian or Alaska Native (non-Hispanic)
- ☐ Hispanic or Latino
- ☐ Black or African American (non-Hispanic)
- ☐ Native Hawaiian or other Pacific Islander (non-Hispanic)

Crime Charged/Reason for Detention:

_____

_____

Was juvenile separated from adult (age 16 or over) detainees? Yes ☐ No ☐

If NOT please note where the juvenile was when they were not separated (e.g. Booking Area, Cell Block):

_____

_____

Date & time juvenile entered the Lock-up: _____

Date & time juvenile was removed from Lock-up: _____

Was juvenile transferred from another location or agency (e.g. Police Dept/Jail)?

Yes ☐ No ☐ If yes, which agency? _____

Was juvenile transferred to another agency (e.g. Police Dept/Jail/ Probation)?

Yes ☐ No ☐ If yes, to which agency? _____

Form submitted by: Name: _____ Title: _____

Area code and phone number: (____) _____ - _____ Date: _____

Mail form to: OR Fax the form to:

NYS Commission of Correction
80 Wolf Road, 4th Floor
Albany, NY 12205

(518) 485-2467

If you have any questions, please call (518) 485-2485

5/08

APPENDIX D

1. OJJDP Evaluation Questionnaire for Adult Lockups

NEW YORK STATE COMMISSION OF CORRECTION

JJDPA EVALUATION

ADULT LOCK-UPS

Questionnaire

GENERAL INFORMATION

Facility Name: _____

Site Visit Date : _____

Facility Staff: _____ Title: _____

Monitor's Name: _____ Title: _____

Last Eval Date: _____

I. GENERAL PROCESSING OF ALL JUVENILES

(Circle appropriate answers)

New York State law generally provides that no juvenile (person under 16 years of age) may be detained in any lock-up. (An exception is provided wherein juvenile delinquents and juvenile offenders may be temporarily held in an adult lock-up with the prior approval of OCFS.) As set forth in Articles 3 and 7 of the Family Court Act, the only place in a police department a juvenile may be brought is a questioning room that is designated for juveniles. **The room must be designated as such** by the New York State Office of Court Administration.

a. Does your agency have an Office of Court Administration/Family Court approved room for the questioning of juveniles? (22 NYCRR §205.20) Yes / No

If YES, where is such approved room(s) located?

_____

(Confirm with OCA approved list)

If NO, how/where do you detain and interview juveniles?

_____

_____

_____

b. When a female juvenile is being questioned, is there a female officer/matron present?
Yes / No

(*NOTE*: The Uniform Rules for the Family Court, 22 NYCRR §205.20(d)(7), requires a policewoman or other qualified female person be present when questioning a female juvenile.)

c. Other than an OCA-approved questioning room, are juveniles brought to any other room or area of the department?
Yes / No

If YES, what rooms or areas of the department?

_____

If YES, for what purpose(s)? (booking, waiting for transport, etc.)

_____

_____

_____

II. DEINSTITUTIONALIZATION OF STATUS OFFENDERS (DSO)

In accordance with Section 223 (a) (12) (A) of the JJDP Act, no **status offender** (ungovernable, truant or runaway, i.e. PINS) or non-offender (abused/neglected child) shall be held in secure custody while in an adult lock-ups. A juvenile is considered to be in secure custody when he/she is physically secured to a cuffing rail or other stationary object or physically detained in a locked room, set of rooms or cell.

a. **In the last 12 months, has there been a situation where an officer has handcuffed a status offender to a stationary object?**
Yes / No

If yes, what were the details? (Who, what, where, when.)

_____

_____

_____

b. **In the last 12 months, has an officer used a cell, locked room or set of rooms to hold and/or question a status offender?**
Yes / No

If yes, what were the details? (Who, what, where, when.)

_____

_____

If either II a or b were answered as yes, was it reported to the Commission of Correction, using the **Record of Juvenile Detention Form**?
Yes / No

If not, advise that reporting is required and provide guidance and a form, if needed.

Are such situations (a or b) recorded or documented?
Yes / No

If yes, how? If not, why not?

_____

_____

_____

III SIGHT AND SOUND SEPARATION

In accordance with Section 223 (a) (13) of the JJDP Act, no juveniles shall be held in secure custody in an adult lock-up where they have sight or sound contact with incarcerated or arrested adults.

a. If the facility has an OCA approved juvenile questioning room, does such room provide **sight and sound separation** from incarcerated and arrested adults?
Yes / No

b. In the last 12 months, has there been an occasion where a juvenile was held in secure custody outside of an OCA approved questioning room and there were adult prisoners who could be seen or heard in the vicinity?
Yes / No

If yes, what were the details? (Who, what, where, when.)

_____

_____

_____

If answered yes, was it reported to the Commission of Correction, using the **Record of Juvenile Detention Form**?
Yes / No

If not, advise that reporting is required and provide guidance and a form, if needed.

IV. JAIL REMOVAL

In accordance with Section 223 (a) (14) of the JJDP Act, no juvenile shall be detained or confined in any jail for adults.

a. **In the last 12 months, has any juvenile been detained in your lockup with Office of Children and Family Services (OCFS) approval?**
Yes / No

If yes, what were the details? (Who, what, where, when.)

_____

_____

_____

b. **In the last 12 months, has any juvenile been detained in your lockup without Office of Children and Family Services (OCFS) approval?**
Yes / No

If yes, what were the details?

_____

_____

_____

If either IV a or b were answered as yes, was it reported to the Commission of Correction, using the **Record of Juvenile Detention Form**?
Yes / No

If not, advise that reporting is required and provide guidance if needed.

V. RECORDS

Are juvenile records maintained separately from adult records?
Yes / No

Additional Comments:

Monitor's Signature:_____ **Date:**_____