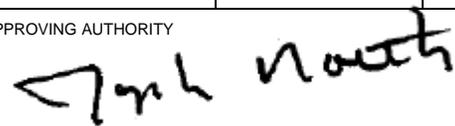


 NEW YORK STATE Corrections and Community Supervision DIRECTIVE	TITLE Central Monitoring Cases		NO. 4922
			DATE 12/08/2021
SUPERSEDES DIR #0701 Dtd. 07/31/20	DISTRIBUTION A B	PAGES PAGE 1 OF 8	DATE LAST REVISED
REFERENCES (Include but are not limited to) ACA Expected Practice 5-ACI-5B-19	APPROVING AUTHORITY 		

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

13. Gambling rings.
 14. Child pornography (internet and otherwise).
 15. Organized gang activity.
 16. High profile internet crime.
 17. Tampering with a witness or confidential informant.
 18. Terrorist activities.
- B. History/Notoriety: The incarcerated individual requires close supervision because of their past criminal history, or because of the notoriety of the incarcerated individual or the victim, the notoriety or heinous nature of the crime, or because of an escape, attempted escape, or history of absconding from lawful custody/supervision. Indicators include:
1. Assassination or attempted assassination.
 2. Bribery or attempted bribery of public officials or law enforcement agents.
 3. Accepting bribes.
 4. Any large-scale crime which captures the public's attention (e.g., multiple bank robberies, homicide or multiple homicides, sex crimes, arson, bombings, kidnapping/hostage taking, terrorist activity, hate crimes, crimes of violence against children or elderly persons, sexual abuse of children [including incest] where available records indicate considerable media coverage and/or publicity, etc.).
 5. Crimes committed by persons who are public officials or public figures.
 6. Crimes committed against persons who are public officials or public figures.
 7. Escape or attempted escape.
 8. Kidnapping.
 9. Hostage taking.
- C. Official Status: The incarcerated individual requires special supervision/protection while in custody because of their status as a former criminal justice official, public official, or informant.
- D. Management Problem: The incarcerated individual has become a severe management problem, including, but not limited to, documented involvement in conduct which represents a risk to facility safety and order through the participation in unauthorized group and/or gang activity.

IV. IDENTIFICATION & REFERRAL

- A. Classification Screening: As part of the initial screening during classification, the Offender Rehabilitation Coordinator (ORC) will review the records of all incoming incarcerated individuals for possible CMC designation, looking for specific indicators as set forth in Section III using the available materials, including the following:
1. The Pre-Sentence Report.
 2. DCJS Summary Case (Criminal) History (RAP Sheet).
 3. Information submitted by law enforcement officers.
 4. Comments of the sentencing judge and prosecuting attorney, and their recommendations regarding parole.
 5. Information appearing in news media corroborated by other sources.

6. Substantiated disclosures of reliable informants.
 7. Reports of undercover agents.
 8. Admissions or confessions of the incarcerated individual.
- B. Referral: The Classification Analyst or ORC shall submit [Form #149](#), "CMC Case – Transfer Request Summary," specifying incarcerated individuals who meet any of the criteria for CMC designation, as soon as practical (not to exceed one week), along with the following documentation for each incarcerated individual so identified:
1. One copy of the Pre-Sentence Report.
 2. DCJS Summary Case (Criminal) History (RAP Sheet).
 3. Court commitments.
 4. Initial Security Classification Guideline.
 5. Any other relevant material or reports.
- C. Referral Schedule: Insofar as it is practicable, the following schedule will be adhered to when processing referrals from reception centers:
- Day 1: Referral leaves the facility within two business days of the Offender Rehabilitation Coordinator's signature.
- Day 3: Referral received at Special Operations for CMC designation decision.
- Day 4: Referral received at the Office of Classification and Movement for Security Classification Recommendation.
- Day 6: Referral received by the Deputy Commissioner for Correctional Facilities for review.
- Day 10: Referral received back at the Office of Classification and Movement for issuance of transfer order.

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

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

Copies of [Form #149](#) should not be maintained in the incarcerated individual's record folder at the institution until Special Operations' determination of CMC classification (acceptance or rejection) is received. Pending receipt of Special Operations' determination, copies of [Form #149](#) are to be secured to the outside of the record folder. When Special Operations' response is received, it shall be filed in the incarcerated individual's record and Guidance folders.

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

V. REVIEW & DESIGNATION

A. Special Operations

1. Reviews referrals, and if the review indicates that the incarcerated individual falls within the criteria set forth in subsection V-A-2, Special Operations shall complete [Form #1172](#) "Central Monitoring Case Designation." This form shall be distributed as follows:
 - a. The incarcerated individual, informing them of the designation and the reason(s) for the designation (in advising of the reason(s), however, care should be taken so as to not jeopardize either the security of the institution or the safety of the incarcerated individuals).
 - b. The facility Deputy Superintendent for Security Services.
 - c. The facility Deputy Superintendent for Program Services.
 - d. Central files.
 - e. Guidance and Counseling.
2. Reviews referrals and any other available collateral evidence to determine whether the incarcerated individual requires special protection while in custody or requires close supervision because of the nature of their offense, their institutional record, their criminal history, or because of the community status of the incarcerated individual or their victim, or whether the incarcerated individual's offense or prior offenses involved a high degree of sophistication or planning, or was part of a large-scale criminal conspiracy or a continuing criminal enterprise.
3. If the review does not indicate that the incarcerated individual falls within the criteria set forth in subsection V-A-2, the record is so marked and filed with Special Operations and the determination is communicated back to the referring facility by forwarding a copy of the annotated [Form #149](#). Upon receipt of the annotated [Form #149](#), the facility's Inmate Records Coordinator (IRC) and Guidance and Counseling Unit shall note in the incarcerated individual's files to reflect the consideration and the rejection.
4. Special Operations shall maintain an up-to-date record on all incarcerated individuals designated as CMC.

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

VI. APPEAL: An incarcerated individual who has been designated as a CMC has the right to appeal such designation at any time during their incarceration. The appeal process is a two-step procedure. The first step is to appeal to the Office of Special Investigations (OSI); the second step is to appeal to the DOCCS Office of Counsel. The DOCCS Office of Counsel will not review any case that has not been reviewed first by OSI.

A. Facility

1. The ORC shall notify the incarcerated individual, at the time of designation as a CMC, of the right to appeal at any time during incarceration. If the incarcerated individual wishes to appeal, they will fill out the appeal statement at the bottom of [Form #1172](#) and forward a copy to OSI.
2. The ORC will provide the incarcerated individual with the opportunity to respond and object to the designation as a CMC if they desire to do so. The response may be made orally to a designated person in the facility and shall be submitted in writing (with the incarcerated individual's concurrence) to OSI.
 - a. The incarcerated individual may submit written information, in lieu of or in addition to that transcribed by the facility staff member, to OSI for review.
 - b. If the incarcerated individual indicates that information must be obtained from outside the facility, they may be given reasonable time to provide it. The facility should notify OSI of the incarcerated individual's intention to contest the designation as a CMC.
 - c. If the incarcerated individual accepts the designation as a CMC, they should sign the notification and a copy should be sent to Special Operations for the CMC file.

B. Office of Special Investigations

1. Upon receipt of the written material specified in subsection VI-A-1 and 2, OSI will review the information and arrive at a decision as to the designation of the incarcerated individual within a reasonable time.
2. If a review of all available and relevant data, including material and objections submitted by the incarcerated individual, indicates that the CMC designation is not appropriate under the criteria of this directive, the CMC designation shall be removed. OSI will complete [Form #1173.1](#), "CMC Appeal Designation." This form shall be distributed as follows:
 - a. The incarcerated individual.
 - b. The facility.
 - c. Special Operations
 - d. OSI
 - e. The incarcerated individual's Central File.
3. If the decision after completion of the review is to maintain the designation as a CMC, OSI shall indicate such, in writing (using [Form #1173.1](#)) with the reason(s) (e.g., the nature of the incarcerated individual's offense, the incarcerated individual's institutional history, etc.). This form shall be distributed as follows:
 - a. The incarcerated individual.
 - b. The facility.
 - c. Special Operations

- d. OSI
 - e. The incarcerated individual's CMC File.
 - f. The incarcerated individual's Central File.
4. The CMC records of evidence and review shall be entered into the folder of the incarcerated individual maintained by Special Operations.
- C. Facility
1. Upon receipt of the written notice removing the designation of CMC from an incarcerated individual, the facility shall expunge from its records all prior information entered which designated this incarcerated individual as a CMC.
 2. Upon receipt of a written notice from OSI which sustains CMC designation of the incarcerated individual, the facility shall inform the incarcerated individual of their right to appeal to the DOCCS Office of Counsel to remove the designation as a CMC. They shall provide documentation in writing to the DOCCS Office of Counsel.
- D. DOCCS Office of Counsel
1. Upon receipt of the appeal, the DOCCS Office of Counsel shall obtain from Special Operations the complete record folder, and any other information they deem appropriate, to conduct a review of the CMC designation.
 2. Within a reasonable timeframe, the decision shall be rendered stating the reasons thereof and a written notice, accompanying the folder, shall be returned to Special Operations.
 3. If the decision is to remove the designation as a CMC, written notice to that effect should also be provided by the DOCCS Office of Counsel to:
 - a. The incarcerated individual.
 - b. The facility.
 - c. Special Operations.
 - d. OSI.
 - e. The incarcerated individual's Central File.
 4. If the decision of the DOCCS Office of Counsel is to maintain the incarcerated individual's designation as a CMC, written notice and the reason for the determination shall also be sent to:
 - a. The incarcerated individual.
 - b. The facility.
 - c. Special Operations.
 - d. OSI.
 - e. The incarcerated individual's Central File.
- E. Facility
1. If the designation by the DOCCS Office of Counsel is to remove the CMC status of the incarcerated individual, the procedure identified in subsection VI-C-1 is to be followed.
 2. If the designation is maintained, the facility shall file the material in the appropriate records.

- F. Special Operations: Upon receipt of the decision from the DOCCS Office of Counsel, Special Operations shall maintain the records accordingly as outlined in subsection VI-B-3 and 4, except for the written notification to the incarcerated individual, which would duplicate notification already sent by the DOCCS Office of Counsel (see subsections VI-D-3 and 4).
- G. Incarcerated individual: The incarcerated individual retains the right of any further appeal procedure available to them if their designation as a CMC is upheld by the DOCCS Office of Counsel.

VII. PROCESSING TRANSFER REQUESTS/REVIEWS

A. Classification and Movement

1. Upon receipt of a Transfer Review for a CMC-A case or a Transfer Review for reduced security for a CMC-B case, the Classification Analyst reviews and enters comments in the Transfer Recommendation section of the Transfer Review.

2. Classification and Movement forwards the Transfer Review to Special Operations.

NOTE: Transfer from Reception to Sing Sing Transit Unit for a CMC-B case does not require prior approval. Other transfers from Reception to Transit Units or transfers for emergency purposes may be made with the approval of the Deputy Commissioner for Correctional Facilities (or designee) or, as an interim measure, movement may be approved by the Director of Classification and Movement (or designee).

It shall be the responsibility of the Reception Center IRC to ensure that an incarcerated individual being considered for CMC, or for pending CMC, is not transported out of the facility without proper approval.

B. Special Operations: Upon receipt of a Transfer Review, Special Operations:

1. Indicates on the Transfer Review their recommendation and the reason(s) therefore.

2. Forwards to the Deputy Commissioner for Correctional Facilities for approval or other action.

C. Deputy Commissioner for Correctional Facilities or Designee

1. Indicates on the Transfer Review their decision and the reason(s) thereof.

2. Forwards to Classification and Movement for final processing.

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

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

IX. MOVEMENT PROCEDURES

A. Facility

1. Inmate Records Coordinator: Upon receipt of a Transfer Order, Court Order, or request for transportation outside the facility (e.g., medical appointment, sick visit, funeral visit, etc.) for any incarcerated individual classified as a CMC, notifies the Deputy Superintendent for Security Services.

2. **Deputy Superintendent for Security Services:** Upon notification by the IRC of an anticipated movement involving a CMC-A incarcerated individual, contact the Central Office Communications Control Center, giving the incarcerated individual's name, DIN, reason for movement, and identify the incarcerated individual as a CMC-A prior to movement. Ensures that this notification is made at the minimum of at least one business day prior to the scheduled movement of the incarcerated individual. In the event of an emergency, the Communication Control Center must receive telephone notification prior to the actual movement.
- B. **Central Office Communications Control Center:** Notifies Special Operations of the movement as soon as possible. Ensure that this notification is made prior to the movement of the incarcerated individual.
- C. **Special Operations**
 1. Completes a file check to obtain any information of a current nature necessary for making security determinations.
 2. Relays any pertinent information to the facility's Deputy Superintendent for Security Services.
- D. **Facility - Deputy Superintendent for Security Services:** Keeping in mind any information received from Special Operations, recommends appropriate security measures to be followed when transporting said incarcerated individual.

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

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