



THE CITY OF NEW YORK  
DEPARTMENT OF CORRECTION



**DIRECTIVE**

<input type="checkbox"/> NEW <input type="checkbox"/> INTERIM <input checked="" type="checkbox"/> REVISED			SUBJECT	
EFFECTIVE DATE			*TERMINATION DATE	
08/02/99			/ /	
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RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER			AUTHORIZED BY THE COMMISSIONER	
WILLIAM J. FRASER, CHIEF OF DEPARTMENT			BERNARD B. KERIK	
SIGNATURE			SIGNATURE	

**I. PURPOSE**

The purpose of this Directive is to set forth procedures for mental health referrals of inmates awaiting disciplinary action.

**II. PROCEDURE**

- A. In the event that formal disciplinary action is initiated against an inmate housed in a Mental Observation Unit, the inmate must be referred to Mental Health staff for evaluation of his/her mental health status. A referral shall also be initiated for inmates not classified as requiring "mental observation" in those instances where the inmate has a history of suicide attempt, a history of being placed on mental observation status, or whenever the alleged misconduct indicates the likelihood of a mental disorder i.e. repeatedly setting fires, assaultive behavior, hoarding of medication, or repetitive infractions.
- B. Referral to the Mental Health staff may be initiated at any time during the disciplinary process. Whenever there is cause to request an evaluation of an inmate pending a disciplinary hearing, the request shall be promptly initiated. Referral for inmates housed in a Mental Observation Unit must be initiated prior to the hearing and such hearing can not proceed unless the evaluation by Mental Health staff (see Section II. D-E) is completed.
- C. The investigation officer or other superior officer involved in the disciplinary process shall initiate the referral by preparing a written request, in duplicate, on Form 4016R "Request for Evaluation of an Inmate Pending Disciplinary Action."
  1. Form 4016R shall contain the following information:
    - a. Inmate's name, commitment number, and housing location;

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## II. PROCEDURE (cont.)

- b. Offense(s) charged;
  - c. Reason for the request;
  - d. Signature and shield number of employee preparing the request; and
  - e. Date of report.
2. Distribution of Form 4016R "Request for Evaluation of an Inmate Pending Disciplinary Action" shall be as follows:
    - a. One copy to Mental Health Unit Chief ; and
    - b. One copy to the Hearing Officer.
  3. Mental Health staff shall respond to the referral by evaluating the inmate and preparing a written report, in duplicate, on Form 4016AR "Evaluation of Inmate Pending Disciplinary Action and Recommendations to Hearing Officer," which shall contain the following information:
    - a. Inmate's name, commitment number, and housing location;
    - b. Findings relative to suicidal potential and violence potential;
    - c. Recommendations relative to the disciplinary process;
    - d. Whether a Mental Health staff member wishes to participate in the hearing (this applies to Mental Observation Unit inmates only);
    - e. Signature of the employee preparing the report; and
    - f. Date of report.
  4. Distribution of Form 4016AR "Evaluation of Inmate Pending Disciplinary Action and Recommendations to Hearing Officer," shall be as follows:
    - a. One copy to the Hearing Officer via the Security Office; and
    - b. One copy to be filed in the inmate's medical/psychiatric chart.

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## II. PROCEDURE (cont.)

5. It shall be the responsibility of the Deputy Warden for Security to ensure that Form 4016R reaches Mental Health staff and that Form 4016AR is forwarded to the Hearing Officer in a timely manner, so as not to delay the infraction hearing process.
- D. The "Evaluation of Inmate Pending Disciplinary Action and Recommendations to Hearing Officer", shall be completed and returned to the Security Office within twenty-four (24) hours, excluding weekends and holidays. Heads of facilities will ensure that inmates requiring this evaluation are promptly delivered to the mental health staff upon request. Inmates who are awaiting this evaluation shall be housed in the administrative segregation housing area or, in the case of an inmate who is on mental observation status, a Mental Observation Unit.
  - E. The Hearing Officer shall review the findings and recommendations of Mental Health staff before proceeding with the disciplinary hearing. In no event shall an inmate from a Mental Observation Unit be transferred to the Central Punitive Segregation Unit (CPSU) without the authorization of Mental Health staff.
  - F. After completion of the disciplinary proceeding, the Hearing Officer shall complete the disposition section of the "Evaluation of Inmate Pending Disciplinary Action and Recommendations to Hearing Officer." This section shall contain the following information:
    - a. Name of inmate;
    - b. Commitment number;
    - c. Housing location;
    - d. Recommendations of Hearing Officer; and
    - e. Signature of Hearing Officer.

A copy of the completed Form 4016AR shall be promptly delivered to the Mental Health staff.

## III. ATTACHMENTS

- A. REQUEST FOR EVALUATION OF AN INMATE PENDING DISCIPLINARY ACTION (FORM 4016R)

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### III. ATTACHMENTS (cont.)

- B. EVALUATION OF INMATE PENDING DISCIPLINARY ACTION AND RECOMMENDATIONS TO HEARING OFFICER (FORM 4016AR)

### IV. SUPERSEDES

Directive #4016, MENTAL HEALTH REFERRAL OF INMATES AWAITING DISCIPLINARY ACTION, dated 10/25/82.