
 <b>Corrections and Community Supervision</b>  <b>DIRECTIVE</b>	TITLE <b>Earned Housing Units</b>		NO. 4023
			DATE 02/22/2021
SUPERSEDES DIR# 4023 Dtd. 11/20/18	DISTRIBUTION A B	PAGES PAGE 1 OF 2	DATE LAST REVISED
REFERENCES (Include but are not limited to) Directive #4946	APPROVING AUTHORITY 		

- I. **DESCRIPTION:** This Directive establishes policy and inmate eligibility criteria for placement into maximum security facilities with an Earned Housing Unit (EHU).
- II. **APPLICABILITY:** This directive applies to all maximum security facilities with Earned Housing Units, its employees, inmates who are housed in such units, and/or those inmates who apply for consideration in an EHU.
- III. **POLICY**
  - A. General
    1. An EHU is established by the Commissioner to further promote safety and security for staff and inmates. EHU is not a right, but a privilege afforded to inmates who meet the demanding eligibility criteria set forth below.
    2. The Commissioner may, at their discretion, suspend any or all portions of this directive at any or all facilities.
    3. The facility must maintain a local policy that will complement this directive. Their policy must be approved and on file with the Deputy Commissioner for Correctional Facilities.
  - B. Inmate Eligibility
    1. Must have six months at current facility;
    2. Must have two years in New York State Department of Corrections and Community Supervision (DOCCS);
    3. No disciplinary reports resulting in a guilty disposition for the last six months;
    4. No Tier III disciplinary reports resulting in a guilty disposition for the last 12 months;
    5. No disciplinary incidents which resulted in a Keeplock sanction for over 30 days in the last two years, and free of SHU confinement in the last two years;
    6. No assaults on staff within the last three years. A past history of assault on staff beyond the three years may be allowed only upon specific approval of the Superintendent;
    7. Must have successful/acceptable programming, with no program refusals, in the last nine months;
    8. No history of escape or attempted escape from a correctional facility, detention center, or secure facility;
    9. No outside conviction for a crime committed inside the facility while in custody; and
    10. The Superintendent may restrict access for the safety and security of the facility.

NOTE: Inmates serving a sentence of life without parole or escape from custody (i.e., upon arrest), and who meet the aforementioned criteria, may only be housed in an EHU with the approval of the Superintendent and the respective Assistant Commissioner for Correctional Facilities.

C. Procedures

1. Inmates who meet the aforementioned eligibility will submit a written request following the guidelines as established by local facility policy for consideration for placement in the EHU.
2. Inmates will be advised if they do not meet the requirements for the EHU.

D. Inmate Removal

1. Inmate's request;
2. Any guilty Tier II or Tier III disposition;
3. Lack of acceptable programming for more than 30 days; or
4. At the discretion of the Superintendent or designee.

E. Additional Allowances (may include any of the following):

1. Increased access to inmate telephones;
2. Indoor supervised passive recreation;
3. Commissary items;
4. Laundry privileges;
5. Shower privileges; and
6. Additional time on kiosk.

NOTE: Cooking will not be permitted in any cell, however the heating of food will be permitted in a Department approved hot pot.

NOTE: All inmates housed in any EHU will be secured in their cells prior to the start of Tour I.