
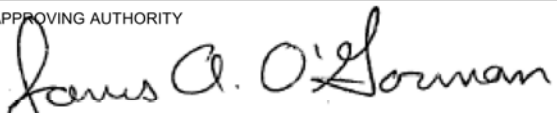


| | | | |
|--|---|----------------------|--------------------|
|  Corrections and Community Supervision DIRECTIVE | TITLE Inmate Exposure Control | | NO. 4939 |
| | | | DATE 02/01/2019 |
| SUPERSEDES DIR. #4939 Dtd. 04/30/2018 | DISTRIBUTION A B | PAGES PAGE 1 OF 3 | DATE LAST REVISED |
| REFERENCES (Include but are not limited to) Standards of Inmate Behavior All Institutions | APPROVING AUTHORITY  | | |

- I. **PURPOSE:** To establish a standard for the protection from, as well as to alert staff and/or visitor(s) to an inmate who has a recent history of engaging in lewd conduct by either 1) intentionally exposing the private area(s) of his or her body (breasts, genitals, buttocks), and/or 2) intentionally masturbating in the presence of staff and/or visitor(s). This policy affords facility administrators a means to control such behavior, and sets forth the rationale and procedures to be followed in the use of the Exposer Shield, Exposer Placard, and the Exposer Control Suit.
- II. **DEFINITIONS**
- A. Exposer Shield: A semi-opaque* Plexiglas shield outlined with a 3” yellow painted boarder for utilization on open front bar or mesh cell doors. It shall cover the entire width of the cell door and extend from the bottom of the feed-up-port to a point no more than 18” from the floor or above the shackling port. It will be placed on the cell door to alert staff/visitors of an inmate with a recent history of lewd exposure.
*NOTE: Facilities will sandblast or sand the Plexiglas to obtain the desired semi-opaque finish.
- B. Exposer Placard: A bright yellow sign measuring 8 ½” x 11”, with the word “EXPOSER” imprinted on it. It will be utilized on cells with solid doors, to alert staff/visitors of an inmate with a recent history of lewd exposure. In general confinement areas where the use of a placard is not feasible, another readily identifiable means may be used to alert staff/visitors (i.e., yellow padlock/witness wire attached to the cell handle, feed-up hatch, etc.).
- C. Exposer Control Suit: A one piece green jumpsuit with a 3” white stripe around the midsection that zips in the back and will be secured at the top with a small padlock. This suit is designed to be worn over the inmate’s regular clothing. While the suit does not restrict the inmate’s movement, it does however, prevent the inmate from exposing his or her private area(s) or intentionally masturbating.
- III. **POLICY:** When an inmate engages in lewd conduct by intentionally exposing the private area(s) of his or her body (breasts, genitals, buttocks), and/or intentionally masturbating in the presence of staff and/or visitor(s) etc., he or she will be issued a misbehavior report in accordance with established policy.
- IV. **PROCEDURE:** Inmates who engage in lewd conduct shall be provided an “Inmate Exposure Control - One Time Warning,” [Form #4939B](#), by a Security Supervisor, explaining that further conduct of this nature may result in the inmate being placed on an Exposer Shield and Exposer Placard Order and/or Exposer Control Suit Order.

The original completed [Form #4939B](#) will be forwarded to the Disciplinary Office as part of the hearing packet, one copy to be retained in the inmate's Guidance folder and one copy to the inmate.

NOTE: This one time warning is not required for inmates who engage in lewd conduct in visiting areas.

A. Use of the Exposer Shield and Exposer Placard

1. The Deputy Superintendent for Security (DSS) or, in his or her absence, the Officer of the Day (OD) or higher ranking authority may issue an order placing an inmate (in other than a general population cell) who has repeatedly and actively exposed his/her private area(s) to staff and/or visitors on an "Exposer Control Order – Shield/Placard/Suit," [Form #4939A](#). The Order shall be valid for no more than 30 days and may be renewed by the DSS or, in his or her absence, the OD or higher-ranking authority.
2. A copy of the Order and any renewal thereafter shall be forwarded to the Superintendent and the inmate within 72 hours. The Order and renewal thereafter shall briefly state the reason for the Order or renewal and contain the following notice to the inmate: "You may write to the Deputy Superintendent for Security or his or her designee to make a statement as to the need for continuing the Exposer Shield/Placard Order."
3. The Exposer Shield/Placard is strictly prohibited from being used under any other circumstances.
4. In any Group Therapy Program (GTP)/Special Housing Unit (SHU)/Residential Mental Health Unit (RMHU)/Behavioral Health Unit (BHU)/Therapeutic Behavior Unit (TBU)/Residential Crisis Treatment Program (RCTP)/Step Down or Correctional Alternative Rehabilitation (CAR) Program where an inmate is on a current Cell Shield Order, the Exposer Shield will be placed over the existing cell shield as prescribed in Section II-A.

B. Use of Secure Exposer Control Suit

1. The DSS or, in his or her absence, the OD or higher-ranking authority may issue an Order (see [Form #4939A](#)) placing an inmate who has repeatedly and actively exposed his or her private area(s) to staff and or visitors on an Exposer Control Suit Order. The Secure Exposer Control Suit may be used for:
 - a. Inmates in Disciplinary Confinement or Administration Segregation whenever they are out of their cells for:
 - (1) Interviews;
 - (2) Group counseling;
 - (3) Visits; or
 - (4) Exercise.
 - b. Inmates in any GTP/SHU/RMHU/BHU/TBU/RCTP/Step Down or CAR Programs whenever they are out of their cells for:
 - (1) Interviews;
 - (2) Group counseling;
 - (3) Visits; or

(4) Exercise.

2. [Form #4939A](#) will be completed, filling in specific information regarding when the suit will be worn, (e.g., interviews, visits, group counseling, exercise, etc.), as well as the duration of the Order, (e.g., 30 days, etc.), or for the number of events, (e.g., 6 visits, 5 days group counseling, etc.).

NOTE: An inmate who is on a Full Restraint Order and under constant escort will not be placed in the Exposer Control Suit.

3. A copy of the Order and any renewal thereafter, must be reviewed every 30 days and forwarded to the Superintendent and the inmate within 72 hours. The Order and renewal thereafter shall briefly state the reason for the Order or renewal, and contain the following notice to the inmate: "You may write to the Deputy Superintendent for Security or his or her designee to make a statement as to the need for continuing the Exposer Control Suit Order."
4. A copy of the Order and any renewal thereafter shall be forwarded to the DSS, Watch Commander, housing area supervisor, Guidance Unit, and any appropriate areas as indicated (e.g., visiting room).
5. Inmates shall be subjected to a pat frisk and metal detector search in accordance with Directive #4910, "Control of & Search for Contraband."

NOTE: Inmate(s) who refuse to comply with the Exposer Control Suit Order will not be permitted to exit their cell. A use of force is not authorized to gain compliance with an Exposer Control Suit Order. Any such refusal will be documented.

6. If an inmate is under an Exposer Control Suit Order, the inmate will remain in the suit for the entire period of time he or she is out of the cell except:
 - a. Upon request of a Physician, Nurse Practitioner, or a Physician's Assistant (PA) when removal is necessary to permit medical treatment;
 - b. Upon order of the DSS or higher-ranking authority;
 - c. When an inmate requests to use the restroom, the escorting Officer will retain custody of the Exposer Control Suit while the inmate utilizes the facilities; and
 - d. For general population inmates who engage in lewd activities in the visiting room, the suit will be applied following the pre-visit frisk and removed prior to the post-visit strip frisk. If an inmate refuses to comply with the Exposer Control Suit Order, this will constitute a visit refusal on the part of the inmate.
7. When the Exposer Control Suit is removed pursuant to the subdivision above, except as described in Section IV-B-6-d, it will be reapplied as specified in the Order prior to return to the cell.
8. The use of the Exposer Control Suit is strictly prohibited from being used under any other circumstances. The suit will be sent to the facility laundry for cleaning after each use and stored in an appropriate, secure location approved by the DSS when not in use. It is to be issued only when its use is required as previously described.

NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
Exposer Control Order
Shield/Placard/Suit

_____ Correctional Facility

Inmate's Name: _____ DIN: _____ Cell Location: _____

is being placed on an:

Colored Shield Order from: _____ to: _____
(Starting date) (Ending date)

Colored Placard (Exposer) other forms of identification from: _____ to: _____
(Starting date) (Ending date)

For the following reason(s): _____

Authorized by: _____
DSS, OD, or Higher-Ranking Authority Date

Reviewed by: _____
Superintendent Date

=====

You are being placed on an Exposer Control Suit Order:

Group Counseling Sessions Number of _____ Events _____ Days

Visits/Family Event/Festival Number of _____ Events _____ Days
Circle all that apply

Interviews Number of _____ Events _____ Days

Exercise Area Number of _____ Events _____ Days

Other _____ Number of _____ Events _____ Days

For the following reason(s): _____

Authorized by: _____
DSS, OD, or Higher-Ranking Authority Date

Reviewed by: _____
Superintendent Date

Notice to Inmate:

You may write to the Deputy Superintendent for Security or designee to make a statement on the need for continuing this Order.

cc: DSS, Watch Commander, Housing Unit Area Supervisor, Guidance Unit

NEW YORK STATE – DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
Inmate Exposure Control – One Time Warning

_____ Correctional Facility

Inmate's Name

DIN

Cell Location

This is to advise you that you have engaged in an intentional act of lewd conduct on (date) _____. Be advised that should you commit this violation in the future, you may be subjected to the Department's Inmate Exposure Control Program, whereby administrators may place an Exposer Shield or Exposer Placard upon the front of your cell to warn staff/visitors of your recent history of lewd conduct. You may also be required to wear an Exposer Control Suit while out of cell in accordance with the provisions established in this policy.

NOTE: This one time warning is not required for inmates who engage in lewd conduct in visiting areas.

This one time warning is being provided to you to ensure you understand that should you choose to engage in this type of behavior in the future, you may be subjected to any of the above inmate exposure protocols.

Inmate's signature _____ Date: _____

Security Supervisor's signature: _____ Date: _____

Original to Disciplinary Office (misbehavior report/or treatment team for informational report)

cc: Inmate
Inmate's guidance folder