

 <p style="text-align: center;">STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION</p> <p style="text-align: center;">DIRECTIVE</p>	<p>TITLE</p> <p style="text-align: center;">Minimum Provisions for Health and Morale</p>		<p>NO. 4009</p>
			<p>DATE 8/21/2013</p>
<p>SUPERSEDES DIR #4009 Dtd. 7/15/2011</p>	<p>DISTRIBUTION A B</p>	<p>PAGES PAGE 1 OF 3</p>	<p>DATE LAST REVISED 11/03/2015</p>
<p>REFERENCES (Include but are not limited to) Directive #3081, "Inmate Clothing Issue" 7 NYCRR, Part 1704</p>		<p>APPROVING AUTHORITY</p> <p style="text-align: center;"><i>Joseph F. Bellone</i></p>	

- I. DESCRIPTION:** This procedure is designed to describe the minimum standards with regard to those items necessary for an inmate's cleanliness, health, and morale.
- Personal and frequent inspection by the Superintendent and daily supervision by assigned staff shall be carried out to ensure compliance with these standards.
- This procedure is not intended to cover Special Housing Units. See Directive #4933, "Special Housing Units."
- II. CELL EQUIPMENT**
- A. This Section does not apply to double-cell housing in converted single cells; see Directive #4003, "Double Cell Housing in Converted Single Cells."
- B. The following items shall be provided:
1. Lighting, equal to at least 20 foot-candles, at desk level and in the personal grooming area;
 2. Washstand;
 3. Toilet; and
 4. Bed, mattress, and pillow (for each inmate).
- III. MULTIPLE OCCUPANCY HOUSING UNIT EQUIPMENT:** As used in this part, a multiple occupancy housing unit shall mean an inmate housing unit which is designed to accommodate three or more inmates. Each multiple occupancy inmate housing unit shall have available:
- A. Lighting, equal to at least 20 foot-candles, at desk level and in the personal grooming area;
 - B. At least one functional toilet for every 12 inmates, provided that urinals may be made available in lieu of one half of the toilets required under this Section in male facilities;
 - C. At least one functioning sink for every 12 inmates;
 - D. At least one functioning shower for every 15 inmates;
- NOTE:** III-B, C, and D (above) do not apply to units constructed prior to 9/19/90, provided they contain sufficient showers, toilets, and sinks to assure the personal hygiene of inmates housed in such units.
- E. A bed, mattress, and pillow for each inmate; and
 - F. A safe storage area.
- IV. FLATWORK:** The following items shall be provided:
- A. Pillow case;
 - B. Two sheets;
 - C. Blanket;
 - D. Bath towel; and
 - E. Washcloth.

V. PERSONAL HYGIENE ITEMS: The following shall be provided at time of reception:

- A. Bar of soap;
- B. Toothbrush;
- C. Toothpaste;
- D. Disposable razor (this item may be made available as needed; to be returned when the shave is completed);
- E. Drinking cup;
- F. Roll of toilet paper;

NOTE: In facilities where inmates are housed in “multiple occupancy housing units,” the Superintendents may at their discretion, ensure that an adequate supply of toilet paper is maintained in the communal toilet room.

- G. Comb of non-hazardous design and material; and
- H. Sanitary napkins for female inmates.

VI. REISSUE

- A. The items listed in Section V (above) will be replenished on an as-needed basis, the frequency to be determined by a reasonable period of time for consumption of the item, and subject to review by the Issuing Officer.
- B. The disposable razor shall be replaced on an exchange basis (or made available as needed; to be returned when the shave is completed).
- C. In those facilities where inmates are housed in “multiple occupancy housing units” and toilet paper is maintained in a communal toilet room, the Issuing Officer will ensure that adequate replenishment is made for the room rather than to the individual inmates.

VII. SHOWERS AND EXERCISE

- A. An inmate shall be permitted to shower at least three (3) times a week. Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.
- B. An inmate shall be permitted to exercise outside of his or her cell for at least one (1) hour daily, except as provided in C and D below. Such exercise shall be provided out-of-doors, weather permitting, unless the size of the population or the physical plant of the facility renders such daily exercise out-of-doors unfeasible. If daily exercise out-of-doors is not feasible, outdoor exercise shall be provided at least once every other day. Indoor exercise shall be provided as a substitute on those days that outdoor exercise is not available and the Deputy Commissioner for Correctional Facilities shall be notified.
- C. An inmate, newly arrived at a correctional facility, will not be permitted out-of-cell activities, until it is reasonably concluded that he/she has no known enemies at the facility. This restriction shall not exceed five (5) days, unless extenuating circumstances exist and approval is granted by the Deputy Commissioner for Correctional Facilities or his or her designee.
- D. An inmate who has lost recreation privileges, but who is not otherwise keeplocked or confined to his or her cell, need not be permitted the daily exercise referred to in B above. However, an inmate who is on loss of recreation status and who has no program shall be permitted the daily exercise referred to in B above.
- E. This Section shall not be construed so as to prohibit emergency action by the Superintendent of the facility. If necessary for the safety and security of the facility, the Superintendent may suspend shower and exercise privileges for all inmates, or for any segment of the inmate population, until the emergency has passed. In any such case, the Superintendent shall immediately notify the Deputy Commissioner for Correctional Facilities.

- F. Whenever, in the judgment of the Officer in Charge, there is imminent danger that a “keeplock” inmate will do injury to him/herself or to another if permitted out of the cell for a shower or exercise, the Officer, with the approval of the area supervisor, may deprive the inmate of the shower or exercise.

A written report shall be prepared immediately and delivered to the Superintendent or Deputy Superintendent for Security indicating the reason for the deprivation.

In all cases, the activity will be restored as soon as it can be deemed consistent with safety.

VIII. CORRESPONDENCE AND VISITING, AND PASTORAL CARE

- A. Visiting, phone calls, and correspondence are seen as a means of reinforcing family ties that will be beneficial to inmates upon their release.
- B. An inmate may, at any reasonable time, address a written communication to the Superintendent or the Commissioner. When an inmate makes a request to write such a communication, the responsible employee to whom the request is made shall: supply the inmate with necessary writing materials and an envelope; allow the inmate to write his or her communication in privacy; and forward it promptly to the addressee.
- C. Each Chaplain is expected to make weekly rounds of housing units, the infirmary, and special housing units. Inmates are to be afforded pastoral visiting opportunities upon request. It shall be the responsibility of the Chaplain to determine whether his or her immediate attention is required.
- D. An inmate confined to a cell or room for more than 30 days pursuant to a Superintendent’s Hearing, shall be permitted one non-legal visit per week, unless visitation privileges are withheld pursuant to a Superintendent’s Hearing. There is no limit on the number of legal visits. Visits will be conducted during established facility non-legal and legal visiting hours.

IX. FOOD

- A. Food must be nourishing and palatable, of a sufficient caloric intake as recommended by the Director of Nutritional Services.
- B. Variety in the weekly menu must be offered.
- C. Inmates may refrain from eating those food items served to the general population that are contrary to their religious beliefs. An inmate may petition the Directors of Ministerial, Family, and Volunteer Services, and Nutritional Services for provision of a nutritionally adequate alternative diet consistent with his or her religious beliefs.
- D. Therapeutic diets may be specified by the Director of Facility Health Services when appropriate.

X. OTHER MINIMUM PROVISIONS: The following items shall be provided for each inmate:

- A. Standard issue of clothing as per Directive #3081, “Inmate Clothing Issue;”
- B. Utensils and supplies for daily cleaning of cell/cube; and
- C. Writing materials (paper, pen or pencil, envelopes).