

 <b>Corrections and Community Supervision</b>  <b>DIRECTIVE</b>	TITLE <b>Minimum Provisions for Health and Morale</b>		NO. 4009
			DATE 12/22/2023
SUPERSEDES DIR #4009 Dtd. 07/21/22	DISTRIBUTION A B	PAGES PAGE 1 OF 4	DATE LAST REVISED
REFERENCES (Include but are not limited to) See Section II	APPROVING AUTHORITY 		

- I. DESCRIPTION:** This procedure is designed to describe the minimum standards with regard to those items necessary for an incarcerated individual’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 (SHU) or Residential Rehabilitation Units (RRU). See Directive #4933, “Special Housing Units,” or Directive #4933D, “Residential Rehabilitation Units.”
- II. REFERENCES**
- 7 NYCRR, Chapter X, Part 1704, “Minimum Provisions for Health and Morale”
  - ACA Expected Practices
    - 5-ACI-2C-03, 5-ACI-2C-05, 5-ACI-2C-06, 5-ACI-2C-07, 5-ACI-2C-08, 5-ACI-2C-09, 5-ACI-2C-10, 5-ACI-2D-02, 5-ACI-5D-12, 5-ACI-5D-13, 5-ACI-5D-14
    - 2-CO-3C-01, 2-CO-4D-01
  - Directives #3081, #4933, #4933D
- III. CELL EQUIPMENT:** The following items shall be provided:
- A. Lighting, equal to at least 20 foot-candles, at desk level and in the personal grooming area.
  - B. Washstand
  - C. Toilet
  - D. Bed, mattress, and pillow (for each incarcerated individual)
- IV. MULTIPLE OCCUPANCY HOUSING UNIT EQUIPMENT:** As used in this part, a multiple occupancy housing unit shall mean a housing unit which is designed to accommodate three or more incarcerated individuals. Each multiple occupancy housing unit shall have available:
- A. Lighting, equal to at least 20 foot-candles, at desk level and in the personal grooming area.
  - B. Toilets are provided at a minimum ratio of one for every 12 incarcerated individuals in male facilities and one for every eight incarcerated individuals in female facilities. Urinals may be substituted for up to one half of the toilets in male facilities.
  - C. At least one functioning sink for every 12 incarcerated individuals.
  - D. At least one functioning shower for every 12 incarcerated individuals.
  - E. A bed, mattress, and pillow for each incarcerated individual.

F. A safe storage area.

NOTE: Subsections IV-B, C, and D do not apply to units constructed prior to September 19, 1990, provided they contain sufficient showers, toilets, and sinks to assure the personal hygiene of incarcerated individuals housed in such units.

**V. FLATWORK:** The following items shall be provided:

- A. Pillowcase
- B. Two sheets
- C. Blanket
- D. Bath towel
- E. Washcloth

**VI. 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 incarcerated individuals 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
- H. Menstrual products for menstruating incarcerated individuals

**VII. REISSUE**

- A. The items listed in Section VI 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 incarcerated individuals 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 for each incarcerated individual.
- D. Absent extraordinary circumstances as determined by the Superintendent, menstruating incarcerated individuals shall not be denied access to menstrual products.

**VIII. SHOWERS AND EXERCISE**

- A. An incarcerated individual shall be permitted to shower at least three times a week. Transgender and intersex incarcerated individuals shall be given the opportunity to shower separately from other incarcerated individuals.

- B. An incarcerated individual shall be permitted to exercise outside of their cell for at least one hour daily, except as provided in subsections VIII-C and D.  
Such exercise shall be provided outdoors, weather permitting, unless the size of the population or the physical plant of the facility renders such daily outdoor exercise unfeasible. If daily outdoor exercise 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 incarcerated individual, newly arrived at a correctional facility, will be interviewed by a Security Supervisor within 17 hours of arrival. Absent any enemies or security concerns, they shall be released to general population, or appropriate placement made (e.g., RRU, Residential Mental Health Treatment Unit [RMHTU], etc.). If a concern is raised, including one related to an enemy, the Deputy Superintendent for Security or functional equivalent must be notified immediately for appropriate action.
- D. An incarcerated individual who is on loss of recreation status and who has no program shall be permitted the daily exercise referred to in subsection VIII-B.
- 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 incarcerated individuals, or for any segment of the incarcerated population, until the emergency has passed. In any such case, the Superintendent shall immediately notify the Deputy Commissioner for Correctional Facilities.

#### **IX. CORRESPONDENCE, VISITING, AND PASTORAL CARE**

- A. Visiting, phone calls, and correspondence are seen as a means of reinforcing family ties that will be beneficial to incarcerated individuals upon their release.
- B. An incarcerated individual may, at any reasonable time, address a written communication to the Superintendent or the Commissioner. When an incarcerated individual makes a request to write such a communication, the responsible employee to whom the request is made shall: supply the incarcerated individual with necessary writing materials and an envelope; allow the incarcerated individual to write their communication in privacy; and forward it promptly to the addressee.
- C. Each Chaplain is expected to make weekly rounds of housing units, the infirmary, SHUs, and RRUs. Incarcerated individuals are to be afforded pastoral visiting opportunities upon request. It shall be the responsibility of the Chaplain to determine whether their immediate attention is required.
- D. An incarcerated individual confined to a SHU or RRU pursuant to a Superintendent's Hearing, shall be permitted non-legal visits in accordance with Directive #4933 and Directive #4933D, 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 legal and non-legal visiting hours.

#### **X. FOOD**

- A. Food must be nourishing and palatable, and of a sufficient caloric intake as recommended by the Director of Nutritional Services.

- B. Variety in the weekly menu must be offered.
- C. An incarcerated individual may refrain from eating those food items served to the general population that are contrary to their religious beliefs. An incarcerated individual may petition the Directors of Ministerial, Family, and Volunteer Services, and Nutritional Services for provision of a nutritionally adequate alternative diet consistent with their religious beliefs.
- D. Therapeutic diets (including allergy diets) can be prescribed by a health care provider (i.e., Physician, Physician Assistant, Dentist, or Nurse Practitioner) or a Registered Dietician.

**XI. OTHER MINIMUM PROVISIONS:** The following items shall be provided for each incarcerated individual:

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