

## Summary of the Text:

A new Part 7075 of Title 9 NYCRR is established that generally requires:

- (a) disciplinary or administratively segregated inmates must be allowed out of their cells for a minimum of four (4) hours a day;
- (b) disciplinary or administratively segregated inmates who are under eighteen (18) years of age or known by security, health or mental health personnel to be pregnant, within eight (8) weeks of delivery or pregnancy outcome, having a mental or physical disability, or having a serious mental illness must be allowed out of their cells for a minimum of four (4) hours a day, exclusive of entitled exercise periods;
- (c) a jail's chief administrative officer (CAO) may deny an inmate such four (4) hour period only when it would pose a threat to the safety, security or good order of the facility;
- (d) any CAO determination to deny such four (4) hour period must be reviewed at least every seven (7) days, with such review to include consultation with appropriate facility health staff;
- (e) any disciplinary or administrative segregation of an inmate who is under 18 years of age, known by security, health or mental health personnel to be pregnant, within eight (8) weeks of delivery or pregnancy outcome, having a mental or physical disability, or having a serious mental illness, must be reviewed at intervals not to exceed seven (7) days, with such review to include consultation with appropriate facility health staff;
- (f) essential services (any items or services guaranteed inmates by regulation, such as clothing, outdoor exercise, toiletries, books, bedding, religious services, etc.) may not be withheld as punishment;
- (g) jail CAO may only deny an essential service where necessary to preserve the safety, security or good order of the facility;
- (h) any CAO decision to withhold an essential service must be reviewed every seven (7) days; and

(i) any such CAO determination or review must be made in writing, shall state the specific reasons considered, and be maintained in a centralized record.

Existing SCOC jail regulations are amended to require the following:

- (a) reporting of certain inmate cell confinement and essential service deprivation to SCOC;
- (b) Segregated inmates who are under eighteen (18) years of age or known by security, health or mental health personnel to be pregnant, within eight (8) weeks of delivery or pregnancy outcome, having a mental or physical disability, or having a serious mental illness shall be entitled to two (2) hours of daily exercise.
- (c) daily CAO review of any educational services denial or restriction; and
- (d) cell plumbing may be turned off only when necessary for facility safety and security, but inmate must be allowed to flush the toilet and be provided access to a sink at two (2) hour intervals.