Minimum Standards and Regulations for Management of City Jails-Town and Village Lockups

Part
7500 LEGAL AUTHORITY
7501 DEFINITIONS
7502 ADMISSION PROCEDURES
7503 MEDICAL
7504 SUPERVISION OF DETENTION AREAS
7505 FOOD
7506 SANITATION AND MAINTENANCE
7507 DISCIPLINE
7508 REPORTABLE INCIDENTS
7509 RECORDS
7510 VISITS
7511 CONSTRUCTION AND RENOVATIONS
7512 VARIANCES

PART 7500 LEGAL AUTHORITY

Section 7500.1. Legal authority

(a) Article XVII, section 5, of the New York State Constitution provides that there shall be a State Commission of Correction which shall visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime.

(b) Article 3, sections 45 and 46, New York State Correction Law defines the following as functions of the State Commission of Correction:

(1) Promulgate rules and regulations establishing minimum standards for the care, custody, correctional treatment, supervision, discipline and other correctional programs for all persons confined in local correctional institutions. (Note: As used in this statute, the term local correctional institution means any county penitentiary, county jail, city jail, court detention pen, hospital prison ward, or town, village or county lockup.)

(2) Aid in securing humane and economic administration and best sanitary conditions of the institutions subject to inspection.

(3) Investigate their management and conduct of their officials.

(4) Approve or reject plans for construction or renovation.

(5) Collect statistical information with respect to the inmates.

(6) Close any of the facilities subject to inspection which are unsafe, unsanitary or inadequate to provide for the separation and classification of prisoners as required by law or which has not adhered to or complied with the rules or regulations promulgated by the commission.

History

Sec. added by renum. 5200.1, Title 7, filed June 26, 1976; amd. filed April 2, 1996 eff. April 17, 1996. Amended (b).

PART 7501 DEFINITIONS

Section 7501.1. Definitions

Unless otherwise specifically provided herein, the following words or terms used in this Chapter are defined as follows:

(a) Chief administrative officer shall mean the commissioner of police, chief of police or other officer in charge of a city jail, lockup or precinct station detention facility.

(b) Commission and Commissioner of Correction shall mean the New York State Commission of Correction.

(c) Lockup shall mean a place where individuals 18 years of age and over are temporarily detained while awaiting disposition of their cases in the courts, before arraignment in court, or for a brief period after arraignment or sentence while awaiting transfer to another correctional facility. An individual who has not reached his or her 18th birthday shall not be detained in any adult lockup except in accordance with section 304.1 of the Family Court Act or section 510.15 of the Criminal Procedure Law.

History

Sec. added by renum. 5200.2, Title 7, filed June 26, 1976; repealed, new filed May 17, 1988; amd. filed Aug. 17, 1993 eff. Sept. 1, 1993; emergency rulemaking eff. Oct. 1, 2018, expired Dec. 24, 2018; amd. filed Dec. 18, 2018 eff. Jan. 2, 2019; emergency rulemaking eff. Oct. 1, 2019, expired Dec. 22, 2019; amd. filed Dec. 17, 2019 eff. Dec. 31, 2019.

PART 7502 ADMISSION PROCEDURES

Section 7502.1. Admission procedures

(a) Before being placed in a cell or detention room, the clothing and person of each prisoner shall be thoroughly searched.

(b) Belts, neckties, shoes and clothing items such as jackets, overcoats or other similar outer garments shall be removed and stored temporarily where they will not be accessible to prisoners. A supply of disposable type fiber or paper footwear to replace shoes may be kept available for issue as required.

(c) An accurate listing shall be made of all money, and items such as rings, watches and any other personal property taken at the time of admission, such list to be properly witnessed by the receiving officer and the prisoner. At the appropriate time, a receipt signed by the prisoner shall be obtained, acknowledging that all money and property have been returned.

(d) Searching of a female prisoner shall be accomplished by the regularly appointed police matron, or other qualified female person whose services may be available on a part-time basis.

(e) On request, within a reasonable time after arrival at the place of detention, a prisoner shall be allowed to make, without charge, one local telephone call to communicate with an attorney, a family member or relative, an employer, etc. Requests to place additional local calls and those of a long distance nature should be decided on an individual basis consistent with the prisoner's situation, funds in his possession and the possibility of reversing toll charges or otherwise having the prisoner make reimbursement for same. Telephone calls should be properly supervised and preferably made from an area where best security can be maintained.

History

Sec. added by renum. 5200.3, Title 7, filed June 26, 1976 eff. Oct. 1, 1976.

PART 7503 MEDICAL

Section 7503.1. Medical

(a) Definite arrangements shall be in effect so the services of a physician will be available, on a standby basis, to examine prisoners in cases of illness and injury. As an alternative, and to provide for situations of an emergency nature, the facilities of a conveniently located hospital, particularly emergency ward services, shall be utilized.

(b) Every prisoner to be detained who appears to be physically incapacitated due to drug or alcohol intoxication should preferably be examined by a physician. Note: Experience has firmly established that an alcoholic odor emanating from a prisoner can obscure a serious physical deficiency such as narcotic drug addiction, stroke, diabetic coma, heart attack, etc., or an abnormal mental condition.

(c) No medication shall be given to a prisoner unless authorized or prescribed by a physician.

(d) A record of medical attention provided for a prisoner shall be maintained.

History

Sec. added by renum. 5200.4, Title 7, filed June 26, 1976; amd. filed Oct. 21, 2005 eff. Nov. 9, 2005. Amended (b).

PART 7504 SUPERVISION OF DETENTION AREAS

Section 7504.1. Supervision of detention areas

(a) As a minimum, the condition of [prisoners] detainees shall be checked, by actual visits to cells and detention rooms, at intervals not to exceed 30 minutes.

(b) In situations where a [prisoner's] detainee’s physical or mental condition obviously warrants it, constant observation and supervision shall be provided.

(c) The supervisory visit procedure shall be accomplished either by personnel on full-time duty in the detention area or by those assigned to other duties in police department operations.

(d) A suitable record of supervisory visits shall be maintained in ink and in a legible manner and shall include but shall not necessarily be limited to the following information:

(1) date;

(2) time of each visit;

(3) condition of detainee(s), e.g., awake, sleeping, etc.;

(4) other notations considered relevant;

(5) signature of officer or matron.

(e) Supervision of female detainees shall be accomplished by a matron, and a female detainee shall not be placed in or removed from a detention area unless the matron is present. The matron shall retain the key for the detention area for females and no male person shall be permitted to enter an area where female detainees are detained unless accompanied by the matron.

(f) If a detention facility is located in a structure which is not of fire-resistant construction and where a fire hazard of extensive proportions exists, constant supervision is required.

(g) The use of closed circuit television to visually monitor an area in which detainees are detained is approved only as an adjunct to actual physical supervisory visits by police department personnel and shall not be considered as a substitute for such visits.

(h) Under no circumstances shall an officer while armed enter a detention area where detainees are being detained.

(i) Notwithstanding the requirements of subdivision (e) of this section, a male officer may place a female detainee in, and remove such detainee from, a detention area, and perform supervisory visits of a female detainee as required by subdivision (a) of this section, only when:

(1) a female officer or matron is present within the building and has the ability to respond when necessary;

(2) any search of a female detainee is conducted by a female officer or matron;

(3) the constant supervision of a female detainee is conducted by a female officer or matron;

(4) female detainees are provided adequate privacy from the view of male officers while using the toilet;

(5) there exists a system of video recording of the detention area that cannot be disabled by staff; and

(6) an entry is made in the supervision records that provides the date, time and officer name when supervision of a female detainee is being conducted by a male officer.

History

Sec. added by renum. 5200.5, Title 7, filed June 26, 1976 eff. Oct. 1, 1976; amd. filed June 29, 2026 eff. July 15, 2026.

PART 7505 FOOD

Section 7505.1. Food

(a) Prisoners who are detained during any of the usual three daily meal hours,i.e., morning, noon and evening, shall be provided with a suitable repast at the expense of the city, town, village or county maintaining the detention facility.

(b) Food shall be given to prisoners in the cell or detention room. Under no circumstances shall prisoners be taken outside the security area for this purpose.

(c) A record of meals provided, including a notation of the prisoner's refusal thereof, shall be maintained.

(d) Consistent with the requirements of this Part, inmates shall be entitled to observe dietary laws established by their religion. Each facility shall furnish or provide access to the type of food required by recognized religious dietary rules. Such special diets shall conform as closely as possible to the foods served other inmates.

(e) Consistent with the requirements of this Part, inmates shall be entitled to medical diets ordered by a physician. Each facility shall furnish or provide access to the type of food required by their medical diets. Such special diets shall conform as closely as possible with the foods served other inmates.

History

Sec. added by renum. 5200.6, Title 7, filed June 26, 1976; amd. filed Aug. 29, 1983 eff. Aug. 29, 1983.

PART 7506 SANITATION AND MAINTENANCE

Section 7506.1. Sanitation and maintenance

(a) Definite arrangements shall be made so that janitorial and maintenance services are regularly provided to insure that satisfactory conditions will exist at all times.

(b) If bedding items such as sheets and pillow cases are used, they shall be changed each time a prisoner is released.

(c) Mattresses if used in cells or detention rooms should preferably be of a soil and water-resistant type and their condition should be checked regularly for damage, attempts to conceal contraband items, etc.

(d) When a bench or an approved composite or wood bunk is in use, mattresses, sheets and pillowcases are not required in routine operations.

(e) A supply of clean blankets shall be kept available for issue depending on such circumstances as the condition of the prisoner, and the temperature in the detention area. Blankets shall not be routinely left in the cells, and shall be laundered or sterilized as necessary to ensure proper cleanliness.

(f) A supply of soap, paper towels and toilet tissue shall be maintained, and paper drinking cups made available when lavatories do not have an integral drinking fount. Supplies of this nature should be issued as needed and not routinely left in cells.

(g) In addition to the items listed in subdivision (f) of this section, tampons and sanitary napkins shall be made available to all female prisoners at facility expense. Facilities shall maintain a sufficient supply of tampons and sanitary napkins, which shall be stored, dispensed and disposed of in a sanitary manner.

(h) Locks on cell doors and security doors, locking devices and the security aspects of detention type windows and screens shall be checked regularly to insure that they are in proper condition.

History

Sec. added by renum. 5200.7, Title 7, filed June 26, 1976; amd. filed June 5, 1989 eff. June 21, 1989; amd. filed July 25, 2017 eff. Aug. 9, 2017; amd. filed June 29, 2026 eff. July 15, 2026.

PART 7507 DISCIPLINE

Section 7507.1. Discipline

(a) Minor matters of discipline, where no danger of safety, property or life exists, shall be handled in such a manner as to attract as little attention as possible to the incident.

(b) Officers shall not strike or lay hands on a prisoner unless it be in self defense, to prevent escape or serious injury to person or property, to quell a disturbance, or to effect detention. In such cases, only the amount of physical force necessary to accomplish the desired result is authorized.

(c) Some type of restraining equipment, e.g., jacket or sheets, should be available for use in emergencies and under the direction of trained personnel and competent medical authority. In such instances, full time supervision shall be provided and further action determined by a physician.

(d) The use of chemical agents such as tear gas to control or reduce a prisoner to submission shall be used only when other restraint methods or efforts to subdue have not proven effective. Authority shall first be obtained from a supervisory or command officer and the chemical agent shall be used only by staff personnel who have been trained in its use.

History

Sec. added by renum. 5200.8, Title 7, filed June 26, 1976 eff. Oct. 1, 1976.

PART 7508 REPORTABLE INCIDENTS

Section 7508.1. Definition

As used in this section, reportable incident shall mean inmate death; inmate injury or illness requiring hospitalization; civil or natural emergency; or disturbance.

History

Sec. added by renum. 5200.9, Title 7, filed June 26, 1976; repealed, new filed Oct. 26, 1993 eff. Nov. 10, 1993.

Section 7508.2. Reportable incidents

(a) Except as provided in subdivision (b) of this section, reportable incidents shall be reported to the commission within 24 hours of occurrence in a form and manner prescribed by the commission.

(b) The death of an inmate shall be reported to the commission within six hours of pronouncement of death in a form and manner prescribed by the commission.

History

Sec. filed Oct. 26, 1993 eff. Nov. 10, 1993; amd. filed Jan. 5, 2016 eff. Jan. 20, 2016.

PART 7509 RECORDS

Section 7509.1. Records

(a) A record of the number of male and female prisoners detained on a daily basis shall be maintained and shall be kept available at all times for review by commission representatives at the time of an official inspection or as may otherwise be required. A supply of forms (Record of Detentions) which can be utilized for this purpose shall be provided to each lockup upon request to the commission office.

(b) On or before the first day of February of each year, the chief administrative officer shall submit a report to the commission of the total number of male and female prisoners detained during the preceding calendar year. The form on which such data are to be reported shall be forwarded at the appropriate time by the commission to each lockup.

History

Sec. added by renum. 5200.10, Title 7, filed June 26, 1976; amd. filed May 17, 1988 eff. June 1, 1988.

PART 7510 VISITS

Section 7510.1. Visits

(a) All prisoners shall be permitted to converse with their counsel or religious advisor under such reasonable regulations and restrictions as the officials in charge may establish.

(b) Visits to prisoners by a family member, relative or other person may be permitted at the discretion of, and in accordance with regulations established by, the officials in charge.

History

Sec. added by renum. 5200.11, Title 7, filed June 26, 1976 eff. Oct. 1, 1976.

PART 7511 CONSTRUCTION AND RENOVATIONS

Section 7511.1. Construction and renovation

(a) Correction Law, section 45, subdivision 10, requires that any plans and specifications for the construction or renovation of detention facilities must be submitted for review to the State Commission of Correction.

(b) Approval of the commission must be obtained before a construction or renovation project is advertised for bids. If it is not contemplated that a bidding procedure is to be followed, approval must be obtained before any construction or renovation is undertaken.

(c) A booklet which contains outline data and general requirements to be observed in the construction or renovation of city, town and village detention facilities is available and will be provided on request to the commission office at Albany.

History

Sec. added by renum. 5200.12, Title 7, filed June 26, 1976; amd. filed April 2, 1996 eff. April 17, 1996. Amended (a).

PART 7512 VARIANCES

Section 7512.1. Policy

The Commission of Correction recognizes the need to provide a mechanism by which a lockup may apply for a variance to the requirements of this Chapter when situations exist or arise that would prevent or alter the lockup's ability to meet a requirement as set forth in this Chapter. The commission may, in its discretion, grant such variance only under certain conditions when so doing will not jeopardize the safety, security or good order of a lockup.

History

Sec. filed May 17, 1988 eff. June 1, 1988.

Section 7512.2. Conditions for applying for a variance

(a) The chief administrative officer may apply to the commission for a variance to requirements of this Chapter when:

(1) compliance with a specific rule or regulation cannot be achieved by the effective date of such rule or regulation;

(2) due to a temporary condition or situation, compliance with a specific rule or regulation cannot be achieved; or

(3) compliance is to be achieved in a manner other than that which is specified in a rule or regulation until such time as compliance with such specific rule or regulation can be achieved.

(b) The provisions of this Part shall not apply to any requirements of this Chapter where it is specifically stated that variances to such requirements are prohibited.

History

Sec. filed May 17, 1988 eff. June 1, 1988.

Section 7512.3. Variance applications

(a) Any application to the commission for a variance shall be made in writing by the chief administrative officer.

(b) Such application shall include:

(1) the specific rule, regulation or provision that is the subject of the application;

(2) the specific reasons and facts supporting the belief that compliance with the specific rule and regulation cannot be achieved;

(3) the specific plans, provisions and timetables for achieving full compliance with the rule or regulation at issue, the time period for which the variance is requested and any other material that the chief administrative officer deems supportive of the application; and

(4) when the application is made for reasons stated in section 7512.2(a)(3) of this Part, the specific plans which fully explain and support alternative methods of compliance when compliance is to be achieved in a manner other than that which is specified in the provisions of this Chapter, and the time period for which the variance is requested.

(c) The commission may require additional information concerning any variance application prior to rendering its decision.

History

Sec. filed May 17, 1988 eff. June 1, 1988.

Section 7512.4. Review of variance applications

(a) The commission shall review and issue a written determination to the chief administrative officer on each variance application which complies with the requirements of this Part.

(b) When a variance is granted, the commission's determination shall specify:

(1) the time period for which the variance is granted; and

(2) any special requirements or conditions imposed as a condition of the variance.

(c) When a variance is granted, such variance and any special requirements or conditions imposed shall become the standard for compliance with the specific rule or regulation at issue for the lockup involved.

(d) When a variance is denied, the commission's determination shall include the specific facts and reasons underlying its decision.

(e) Within 30 days after a variance is denied by the commission pursuant to this Part, the chief administrative officer may request a hearing before the commission. Such hearing shall provide the chief administrative officer an opportunity to present his/her position and to respond to any questions the members of the commission may have on the matter.

History

Sec. filed May 17, 1988 eff. June 1, 1988.

Section 7512.5. Variance reapplications

(a) When a variance is denied, the chief administrative officer may reapply to the commission for a variance if:

(1) additional information is available which supports the application and addresses the specific facts and reasons for the denial; and/or

(2) conditions or circumstances within the lockup have changed in a manner which would justify reconsideration of the application.

(b) Any such reapplication shall be made in accordance with the requirements of this Part.

History

Sec. filed May 17, 1988 eff. June 1, 1988.