

**COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK**

GENERAL ORDER JAIL BUREAU	DATE OF ISSUE OCTOBER 10, 2022	EFFECTIVE DATE OCTOBER 10, 2022	NO. 036-22
SUBJECT: GENERAL ORDER INCARCERATED INDIVIDUAL EXERCISE		DISTRIBUTION Jail Bureau Personnel	AMENDS
REFERENCE: PART 7028 OF TITLE 9 OF THE OFFICIAL COMPILATION OF CODES, RULES & REGULATIONS OF THE STATE OF NEW YORK (9NYCRR PART 7028) NYSSA 149			RESCINDS 036-20

Purpose: To familiarize employees of the Monroe County Sheriff's Office (MCSO) with the policies and procedures for Incarcerated Individual (II) exercise.

Policy: Exercise is essential to good health and contributes to reducing stress within a facility. The MCSO shall act in accordance with NYCRR Title 9 §7028 and shall maximize the provision of exercise activities for incarcerated individuals.

I. Gymnasium/Exercise Areas

- A. At the Monroe County Jail (MCJ), incarcerated individuals will exercise in the following areas which shall provide natural sunlight and access to fresh air:
 - 1. 5th Floor gymnasium
 - 2. Tower Housing Units gymnasiums
 - 3. Mezzanine gymnasium
- B. At the Andrew P. Meloni STAR Academy (MSA), the incarcerated individuals will exercise in the following areas which shall provide natural sunlight and access to fresh air:
 - 1. Modular outdoor exercise area- (inclement weather dependant)
 - 2. Housing Unit gymnasiums

II. Exercise periods

- A. The MCJ and MSA will maintain an exercise schedule designed and structured to accommodate all classifications of incarcerated individuals with exercise time in each facility gymnasium/exercise area.
- B. For reasons of facility safety and security, incarcerated individuals who have not yet completed the facilities classification process pursuant to NYCRR Title 9 Sections 7013.7 and 7013.8 may be denied exercise. Any denial of exercise pursuant to this matter shall be limited to the time required to complete the facility classification process, but in no case shall such denial be for more than five (5) days, excluding weekends and legal holidays.

- C. All incarcerated individuals who have completed the incarcerated individual classification process as outlined in 9NYCRR Part 7013 and **JBGO-027 Incarcerated Individual Classification** will be allowed to participate in the scheduled exercise periods as determined for their assigned housing area.
- * 1. At least one and one half (1 ½) hours during each of five (5) days per week; or
 - * 2. At least one (1) hour seven (7) days per week
 - * 3. Incarcerated individuals who do not have access to cell corridors or day rooms because of physical plant limitations or disciplinary actions shall be entitled to an exercise period of at least one (1) hour seven (7) days per week.
- D. All incarcerated individuals who wish to participate in the scheduled exercise periods will be pat searched prior to entry of the gymnasium and will wear the appropriate uniforms to and from the gymnasium.
- E. All exercise periods will commence when all incarcerated individuals have entered the exercise area and will conclude when all incarcerated individuals are instructed to cease exercise activities. Staff must record, in the electronic log, the start and end times of the exercise period.

III. Limitation of Exercise

- A. An incarcerated individuals exercise period may be denied, revoked or limited when it is determined that such exercise period would cause a threat to the safety, security, or good order of the facility, or the safety, security, or health of the incarcerated individual or other incarcerated individuals.
- B. Any determination to deny, restrict, revoke, or limit an incarcerated individual's exercise period pursuant to this section shall be made by the Chief Administration Officer in writing, and shall state the specific facts and reasons underlying such determination. A copy of this determination shall be given to the incarcerated individual.
- C. Each incarcerated individual shall be free from mechanical restraints during his/her exercise period, unless doing so would cause a threat to the safety, security, or good order of the facility, or the safety, security or health of the incarcerated individual, staff, or other incarcerated individuals. Any determination to mechanically restrain an incarcerated individual during his/her exercise period shall be made by the Chief Administrative Officer in writing, shall state the restraints employed and the specific facts and reasons underlying such determination and shall be maintained as part of the centralized record required in NYCRR Title 9 Section 7028.6.

IV. Incarcerated Individuals Confined to Segregation

Staff will refer to **JBGO-026 Special Housing Unit (SHU)/Segregation Cells** in regards to exercise periods for II(s) housed in segregation cells as a result of administrative actions.

V. Exercise Records and Electronic Logs

- A. An exercise log will be maintained electronically through IJ5 or its successor.
- B. Staff will utilize the log to record any pertinent information relating to all exercise activities (e.g., incarcerated individual injuries sustained in the area, incarcerated individual incidents, infractions and any equipment malfunctions or damages). Staff will also use the log to record all equipment inspections, verifying that all equipment was checked and accounted for.
- C. Assigned staff will complete an incarcerated individual headcount and utilize IJ5 or its successor, to log the physical head count of all incarcerated individuals who participate in exercise activities from each floor/housing area on a daily basis.

VI. Exercise Security and Supervision

- A. All staff members assigned to the area will ensure that the entire exercise area is searched prior to and after each exercise period to include, but not be limited to checking all doors, lights, locks and equipment. These searches will be recorded in IJ5. If any item is found to be damaged or in disrepair, staff will complete a maintenance work order in Landport and notify the duty sergeant.
- B. Staff will supervise incarcerated individuals to ensure that equipment is not misused or damaged.
- C. Staff will continuously observe incarcerated individuals utilizing the exercise area. Staff will ensure that all doors, staff offices and storage rooms are locked when not in use. IIs are not allowed to loiter unattended in staff offices, storage rooms or hallways. Should an incarcerated individual trustee be assigned to the area, staff will be responsible for maintaining supervision over him/her as well.
- * D. Staff will document in IJ5 or its successor when the retractable skylights, overhead doors/windows are opened. Staff will also document in IJ5 or its successor when retractable skylights, overhead doors/windows are not operational and why.

VII. Incarcerated Individual Injuries

Anytime an incarcerated individual makes a claim of injury due to participating in an exercise period, staff assigned to the exercise area will:

- A. Immediately notify their supervisor and have the incarcerated individual medically evaluated.
- B. Photograph the incarcerated individual's injury.
- * C. Document such injury on a medical incident report and in IJ5 or its successor.
- D. Notify the incarcerated individual's housing area supervisor of the incident and any special needs of the incarcerated individual, as determined by medical.

By Order of the Sheriff,


Todd K. Baxter