

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

GENERAL ORDER JAIL BUREAU	DATE OF ISSUE NOVEMBER 21, 2022	EFFECTIVE DATE NOVEMBER 21, 2022	NO. 067-2022
SUBJECT: GENERAL ORDER Incarcerated Individual Confinement and Essential Service Deprivation		DISTRIBUTION Jail Bureau Personnel	AMENDS
REFERENCE: 9NYCRR 7006 & 7075, NYSSA 113 & 149			RESCINDS

Purpose: The purpose of 7075 is to ensure that the segregation of incarcerated individuals and the deprivation of essential services, only when necessary, and for the least amount of time necessary to maintain the safety security and good order of the facility and absent exigent circumstances, this period of confinement or deprivation may not risk significantly compromising the health of the person.

Policy: To implement policies and procedures consistent with 7075 and designed to ensure that the segregation, and the deprivation of essential services , is limited in both scope and duration to maintain the safety, security and good order of the facility and, absent exigent circumstances, may not significantly risk compromising the health of the person.

Definitions: Facility shall mean Monroe County Jail (MCJ) and the Andrew P. Meloni Star Academy (MSA).

Essential Service shall mean any right, service; item or article guaranteed an incarcerated individual by the provisions of the Minimum Standards and facility General Orders.

Segregation (Punitive Segregation) shall mean the involuntary confinement of an incarcerated individual to an individual occupancy housing unit, or to the sleeping area of a multiple occupancy housing unit, for any duration. Segregation shall not include such confinement during established sleep hours, confinement for purposes of medical or mental health treatment, confinement to a housing unit designated for classification purposes, confinement for the purpose of providing constant supervision, routine confinement necessary for a change of shift, conducting an incarcerated population count, or the provision of routine services, or temporary confinement necessary to quell a disturbance or incident.

Segregated Incarcerated Individual shall mean any II subject to segregation.

Administrative Segregation shall mean any segregation that does not constitute a disciplinary sanction, or segregation pending a disciplinary hearing.

Segregated Confinement shall mean the confinement of an II to an individual occupancy housing unit, in any form, for more than seventeen (17) hours a day, other than in a facility-wide emergency or for the purpose of providing medical or mental health (MH) treatment.

Special Population shall mean any incarcerated individual who is twenty-one (21) years of age or younger, fifty-five (55) years of age or older. An II with a disability. An II who is pregnant in the first (8) eight weeks of post-partum recovery period or caring for a child in the facility.

Residential Rehabilitation Unit (RRU) shall mean a separate housing unit used for therapy, treatment and rehabilitative programming of II considered special population who do not qualify for a Segregation Unit, or IIs who have been determined to require more than fifteen days (15)

of segregated confinement pursuant to department proceedings. Special population shall only be confined in an RRU in accordance with 7006.7(a) (2) of the NYSCOC Minimum Standards. Such units shall be therapeutic, trauma informed and aim to address individual treatment and rehabilitation needs and underlying causes of problematic behaviors as stated in Part 7077.4 (a) of the NYSCOC Minimum Standards.

Special Housing Unit (SHU) shall mean any incarcerated individual housing area or subdivision thereof, used principally for punitive or other Administrative Segregation.

Chief Administrative Officer (CAO) shall mean the highest-ranking facility official present during the time period in which a determination must be rendered.

Major Infraction shall mean conduct of an incarcerated individual that constitutes a violent felony act:

- A. Causing/Attempt to cause serious physical injury/death to another or making a threat of serious physical injury/death and such person has a history of such and MH determines strong likelihood they will do so.
- B. Compel or force another in a sexual act.
- C. Extorting by force/threat for property or money.
- D. Coercing another by force/threat to violate any rule.
- E. Leading, organizing or inciting a riot resulting in major property damage, a hostage or physical harm to another (intent).
- F. Procuring deadly weapons or dangerous contraband that causes a threat to the facility.
- G. Escape / attempted escape (intent).
- H. Committing a Violent felony Offense within the facility.

Minor Infraction shall mean any other infraction that does not fall under the definition of a major infraction.

Maximum Facility Capacity, Individual Occupancy Housing Unit, Multiple Occupancy Housing Unit, Medical Housing Unit, Dayroom Space and Sleeping Area shall each have the same meaning as provided in JBGO 066-Maximum Facility Capacity.

I. General Procedures

- A. Other than incarcerated individuals subject to segregation, any incarcerated individual assigned to an individual or multiple occupancy housing unit shall have unrestrained access to adjoining dayroom space.
- B. Absent exigent circumstances, no incarcerated individual shall be confined in room, space or other area of the facility that is not designed, intended and purposed for the confinement of individuals, nor any housing unit, cell or pen not listed as appropriate housing on, or beyond the allowable duration specified by, the maximum facility capacity formulation issued by the commission pursuant to 9NYCRR 7040.7.
- C. Additionally, no facility shall operate an incarcerated individual housing area, or subdivision thereof, for special housing unless it is specifically designated for such use on the maximum facility capacity formulation, issued by the commission.

- D. The confinement of an incarcerated individual to an individual occupancy housing unit for medical or mental health treatment shall be, if available, in close proximity to a medical or mental health unit as possible.
- E. Each incarcerated individual subject to punitive segregation or administrative segregation shall be allowed a minimum of seven (7) hours per day outside their assigned individual occupancy housing unit or a minimum of seven (7) hours per day outside the sleeping area in a multiple occupancy housing unit.
- F. When an incarcerated individual is out of their assigned individual occupancy housing unit or multiple occupancy unit for out-of-cell time, it will be documented in the housing areas electronic log. Both the start, end time and refusals to leave their cell/sleeping area must be included.

II. Deprivation of Essential Services

- A. Essential services to an incarcerated individual shall not be denied, restricted or limited unless the CAO determines that providing such essential service would cause a threat to the safety, security or good order of the facility or the safety, security or health of the inmate, staff or other incarcerated individuals.
- B. Any determination made to deny, restrict, or limit shall be reviewed by the CAO at intervals not to exceed seven (7) days. A review conducted by the chief administrative officer, pursuant to this subdivision, which may impact an individual's health shall include consultation with the jail physician, facility medical director, or other qualified facility health staff. Following each such review, the chief administrative officer shall document, in writing, a summary of any consultation with health staff, whether such determination shall continue or cease, and state the specific facts and reasons underlying the continuance or termination.
- C. Cell plumbing (water) may be turned off only when necessary for facility safety and security. An incarcerated individual must be allowed to flush the toilet and be provided access to a sink at two-hour (2) intervals. The determination to deprive cell plumbing must be done in accordance with II. A. Reviews of this determination must be done by the CAO, in the same manner listed in section II B, however they must be done at intervals not to exceed 24 hours.
- D. When an incarcerated individuals essential service is denied, restricted or limited it will be documented in the housing areas electronic log.

III. Record Keeping

The facility shall maintain a centralized record of all written determinations and reviews required by this Order.

By Order of the Sheriff,



Todd K. Baxter