

Summary of the Text:

Parts 7301, 7302, 7305, 7306, 7308, 7309, 7310, 7311, 7312, 7313, 7320, 7322, 7326, 7328, 7331, 7332, 7334, 7336, 7342, 7346, 7350, 7352, 7354, 7356 and 7360 of Title 9 NYCRR are added to provide as follows:

Part 7301 (Legal Authority): Correction Law section 40(2) includes a specialized secure juvenile detention facility for older youth (SSD) within the definition of “local correctional facility.” Thus, all oversight and regulatory duties and responsibilities of the Commission of Correction (Commission) set forth in Article 3 of the Correction Law with regard to local correctional facilities shall now pertain to such SSDs.

Part 7302 (Definitions): Provides definitions for common terms utilized throughout the Chapter.

Part 7305 (Admissions and Intake): SSDs shall ensure that all youth are admitted in accordance with law and in a manner which protects the safety of all persons and the security of the facility. Such admission shall include adequate identification procedures, necessary searches, a health screening, the issue of personal hygiene items and clothing, telephone calls and an orientation to facility rules and information.

Part 7306 (Security and Supervision): SSDs shall operate in a manner that provides for the adequate supervision of youth and for a safe and secure environment. Adequate supervision shall include minimum supervision levels inside and outside living areas, the maintenance of supervisory records, and the performance of formal youth population counts. Additionally, SSDs shall take measures to ensure key control, tool and equipment control, perimeter control, and the inspection of locks and other securing devices.

Part 7308 (Visitation): SSDs shall ensure that youth receive contact visitation by providing sufficient space for a visiting room, establishing and publishing a visitation schedule that allows for two (2) hours of weekly visitation per youth, and affording effective visitor identification and registration.

Part 7309 (Food Services): SSDs shall maintain a facility food service program sufficient to satisfy the daily nutritional needs of each youth and compliant with both sanitation requirements and youth religious and medical needs.

Part 7310 (Health Services): Adequate health care and health care services shall be provided to all SSD youth to promote their well-being through the prevention, detection, treatment and management of disease and disability. Such services shall include the availability of both clinical and ambulatory health care services. Furthermore, arrangements must be made for the availability of emergency medical services, the provision of medical diets, and the maintenance of youth medical records.

Part 7311 (Mental Health Services): SSD youth shall be provided uniform access to comprehensive mental health services, including mental health screening, and emergency and inpatient mental health services.

Part 7312 (Youth Personal Hygiene): SSDs shall provide for and maintain standards of personal hygiene for youth, including the opportunity for daily showers and shaving, haircuts, and the provision of clothing, personal health care items, bedding and linen.

Part 7313 (Classification): SSDs shall establish, implement, and maintain a formal and objective system for the consistent classification of facility youth, which shall include an initial screening and assessment, the assignment of the youth to an appropriate facility living unit upon facility admission, and reassessment reviews.

Part 7320 (Maximum Facility Capacity): In order to promote a safe, secure and healthy environment, there shall be a limit on the total number of youth confined at any given time within a SSD. Each individual occupancy room shall contain at least seventy (70) square feet of floor space and contain one bed and mattress, and have available at least one functioning toilet, one functioning sink, and one functioning shower for every six (6) youth contained within a living unit.

Part 7322 (Reportable Incidents): In order to provide a mechanism by which SSD operations, policies and procedures can be monitored, evaluated and improved, each SSD shall internally review and assess all incidents of a serious or potentially problematic nature, and report such incidents to the Commission.

Part 7326 (Printed Material and Publications): SSD youth shall generally be entitled to receive printed material and publications suitable for minors, obtained from any approved vendor, including but not limited to bookstores or publishers.

Part 7328 (Exercise, Recreation and Leisure Activities): Each SSD shall provide youth with at least two hours per day of exercise, recreation and leisure activities, forty-five (45) minutes of which shall generally be held in an outdoor recreation area.

Part 7331 (Access to Legal Services): SSD youth shall be allowed access to legal services for the legal preparation of any matter, action or proceeding. Legal services shall include access to legal counsel, the Ombudsman and a notary public.

Part 7332 (Grievance Program): In order to provide an effective and impartial procedure for the timely resolution of youth complaints, SSDs shall establish, implement and maintain a formal youth grievance program. Such program shall include the availability of grievance forms, necessary assistance to youth, and the ability to appeal facility determinations to the Commission's Citizens' Policy and Complaint Review Council (CPCRC).

Part 7334 (Correspondence and Telephone): SSDs shall develop written policies and procedures that govern correspondence and telephone usage, including necessary assistance to youth in writing correspondence, the provision of writing materials and first-class postage for at least two one-ounce pieces of correspondence each week, and the collection and delivery of mail via to and from the United States Postal Service.

Part 7336 (Religion): SSDs shall allow for a youth's religious observance in a manner that does not constitute a threat to the safety, security or operational stability of the facility, or the safety, security or health of any person. Youth shall have a right to hold any religious belief, and to be affiliated with any religious faith, including participation in congregate religious activities, the celebration of religious holidays or festivals, and the possession and use of religious articles.

Part 7342 (Deathbed and Funeral Visits): SSD youth shall be permitted to visit family members when the death of a family member is imminent or after death has occurred, subject to the expeditious review, assessment and approval of the facility director and sheriff.

Part 7346 (Nondiscriminatory Treatment): SSDs shall develop written policies and procedures designed to prevent the unlawful discriminatory treatment of youth in the facility based upon race, creed, color, national origin, age, sex, sexual orientation, gender identity or expression, marital status, religion, disability, or any other characteristic protected by federal or state law. The areas addressed by such policies shall include, but shall not be limited to, educational, religious, and vocational programs, work assignments, classification, disciplinary and grievance decisions, and consideration for program participation.

Part 7350 (Sanitation): SSDs shall develop and implement a system that ensures facility sanitation, including provisions for general facility sanitation, food service sanitation, insect and rodent control, waste disposal, and the performance of regular sanitation inspections.

Part 7352 (Fire Prevention and Safety): In order to safeguard the lives and property of all occupants, and to minimize the possibility of fire emergencies or other similar hazards, each SSD shall practice proper fire prevention and safety measures, which shall include compliance with all applicable laws, codes, rules and regulations related to fire safety and prevention. Each facility shall undergo weekly fire and safety inspections by staff, and an annual inspection by the agency having code enforcement authority thereto.

Part 7354 (Environmental Health and Safety): Environmental conditions significantly influence the overall effectiveness of facility operations. Standards for lighting, air quality, temperature and noise levels are

designed to preserve the health and well-being of youth and staff members and to promote the operational stability and security of the facility. Each SSD shall maintain compliance with all applicable laws, codes, rules and regulations governing lighting, water supply, plumbing, noise control, heating control, ventilation, heating and ventilation.

Part 7356 (Good Behavior Allowances and Sentence Calculation): SSD youth serving a definite sentence of imprisonment may receive time allowances as discretionary reductions of the term of the sentence, as provided by law. Whenever a good behavior allowance is granted, withheld, forfeited, canceled or restored, in whole or in part, the SSD director must inform the sheriff, who is charged with crediting applicable jail time to a sentence.

Part 7360 (Variances): The Commission recognizes the need to provide a mechanism by which a SSD may apply for a variance to Commission regulations when situations exist or arise that would prevent or alter the facility's ability to meet such requirement. The Commission shall grant such variances only under specified conditions and when doing so would not jeopardize the safety, security, or operational stability of the facility.