



County Technical Assistance Service

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Inmate Exercise

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Inmate Exercise

Reference Number: CTAS-2132

Rules of the Tennessee Corrections Institute, 1400-1-.12(3) states inmates shall have access to exercise and recreation opportunities. A written plan shall provide that all inmates have the opportunity to participate in an average of one hour of physical exercise per day outside the cell. Outdoor recreation may be available when weather and staffing permit.

Prisoners are not entitled to the same amount of exercise per day, nor is there an across-the-board constitutional minimum of daily exercise to avoid an Eighth Amendment violation. *Cammon v. Bell*, 2008 WL 3980469 (S.D. Ohio 2008)

Exercise is one of the “basic human needs” protected by the Eighth Amendment. Prisons should provide regular exercise opportunities because “[i]nmates require regular exercise to maintain reasonably good physical and psychological health.” An extended deprivation of exercise opportunities may violate an inmate’s Eighth Amendment rights. Under the Eighth Amendment, prison officials must, at a minimum, provide an adequate opportunity for exercise—whether indoors or outdoors. *Gins v. South Louisiana Correctional Center*, 2008 WL 4890884 (W.D. La. 2008)

In *Peterkin v. Jeffes*, 855 F.2d 1021, 1031-33 (3d Cir. 1988) the court determined that the denial of exercise or recreation may result in a constitutional violation. However, a plaintiff must demonstrate that such a denial is sufficiently serious to deprive inmates of the minimal civilized measure of life’s necessities (*Tillman v. Lebanon County Corr. Facility*, 221 F.3d 410, 418 (3d Cir. 2000)). Even minimal provision of time for exercise and recreation may satisfy constitutional requirements. (*Wishon v. Gammon*, 978 F.2d 446, 449 (8th Cir. 1992)) (forty-five minutes of exercise per week not constitutionally infirm); *Knight v. Armontrout*, 878 F. 2d 1093, 1096 (8th Cir. 1989) (holding that denial of outdoor recreation for thirteen days was not cruel and unusual punishment). Moreover, “a temporary denial of outdoor exercise with no medical effects is not a substantial deprivation.” *May v. Baldwin*, 109 F.3d 557, 565 (9th Cir. 1997). In *Gattis v. Phelps* 344 Fed.Appx 801 C.A.3 (Del.) 2009, Gattis argued that a District Court improperly dismissed his Eighth Amendment claim. The Court weighing on the above cases agreed with the District Court that Gattis’ alleged harm—that his exercise was limited to three days per week and that he was not guaranteed outdoor exercise at all times—was insufficiently serious to implicate the Eighth Amendment.

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