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# CHAIRMAN'S MEMORANDUM

## NO. 17-99 NOVEMBER 1, 1999

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**TO: SHERIFFS, JAIL ADMINISTRATORS, POLICE CHIEFS, COMMISSIONERS OF CORRECTION, TRAINING COORDINATORS, DIRECTORS OF COMMUNITY SERVICES, FACILITY MEDICAL DIRECTORS, FACILITY MENTAL HEALTH PROGRAM DIRECTORS**

**RE: MINIMUM STANDARDS PART 7003: ADDITIONAL SUPERVISION REQUIREMENTS**

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During the period 1990-1995, the Commission amended the Minimum Standards for county facilities, Part 7003, Security and Supervision, to provide for more flexibility in inmate supervision in direct supervision settings. The Commission also amended the regulation as it pertains to those inmates whose condition, illness or injury warrants additional or enhanced supervision. Investigations of several recent inmate deaths by the Commission's Medical Review Board found facility compliance with one or more provisions of Minimum Standards section 7003.3 (h-k) to be problematic. The Commission believes it is important to highlight the interpretation of substantive compliance with this regulation, as these compliance problems are directly implicated in the very outcomes that Part 7003 was amended to help prevent.

### **Determination of the Need For Additional Supervision (section 7003.3(h)):**

This subsection requires the facility administrator or designee and/or the facility physician to make a determination as to whether an inmate's condition, illness, or injury warrants additional supervision. This means that **either** or **both** the jail administrator/designee and/or jail physician can make such a determination, and that such a determination must be made when an inmate's condition, state of health, or bodily integrity is other than normal. There is an **affirmative duty** to do so. The same subsection requires the chief administrative officer to order the additional supervision if it is determined to be warranted. Neither duty may be waived.

### **Types of Additional Supervision**

The types of additional supervision set forth in subdivision 1-3 of section 7003.3(h) include:

- ! more frequent supervisory visits;
- ! active supervision when only general supervision is required;
- ! constant supervision.

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Alan J. Croce, Chairman/Commissioner

Patricia R. Tappan, Commissioner  
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“More frequent” supervisory visits pertains to the interval between supervisory visits. The Medical Review Board investigated several inmate suicides in 1998-99 in which a determination for additional supervision was made pursuant to section 7003.3(h). In these cases the supervisory visit interval was shortened from 30 minutes to 15 minutes for inmates on suicide prevention precautions. This was plainly inadequate and as such a violation of section 7003.3(h), because the selection of the type of additional supervision was inadequate and inappropriate.

**A SUPERVISORY INTERVAL OF 15 MINUTES IS NOT ADEQUATE AS A SUICIDE PREVENTION PRECAUTION.**

It is a well established fact that inmates can hang themselves with fatal results in less than five minutes. Therefore, if the objective is to prevent suicide, **ONLY CONSTANT OBSERVATION IS EFFECTIVE**. The definition of constant supervision is found in section 7002.2(d). The required elements include *uninterrupted personal visual observation* from a post that affords *a continuous clear view* of those under constant supervision, and sufficient proximity to afford the ability to *immediately and directly intervene* in any situation that threatens health or safety. In some settings, this requires the assignment of a correction officer to each inmate under constant supervision (commonly referred to as *one-on-one supervision*). In others, the physical plant configuration may allow more than one inmate to be constantly supervised by a single officer. Video surveillance is not sufficient to satisfy these requirements. There are conditions, illnesses and injuries for which a supervisory interval reduced to 15 minutes is entirely adequate and appropriate, but suicide attempt is not one of them.

**Documentation of Additional Supervision:**

Section 7003.3(i) requires orders for additional supervision to be recorded. Section 7003.3(j)(5) requires that a record be made of:

- ! the reason(s) for such order (i);
- ! the date(s) and time(s) during which such orders are to be in effect (ii);
- ! the name of the staff member issuing the order(s) (iii);
- ! the dates and the time that the additional supervision was performed (iv);
- ! the name of the staff member conducting the supervision (v);
- ! periodic observations of condition or behavior (vi).

In addition to the documentation of the *process* of ordering additional supervision of inmates whose condition, illness or injury warrants it, section 7003.3(j)(6) requires documentation of *significant events and activities* occurring during additional supervision. Those events and activities which may have a bearing on the reason additional supervision was originally ordered are deemed *significant*. Events and activities include both speech and behaviors. For example, an inmate who is exhibiting tearfulness, refusal to communicate, or intractable insomnia is experiencing significant events or activities, particularly if the inmate is under additional supervision for mental health problems. Of necessity therefore, compliance with the provisions for additional supervision requires some level of periodic interaction between the subject inmate and staff assigned to perform the additional supervision.

Requirements for additional supervision of inmates whose condition, illness or injury warrants it were promulgated with the understanding that “direct supervision” settings provide for more flexibility in supervising inmates who are **not** deemed to need special attention. The Commission has recognized the need for this flexibility by, for example, lengthening the minimum intervals for supervisory visits under active supervision to 30 minutes. It becomes all the more important, however, to then identify inmates who need additional supervision, to exercise enhanced vigilance where they are concerned and to keep good records of the supervision provided.

Questions and comments may be directed to Donald Nadler, Deputy Director of Operations or to the Field Supervisor in charge of the Unit serving your facility.

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Alan J. Croce, Chairman/Commissioner

