



CHAIRMAN'S MEMORANDUM

NO. 21-99 DECEMBER 20, 1999

TO: SHERIFFS, JAIL ADMINISTRATORS, COMMISSIONERS OF CORRECTION

RE: POPULATION COUNTS

This is to inform you of a change in Commission policy regarding the manner in which inmate population counts are conducted pursuant to 9 NYCRR, Section 7003.5, *Prisoner population counts*.

As you may know, over the years the Commission has authorized some county correctional facilities to conduct inmate population counts in a manner different than what is required by minimum standards. In some cases, authorization was granted either via variance or written agreement with the Commission.

In order to ensure that this essential standard component is implemented consistently statewide, the Commission will now require that all county correctional facilities adhere to the requirements of section 7003.5. The Commission will no longer accept facility count procedures that do not meet the standard requirements. Facilities currently allowed to do so via variance have been or will be notified that such variances will not be extended. Further, the Commission will no longer authorize variances regarding population counts.

Since there may be a need to clarify certain issues, the following information is offered:

1. Section 7003.5(b)(1-4) - Written documentation required by this section can be entered into housing unit logbooks or housing unit computers.
2. Section 7003.5(c) - The required written information that must be forwarded to the CAO or designee subsequent to population counts can be accomplished via written document (count slip) or forwarded via housing unit computers.
3. Section 7003.5(d)(1-3) - Written documentation regarding total prisoner counts can be entered into logbooks, count sheets, or computers.

In order to allow facilities sufficient time to modify count procedures, both written and operational, this new policy will take effect on March 1, 2000. The requirements are outlined on the enclosed attachment.

New York State Commission of Correction
4 Tower Place
Albany, New York 12203-3702
(518) 485-2346

Alan J. Croce, Chairman/Commissioner

Patricia R. Tappan, Commissioner
Frederick C. Lamy, Commissioner

Section 7003.5

- a) Prisoner population counts shall:
- 1) be conducted at the completion of each regularly scheduled shift;
 - 2) be conducted by the facility staff member completing such regularly scheduled shift in conjunction with the facility staff member beginning the next regularly schedule shift; and
 - 3) include an accounting of all prisoners housed in or otherwise assigned to the facility area in which such count is conducted.
- b) The results of each prisoner population count conducted pursuant to subdivision (a) of this section shall be recorded in writing. Such written record shall include the:
- 1) date and time of the count
 - 2) facility area in which the count was conducted
 - 3) number of prisoners accounted for
 - 4) names of facility staff members conducting the count.
- c) Subsequent to each prisoner population count conducted pursuant to subdivision (a) of this section, the written records of the results of each count compiled pursuant to subdivision (b) of this section shall be immediately forwarded to the chief administrative officer. Upon receipt of the results of all prisoner population counts, the chief administrative officer shall determine the total prisoner population count. Such total prisoner population count shall account for each prisoner committed to the facility.
- d) Total prisoner population counts shall be made in writing and shall include the:
- 1) date and time of such count
 - 2) the results of such count; and
 - 3) signature of the chief administrative officer.
- e) The chief administrative officer shall immediately initiate appropriate emergency procedures in response to any discrepancy in the prisoner population count.

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