

State of Vermont, Agency of Human Services Department of Corrections	Title: Restrictive Housing Status, Conditions of Confinement		Page 1 of 12
Chapter Security and Supervision	#410.06	New	
Attachments, Forms & Companion Documents: 1. Restrictive Housing Status Provisions & Management Standards 2. Restrictive Housing Status Review Matrix 3. Segregation Commissary Limits 4. Segregation Confinement Check Sheet 5. Segregation Confinement Log Sheet			
Local Procedure(s) Required: No Applicability: All staff, volunteers and contractors Security Level: "B"- Anyone may have access to this document.			
Approved: <div style="display: flex; justify-content: space-around;"> October 6, 2006 December 18, 2006 </div>			
Robert D. Hofmann, Commissioner	Date Signed	Date Effective	

PURPOSE

The purpose of this administrative directive is to describe the conditions of confinement for all restrictive housing units.

POLICY

It is the policy of the Department of Corrections to maintain safe, secure and humane housing for inmates who require placement on segregation status.

AUTHORITY & REFERENCE

28 V.S.A. Ch. 11; American Correctional Association, Standards for Adult Correctional Institutions, 4th Edition, January 2003, Standards 4-4140, 4-4149, 4-4253, 4-4256, 4-4257, 4-4258, 4-4259, 4-4260, 4-4261, 4-4262, 4-4263, 4-4264, 4-4265, 4-4266, 4-4267, 4-4268, 4-4269, 4-4270, 4-4271, 4-4272 and 4-4273.

DEFINITIONS

Administrative Segregation: A form of separation from the general population when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff or other inmates or to the security (escape planning) or orderly running of the institution (e.g., chronic, repetitive discipline problem). Inmates pending investigation, or pending transfer may also be included, if they pose a threat.

Disciplinary Segregation: A form of separation from the general population in which inmates committing serious violations of conduct regulations are confined for short periods of time to individual cells separated from the general population. Placement in disciplinary segregation

may only occur after finding of a rule violation at an impartial hearing and when there is not an adequate alternative disposition to regulate the inmate's behavior.

Protective Custody: A form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health or safety.

Restrictive Housing Status: A designation which provides for closely regulated management through placement on Administrative Segregation status or by placement on Disciplinary Segregation.

Restraint Status I: The securing of an inmate with hand cuffs behind the back and with leg irons.

Segregation Review Committee: A committee comprised of three (3) or more individuals from the ranks of custody operations, casework and medical or mental health. The purpose of the committee is to 1) determine the needs and requirements of an inmate assigned to segregation and 2) to assess the progress of individuals prior to a phase advancement or release from segregation status to determine whether the conduct of the inmate placed on segregation warrants further segregation.

Serious Mental Illness: Substantial disorder of thought, mood, perception, orientation or memory, any of which grossly impairs judgment, behavior, capacity to recognize reality or ability to meet the ordinary demands of life. This includes, but is not necessarily limited to, diagnoses of schizophrenia, schizoaffective disorder, psychotic conditions not otherwise specified, bipolar disorder and severe depressive disorders.

PROCEDURAL GUIDELINES

1. Establishment of Restrictive Housing Units

- a. Restrictive housing units shall be established in all facilities for the placement of inmates on Administrative Segregation and Disciplinary Segregation status with the exception of facilities designated as a work camp.
- b. Protective custody inmates shall be placed in the least restrictive housing that affords the most protection. This may include a restrictive housing unit.
- c. Inmates pending a classification hearing for placement in close custody shall be placed on Administrative Segregation pending their hearing or awaiting transfer to a close custody housing unit.

2. Restrictive Housing Unit Placement

- a. Placement in a restrictive housing unit shall be limited to those inmates assigned to segregation status according to the provision of administrative directives *Placement on Administration Segregation #410.03, Protective Custody #410.05 and Facility Rules & Inmate Discipline #410.01.*

- i. In regional facilities, incapacitated persons and inmates returned on a graduated sanction or a notice of suspension may be housed in a restricted housing unit.
- b. While recognizing the challenge of managing unpredictable numbers of inmates at any given time, general population inmates may **not** routinely be housed in restrictive housing units.

3. General Conditions for Restrictive Housing Status

The basic level of conditions described below shall apply to an inmate in restrictive housing status. These conditions are for normal unit operations. However, individual inmates may require further restrictions for order and/or control when required, based upon their past history or current behavior. Any such restrictions shall be noted in the housing unit log and on the *Segregation Confinement Log Sheet, Attachment 5*. An incident report shall be completed if an inmate has all of their property removed as a consequence of their behavior while on any restrictive housing status. An inmate in restrictive housing status shall be limited to the specific provision and standards outlined in the *Restrictive Housing Status Provisions and Management Standards, Attachment 1*.

- a. *Housing Conditions*: Housing areas for inmates on restrictive housing status shall be well-ventilated, adequately lighted, appropriately heated and maintained in a sanitary condition at all time. Each cell shall normally be equipped with beds which shall be securely fastened to the wall or floor and furnished in a manner consistent with cells in general population.
- b. *Clothing*: Each inmate shall be provided appropriate clothing in accordance with the administrative directive on inmate property.
- c. *Hygiene*: Each inmate on restrictive housing status shall be provided opportunities for personal hygiene and hair care services.
- d. *Linen and Laundry*: An inmate on restrictive housing status shall normally be provided the same bedding supplies and laundry schedule as provided inmates in general population.

4. Access to Programs and Services

An inmate on restrictive housing status shall be given access to available programs and services in accordance with *Attachment 1* and as follows:

- a. *Courts*: An inmate shall retain rights of access to the courts. Access shall include the use of law materials and attorney/client visits and phone calls.
- b. *Social Mail*: An inmate shall be provided the same opportunities for writing and receipt of letters available to inmates in the general population.

- c. *Legal Mail*: An inmate may have one box of legal mail in their cell, with access to other legal mail with advance notice to staff.
- d. *Caseworker*: An inmate shall continue to receive the services of a caseworker when on restrictive housing status.
 - i. An assigned caseworker shall visit each restrictive housing unit each business day.
 - ii. Each inmate assigned to Administrative Segregation for more than ten (10) days shall have a case plan developed that will address the inmate's placement behavior and attainable goals for return to general population.
- e. *Education*: An inmate on Administrative Segregation may have access to educational and library programs consistent with the security needs of the housing unit and/or facility. Individual education plans shall be maintained for those inmates age 22 and under who are deemed appropriate by the Corrections High School of Vermont (CHSVT). Such inmates shall, at a minimum, receive a comprehensive educational plan review to determine the scope of needed services. Recommendations from the CHSVT shall be accommodated by the facility consistent with the security needs of the housing unit. The programs offered to inmates on Administrative Segregation shall be approved by the Department Facility Executive.
- f. *Health and Mental Health Services*: Each inmate shall be provided required medication and access to health and mental health services.
- g. *Religion*: Approved religious staff and volunteers may visit restrictive housing units with the prior approval of the Superintendent.
- h. *Recreation*: Recreation for an inmate on restrictive housing status shall be for a minimum of one (1) hour daily, five (5) days a week out of the inmate's cell (to include indoors or outdoors.) A supervisor may deny recreation if releasing the inmate for recreation presents a threat to the unit's safety and security. The reason for denial shall be noted in the unit log and on the inmate's *Segregation Confinement Log Sheet*. An incident report shall also be completed.

5. Segregation Phase Placement

An inmate shall normally be placed on Phase I of Administrative Segregation following their segregation hearing.

- a. The Segregation Review Committee may elect to give an inmate credit towards placement on Phase II of Administrative Segregation for their time served, pending a segregation hearing.
- b. Inmates who complete a minimum of thirty (30) days on Administrative Segregation Phase I and meet the following criteria are eligible for advancement to Phase II segregation upon approval of the Segregation Review Committee:
 - i. No major A or major B disciplinary reports for the previous 30 days;

- ii. Completion of any assigned Phase I in-cell programming requirements;
- iii. Recommendation of the Living Unit Supervisor.

6. Staffing

Specifically screened staff shall be assigned to work a restrictive housing unit in accordance with the following criteria. Factors to be considered shall be the nature of the inmates in the unit, the ability of the respective staff candidate to manage such inmates, the employee's performance record and ability to communicate effectively.

- a. *Selection*: An employee assigned to work in a restrictive status housing unit as specified in Section 1 shall be a permanent employee who has demonstrated mature, good judgment and an ability to work in a difficult environment as reflected in acceptable performance ratings in each job element, of any service rating conducted during the previous twelve (12) month period.
- b. *Training and Supervision*: Special orientation for each employee shall be provided prior to placement on the unit to include: (1) the function of the unit, (2) the requirements of this directive, (3) rules governing the unit's operation, and (4) the needs and problems typical of inmates in the unit.

7. Restrictive Housing Status Review

- a. *Periodic review* – Each inmate assigned to restrictive housing status shall be reviewed in accordance with the *Restrictive Housing Status Matrix, Attachment 2*.
- b. *Inspection* – An inspection of each restrictive housing unit as prescribed in section 1 shall be conducted at least once a week by the Superintendent, Assistant Superintendent and Security and Operations Supervisor.
- c. *Staff inspections* – Each restrictive housing unit shall be visited by a correctional supervisor each shift, and a qualified mental health professional and a caseworker or living unit supervisor each business day.
- d. *Mental health review* – A qualified mental health professional shall review the status of each inmate placed on restrictive housing status according to the specific provisions of their respective status (Administrative Segregation, Disciplinary Segregation, Protective Custody). Such reviews are outlined in *Attachment 2*.

8. Release from Restrictive Housing Status

Release shall be based on the following:

- a. Criteria established in the following administrative directives:
 - i. *Placement on Administrative Segregation, 410.03*
 - ii. *Facility Rule and Inmate Discipline, 410.01*
 - iii. *Protective Custody, 410.05;*

- b. By order of the Superintendent to effect an out of state transfer;
- c. Completion of thirty (30) days of Administrative Segregation Phase II and with the recommendation of the Segregation Review Committee after meeting the following criteria:
 - i. Inmate received no major A or major B disciplinary reports in the last 60 days;
 - ii. Inmate maintained compliance with their segregation case plan, including any programming requirements;
 - iii. Inmate appears before the Segregation Review Committee and outlines reasons why they are ready to return to general population;
 - iv. The Segregation Review Committee shall consult with any staff member who was assaulted by an inmate who is under consideration for release back to general population.

9. Segregation Report

Each Superintendent with a restrictive housing unit will prepare a Segregation Report on the last day of each month. The report will provide:

- 1) a roster of inmates currently assigned to segregation by name and inmate ID;
- 2) a notation as to whether or not the inmate is on the list of persons with *serious mental illness (SMI)* and the nature of the *serious mental illness*;
- 3) a notation reporting any incident of self harm or attempted suicide by inmates in segregation;
- 4) the date of each inmate's placement on segregation;
- 5) the reason for placement; and
- 6) the length of stay.

The report will be sent as part of the facility monthly report to the Facilities Executive and Health Services Director, with a copy to the Department Hearings Administrator.

TRAINING

Each Superintendent with a restrictive housing unit, in conjunction with the Department Hearings Administrator, the Director of Human Resource Development and the Facilities Executive, shall develop local training and procedures regarding the implementation of this directive.

QUALITY ASSURANCE:

- 1. Adherence to the provisions of this directive will be monitored by the Security and Operations Audit Unit, the Department Hearings Administrator and the Department Facilities Executive.
- 2. The segregation report information (see Procedural Guidelines, section 9 above) will be compiled monthly at Central Office into a Segregation Report for review by the Department's Quality Council. The report may include discussion re: trends, patterns, and corrective action needed or taken.

ATTACHMENT 1 – SAMPLE

**VT DOC RESTRICTIVE HOUSING STATUS
PROVISIONS AND MANAGEMENT STANDARDS**

FUNCTION	DISCIPLINARY SEGREGATION	ADMINISTRATIVE SEGREGATION (PHASE I)	ADMINISTRATIVE SEGREGATION (PHASE II)
Movement out of cell in a secured area within housing unit (e.g., on tier or in dayroom space)	No more than one (1) inmate out of their cell at one time on a tier or in a dayroom space.	No more than two (2) inmates out of their cell at one time on a tier or in a dayroom space.	No more than four (4) inmates out of their cells at one time on a tier or in a dayroom space.
Movement out of cell or out of secured area when on restraint status I (e.g., on tier or dayroom space)	Inmates on restraint status I may not be out of their cell with another inmate	Inmates on restraint status I may not be out of their cell with another inmate.	An inmate on restraint status I may not be assigned to Phase II segregation
Movement out of unit other than to adjacent recreation area	Inmates shall be placed in handcuffs and leg irons and escorted by a designated officer.	Inmates shall be placed in handcuffs and leg irons and escorted by a designated officer.	Handcuffs only and escorted by a correctional officer
In cell observation	Direct observation by a correctional officer no less frequently than every 30 minutes – living, breathing flesh must be observed	Direct observation by a correctional officer no less frequently than every 30 minutes – living, breathing flesh must be observed	Direct observation by a correctional officer no less frequently than every 30 minutes – living, breathing flesh must be observed
Cell searches and security checks	Random, but not less than three (3) times every seven (7) days or when warranted	Random, but not less than three (3) times every seven (7) days or when warranted	Random, no less than once every seven (7) days
Showers	No less than three (3) times per week	No less than three (3) times per week	No less than five (5) times per week
Work assignments	Not allowed	Limited to tier and shower cleaning assignment	Limited to tier and shower cleaning assignment
Food Service	Regular institutional meal served in the cell. No food containers may be retained	Regular institutional meal served in the cell. No food containers may be retained	Regular institutional meal served in the cell. No food containers may be retained
Recreation (Out of cell)	One (1) hour, five (5) times per week – indoors or outdoors	One (1) hour, five (5) times per week – indoors or outdoors	One (1) hour daily – indoors or outdoors May be with four (4) other inmates
Behavior change programming	In cell self-learning units	In cell self-learning units	In cell self-learning units. Groups of three (3) in a secure area.
Education	As required by state law. In cell programming only.	As required by education department and state law. In cell programming only.	As required by education department. In cell programming or small groups of three (3) or less.
Inmate Property	Refer to segregation allowable property limits matrix.	Refer to segregation allowable property limits matrix.	Refer to segregation allowable property limits matrix.
Visits	Once per week. Non-contact where facility design allows.	Once per week. Non-contact where facility design allows.	Once per week. May be contact.
Mail (social) Retention	Same as general population.	Same as general population.	Same as general population.

FUNCTION	DISCIPLINARY SEGREGATION	ADMINISTRATIVE SEGREGATION (PHASE I)	ADMINISTRATIVE SEGREGATION (PHASE II)
Mail (legal) Retention	One file box with access to other legal mail with advance notice to staff.	One file box with access to other legal mail with advance notice to staff.	One file box with access to other legal mail with advance notice to staff.
Reading Materials	Limit of one (1) book general reading and one (1) legal book	Request slip to the library once per week. Limit two (2) books in cell.	Request slip to the library once per week. Limit three (3) books in a cell.
Telephone usage	One call per week, collect only	One call per week, collect only	Three calls per week, collect only
Television	Not allowed	Not allowed	Not allowed
Radio in Cell	Not allowed	Not allowed	Not allowed
Medical Services	A member of the medical staff shall tour the unit daily and pick up sick call slips	A member of the medical staff shall tour the unit daily and pick up sick call slips	A member of the medical staff shall tour the unit daily and pick up sick call slips
Laundry Services	Same as general population	Same as general population	Same as general population
Commissary	Refer to segregation commissary limits	Refer to segregation commissary limits	Refer to segregation commissary limits
Hair cuts	Upon release from disciplinary segregation	Once every 30 days	Once every 30 days
Uniform	Jumpsuit (also refer to segregation property limits)	Jumpsuit (also refer to segregation property limits)	Jumpsuit (also refer to segregation property limits)
Razors	Issued by staff on weekends for 30 minutes unless on no razor status	Issued by staff on weekends for 30 minutes unless on no razor status	Issued by staff upon request during shower periods
Recreation and shower alone status	Out alone for showers and recreation when combined; must be out for one (1) hour and ten (10) minutes	Out alone for showers and recreation when combined; must be out for one (1) hour and ten (10) minutes	Out alone for showers and recreation when combined; must be out for one (1) hour and ten (10) minutes
Cell cleaning	Shall occur weekly on the weekend at a minimum.	Shall occur weekly on the weekend at a minimum.	Shall occur weekly on the weekend at a minimum.
Religious Service	Visits upon request by a certified religious volunteer once a week	Visits upon request by a certified religious volunteer once a week	Visits upon request by a certified religious volunteer once a week
Mental Health Services	Weekly rounds unless mandated more frequently or clinically indicated	Weekly rounds unless mandated more frequently or clinically indicated	Weekly rounds unless mandated more frequently or clinically indicated

ATTACHMENT 2 – SAMPLE

**VT DEPARTMENT OF CORRECTIONS
RESTRICTIVE HOUSING STATUS REVIEW MATRIX**

Type of Restrictive Status:→	Administrative Segregation Phase I	Administrative Segregation Phase II	Disciplinary Segregation	Protective Custody	SMI Inmate on any form of Segregation
Staff Responsible:↓					
Correctional Officer	Every 30 minutes unless on a more frequent watch	Every 30 minutes unless on a more frequent watch	Every 30 minutes unless on a more frequent watch	Every 30 minutes unless on a more frequent watch	Every 30 minutes unless on a more frequent watch
Medical Staff	Once every day	Once every day	Once every day	Once every day	Once every day
Mental Health Staff	For first 60 days , weekly or more often as necessary	For first 60 days weekly or more often as necessary	For first 30 days, weekly or more often as necessary	Every 30 days weekly or more often as necessary	3x per week or more often as necessary
Casework Staff	One per business day	One per business day	One per business day	One per business day	One per business day
Shift Supervisor	Once per shift	Once per shift	Once per shift	Once per shift	Once per shift
Superintendent	Once per week	Once per week	Once per week	Once per week	Once per week
Facilities Executive	60 day review	60 day review	N/A	60 day review	Every 30 days
Segregation Review Committee	Every 7 days for 1 st 2 months and every 30 days thereafter	Every 7 days for 1 st 2 months and every 30 days thereafter	N/A	Every 7 days for 1 st 2 months and every 30 days thereafter	Every 7 days for 1 st 2 months and every 30 days thereafter

ATTACHMENT 3 – SAMPLE**VT DEPARTMENT OF CORRECTIONS
SEGREGATION COMMISSARY LIMITS**

DISCIPLINARY SEGREGATION	ADMINISTRATIVE SEGREGATION PHASE I	ADMINISTRATIVE SEGREGATION PHASE II
<i>Hygiene Items</i>	<i>Hygiene Items</i>	<i>Hygiene Items</i>
1 hand lotion	1 hand lotion	1 hand lotion
1 deodorant	1 deodorant	1 deodorant
1 soap	1 soap	1 soap
1 toothpaste	1 toothpaste	1 toothpaste
1 shampoo	1 shampoo	1 shampoo
1 writing pad	1 writing pad	1 writing pad
10 envelopes	10 envelopes	10 envelopes
1 foot powder	1 foot powder	1 foot powder
1 shave cream	1 shave cream	1 shave cream
<i>Clothing Items</i>	<i>Clothing Items</i>	<i>Clothing Items</i>
7 underwear	7 underwear	7 underwear
1 bra	1 bra	1 bra
0 shorts	0 shorts	1 shorts
1 pajama/nightgown	1 pajama/nightgown	2 pajamas/nightgowns
1 pants/jumpsuit	1 pants/jumpsuit	2 pants / jumpsuits
1 shoes/sneaker	1 shoes/sneaker	1 shoes/sneakers
1 shower shoes	1 shower shoes	1 shower shoes
2 socks	2 socks	3 socks
0 sweatshirts	0 sweatshirts	1 sweatshirt
0 sweatpants	0 sweatpants	1 sweatpants
3 undershirts/ t-shirts	3 undershirts/ t-shirts	3 undershirts/ t-shirts
		Snack items – any 3 items from the commissary menu

ATTACHMENT 5 – SAMPLE

**VT DEPARTMENT OF CORRECTIONS
SEGREGATION CONFINEMENT LOG SHEET**

Inmate Name: _____ DOB: _____

Date Placed on Restrictive Status: _____

Type of Restrictive Status:

_____ Administrative Segregation _____ Disciplinary Segregation _____ Protective Custody

**Include Appropriate Information & Abbreviation in Each Box
I-Issued A-Approved E-Exchanged R-Refused X-Received Ret-Returned**

ACTIVITY	Sunday Date:			Monday Date:			Tuesday Date:			Wednesday Date:			Thursday Date:			Friday Date:			Saturday Date:		
Medical Services/Visit																					
Mental Health Services/Visit																					
Prescribed Medication																					
Meals Served	B	L	D	B	L	D	B	L	D	B	L	D	B	L	D	B	L	D	B	L	D
Exercise (1hr, 5 days)																					
Canteen																					
Shave/Shower (3 per week)*																					
Hygiene/Indigent Items																					
Telephone Privileges																					
Clothing Exchange																					
Laundry Exchange																					
Mail Sent/Received																					
Leisure Library/Reading Materials																					
Barbering/Hair Care Services																					
Educational Services																					
Legal Visit/Calls																					
Religious Guidance Visit																					
Staff Visit																					
Visits																					
Shift Supervisor/Ofcr in Charge of Unit (once daily visit with inmate)																					

* Unless on No Razor Status

REMOVAL:

Supervisor Review: _____
Signature

_____ Date