Policy
1.3.D.4
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Distribution: Public Administrative Segregation

1.3.D.4 Administrative Segregation

I Policy Index:



Date Signed: 11/11/2012
Distribution: Public
Replaces Policy: N/A

Supersedes Policy Dated: 08/16/2010
Affected Units: Adult Institutions

Effective Date: 11/12/2012
Scheduled Revision Date: July 2013

Revision Number: 8

Office of Primary Responsibility: DOC Administration

II Policy:

Inmates who require greater security, supervision, or control than can be afforded in general population will be referred for Administrative Segregation status.

III Definitions:

Administrative Segregation:

A status designated for inmates who have not responded to counseling or conventional disciplinary sanctions, who are flagrantly or chronically disruptive to the good order and disciplined operation of the institution, or who pose a threat to the security of the institution (may include those inmates with a Capital Punishment sentence). Administrative Segregation is not a disciplinary sanction or a punitive status.

Threat to the Security of the Institution:

Any behavior which causes or is reasonably likely to cause acts of violence, escape, injury or death, or substantial destruction of property. Inmates who incite others to engage in disruptive behavior may also be considered a threat to the security of the institution.

Administrative Segregation Hearing Board

An Administrative Segregation Hearing Board shall consist of three members. The members of an Administrative Segregation Hearing Board shall generally consist of a uniformed security officer of the rank of Captain or higher and two (2) Unit Managers or a substitute(s) designated by the Warden. One member shall be selected by the Warden to serve as the Chairman.

IV Procedures:

1. Referral for Administrative Segregation:

- A. Normally, such referral is made by the inmate's unit team following Disciplinary Segregation or at the time of initial classification (See DOC policies 1.3.D.1 *Disciplinary Segregation Housing*, 1.4.B.2 *Male Inmate Classification* and 1.4.B.15 *Female Inmate Classification*).
- B. The Warden or his/her designee may order an inmate be placed in segregation when it is necessary to protect the inmate or others. The placement shall be reviewed within 72 hours by the Administrative Segregation Hearing Board.

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2. Inmate Notice of Initial Administrative Segregation Hearing:

A. The inmate will be given notice (See Attachment 1) at least twenty-four (24) hours prior to an Administrative Segregation hearing. The notice will include:

- A statement describing the reason(s) the inmate is being considered for Administrative Segregation status, i.e. "because of the three assaults you have committed", "because of the loan sharking operation you have been running", "because of your escape risk", "because of your cumulative disciplinary record", etc.
- 2. The date, time and place of the hearing.
- B. The inmate will be provided a list of the rights which he/she has regarding the hearing (See Attachment 1):
 - 1. The inmate may be present at the hearing, unless his/her presence would create a threat to the safety of others.
 - a. Reasons for not allowing an inmate to be present must be documented in writing and provided to the inmate.
 - b. The inmate must indicate his/her desire to be present when returning the copy of the notice.
 - c. If an inmate declines to appear at his/her administrative segregation hearing, the hearing will be held in absentia.
 - 2. The inmate may be assisted by a member of his/her unit staff, normally a case manager designated by the Warden. The case manager will be present at the Administrative Segregation Hearing, unless the inmate waives this requirement.
 - 3. The inmate will be allowed to speak on his/her own behalf and present relevant documents or a written statement.
 - 4. When a hearing is based upon an inmate's alleged involvement in a criminal matter, the inmate must be advised of his/her right to remain silent and that anything he/she says may be used against him/her in a court of law.
 - In addition to the specific reasons for which the hearing is being conducted, the
 Administrative Segregation Hearing Board may consider the inmate's past/present
 institutional adjustment, record, attitude, specific program needs, criminal record and
 informational and/or investigative reports (See Criteria for Administrative Segregation
 Placement).
 - 6. If the reason(s) for Administrative Segregation referral are based, in part or in full, on confidential investigative information, the investigator may not be a member of the Administrative Segregation Hearing Board. The Chairman of the Administrative Segregation Hearing Board must be fully informed about the confidential investigative information.

3. Administrative Segregation Hearing Board:

A. An Administrative Segregation Hearing Board (Board) will consist of three (3) members:

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1. One (1) supervisory correctional officer (normally with the rank of Captain or higher, however, a Sergeant or Lieutenant may serve in this capacity if staff with the rank of Captain or higher is not available).

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- 2. Two (2) unit managers, if available, to be designated by the Warden.
- 3. If a facility does not have two (2) unit managers available, the Warden will designate a substitute(s).
- B. One (1) member will be selected by the Warden to serve as the Chair of the Board.

4. Hearing and Decision Process:

- A. The Board may require staff and/or other inmate witnesses to appear at the hearing to present relevant information. The Board may temporarily adjourn a hearing to obtain additional information.
- B. Hearings will be recorded except for the Board's deliberation.
- C. The Board will consider if there is reasonable cause to warrant Administrative Segregation for the inmate.
 - 1. The Board can classify an inmate to Administrative Segregation if the inmate presents a risk to the security or disciplined operation of the institution or the safety of that inmate or others, or when separation from general population is warranted.
 - 2. The Board may use reliable confidential inmate information to reach this decision.
- D. The Board will provide a copy of the Administrative Segregation Hearing Board Findings and Disposition sheet (See Attachment 2) to the inmate. The sheet documents if the inmate will be returned to general population or be placed on Administrative Segregation.
- E. If the hearing results in a placement on Administrative Segregation, the Board will document on the Administrative Segregation Hearing Board Findings and Disposition sheet the criteria which must be met by the inmate before he/she will be considered for release from Administrative Segregation. Examples are:
 - 1. Maintaining a "satisfactory" on the unit housing evaluation report.
 - 2. Maintaining a clean disciplinary record.
 - 3. Reading and/or reporting on specific material as determined by the Board.
 - 4. Maintaining a daily anger and activity log.
 - 5. Creating a written release plan.
 - 6. Appropriate interaction with other inmates and staff.
 - 7. Other individual criteria as determined by the Board.
- F. At the time of the initial Administrative Segregation hearing, the inmate will be advised by the Board of the probable duration of his/her Administrative Segregation status.

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G. An inmate will be advised of his/her right to appeal the Board's decision in accordance with DOC policy 1.3.E.2 *Administrative Remedy for Inmates*.

5. Criteria for Administrative Segregation Placement:

- A. The Board has authority to place an inmate on Administrative Segregation.
- B. Administrative Segregation is appropriate when:
 - 1. There are episodes of clearly documented threats or acts of violence or harm towards self and/or others (incidence of violence).
 - 2. There is an established pattern of behavior that has resulted in harm to self or others.
 - 3. There is a reasonable belief that the inmate will continue to engage in violence or harm towards self and/or others if the inmate is not strictly supervised.
 - 4. There is a history of misuse of a less restrictive custody or the inmate is considered to be an escape risk (escape profile).
 - 5. There is a history of unresponsiveness to counseling or conventional disciplinary sanctions and the inmate is flagrantly or chronically disruptive to the security and/or disciplined operation of the institution.
- C. Administrative Segregation may not be used to control behavior which is determined to be the result of mental illness, which can be more appropriately treated through intervention by mental health staff.
- D. Inmates placed in Administrative Segregation should be provided appropriate programming that is conducive to their well-being, as determined by unit staff.
- E. In addition to the particular reason for referral, the Board may consider the inmate's:
 - 1. Disciplinary record.
 - 2. Past criminal record.
 - 3. Records from past incarcerations.
 - 4. Psychological assessments.
 - 5. Involvement in criminal activity while incarcerated.
 - 6. Attitude toward authority.
 - 7. Institutional record from work assignments.
 - 8. Adjustment to institutional programming.
 - 9. Willingness and ability to be housed with other inmates.
 - 10. Record of violent reactions to stressful situations.
 - 11. Habitual conduct or speech of a nature that instigates stressful and/or violent situations.

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- 12. Involvement with prison gangs.
- 13. Chronic insubordination.
- 14. Escape profile or other assigned Administrative Risk factors.
- F. An inmate may be placed on Administrative Detention pending an Administrative Segregation hearing when there is reasonable cause to believe that the inmate is an immediate danger to himself/herself or to others or that he/she presents a threat to the security of the institution.
- G. The hearing will be held no sooner than twenty-four (24) hours after the inmate is given a notice of the hearing (See Attachment 1).

6. Administrative Segregation Review Hearings:

- A. The Board will review each inmate assigned to Administrative Segregation at least every ninety (90) days (See Attachment 1). The review will be recorded except for the Board's deliberation.
 - 1. If an Administrative Segregation inmate is placed on Disciplinary Segregation status, his/her Administrative Segregation Review hearing may be postponed until the inmate is close to concluding his/her Disciplinary Segregation time.
 - 2. A written notice of the review hearing will be given to the inmate at least twenty-four (24) hours prior to the hearing (See Attachment 1).
 - 3. The inmate may choose to be present at this review hearing to discuss his/her continued placement on Administrative Segregation.
 - 4. If an inmate declines to appear at his/her Administrative Segregation hearing or the Board determines his/her presence would create a threat to the safety of others, the hearing will be held in absentia.
 - 5. Reasons for not allowing an inmate to be present at the review hearing must be documented in writing and provided to the inmate.
 - 6. The inmate will be provided a list of the rights which he/she has regarding the hearing (See Attachment 1):
- B. At the time of the review hearing, the Board will decide whether an inmate remains on Administrative Segregation or is reclassified to general population.
- C. The Board will provide the inmate a copy of the Administrative Segregation Hearing Board Findings and Disposition sheet and the criteria which must be met by the inmate before he/she will be considered for release from Administrative Segregation.
 - 1. The Board may consider an inmate's behavior and progress during the time preceding the inmate's placement in Administrative Segregation or the last review by the Board when determining whether there is reasonable cause to warrant continuing to classify an inmate to Administrative Segregation.
 - 2. If the classification process includes reasons justifying a good faith belief that returning the inmate to general population may pose a threat to self, staff, or others or the disciplined operation of the institution the inmate will remain on Administrative Segregation.

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3. The inmate will be advised by the Board of the probable duration of his/her Administrative Segregation status or the next scheduled hearing review date.

4. The inmate will be advised of his/her right to appeal the Board's decision in accordance with DOC policy 1.3.E.2 *Administrative Remedy for Inmates*.

7. Mental Health Assessment of Inmates on Administrative Segregation:

- A. Upon notification that an inmate is placed in Administrative Segregation, mental health staff will review the inmate's mental health record to determine whether existing mental health needs contradict placement in Administrative Segregation or the required accommodations.
 - Department of Social Services (DSS) Correctional Behavioral Health staff will provide an assessment of an inmate's current mental health status and needs upon placement in Administrative Segregation (See Attachment 3).
 - 2. The purpose review is to ensure no inmate is placed on Administrative Segregation for whom mental health considerations indicate such placement is inappropriate.
 - 3. The focus of the review will include the inmate's MH record. A face-to-face assessment may be conducted at the discretion of MH staff.
 - Inmates housed in Administrative Segregation may be referred by staff for a mental health assessment any time the inmate's behavior indicates a mental health issue/need (See Attachment 4).
- B. A mental health professional will assess the status of all inmates on Administrative Segregation for more than ninety (90) days.
 - 1. DSS staff will provide a summary of the inmate's current mental health status to the Board (See Attachment 3).
 - 2. The purpose of the assessment is to provide the Board with information which will assist the Board in determining appropriate housing /unit placement of the inmate.
 - 3. Such assessment will include a review of the inmate's MH record, past functioning in Administrative Segregation and may include a face-to-face assessment with the inmate, at the discretion of MH staff.
 - 4. Mental health assessments will be completed every ninety (90) days following an inmate's initial placement in Administrative Segregation.
- C. Mental health or medical staff may advise DOC staff regarding the level of monitoring recommended for an inmate placed in Administrative Segregation to maintain their medical, dental and mental health status/wellbeing.
 - 1. Inmates housed in Administrative Segregation may request to be seen by medical or mental health staff through the inmate kite system or when DOC/medical/mental health staff are conducting rounds.
 - 2. Staff will document an inmate's medical, mental health or dental needs and all rounds conducted within the Administrative Segregation unit.

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8. Administrative Segregation Work and Escort Restrictions:

- A. An inmate on Administrative Segregation will be restricted to work assignment within his/her assigned housing area.
- B. Security restraint and staff supervision requirements for Administrative Segregation inmates escorted within the unit/facility will be applied and adhered to in accordance with applicable institutional operational memorandums (OMs), unit plan and/or post orders.

9. Administrative Segregation Programs/Services:

- A. The following programs/services are available to inmates on Administrative Segregation:
 - 1. Medical/dental.
 - Optometric.
 - 3. Psychiatric/psychological.
 - 4. Counseling.
 - 5. Recreation (daily).
 - 6. Self-help/therapy books and other reading materials as approved.
 - 7. Legal assistance/Attorney Visits (See DOC policy 1.3.E.1 Inmate Legal Assistance).
 - 8. General and legal mail (See DOC policy 1.5.D.3 Offender Correspondence).
 - 9. Class II visits (See DOC policy 1.5.D.1 Inmate Visiting).
 - 10. Telephone calls (See DOC policy 1.5.D.4 Inmate Access to Telephones).
 - 11. Personal property, which will be restricted for security reasons only (See DOC policy 1.3.C.4 *Inmate Personal Property*).
 - 12. Access to clergy and/or religious and spiritual counseling (See Cultural Activities Coordinator).
 - 13. Educational opportunities (See Unit Coordinator).
- B. Information on the day-to-day operation of the Administrative Segregation Unit is available in the respective Unit Plan (See DOC policy 1.3.A.1 *Unit Plans*).

V Related Directives:

DOC policy 1.3.A.1 - Unit Plans

DOC policy 1.3.C.4 – *Inmate Personal Property*

DOC policy 1.3.D.1 – Disciplinary Segregation Housing

DOC policy 1.3.E.1 – *Inmate Legal Assistance*

DOC policy 1.3.E.2 – Administrative Remedy for Inmates

DOC policy 1.5.D.1 – *Inmate Visiting*

DOC policy 1.5.D.3 – Offender Correspondence

DOC policy 1.5.D.4 – *Inmate Access to Telephones*

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VI Revision Log:

August 2004: New policy, written from SDSP and SDWP OMs.

<u>August 2005:</u> Clarified that the staff representative (case manager) will normally be present at the administrative segregation hearing. **Added** reference to DOC policies 1.5.D.3 and 1.5.D.4. Changed the policy name on 1.3.D.1.

July 2006: No changes made.

<u>July 2007:</u> Added additional language regarding the Department of Human Services Correctional Mental Health Services providing a summary of the inmate's current mental health status and needs. Added attachments 3 and 4. Revised the language on escort/restraint requirements for Administrative Segregation inmates.

<u>July 2008:</u> Revised formatting of policy and attachments in accordance with 1.1.A.2. **Deleted** the "/" between Administrative and Segregation in ss (E) of the Hearing and Decision Process section. **Revised** "Administrative Segregation Inmates" to read "inmates on Administrative Segregation" throughout policy. **Revised** Attachments 3 and 4 with related policies.

<u>July 2009:</u> Revised title of DOC policy 1.5.D.3 to be consistent with actual title of policy and as saved on the M drive. **Added** reference to Warden selecting the Chair within ss (B of Administrative Segregation Hearing Board). Revised minor wording throughout policy. **Updated** formatting of Attachment headers.

<u>July 2010:</u> Revised formatting of Section 1. Revised title of DOC policy 1.4.B.2 and added reference to 1.4.B.14.

August 2012: Added definition of Administrative Segregation. Added "may include those inmates with a capital punishment sentence" to definition of Ad. Seg. Added B. to Section 1. Added "specific program needs" to Section 2 B. 5. Deleted "and therefore requires separation from the general population" Deleted "to the Warden and the Warden's decision to the SOC" and Replaced with "in accordance with DOC policy" in Section 4 G. Deleted "if he/she presents a risk to the security of disciplined operation of the institution" and Replaced with "has the authority to" in Section 5 A. Added "or acts" and "or harm" to Section 5 B. 1. Added new D. and Renumbered existing items that followed in Section 5. Added 14, to Section 5 E. Added "The review will be recorded except for the Board's deliberation" in Section 6 A. Added "or the Board determines his/her presence would create a threat to the safety of others" in Section 6 A. 4. Added 5. And 6. to Section 6 A. Deleted ninety (90) days" and Replaced with "time preceding the inmate's placement in Ad. Seg. or the last review by the Board" in Section 6 C. 1. Deleted "expose an inmate to bodily harm or other violent acts" and Replaced with "pose a threat to self, staff or others" and Added "the disciplined operation of the institution" in Section 6 C. 2. Added 3. and 4. to Section 6 C. Deleted "A mental health professional will personally interview and assess the psychological status of each inmate prior to their initial Administrative Segregation hearing and prior to each review hearing" and Replaced with "Upon notification that an inmate is placed in Ad. Seg., mental health staff will review the inmate's mental health record to determine whether existing mental health needs contradict placement in Ad. Seq. or the requirement accommodations in Section 7 A. Replaced "Human Services" with "Social Services in Section 7. Added "upon placement in Ad. Seg. in Section 7 A. 1. Added "in the inmate's records and MH record" and "may be conducted at the discretion of MH staff" in Section 7 A. 3. Added new 2, and changed 2, to 3. In Section 7 A. **Deleted** "and/or disciplinary segregation for a continuous period of more than one (1) year" and Replaced with "for more than ninety (90) days" in Section 7 B. Deleted "to ensure that no inmate is on Ad. Seg. and/or Dis. Seg. for whom mental health considerations indicate such status is inappropriate" and Replaced with "to provide the Board with information which will assist the Board in determining appropriate housing/unit placement of the inmate" in Section 7 B. 2. **Deleted** "personal interview" and **Replaced** with "a review of the inmate's MH record, past functioning in Ad. Seg. and may include a face-to-face assessment" and "at the discretion of MH staff" in Section 7 B. 3. Deleted six months an inmate is on Ad. Seg. or Dis. Seg." and Replaced with ninety days following an inmate's initial placement on Ad. Seg." in Section 7 B.4. Added C. and C. 1. and C. 2 to Section 7. Deleted "procedures contained in DOC policy" and Replaced with "procedures contained within the institutional OM" in Section 8 B. Added (daily) to Section 9 A. 5.

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Added "and other reading materials as approved) in Section 9 A. 6. **Added** "attorney visits" to Section 9 A. 7. **Added** 12 & 13. to Section 9 A. **Revised** Attachment 2 to conform with policy.

Denny Kaemingk	11/11/2012
Denny Kaemingk, Secretary of Corrections	Date

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Attachment 1: Administrative Segregation Notice of Hearing

The Administrative Segregation Notice of Hearing form is located on the state's WAN.

A copy may be printed using *Microsoft Word* as follows:

- 1. Click here to access the Administrative Segregation Notice of Hearing by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
- 2. Or Select *File/New* from the Menu Bar / Select the *DOC* tab / Select *Administrative Segregation Notice of Hearing.*

The gray areas indicate the information that is to be entered.

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Inmate Rights Regarding A		, ,			
You must be given 24 hours written notice p hearings.	dor to the date and Im	e of your init	lai hearing or any review		
2. Your hearing will be held before the Adminis					
consist of the Major (or designee) and two of 3. You may be present at the hearing unless w					
Reasons for not allowing you to allend the hearing must be documented and provided, in writing to you.					
You must indicate your desire to be present when returning the required copy.	on the Notice of Admir	nistratue Seg	regation Hearing form		
If, because of the complexity of the issues, you are unable to prep are your own case, you may be represented by a member of your units latt.					
 If the heating is based on your alleged involvement in criminal activities, you must be advised of your right to remain silent and that anything you say may be used agains tyou in a court of law. 					
In addition to the particular reason(s) for whi	ich he hearing is being	conducted,	he Board may consider		
your plast and present institutional all tuter, a 7. Following the hearing the Board must provid continement or continued continement and	e written results to you	alincluding re-	asons for your initial		
release.					
8. You must be reviewed by the Administrative	Segregation Hearing	Board alleas	levery 90 days.		
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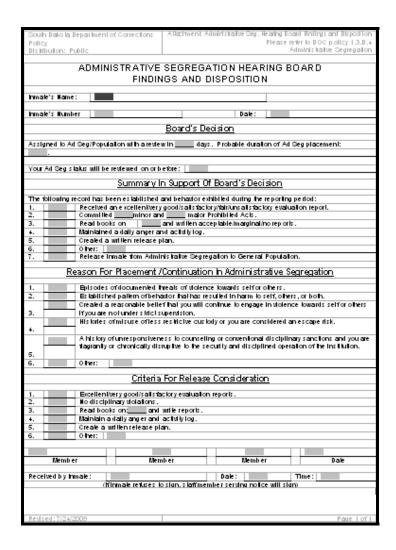
Attachment 2: Administrative Segregation Hearing Board Findings and Disposition

The *Administrative Segregation Hearing Board Findings and Disposition* form is located on the state's WAN.

A copy may be printed using *Microsoft Word* as follows:

- 1. Click here to access the Administrative Segregation Hearing Board Findings and Disposition by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
- 2. Or Select *File/New* from the Menu Bar / Select the *DOC* tab / Select *Administrative Segregation Hearing Board Findings and Disposition.*

The gray areas indicate the information that is to be entered.



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Attachment 3: Inmate Mental Health Status

The Inmate Mental Health Status form is located on the state's WAN.

A copy may be printed using *Microsoft Word* as follows:

- 1. Click here to access the *Inmate Mental Health Status* by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
- 2. Or Select File/New from the Menu Bar / Select the DOC tab / Select Inmate Mental Health Status.

The gray areas indicate the information that is to be entered.

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Therap	ist				Date		

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Attachment 4: Mental Health Referral

The *Mental Health Referral* form is located on the state's WAN.

A copy may be printed using *Microsoft Word* as follows:

- 1. Click here to access the *Mental Health Referral* by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
- 2. Or Select File/New from the Menu Bar / Select the DOC tab / Select Mental Health Referral.

The gray areas indicate the information that is to be entered.

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