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This Administrative Regulation is to be made available in law libraries or other inmate resource centers.

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SUMMARY of REVISION/REVIEW

Deleted reference to "barbering" in Section III.H. and IV.H. add clarifying language to radio, television and headphone possession consistent with the Administrative Segregation Levels Program. Added 'Nebraska' in the Signature block.

APPROVED:



ROBERT P. HOUSTON, Director
Nebraska Department of Correctional Services

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PURPOSE

The proper handling of special management inmates is essential to maintaining a safe, secure and humane environment for inmates, staff and the public. This policy establishes guidelines for the conditions of confinement for special management inmates.

- I. Each institution shall formulate policies and procedures consistent with this Administrative Regulation to cover the conditions of confinement for special management inmates. The policies and procedures shall be consistent with the institution's function and the nature of its inmate population and programs.

- II. "Special Management Inmates" include, but are not limited to, inmates whose activities and privileges have been suspended or limited because they are in one or more of the following classifications:
 - A. Disciplinary Segregation (DS)
 - B. Death Row (DR)
 - C. Court Imposed Segregation (CI)
 - D. Immediate Segregation (IS)
 - E. Administrative Segregation (AS) which includes:
 1. Administrative Confinement (AC)
 2. Protective Custody (PC)
 3. Intensive Management (IM)
 4. Transition Confinement (TC)

- III. Services and Programs - Special management inmates in segregation because of their classification as a special management inmate shall receive the following services and programs unless documented security and safety considerations dictate otherwise.
 - A. Prescribed medication and access to health care by a qualified health care official.
 - B. Clothing that is not degrading.
 - C. Access to authorized personal items for use in their cells.
 - D. Substantially the same meals served to the general population.
 - E. The opportunity to shave and shower at least three (3) times per week.
 - F. The issue and exchange of clothing, bedding and linen on the same basis as inmates in the general inmate population.
 - G. Access to laundry services on the same basis as inmates in the general inmate population.

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- H. Access to hair care services on substantially the same basis as inmates in the general inmate population.
 - I. The same opportunity to write and receive letters as is available to the general inmate population.
 - J. Opportunities to visit.
 - K. Telephone privileges as defined in A.R. 205.03, Inmate Telephone Regulations.
 - L. Access to legal materials.
 - M. Access to reading materials.
 - N. A minimum of one (1) hour per day, five (5) days per week, of exercise outside their cells.
 - O. It is in the best interest of all to provide Special Management inmates with resources that will enable them to be better citizens within the institution and upon their return to society. Special Management inmates assigned to segregated confinement, including those inmates on disciplinary segregation for more than 60 days, shall have access to programs and services that include, but are not limited to educational services, canteen services, library services, social services, counseling services, religious guidance, and recreational programs. Court Imposed inmates (CI) are confined in segregation for usually no more than 48 hours. CI inmates have only a temporary interruption of programs or services, which resume upon return to general population.
- IV. Conditions of Segregated Confinement - The conditions of confinement for special management inmates in segregation are set forth below. The Director/designee must approve any deviations from these requirements.

Inmates in Transition Confinement status will have the same conditions of confinement as inmates on Administrative Confinement. These conditions may be adjusted by individual transition confinement programs.



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		IS	AC	PC	IM	DS	DR	CI
O. ACCESS TO PROGRAMS AND SERVICES								
	Inmates shall have access to programs and services, including educational services, social services, counseling services and religious guidance as established by the Operational Memorandum of each facility and based upon the services provided at that facility.	X	X	X	X	X	X	X
P. SANITATION								
	Inmates shall keep their cells neat and clean. Unit staff will provide the necessary cleaning materials.	X	X	X	X	X	X	X
Q. PERSONAL HYGIENE								
	Inmates shall maintain acceptable standards of personal hygiene. Indigent inmates will be issued the necessary personal hygiene items.	X	X	X	X	X	X	X
R. TRUST FUND WITHDRAWALS/CANTEEN								
	Inmates may draw up to the amount allowed for canteen purchases by general population inmates from their inmate trust account.	X	X	X	X	X	X	X
	Inmates can use the funds in their inmate trust account only to purchase legal materials and supplies, stamped envelopes and essential personal hygiene items.					X		
	Inmates can have canteen orders filled at least one time per week.	X	X	X	X	X	X	X



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S. RADIO/TELEVISION PRIVILEGES								
	Inmates can use personal radio and television sets with headsets or earphones in accordance with the Administrative Segregation Levels Program (if applicable).	X	X	X	X	X	X	X
T. USE OF RESTRAINTS - INTERNAL MOVEMENT								
	Inmates may be restrained for internal movement and proper management.	X	X	X	X	X	X	X
U. ACCESS TO HEALTH CARE								
	Inmates shall have access to health care by health care officials on a daily basis, unless medical attention is required more frequently.	X	X	X	X	X	X	X
V. WORK ASSIGNMENTS								
	Inmates may be allowed to have work assignments.		X	X		X	X	

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- V. General Provisions Regarding Limitations on Services and Programs for Special Management Inmates in Segregation.
 - A. Exceptions to the services and programs for special management inmates in segregation must be made by the shift supervisor or the unit manager/designated staff and be based on a finding that the exceptions are necessary for the safety and security of the inmate, other inmates, staff or the unit.
 - B. The segregation unit staff shall record the exception and the reason for the exception in the permanent unit log.
 - C. When an inmate in segregation is deprived of any right or privilege, the segregation unit staff shall prepare a written report. This report shall be sent to the Security Administrator of the facility and shall be kept in the inmate's institutional file.

- VI. Provisions and Limitations on Showers and Exercise
 - A. Except in emergencies, the Director or designee will not curtail shower and exercise periods to fewer than three times per week for special management inmates in segregation.
 - B. Exceptions shall be granted for a definite time period and shall be in response to institution or unit special needs and contingencies.
 - C. In facilities where segregation exercise yards exist outside and where cover is not provided to mitigate the inclement weather, appropriate weather-related equipment and attire should be made available to the inmates who want to take advantage of their authorized exercise time.

- VII. Refusal to Shower or Exercise
 - A. The refusal to shower and exercise shall be documented in the unit's permanent log.
 - B. An inmate will be deemed to have refused to shower or exercise by not complying with security procedures, or threatening actions that present an immediate danger to the safety of staff or other inmates.
 - C. After consultation with the medical department, the inmate may be required to shower.

- VIII. Non-Contact Visitation Provisions
 - A. Visiting schedules for inmates designated for non-contact visits shall be on an appointment basis according to the visiting schedule authorized by the Warden.
 - B. Non-contact visits shall not last longer than one hour per visit.
 - C. The Shift Supervisor may alter the visitation time and number of visitors to insure proper order and security.

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IX. Medical or Health Care

- A. All medical or health care visits shall be recorded in the inmate's health record and in the unit's permanent log.
- B. An inmate's refusal of medical care shall be documented in the inmate health record and in the unit's permanent log.

X. Alternative Meal Service.

- A. Alternative meal service may be ordered for a special management inmate in segregation who uses food or food service equipment in a manner that is hazardous to self, staff or other inmates.
- B. Alternative meal service must meet the inmate's basic nutritional requirements.
- C. The Warden of the facility must approve alternative meal service in writing.
- D. Alternative meal service cannot last for more than twenty-one (21) consecutive meals.

XI. Management of the Segregation Unit

- A. A shift supervisor shall visit the segregation unit(s) at least once every day.
- B. Program staff members shall visit the segregation unit(s) upon request.
- C. A qualified health care official shall visit the segregation unit at least once every day.
- D. Each facility shall establish policies on the selection criteria, supervision and rotation of the staff members who work on a regular and daily contact basis with inmates in the segregation unit(s).
- E. In facilities with small, short-term segregation units and no specified segregation posts, designated unit and custody staff will receive special training prior to providing coverage in the unit.
- F. A qualified mental health professional shall conduct a personal interview of any special management inmate in segregation for more than 30 days and prepare a written report. If segregation continues for an extended period, a mental health assessment of the special management inmate must be done at least every three (3) months.

XII. Segregation Levels Program

All special management inmates, other than those pending protective custody or on protective custody, court ordered segregation or death row, will be subject to the Segregation Levels Program. Physical plant conditions at each facility may impact the availability of any incentive listed below.

- A. Inmates upon their placement in a segregation unit shall be given information regarding the program (Attachment A).

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- B. The three categories of levels of the Segregation Levels Program are:
1. Level 1 (Orientation) - All inmates entering segregation, except those pending classification to protective custody will begin at Level 1.
 2. D Segregation Levels - These levels apply to all inmates on immediate segregation after completion of Level 1 and to inmates on disciplinary segregation. Inmates on immediate segregation can be promoted to Level 2D and Level 3D. Inmates on immediate segregation cannot be promoted beyond Level 3D. Inmates on disciplinary segregation can move from Level 2D through Level 6 D.
 3. A Segregation Levels - These levels apply to all inmates on intensive management or administrative confinement. Inmates on intensive management can be promoted from Level 2A through 4A. Inmates on administrative confinement can be promoted from Level 2A through Level 7A.
 4. Inmates who complete a period of disciplinary segregation and are then classified to intensive management or administrative confinement shall be placed on Level 2A if they have progressed from Level 1 - Orientation.
 5. If an inmate on intensive management or administrative confinement receives disciplinary segregation, the inmate must return to Level 1 - Orientation.
 6. If an inmate is removed from transition confinement but does not receive any disciplinary segregation the inmate may begin the Segregation Levels Program at Level 2A.
 7. If an inmate is removed from transition confinement and a misconduct report is pending, the inmate shall be placed on Level 1 - Orientation.
- C. The same Segregation Levels Program shall be used in all segregation units; participant behavior shall be documented on a Levels Behavior Baseline (Attachment B).
- D. A committee comprised of segregation unit staff and mental health practitioners shall administer the Segregation Levels Program. Within the time limits established by the Segregation Levels Program, this committee shall decide when an inmate should be promoted or demoted within the levels or remain at the current level. These decisions shall be based upon the inmate's behavior. The inmate will be notified of the decision.
- E. The inmate has seven days to appeal the committee's decision to the facility's Warden. During the appeal, the committee's decision will be in effect. The Warden's decision is final.
- F. General Provisions - Segregation Levels Program

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1. Property - All inmates subject to the Segregation Levels Program are authorized to possess the following property. This property may be kept in storage until needed.
 - a. One state-issued sweatshirt.
 - b. One state-issued stocking cap.
 - c. One pair of state-issued pants.
 - d. One state-issued shirt.
 - e. One set of state-issued underwear.
 - f. One pair of state-issued socks.
 - g. One pair of state-issued boots.
 - h. One pair of state-issued tennis shoes.
 - i. One pair of shower shoes.
 - j. One state-issued coat (winter only).
 - k. One pair of state-issued Jersey gloves (winter only).
 - l. One pair of prescription glasses and one glasses case.
 - m. One wedding ring.
 - n. One religious necklace/medallion.
 - o. One religious book.
 - p. One address book.
 - q. One inmate rule book.
 - r. One telephone list.
 - s. Legal papers consistent with property restrictions for special management inmates.
 - t. One pen.
 - u. One pad of paper.
 - v. Stamped envelopes (in quantity permitted by institutional procedure).

2. Canteen Purchases - All inmates subject to the Segregation Levels Program may purchase legal materials (pens, paper, stamped envelopes) from the canteen.

- G. Level 1 - Orientation
 1. Inmates subject to the Segregation Levels Program shall begin at Level 1 - Orientation.
 2. An inmate shall remain on Level 1 - Orientation for a minimum of 7 days.
 3. Promotion from Level 1 - Orientation after 7 days will be determined by the committee based on the inmate's behavior.
 4. Inmates at Level 1 - Orientation shall be issued a hygiene kit.
 5. When an inmate's behavior warrants removal from Level 1 - Orientation, the inmate shall be:
 - a. Promoted to Level 2D, if the inmate remains on immediate segregation.
 - b. Promoted to Level 2D, if the inmate has been placed on disciplinary segregation.

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- c. Promoted to Level 2A, if the inmate has been classified to intensive management or administrative segregation.
- H. Levels 2D through 6D.
1. Inmates on immediate segregation after being promoted from Level 1 - Orientation can advance to Level 3D.
 2. Inmates on disciplinary segregation can be promoted through Level 6D.
 3. Inmates on Levels 2D through 6D can purchase hygiene products from the canteen.
 4. Level 2D
 - a. Inmates on Level 2D may possess one pair of headphones/earbuds in addition to the property authorized for inmates on Level 1 - Orientation.
 - b. Inmates shall remain on Level 2D for a minimum of 2 weeks before they can be promoted to Level 3D.
 5. Level 3D
 - a. Inmates on Level 3D may possess one hair brush and one drinking cup in addition to the property authorized for inmates on Level 2D
 - b. Inmates shall remain on Level 3D for a minimum of 3 weeks before they can be promoted to Level 4D.
 6. Level 4D
 - a. Inmates on Level 4D may possess one wristwatch in addition to the property authorized for inmates on Level 3. If the inmate does not have a wristwatch in his/her property, the inmate is authorized to purchase a wristwatch from the canteen.
 - b. Inmates on Level 4D are authorized to make one personal telephone call per week.
 - c. Inmates shall remain on Level 4D for a minimum of 4 weeks before they can be promoted to Level 5D.
 7. Level 5D
 - a. Inmates on Level 5D are authorized to possess a television or radio in addition to the property authorized for inmates on Level 4D. If the inmate does not own a television or radio, the inmate is authorized to purchase a television or radio from the Canteen.

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- b. Inmates shall remain on Level 5D for a minimum of 6 weeks before they can be promoted to Level 6D.
 - 8. Level 6D
 - a. Inmates on Level 6D are authorized to possess all property authorized for Level 5D.
 - b. Inmates on Level 6D may purchase up to \$10.00 in non-hygiene items from the canteen.
 - c. Inmates on Level 6D may apply for reductions of their disciplinary segregation time.
 - I. Levels 2A through 7A.
 - 1. Inmates on intensive management can be promoted through Level 4A.
 - 2. Inmates on administrative confinement can be promoted through Level 7A.
 - 3. Inmates on Levels 2A through 7A can purchase hygiene products from the canteen.
 - 4. Level 2A
 - a. Inmates on Level 2A may possess one pair of headphones/earbuds, one television/radio, one drinking cup and one hair brush in addition to the property authorized for inmates on Level 1 - Orientation.
 - b. Inmates on Level 2A may purchase up to \$10.00 in non-hygiene items from the canteen.
 - c. Inmates shall remain on Level 2A for a minimum of 4 weeks before they can be promoted to Level 3A.
 - 5. Level 3A
 - a. Inmates on Level 3A may possess one wristwatch in addition to the property authorized for inmates on Level 2A. If the inmate does not have a wristwatch in his/her property, the inmate is authorized to purchase a wristwatch from the canteen.
 - b. Inmates on Level 3A may purchase up to \$10.00 in non-hygiene items from the canteen.
 - c. Inmates on Level 3A may make one additional phone call per week.
 - d. Inmates on Level 3A may clean their cell one additional time per week.
 - e. Inmates shall remain on Level 3A for a minimum of 4 weeks before

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they can be promoted to Level 4A.

6. Level 4A
 - a. Inmates on Level 4A may purchase up to \$15.00 in non-hygiene items per week.
 - b. Where available Inmates on Level 4A may have input in selecting a radio station.
 - c. Inmates on Level 4A may have one additional shower per week.
 - d. Inmates on Level 4A may have one extra yard session.
 - e. Inmate shall remain on Level 4A for a minimum of 6 weeks before they can be promoted to Level 5A.

7. Level 5A
 - a. Inmates on Level 5A may purchase up to \$15.00 in non-hygiene items per week.
 - b. Inmates on Level 5A may have one extra visit per month.
 - c. Inmates on Level 5A may get a hobby card for approved art supplies.
 - d. Inmates on Level 5A may have a job assignment in the unit (if available).
 - e. Inmates shall remain on Level 5A for a minimum of 6 weeks before they can be promoted to Level 6A.

8. Level 6A
 - a. Inmates on Level 6A may purchase up to \$20.00 in non-hygiene items from the canteen.
 - b. Inmates on Level 6A may participate in one approved activity in their cell such as fantasy football.
 - c. Inmates on Level 6A may request to move to a different cell.
 - d. Inmates shall remain on Level 6A for a minimum of 8 weeks before they can be promoted to Level 7A.

9. Level 7A
 - a. Inmates on Level 7A may purchase up to \$25.00 in non-hygiene items from the canteen.
 - b. Inmates on Level 7A may have one self-determined incentive approved by the committee. Self-determined incentives are not cumulative.

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XIII. Segregation Early Release

A. Due to Overcrowding

Crowding in segregation may necessitate the early release of inmates. In such cases, the Warden/designee shall determine which inmates will be released by giving priority to those inmates who have shorter sentences imposed for nonviolent infractions and who have served a substantial portion of such sentences.

B. Reduction in Disciplinary Segregation Time

When deemed appropriate in cases involving long-term segregation inmates, the Warden/designee may recommend to the Director that disciplinary segregation time is reduced.

REFERENCE

I. ATTACHMENTS

- A. Segregation Levels Handout
- B. Baseline

II. ACA STANDARDS - Adult Correctional Institutions (fourth edition): 4-4155, 4-4249, 4-4255, 4-4256, 4-4258, 4-4259, 4-4260, 4-4261, 4-4262, 4-4263, 4-4265, 4-4266, 4-4267, 4-4268, 4-4269, 4-4270, 4-4273, 4-4320 and 4-4435.