

# DEPARTMENT OF CORRECTIONS

## DIVISION 11

### SEGREGATION (DISCIPLINARY)

#### 291-011-0005

**Authority, Purpose, and Policy** (1) The authority for this rule is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030 and 423.075.

(2) Purpose: To establish procedures and standards for the placing and maintenance of inmates in disciplinary segregation. Inmates in violation of rules of prohibited conduct are placed in disciplinary segregation.

(3) Policy: It is the policy of the Department of Corrections to establish and maintain disciplinary segregation operations separate from the main inmate population in Department of Corrections facilities. This rule cannot cover all possible events; it is intended to direct only the relative routine aspects of segregation operations. Inmates in disciplinary segregation status will be treated fairly and impartially with the best interest of staff, inmates, and the institution in mind.

Stat. Auth.: ORS 179.040, 421, 423.020, 423.030 & 423.075 Stats.

Implemented: ORS 179.040, 423.020, 423.030 & 423.075 Hist.: CD 21-1978, f. & ef. 8-29-78; CD 33-1983, f. & ef. 10-14-83; CD 23-1985, f. & ef. 8-16-85; CD 18-1987(Temp), f. & ef. 3-5-87; CD 33-1987, f. & ef. 8-28-87; CD 19-1991, f. & cert. ef. 8-21-91; DOC 10-2001, f. & cert. ef. 3-21-01

#### **291-011-0010 Definitions**

(1) Close Supervision Status: Placement of an inmate so that he/she is more restricted than other inmates in disciplinary segregation status. This status is designated for inmates whose actions disrupt the safe and orderly operation of disciplinary segregation.

(2) Disciplinary Segregation: The placement of an inmate in a housing program status which separates him/her from the main population of the facility in accordance with Department of Corrections rule on Prohibited

Inmate Conduct and Processing Disciplinary Actions (OAR 291-105).

(3) Disciplinary Segregation Supervisor: That person designated by the functional unit manager to oversee the daily operation of the Disciplinary Segregation Unit (DSU).

(4) Dry Cell Status: A visual inspection process which, after reasonable suspicion has been established, allows for the placement of an inmate in a cell for the safe recovery of internally concealed foreign substances, instruments, and other contraband.

(5) Functional Unit Manager: Any person within the Department of Corrections who reports to either the Director, or Assistant Director, or administrator and has responsibility for the delivery of program services or the coordination of program operations. In a correctional facility, the superintendent is the functional unit manager.

(6) Long-Term Status: Any inmate confined in segregation status or in disciplinary segregation for 30 or more consecutive days.

(7) Mental Health Professional: An individual who by virtue of his/her education, credentials, and experience is permitted to care for the mental health needs of patients. This includes, but is not limited to, psychiatrists, psychologists, psychiatric social workers and psychiatric nurse practitioners.

(8) Officer-in-Charge: That person designated by the functional unit manager to supervise the facility and make operational decisions in accordance with rule or procedure during periods when the functional unit manager or officer-of-the-day are not readily available.

(9) Officer-of-the-Day: That person designated by the functional unit manager and approved by the Assistant Director for Operations or Institutions Administrator to act on behalf of the functional unit manager during non-business hours and other periods when the functional unit manager may be absent.

(10) Oregon Accountability Model: A plan composed of six components that is designed to strengthen the department's ability to hold inmates and offenders accountable for their actions and staff accountable for achieving the mission and vision of the department.

(11) Qualified Health Care Professional: This includes physicians, physician assistants, nurses, nurse practitioners, dentists, mental health professionals and others who by virtue of their education, credentials and experience are permitted by law to evaluate and care for patients.

(12) Reasonable Suspicion: An apparent state of objective facts and rational inferences drawn there from which would permit a reasonable and experienced correctional staff person to conclude that an inmate is possessing contraband or is committing a crime or rule violation or conspiring or attempting the same.

(13) Short-Term Status: Any inmate confined in segregation status or in disciplinary segregation less than 30 consecutive days.

Stat. Auth.: ORS 179.040, 423.020, 423.030, & 423.075 Stats. Implemented: ORS 179.040, 423.020, 423.030, & 423.075 Hist.: CD 21-1978, f. & ef. 8-29-78; CD 33-1983, f. & ef. 10-14-83; CD 23-1985, f. & ef. 8-16-85; CD 18-1987(Temp), f. & ef. 3-5-87; CD 33-1987, f. & ef. 8-28-87; CD 19-1991, f. & cert. ef. 8-21-91; DOC 10-2001, f. & cert. ef. 3-21-01; DOC 11-2006, f. 10-12-06, cert. ef. 10-16-06; DOC 6-2008(Temp), f. & cert. ef. 4-1-08 thru 9-28-08; Administrative correction 10-21-08

## **Procedures**

### **291-011-0015 Selection of Disciplinary Segregation Unit (DSU) Staff (1)**

Selection Criteria: To qualify for a post solely assigned to disciplinary segregation, the employee: (a) Must have successfully completed trial service; (b) Must have completed mental health training for working with mentally ill inmates as provided by the Professional Development Unit; and

(c) Must have achieved a satisfactory on the most recent performance appraisal at the time of application and assignment to disciplinary segregation. At a minimum, the staff member must meet the criteria listed in this rule:

(A) Have demonstrated support of the Oregon Accountability Model; (B) Have demonstrated maturity and tolerance; (C) Have demonstrated a constructive interest in working with inmates in disciplinary segregation; (D) Have demonstrated the ability to work with inmates through conflict-reducing and conflict-control skills; and (E) Have demonstrated the ability

to use good judgment. (2) Assignments to Disciplinary Segregation Posts:

(a) Assignment to disciplinary segregation posts will be made by the functional unit manager or designee and will be reviewed at least semi-annually.

(b) Rotation of staff assigned to disciplinary segregation posts may occur as it is found to be in the best interest of the employee or the facility, upon determination by the functional unit manager or designee.

(c) Staff may not be assigned to a disciplinary segregation post for a period exceeding 24 consecutive months. Any staff having been assigned to a disciplinary segregation post for 24 consecutive months must be reassigned to a post not associated with a special housing unit for a minimum of six months.

(d) Temporary assignment to a fixed disciplinary segregation post will be made by the functional unit manager or designee. Temporary assignments shall be given only to employees who meet the initial qualifications as specified in this rule, unless waived by the Assistant Director for Operations or designee. Whenever possible, temporary assignments will be given only to employees who have successfully completed training specified by the Department of Corrections.

Stat. Auth.: ORS 179.040, 421, 423.020, 423.030 & 423.075 Stats.

Implemented: ORS 179.040, 423.020, 423.030 & 423.075 Hist.: CD 21-1978, f. & ef. 8-29-78; CD 33-1983, f. & ef. 10-14-83; CD 23-1985, f. & ef. 8-16-85; CD 18-1987(Temp), f. & ef. 3-5-87; CD 33-1987, f. & ef. 8-28-87; CD 19-1991, f. & cert. ef. 8-21-91; DOC 10-2001, f. & cert. ef. 3-21-01; DOC 11-2006, f. 10-12-06, cert. ef. 10-16-06

**291-011-0020 Handling Disturbances/Officer-in-Charge** (1) Any and all disturbances which involve inmates in disciplinary segregation will be reported immediately to the officer-in-charge who will take any necessary, immediate emergency action. When any disturbance occurs that requires an unusual incident report, the officer-in-charge will immediately notify the appropriate administrative staff. The unusual incident report will be completed as required by the Department of Corrections policy on Unusual Incident Reporting Process (40.1.6).

(2) The officer-in-charge or designee will make the decisions, organize,

assign, direct, control and observe, but will not become physically involved in situations where an inmate must be subdued and placed in or removed from a cell, nor in other disturbance situations which require time to organize necessary control action and assemble personnel.

(3) The use of physical force, chemical agents, and/or physical restraints must be in accordance with the Department of Corrections rule on Use of Force (OAR 291-013).

Stat. Auth.: ORS 179.040, 421, 423.020, 423.030 & 423.075 Stats.

Implemented: ORS 179.040, 423.020, 423.030 & 423.075 Hist.: CD 21-1978, f. & ef. 8-29-78; CD 33-1983, f. & ef. 10-14-83; CD 23-1985, f. & ef. 8-16-85; CD 18-1987(Temp), f. & ef. 3-5-87; CD 33-1987, f. & ef. 8-28-87; CD 19-1991, f. & cert. ef. 8-21-91; DOC 10-2001, f. & cert. ef. 3-21-01; DOC 11-2006, f. 10-12-06, cert. ef. 10-16-06

**291-011-0025 Assignment and Removal of Inmates** (1) Inmates will be assigned to disciplinary segregation in accordance with the Department of Corrections rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105). The functional unit manager or designee or the officer-in-charge may order immediate placement of an inmate in disciplinary segregation when it is necessary to protect the inmate or others, or for the safety, security and orderly operation of the facility.

(2) Immediately following any verbal threat of self destruction or act of self-destruction by an inmate, a mental health professional, if readily available or a registered nurse if a mental health professional is not readily available, will be consulted by the officer-in-charge to determine the proper course of action, in accordance with the rule on Suicide Prevention in Correctional Facilities (OAR 291-076).

(3) Dry Cell Status: (a) An inmate may be placed on dry cell status by the officer-in-charge. (b) An inmate placed on dry cell status will remain isolated from other inmates for a period not to exceed 72 hours, unless authorized by the functional unit manager.

(c) An inmate shall not be permitted visits while on dry cell status. (d) There will be no interruption of normal food intake. The inmate will be provided water upon request. (e) Additional specific procedures for placing an inmate on dry cell status are included in the department's policy on Dry Cell Status

(40.1.11).

(4) Inmates assigned to the Disciplinary Segregation Unit may be temporarily assigned to other treatment, program or service units (e.g., infirmary, Administrative Segregation Unit, Special Management Unit) for treatment or programming as deemed necessary and advisable by the department. Once the inmate has been assigned to a unit other than the Disciplinary Segregation Unit, the operating policies of the newly assigned unit will be used to manage the inmate.

(5) Release from disciplinary segregation, other than for emergency medical treatment or for transfer to another agency, will be authorized only upon order of the functional unit manager or designee.

(6) Inmates assigned to disciplinary segregation will be permitted minimally to leave their cell for visits, exercise, showers, medical, dental, mental health or authorized services or activities. An employee designated by the officer-in-charge will assign escort supervision. Disciplinary-segregated inmates will not be permitted to leave their cells without prior approval from the disciplinary segregation supervisor. Routine staff/inmate interviews shall take place at the inmate's cell.

Stat. Auth.: ORS 179.040, 421, 423.020, 423.030 & 423.075 Stats.

Implemented: ORS 179.040, 423.020, 423.030 & 423.075 Hist.: CD 21-1978, f. & ef. 8-29-78; CD 33-1983, f. & ef. 10-14-83; CD 23-1985, f. & ef. 8-16-85; CD 18-1987(Temp), f. & ef. 3-5-87; CD 33-1987, f. & ef. 8-28-87; CD 19-1991, f. & cert. ef. 8-21-91; DOC 10-2001, f. & cert. ef. 3-21-01; DOC 13-2005(Temp), f. & cert. ef. 9-27-05 thru 3-26-06; Administrative correction 4-19-06; DOC 11-2006, f. 10-12-06, cert. ef. 10-16-06

**291-011-0030 Situational Reviews** (1) Inmates assigned to disciplinary segregation shall remain so assigned for only the shortest length of time necessary to achieve the purpose for which assignment was prescribed in accordance with the Department of Corrections rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105).

(2) For inmates who have been identified with severe or the highest mental health treatment needs, a clinical interview will be conducted and documented by a qualified mental health professional upon notification of the admission of the inmate into a disciplinary segregation unit. Requests for

psychological intervention by a qualified mental health professional may also be initiated by a staff member working in disciplinary segregation, or by an inmate in disciplinary segregation.

(3) An assessment will be made by the Special Needs Inmate Evaluation Committee on each inmate in continuous disciplinary segregation at least every 30 days. Adjustment to segregation and early release from segregation will be considered for recommendation to the functional unit manager.

(4) Close Supervision: (a) A close supervision status cell may temporarily be used to house an inmate: (A) Whose behavior is deemed so aggressive or destructive that housing for protection of self, others or property is indicated.

(B) Whose behavior creates a serious disruption to the safety, security or orderly operation of the unit. (b) An inmate placed on close supervision status must be reviewed and approved by the officer-in-charge or designee.

(c) An inmate on close supervision status will be reviewed daily by the officer-in-charge. If the inmate's behavior warrants, he/she may be removed from close supervision status.

(d) The security manager or Assistant Superintendent of Security will review inmates on close supervision status at least weekly.

(5) Every inmate in disciplinary segregation status will be checked at least once every 30 minutes, but on an irregular basis by a DSU staff member.

(6) Inmates will receive visits from the disciplinary segregation supervisor at least once a shift. (7) A qualified health care professional will tour the unit daily unless medical or mental health attention is needed more frequently.

(8) The officer-in-charge or designee will tour the Disciplinary Segregation Unit at least once per shift. (9) The functional unit manager or designee and the security manager or Assistant Superintendent of Security will tour the Disciplinary Segregation Unit weekly.

Stat. Auth.: ORS 179.040, 421, 423.020, 423.030 & 423.075 Stats.

Implemented: ORS 179.040, 423.020, 423.030 & 423.075 Hist.: CD 21-1978, f. & ef. 8-29-78; CD 33-1983, f. & ef. 10-14-83; CD 23-1985, f. & ef. 8-16-85; CD 18-1987(Temp), f. & ef. 3-5-87; CD 33-1987, f. & ef. 8-28-87; CD 19-1991, f. & cert. ef. 8-21-91; DOC 10-2001, f. & cert. ef. 3-21-01;

DOC 11-2006, f. 10-12-06, cert. ef. 10-16-06

**291-011-0035 Maintaining and Recording Information** (1) Disciplinary segregation logs will be maintained with the following methods: (a) All entries made with ink. (b) Mistakes will be lined out and initialed by the person who made the error. (c) No spaces will be left blank between entries. (d) No pages will be skipped. (e) No sheets will be removed. (f) Sheets may be added for continued or additional information. (g) All logs will be retained in accordance with archive records retention schedules. (h) All entries in the log must bear the staff member's signature. (i) All logs will be reviewed monthly by the Assistant Superintendent of Security or security manager. (2) Disciplinary segregation logs will record the following minimum information: (a) All movement in or out or within the Disciplinary Segregation Unit and purpose of the visit. (b) All cell assignments in the Disciplinary Segregation Unit. (c) All unusual incidents that occur in the Disciplinary Segregation Unit. (d) All inmate telephone calls. (e) All cell searches. (f) All 30-minute cell checks. (g) All services and activities deprived or not provided an inmate as required by this rule. (h) Any non-compliance of a requirement of this rule, which should immediately be reported to the Assistant Superintendent of Security or security manager.

(i) All exercise periods. (j) All inmates placed on close supervision or dry cell status. Stat. Auth.: ORS 179.040, 421, 423.020, 423.030 & 423.075 Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075 Hist.: CD 21-1978, f. & ef. 8-29-78; CD 33-1983, f. & ef. 10-14-83; CD 23-1985, f. & ef. 8-16-85; CD 18-1987(Temp), f. & ef. 3-5-87; CD 33-1987, f. & ef. 8-28-87; CD 19-1991, f. & cert. ef. 8-21-91; DOC 10-2001, f. & cert. ef. 3-21-01; DOC 11-2006, f. 10-12-06, cert. ef. 10-16-06

**291-011-0040 Security** (1) Door Security: (a) Entry doors into the Disciplinary Segregation Unit and the entry door to each tier in disciplinary segregation will be locked at all times, except when in use for authorized traffic. If the entry doors to the facility are open, all entry doors to the tiers must be locked.

(b) Cell doors will be closed and locked at all times, except during inspections and when an inmate is entering or leaving the cell. There will be no instances of two occupied cells on individual tiers or two occupied cells

in the same section being opened at any given moment, except in case of an emergency (i.e., emergency evacuation).

(c) Two staff members to one inmate must be present at the cell when the door of any occupied single person cell is unlocked.

(d) If the cell houses two inmates and only one inmate is to be removed from the cell, at least three staff members must be present to complete the removal. The cell door will remain secured until the inmate scheduled for removal has been restrained.

(e) At least four staff members must be present at the cell when the door of any cell occupied by two unrestrained inmates is unlocked or opened or when both inmates are removed from the cell at the same time.

(2) Escort Security: (a) All inmates will be placed in restraints when escorted by staff. (b) Escort levels in the Disciplinary Segregation Unit will be determined by the Assistant Superintendent of Security or security manager. The escort level will be based on the inmate's behavior while housed in disciplinary segregation.

(c) Minimally, the escort level must be one staff member to one inmate when the inmate is outside the segregation unit. Escort requirements can be adjusted to two staff members to one inmate when deemed appropriate.

(3) Searches: (a) Every inmate assigned to the Disciplinary Segregation Unit will be skin searched before being placed in a cell. All items of clothing issued or worn by the inmate will be thoroughly examined for contraband. All inmates will be searched in accordance with the Department of Corrections rule on Searches (Institutions) (OAR 291-041).

(b) Inmates entering the Disciplinary Segregation Unit for purposes other than segregation will be minimally frisk searched.

(c) Every item of material or equipment (i.e., book magazine, clothing, etc.) will be carefully searched by the disciplinary segregation staff before acceptance in the Disciplinary Segregation Unit.

(d) All disciplinary segregation cells and cell equipment will be visually inspected daily. (e) Every disciplinary segregation cell will be searched at least twice monthly and before and after each occupancy. (A) Any

deficiencies noted will be immediately reported to the disciplinary segregation supervisor. (B) Any unauthorized materials located will be removed and delivered immediately to the disciplinary segregation supervisor and processed in accordance with the rule on Personal Property Control (Inmate) (OAR 291-117).

(C) Sanitation standards will be maintained to ensure the same standards as those required throughout the facility. Stat. Auth.: ORS 179.040, 421, 423.020, 423.030 & 423.075 Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075 Hist.: CD 21-1978, f. & ef. 8-29-78; CD 33-1983, f. & ef. 10-14-83; CD 23-1985, f. & ef. 8-16-85; CD 18-1987(Temp), f. & ef. 3-5-87; CD 33-1987, f. & ef. 8-28-87; CD 19-1991, f. & cert. ef. 8-21-91; DOC 10-2001, f. & cert. ef. 3-21-01; DOC 11-2006, f. 10-12-06, cert. ef. 10-16-06

**291-011-0050 Property** (1) Any personal property, as defined in the Department of Corrections rule on Personal Property Control (Inmate) (OAR 291-117), not permitted in the cell of any disciplinary-segregated inmate will be properly protected in a location designated by the functional unit manager. Upon release from the Disciplinary Segregation Unit, the inmate will check his/her personal property and sign the property sheet.

(2) The following standard items are issued to all inmates in disciplinary segregation: (a) Writing utensil (b) Coveralls (orange)/two-piece scrub; (c) Shower shoes (one pair); (d) Towel; (e) Blanket(s) (staff will determine appropriate number issued consistent with general population standards; (f) Sheets (two total); (g) Mattress; (h) Pillow; (i) Pillow case; (j) Socks (one pair); (k) Soap; (l) Toothbrush; (m) Comb; (n) Undergarments; (o) Property box; (p) Envelopes (two); (q) Writing paper; and (r) Inmate communication forms (two total). (3) Inmates classified as short-term status are allowed the standard issued items plus the following personal property:

(a) Envelopes (20 total); (b) Library book (one); (c) Newspaper (one); (d) Magazines (three total); (f) Legal work (pending); and (g) Address book.

(4) Those inmates classified as long-term status are allowed the standard issued items, personal property identified for short-term status inmates, plus the following personal property:

(a) Library books (three total) (b) Disciplinary Segregation Unit approved

canteen items purchased after admission to DSU; (c) Photographs (ten total); and (d) Magazines and newspapers which MAY be exchanged if approved by the disciplinary segregation supervisor. (5) Property for inmates in close supervision status includes the following (unless a specific deprivation order exists as authorized in OAR 291-011-0064):

(a) Clothing (coveralls, shower shoes, undergarments, socks); (b) Bedding/linens (mattress, pillow and pillowcase, two sheets, blankets and towel); and (c) Basic hygiene items (toothbrush, comb, toilet paper and soap). (6) An inmate on close supervision status will not be allowed to maintain personal property in his/her cell. Pen or pencil, paper, envelopes and mail/legal work will be issued daily if requested for a four-hour block of time.

(7) Disciplinary-segregated inmates will be permitted to retain basic personal health items (i.e., dentures, prescribed glasses, hearing aids).

(8) Disciplinary-segregated inmates will be permitted religious items as approved by the chaplain and security manager in accordance with the rule on Religious Activities (OAR 291-143).

Stat. Auth.: ORS 179.040, 421, 423.020, 423.030 & 423.075 Stats.

Implemented: ORS 179.040, 423.020, 423.030 & 423.075 Hist.: CD 21-1978, f. & ef. 8-29-78; CD 33-1983, f. & ef. 10-14-83; CD 23-1985, f. & ef. 8-16-85; CD 18-1987(Temp), f. & ef. 3-5-87; CD 33-1987, f. & ef. 8-28-87; CD 19-1991, f. & cert. ef. 8-21-91; DOC 10-2001, f. & cert. ef. 3-21-01; DOC 11-2006, f. 10-12-06, cert. ef. 10-16-06

**291-011-0060 Services and Activities** (1) Canteen: Canteen items may be purchased every other week by those inmates who have available funds in their trust accounts.

(a) Close supervision status and short-term status inmates may ONLY purchase envelopes (maximum of 20). (b) Long-term status inmates may purchase authorized items from the disciplinary segregation canteen list and additional items as authorized by the functional unit manager.

(2) Food: (a) Except when under special diet specifically prescribed by the medical officer, each disciplinary-segregated inmate shall receive food prepared in accordance with the sanitation standards specified in the

Department of Corrections rule on Food Service Programs (OAR 291-061). Inmates in disciplinary segregation will receive food of the same quality and standard ration as inmates in general population, unless security circumstances dictate otherwise or the inmate has been placed on a special medically approved diet. Partial meals will not be served.

(b) Religious diets must be approved by the facility chaplain. (c) Food delivery to each inmate in his/her cell will be accomplished by a staff member. (d) Controlled feeding (nutra loaf) may be substituted for the meal in accordance with the department's rule on Controlled Feeding (OAR 291-083).

(e) Food shall never to be used as a reward or as a punishment. (3) Clothing: A clean set of outergarments and undergarments will be provided on an exchange basis three times a week. (4) Linen: A clean towel will be provided when an inmate showers. Clean sheets and pillow cases will be provided on a weekly basis.

(5) Medical/Dental/Mental Health Services: (a) Each disciplinary-segregated inmate will be visited at least daily by a member of the medical staff. The medical staff member will then process requests for medical, dental, and mental health services to the appropriate staff member.

(b) Health care and mental health services will be provided to inmates in disciplinary segregation according to the Department of Corrections rule on Health Services (Inmate) (OAR 291-124).

(c) If a disciplinary-segregated inmate complains of a medical, dental or psychological problem at other than the time of the medical staff member's visit, the staff member receiving the complaint will notify the disciplinary segregation supervisor who will make the request for service to the appropriate section in a timely manner. The request for service will be documented on the inmate's record.

(d) If the disciplinary-segregated inmate's medical or mental health condition is not treatable in his/her cell, the inmate will be escorted to appropriate facilities. Unless otherwise ordered by the Assistant Superintendent of Security or security manager, security supervision will be maintained throughout the inmate's examination and treatment.

(e) Any disciplinary-segregated inmate transferred from the facility for treatment will, upon his/her return, resume disciplinary segregation assignment unless confinement elsewhere is recommended by facility medical, dental, or mental health professionals and approved by the functional unit manager or the officer-of-the-day.

(6) Personal Hygiene: (a) Inmates in disciplinary segregation will have the opportunity to shower and shave at least three times weekly. (b) Arrangements for haircuts will be made by the disciplinary segregation supervisor once a month. (7) Inmate Communication Form: Each disciplinary-segregated inmate may write to any staff member by submitting an inmate communication form. Inmate communication forms will be made available once per day. Submitted inmate communication forms will be forwarded without undue delay.

(8) Correspondence: (a) Each disciplinary-segregated inmate will be allowed to correspond in accordance with the Department of Corrections rule on Mail (Inmate) (OAR-291-131).

(b) Disciplinary segregation staff will inspect all incoming mail prior to distributing to inmate. All legal mail must be opened in the presence of the inmate.

(9) Visits: Inmates assigned to disciplinary segregation shall be granted visits in accordance with the Department of Corrections rule on Visiting (Inmate) (OAR 291-127).

(10) Legal visits will not be denied to a segregated inmate unless his/her conduct is so disruptive that the safety, security and orderly operation of the facility would be compromised.

(11) Reading: (a) Reading material will be issued or exchanged at least weekly. (b) The disciplinary segregation supervisor will coordinate activity with the appropriate staff member to assure adequate availability of books and/or magazines for disciplinary-segregated inmates. All such items entering or leaving disciplinary segregation shall be inspected by the Disciplinary Segregation Unit staff member handling entry/exit for contraband and/or abuse.

(12) Exercise: Inmates in disciplinary segregation will be provided

opportunity to exercise a minimum of 40 minutes, which includes shaving and showering, per day, five days a week, in an area and manner specified by the functional unit manager, unless security, staff availability or safety considerations dictate otherwise as authorized by the security manager.

(13) Religious Services: (a) Religious Services staff will visit each disciplinary-segregated inmate once a week, if the inmate requests. (b) No inmate will be denied the opportunity to receive religious guidance from staff chaplains or approved religious volunteers while in disciplinary segregation. The practice of his/her religion may be restricted to the inmate's cell.

(14) Work: Inmates in disciplinary segregation will only be permitted work assignments that include maintenance of their own quarters and the disciplinary segregation facilities.

(15) Telephone Services: Telephone calls related to legal matters will be handled in accordance with the Department of Corrections rule on Telephones (Inmate) (OAR 291-130). Telephone calls other than legal calls will be limited to verified emergency situations (death, serious illness, or injury to an immediate family member, etc.) or as authorized by the functional unit manager or designee.

(16) Legal Activities: Inmates assigned to disciplinary segregation shall be permitted to pursue their legal activities according to the procedures prescribed in the Department of Corrections rule on Legal Affairs (Inmate) (OAR 291-139).

Stat. Auth.: ORS 179.040, 421, 423.020, 423.030 & 423.075 Stats.

Implemented: ORS 179.040, 423.020, 423.030 & 423.075 Hist.: CD 21-1978, f. & ef. 8-29-78; CD 33-1983, f. & ef. 10-14-83; CD 23-1985, f. & ef. 8-16-85; CD 18-1987(Temp), f. & ef. 3-5-87; CD 33-1987, f. & ef. 8-28-87; CD 19-1991, f. & cert. ef. 8-21-91; DOC 10-2001, f. & cert. ef. 3-21-01; DOC 11-2006, f. 10-12-06, cert. ef. 10-16-06

**291-011-0064 Forfeiture/Deprivation of Service or Activity** (1) A disciplinary-segregated inmate may be required to forfeit or be temporarily deprived of any service or activity when the inmate is using them to destroy or damage property, obstruct security, or threatens physical violence to himself/herself or others. If an inmate is using any service or activity for

self-destruction, that service/activity may be temporarily removed upon order of the officer-in-charge or designee. Any item(s) withheld shall be returned at the earliest possible time when the basis for removal has ceased to exist. Deprivation orders will be reviewed every eight hours by the officer-in-charge.

(2) Services and activities may be forfeited or deprived as a result of a disciplinary sanction in accordance with the Department of Corrections rule on Prohibited Inmate Conduct and Processing Disciplinary Actions (OAR 291-105).

(3) Forfeiture of a service/activity will be reviewed weekly by the Special Needs Inmate Evaluation Committee. Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075 Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075 Hist.: CD 33-1987, f. & ef. 8-28-87; CD 19-1991, f. & cert. ef. 8-21-91; DOC 10-2001, f. & cert. ef. 3-21-01; DOC 11-2006, f. 10-12-06, cert. ef. 10-16-06

**291-011-0080 Disciplinary Segregation Units in Minimum Custody Facilities** (1) Due to their size and available staffing, minimum custody facilities will be exempt from the following provisions of the Department of Corrections rule on Segregation (Disciplinary) (OAR 291-011). These provisions will be modified as described below.

(2) An inmate may be placed on close supervision status under the provisions listed in OAR 291-011-0030 and remain so until terminated by the functional unit manager or transfer to another facility.

(3) Recreation outside of the cell will not be available. (4) Staff Selection Criteria: Employees regularly assigned to the facility will staff the Disciplinary Segregation Unit.

(5) Inmates in disciplinary segregation requesting psychological intervention will be referred to the facility medical staff.

(6) Inmates in disciplinary segregation will be visited by a qualified health care professional at least daily, unless medical attention is ordered more frequently in specific cases by the facility's physician. Requests for medical attention made to security staff will be referred to the officer-in-charge who will determine the appropriate action to be taken.

(7) Facilities that have five or seven-day-a-week health care available will ensure that inmates in disciplinary segregation are seen by a health care official each day.

(8) Door Security: The outer door to each segregation cell shall remain locked when not in use for authorized traffic. (9) When possible, staff will restrain all inmates in a cell prior to the unlocking/opening of the cell door. The functional unit manager may waive this requirement based upon facility design and operational requirements.

(10) Property: In addition to authorized issued items, the following property will be authorized in disciplinary segregation:

(a) Personal letters; (b) Photographs (ten total, will not be retrieved from inmate's personal property); (c) Paperback books (three total); (d) Magazines (three total, will not be retrieved from inmate's personal property); (e) Legal papers requiring immediate action (approved by facility legal librarian); (f) Pen or pencil; (g) Paper; (h) Envelopes; and (i) Medically approved denture cleanser and denture adhesive. (11) Canteen will not be available except for the purchase of ten envelopes. (12) If a disciplinary segregated inmate complains of medical, dental or mental health problems at other than the time of the medical staff member's visit, the officer-in-charge will consider the request and determine if immediate action is warranted. If necessary, the officer-in-charge will utilize the established mental health/medical on-call system.

(13) All requests for religious guidance or counseling will be submitted in writing by the inmate and directed to the chaplain or approved religious volunteer for the facility.

(14) Inmates receiving disciplinary sanctions of 14 days or less may complete their sanctions at these facilities. Any inmate sanctioned to 15 or more consecutive days of disciplinary segregation shall be transferred to a facility capable of housing disciplinary segregated inmates in compliance with OAR 291-011-0015 through 291-011-0064.

Stat. Auth.: ORS 179.040, 423.020, 423.030 & 423.075. Stats. Implemented: ORS 179.040, 423.020, 423.030 & 423.075 Hist.: DOC 10-2001, f. & cert. ef. 3-21-01; DOC 11-2006, f. 10-12-06, cert. ef. 10-16-06 The official copy of an Oregon Administrative Rule is contained in the Administrative Order

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