



<b>Operational Procedure #3.36</b> <b>CONDITIONS OF CONFINEMENT &amp; QUALITY OF LIFE</b>	 <b>MOUNT OLIVE CORRECTIONAL COMPLEX</b> <b>DAVID BALLARD, WARDEN</b>
<b>DATE:</b> <p style="text-align: center;">01 January 2012</p>	
<b>AUTHORIZED SIGNATURE:</b> 	
<b>REFERENCES:</b> WVDOC Policy Directive(s) 325.00, 326.00 & 401.01 ACA Standard(s) 4-4134, 4-4137, 4-4138, 4-4141, 4-4249, 4-4253, 4-4254, 4-4261 thru 4-4263, 4-4265 thru 4-4271 & 4-4273	

**I. POLICY:** It is Mount Olive Correctional Complex (MOCC) policy to maintain a mechanism that provides for the management of the administrative segregation inmate population with a stratified incentive quality of life program based on an increased level of privileges for demonstrated appropriate inmate behavior and program compliance. This Operational Procedure governs the operation for the supervision of inmates assigned to Administrative Segregation and established operational procedures relevant to the security and programmatic needs of the institution during normal day-to-day activities.

**II. APPLICABILITY:** This Operational Procedure applies to all MOCC staff and is **APPROVED** for the inmate population.

**III. CANCELLATION:** Operational Procedure #3.36 dated 05 May 2010

**IV. DEFINITIONS:**

**Administrative Segregation (Ad-Seg):** A post-hearing custody that is both preventive and reactive in nature. Administrative Segregation is either recommended or not recommended by a Classification Committee following a classification hearing. The recommendation is either upheld or denied by the Warden.

**Programs Acknowledgement:** An acknowledgement signed prior to Quality Level Four or Five assignments signifying the inmate's agreement to participate in programs.

**Programs Compliance:** Positive participation and successful completion of available programs recommended by case management and/or Intake Unit's initial classification.

**Progressive Reintegration Opportunity Committee (PRO Committee):** Consists of the Associate Warden-Security (AWS), Associate Warden-Programs (AWP) and the MOCC Intelligence Officer.

**Quality of Life Level (QOL) System:** A behavior driven progressive incentive system consisting of five levels, which encourages appropriate behavior through behavior modification and programs participation and/or compliance. Quality of Life Level (QOL) assignments **are not** classification levels, but are behavior based decisions. QOL Levels One through Five shall be reduced independent of a disciplinary action or due process hearing, as QOL incentives are based strictly on appropriate behavior. These decisions are grievable.

**Segregation Commander:** The Captain assigned to oversee daily operations of the Quilliams 1 & 2 segregation housing units on a twenty-four (24) hour a day basis.

**Segregation Specialist:** The Lieutenants assigned to Quilliams 1 & 2 respectively.

**Segregation Technician:** The Sergeants assigned to Quilliams 1 & 2 respectively.

**V. PROCEDURE:**

**A. Conditions of Confinement:** The following listed conditions of confinement may be adjusted and/or modified based on inmate behavior, to include consideration of the security of the facility, safety of the staff, medical and mental health needs and items listed within Operational Procedure 3.27 "Use of Continuing Restraints & Special Controls."

- A cell with no less than eighty (80) square feet of floor space and thirty-five (35) square feet of unencumbered space furnished with a toilet, wash basin with hot/cold water, desk, stool, and bunk with a fire retardant and sanitizable mattress.
  - Provisions to receive prescribed medication, clothing that is not degrading and access to basic personal items for use in their cells unless there is imminent danger that an inmate or any other inmate(s) will destroy an item or induce self-injury. Allowed property is based upon the QOL Level, Individual Program Plan or mental health treatment plans, or as modified based upon Special Controls.
  - An opportunity to have clothing and linen laundered a minimum of once a week.
  - Access to barbering services on a regular basis.
  - Access to janitorial supplies for individual cell cleaning.
  - An opportunity to shave and shower a minimum of three (3) times per week.
  - Three (3) nutritious meals per day, as set forth by the master menu unless alternative meal service has been approved.
  - Opportunities for non-contact visiting, unless there are documented substantial reasons for withholding such privileges.
  - Provision of necessary hygiene items (soap, toothbrush, toothpaste, comb, toilet paper, and shaving implements) for indigent inmates.
  - Incoming and outgoing mail Monday through Friday, except holidays.
  - Access to legal materials. This includes the inmate's own current case(s) and the ability to request copies of law library materials.
  - Access to reading materials. Reading materials shall be provided by the Librarian on a regularly scheduled basis.
  - Provisions for allowable telephone privileges.
  - Access to programs and services including, but not limited to, academic education, affective education, religious guidance, commissary, library, mental health counseling, medical services, case management and recreation.
  - Provision for a minimum of one (1) hour of recreation in the exercise area five (5) days per week.
- B. QOL Incentive Levels:** Inmates in the QOL Incentive Program shall be provided the following progressive privileges. Any modification of these conditions or privileges will require written approval by the Warden/designee.
1. QOL Level One (QOL-1): The first level of the incentive program which is a minimum of sixty (60) days in duration. New arrivals and inmates who have displayed inappropriate behavior at higher levels may be assigned to QOL-1. Inmates at this level will be evaluated for acceptable behavior, acceptable sanitation/hygiene, adjustment to administrative segregation, custody issues, and required programs participation. Inmates assigned to this level will not have a television or participate in programs, and will have the fewest privileges.
    - a. *Privileges:*
      - 1) Up to \$10.00 per week in purchases of approved store call items as set forth by current Policies and Procedures.
      - 2) One - two (2) hour non-contact visit per month.
    - b. *Level Increase:*
      - 1) An inmate must display appropriate behavior and acceptable sanitation/hygiene standards for a minimum of sixty (60) consecutive days at QOL-1 before being considered for Level Two advancement. These reviews will occur on a weekly basis.

- a) Any inmate who commits an additional rule violation(s) during his punitive segregation time shall have the minimum number of days restricted to QOL-1 extended in proportion to the days that the inmate could have been sentenced for each additional rule violation. Such extension is not to be considered as punitive, the purpose of the extension is to implement an intensive behavior modification program, based on the inmate's continual disregard for established rules, to better prepare him for his eventual increase in QOL levels and ultimate successful completion of the program.
  - b) Any inmate who commits a rule violation at any level of the QOL program may be sentenced to punitive segregation after which he will restart the program at QOL-1 or the inmate may be subject to a QOL level reduction (as outlined within this procedure) both circumstances resulting in the inmate being subject to all provisions governing QOL-1as outlined within this procedure.
- 2) The Segregation Technician will review an inmate's documented compliance with behavior and sanitation/hygiene standards utilizing the QOL Review Form (MOCC Form 3-0066) and notify the Case Manager. The document will be forwarded to the Unit Clerk for filing.
2. QOL Level Two (QOL-2): The second level within the incentive program for inmates who have demonstrated acceptable behavior at QOL-1. Inmates at this level may begin participation in recommended programs. Inmates will be evaluated for acceptable behavior, acceptable sanitation/hygiene, programs participation and compliance with rules and regulations. Inmates assigned to this level will not have the opportunity for work assignments, but do have increased privileges.
- a. *Privileges*:
    - 1) Up to \$20.00 per week in purchases of approved store call items as set forth by current Policies and Procedures.
    - 2) Two - two (2) hour non-contact visits per month.
    - 3) One thirteen inch (13") television set for programs delivery and recreational interest.
  - b. *Level Increase*: The Case Manager shall review inmates for advancement to Level Three.
    - 1) One-hundred and twenty (120) days after the recorded date of increase to QOL-2 when an inmate displays compliance with appropriate behavior and sanitation/hygiene standards as documented in the Chronological Log (MOCC Form 3-0067) and is program compliant. All QOL-2 programming must be complete before the inmate is eligible to advance.
    - 2) The review shall be conducted in consultation with the Unit Team to determine the inmate's continued compliance with behavior and program standards.
    - 3) All reviews will be noted in the inmate's Chronological Log.
    - 4) The Segregation Commander and Case Manager shall then interview the inmate to determine the appropriate quality level placement and then complete the QOL Review Form.
  - c. *Level Reduction*: Staff members requesting inmate reassignment from QOL-2 to QOL-1 are required to make an entry in the inmate's Chronological Log and shall submit an Incident Report documenting the inappropriate behavior.
    - 1) The Segregation Specialist/Commander or Shift Commander, following a review of the inappropriate behavior, has authority to reassign inmates to QOL-1. The reviewing supervisor must make a written notation on both the Incident Report and Chronological Log indicating the level change.

3. QOL Level Three (QOL-3): The third level of the incentive program is for inmates who have demonstrated appropriate behavioral adjustment and programs compliance, shown proper interaction with staff and other inmates, suitable sanitation/hygiene conditions, overall positive behavior and an absence of misconduct. Inmates at this level have the opportunity for non-paying work assignments within the pod and do have increased privileges.
  - a. *Privileges*:
    - 1) Up to \$25.00 per week in purchases of approved store call items as set forth in current Policies and Procedures.
    - 2) Four – three (3) hour non-contact visits per month.
    - 3) One thirteen inch (13”) television set for program delivery and recreational interest.
    - 4) Opportunity for a non-paying work assignment as a Pod Janitor.
  - b. *Level Increase*: The Case Manager shall submit the inmate for review to the Segregation Commander when the inmate has:
    - Maintained QOL-3 status for a minimum of one-hundred and twenty (120) consecutive days.
    - Not been convicted of any Class I violations for the past twelve (12) months.
    - Not been convicted of any Class II violations in the past three (3) to six (6) months.
    - Has successfully completed all QOL-3 programming.
    - 1) If the Segregation Commander determines the inmate meets the appropriate criteria, he will notify the PRO Committee and if the Segregation Commander determines the inmate does not meet the appropriate criteria, the inmate will either be retained at his current level or reduced the number of levels as appropriate.
      - a) The PRO Committee will interview the inmate and review documentation to evaluate the inmate’s potential for successful adjustment and readiness for placement in QOL Level Four. The PRO Committee shall forward any recommendations for advancement (documented on MOCC Form 3-0039) to the Warden for final approval/disapproval (documented on MOCC Form 3-0040).
  - c. *Level Reduction*: Staff members requesting inmate reassignment from QOL-3 are required to make an entry in the inmate’s Chronological Log and complete an Incident Report documenting the inappropriate behavior and/or programs non-compliance.
    - 1) The Segregation Specialist/Commander or Shift Commander have authority to reassign inmates from QOL-3 to either QOL-2 or QOL-1 following review of the inappropriate behavior or non-compliance in recommended program(s). The reviewing supervisor must make a written notation on both the Incident Report and Chronological Log indicating the level change.
4. QOL Level Four (QOL-4): This is the evaluation level for inmates recommended for progressive movement. Inmates at this level will be evaluated for continued acceptable behavior, interaction with other inmates in small group settings and program compliance. Inmates will complete the PRO Unit Program Compliance Plan (MOCC Form 3-0068) and the Participation Acknowledgement–Level Four (MOCC Form 3-0069) before assignment to Level Four.
  - a. *Privileges*:
    - 1) Up to \$35.00 per week in purchases of approved store call items as set forth in current Policies and Procedures.

- 2) One – three (3) hour contact visit per week.
  - 3) One thirteen inch (13”) television set for program delivery and recreational interest.
  - 4) Participation in recommended group programs.
  - 5) Passive dayroom recreation two (2) days per week for one (1) hour.
  - 6) Opportunity for non-paying work assignments as Pod Janitors.
  - 7) Additional allowable property as defined in Operational Procedure 3.30 “Control Unit Guidelines.”
- b. *Level Increase:* After one-hundred and twenty (120) days of participation in the PRO Unit programs, with successful behavior control and programs completion, the inmate may be considered for movement to Level Five. If the Segregation Commander determines the inmate meets the appropriate criteria, he will notify the PRO Committee and if the Segregation Commander determines the inmate does not meet the appropriate criteria, the inmate will either be retained at his current level or reduced the number of levels as appropriate.
- 1) The PRO Committee will interview the inmate and review documentation to evaluate the inmate’s potential for successful adjustment and readiness for placement in QOL Level Five. The PRO Committee shall forward any recommendations for advancement (documented on MOCC Form 3-0039) to the Warden for final approval/disapproval (documented on MOCC Form 3-0040).
- c. *Level Reduction:* Any employee may initiate a staffing review to determine if an inmate in this level should be reduced to a lower level by documenting inappropriate behavior or programs non-compliance in an Incident Report and the Chronological Log.
- 1) Case Managers will conduct reviews of Chronological Logs a minimum of once per week. Based upon this review the Case Manager or Unit Staff may recommend a staffing review.
  - 2) The Segregation Commander will notify the PRO Committee Chairperson of the recommended review(s) and the PRO Committee will then conduct a staffing review of the documentation and interview the inmate to determine if the inmate will be reduced to another level. The staffing review may opt to continue the inmate in Level Four with or without modifying his Individual Program Plan or to remove the inmate from the PRO Unit program and reduce the inmate to a lower QOL Level.
  - 3) The inmate will be notified of the staffing results by the staffing review team using the PRO Unit Staffing Review Form (MOCC Form 3-0071).
  - 4) An Incident Report will also be completed indicating the staffing review with a copy of the completed Staffing Review Form attached.
5. QOL Level Five (QOL-5): The highest level of the PRO Unit Program. This level is for inmates who have successfully completed the requirements of QOL-4. Inmates will complete the Participation Acknowledgement-Level Five (MOCC Form 3-0070) before assignment to QOL-5. Level Five inmates may be double-bunked as part of being progressed to the General Population.
- a. *Privileges:*
- 1) Up \$40.00 per week in purchases of approved store call items as set forth in current Policies and Procedures.
  - 2) One – three (3) hour visit per week.
  - 3) One thirteen inch (13”) television set for programs delivery and recreational interest.

- 4) Participation in recommended group programs.
  - 5) Passive dayroom recreation two (2) days per week for two (2) hours.
  - 6) Opportunity for non-paying work assignments as Pod Janitors.
- b. *Level Increase:* After a minimum of sixty (60) days and successful completion of QOL-5 Five the inmate may be progressed to general population. If the Segregation Commander determines the inmate meets the appropriate criteria, he will notify the PRO Committee and if the Segregation Commander determines the inmate does not meet the appropriate criteria, the inmate will either be retained at his current level or reduced the number of levels as appropriate.
- 1) The PRO Committee will interview the inmate and review documentation to evaluate the inmate's potential for successful adjustment and readiness for release to the general population. The PRO Committee shall forward any recommendations for advancement (documented on MOCC Form 3-0039) to the Warden for final approval/disapproval (documented on MOCC Form 3-0040).
- c. *Level Reduction:* Any employee may initiate a review to determine if an inmate in this level should be reduced to a lower level by documenting inappropriate behavior in an Incident Report and the Chronological Log. The Case Manager will then notify the PRO Committee.
- 1) The PRO Committee will then conduct a staffing review of the documentation and interview the inmate to determine if the inmate will be reduced to another level. The staffing review may opt to continue the inmate in Level Five with or without modifying his Individual Program Plan or to remove the inmate from the PRO Unit program and reduce the inmate to a lower QOL Level.
  - 2) The inmate will be notified by the staffing results by the staffing review team using the PRO Committee Staffing Review Form.
  - 3) An Incident Report will also be completed indicating the staffing review with a copy of the completed Staffing Review form attached.
6. Inmates sentenced under the death penalty in other jurisdictions or who have been deemed through their continued demonstration of violent or threatening behavior to be a high risk to the security and safety of the facility, other inmates, staff and the general public are assigned to the MOCC Segregation Unit by WVDOC policy rather than Administrative Segregation standards. They are ineligible for progression to another facility, or beyond Level Three within the QOL Program. Inmates falling under either of the two categories listed in this paragraph may earn extra privileges in the QOL program through demonstrated appropriated behavior, designated Level Three-D (3-D).
- a. *Privileges:*
- 1) Up to \$40.00 per week in purchases of approved store call items as set forth in current Policies and Procedures.
  - 2) One – three (3) hour contact visit per week.
- b. *Granting Special Privileges:*
- 1) The AWS may approve special privileges, in writing, for the inmates in the categories addressed in paragraph V-B-6 above. When an inmate displays appropriate behavior standards for a minimum of one-hundred and twenty (120) consecutive days, after the recorded date of increase to Level Three-D (3-D) status, as documented in the Chronological Log and is program compliant.

- 2) The approval shall be in consultation with the Unit Team to verify the inmate's continued compliance with behavior and program standards. All approvals will be noted in the inmate's Chronological Log

c. *Loss of Special Privileges:*

- 1) The Segregation Commander, Segregation Specialist or Shift Commander have the authority to remove inmates in the categories addressed in paragraph V-B-6 from special privileges following review of inappropriate behavior or non-compliance. Documentation will be completed, indicating the level change on an Incident Report and on the inmate's Chronological Log.
- 2) The completed Incident Report will be forwarded to the Shift Commander.

C. **Temporary Suspension of Privileges:** Any inmate in any QOL Level may temporarily lose a privilege(s) if their behavior does not meet standards for that quality level. An Incident Report must be completed and submitted to the Segregation Commander/Specialist for review. The privilege(s) temporarily suspended will be listed in the Incident Report and on the inmate's Chronological Log. The Incident Report will then be forwarded to the Shift Commander. This behavior modification tool is separate from the rules and procedures set forth in WVDOC Policy Directive 325.00 "Discipline of Inmates."

1. Examples of inappropriate behavior include, but are not limited to, the following:

- Refusal to return any portion of their utensils or food tray to staff
- Failure to clean the cell or maintain it in an orderly fashion.
- Poor personal hygiene.
- Pounding on doors, walls, floors, ceilings, or other physical objects.
- Failure to comply with procedures concerning exiting to and from the shower, telephone and/or exercise areas.
- Failure to turn in bedding and clothing for regular cleaning.
- Exhibiting disrespectful actions toward staff, visitors or other inmates.
- Refusal to return issued razor.
- Hindering the cell inspection process.
- Destruction of property.

2. Temporary suspension of privileges may include one or more of the following:

- Television
- Store call may be limited to the purchase of personal hygiene items and writing materials
- Telephone
- Reading Library
- Recreation
- Suspension of dayroom privileges (QOL-4 and QOL-5 only)

3. Time frames for temporary suspension of privileges shall be three (3) days at a time, per incident, except for store call. Store call shall be for one (1) week at a time per each incident.

D. **Television Sets:** Television is an important part of inmate management and programs delivery. The following procedure shall apply:

1. All inmates assigned to QOL-2 thru QOL-5 may have television privileges.
2. Personally owned televisions purchased through approved procedures and modified to meet facility security requirements are allowed.

3. Inmates having a personal television at MOCC must agree to and sign a MOCC Inmate Television Set Agreement Form – Inmate Owned (MOCC Form 3-0072).
4. Inmates actively participating in recommended programs who do not have, or are temporarily without a television, may obtain a state “programs loaner” television through the following process:
  - a. Inmates will submit a Counselor Request Form Slip to their Case Manager.
  - b. The Case Manager will verify programs participation and forward the request to the Segregation Commander for approval/disapproval.
  - c. The Segregation Commander shall inform the Case Manager if the request is approved or denied. The Case Manager, in turn, shall inform the inmate of the decision.
  - d. Before issuance of a state-owned television, the inmate must complete and sign an Inmate Television Agreement Form – State Owned (MOCC Form 3-0073) and a drawing account voucher. This agreement and voucher will cover the cost of repair or replacement of the television and cable if damaged intentionally or through inmate negligence. State Shop staff shall inspect the television for damage, operating condition, etc.
  - e. State owned televisions will only be loaned to inmates not having funds to purchase their own television or the means to have a television sent to them. Trustee accounts will be checked six (6) months back. If the inmate has not had significant funds/purchases for the last six (6) months, he will be eligible to receive a state owned television. Inmates that have had appropriate funds must purchase their own television.
5. Inmates shall be responsible for repair or replacement of a state-owned television resulting from apparent abuse or alteration while in their possession. State Shop staff shall visually inspect televisions for damage and operating conditions. Inmates will not be issued another television until repair or replacement is made.
6. Inmates who have insufficient funds to cover the cost of repair or replacement of a state-owned television or cable caused by intentional damage or negligence may only purchase items from the Restricted Store Call List. Withdrawals from the inmate’s funds will continue until the cost of repair or replacement is made. The Trustee Clerk and Case Manager shall monitor this process. These conditions will result in loss of a “programs loaner” television privileges until repair or replacement is made.
7. Television Issue: Both personal and state-owned televisions, being issued to inmates, will be picked up from the State Shop at times established by the State Shop Supervisor. Unit team member(s) will deliver the televisions to inmates, and document delivery in the inmate’s Chronological Log.
8. Television Return/Turn-In: Both personal and state-owned televisions will be accepted in the State Shop at times and days as established and posted by the State Shop Supervisor.
  - a. Both personal and state-owned televisions being returned for some type of problem will be accompanied with a signed Counselor Request Form explaining the problem. In addition, all state-owned televisions must be accompanied with a signed voucher to cover of any repair/replacement costs.
    - 1) The QOL program requires an inmate to sign an Inmate Television Agreement Form to have a state-owned television. Part of this agreement is to have on file a signed voucher. If this voucher is used, it voids the entire agreement and the process must be started over. Therefore, all state-owned television returns must be accompanied with a signed voucher to address the current issue.



- 2) Personal televisions being returned to the State Shop to be mailed out of MOCC or destroyed must be accompanied with a completed S-1 property receipt and a voucher to cover mailing costs
9. Inquiries regarding issue, turn-in and/or replacement of televisions are to be directed to the State Shop. If there are questions concerning television turn-ins, contact the State Shop prior to bringing a television set to be turned-in.

**E. Programming:**

1. Inmates must complete all programming for a particular QOL Level before they are eligible to advance to the next QOL Level.
2. Ad-Seg inmates that have re-started QOL due to having received Punitive Segregation must retake all programming.
3. Ad-Seg inmates that receive a QOL Level reduction may retake programming at the discretion of the Segregation Commander.
4. Any Ad-Seg inmate receiving Punitive Segregation, regardless of QOL Level, must restart at QOL Level 1 upon the expiration of the punitive segregation time.

**F. Responsibilities:**

1. The Segregation Specialist/Segregation Commander are responsible to:
  - a. Review and/or approve level reductions and temporary suspension of privileges.
  - b. Forward Incident Reports to the Shift Commander.
  - c. Notification of affected Unit and State Shop staff of level changes regarding privileges for inmates in the categories addressed in paragraph V-B-6 of this procedure.
2. The Case Manager shall provide the contents of this Operational Procedure to all inmates served Notice of Assignment to Administrative Segregation. The Case Manager shall review inmate Chronological Logs weekly.