

## Minnesota Department of Corrections

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<b>Division Directive:</b>	301.087	<b>Title:</b>	Administrative Control Status
<b>Issue Date:</b>	6/3/08		Minnesota Correctional Facility-Oak Park Heights
<b>Effective Date:</b>	7/1/08		

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**AUTHORITY:** Minn. Stat. §241.01

**PURPOSE:** To maintain a safe and orderly environment within the Department of Corrections' (department) correctional facilities.

**APPLICABILITY:** Adult male facilities

**DIRECTIVE:** The department operates an Administrative Control Unit (ACU) at the Minnesota Correctional Facility-Oak Park Heights (MCF-OPH). Those offenders who are unable to function in a less restrictive environment without being a threat to others or to the orderly operation of a correctional facility are placed on administrative control status in the ACU. MCF-OPH may develop instructions to outline internal procedures related to this status.

**DEFINITIONS:**

ACS Placement Referral/Review Committee (ACS Committee) – MCF-OPH staff consisting of the Warden, Associate Warden of Operations, Captain, Program Director, case manager, Health Services Administrator, mental health professional, and two other staff from outside of MCF-OPH, as appointed by the Deputy Commissioner-Facility Services. The Associate Warden of Operations or designee will chair the committee and is responsible to ensure compliance with notifications and timely reviews.

ACU Quarterly Review Committee Team (ACU Team) - MCF-OPH staff consisting of the Program Director, case manager, unit lieutenant/sergeant, Education staff member assigned to the unit and a mental health professional. The ACU Team quarterly meet with ACU offenders.

Administrative control status – status of an offender placed in ACU who has met one or more of the criteria outlined in Procedure A. 2. of this directive.

**PROCEDURES:**

A. Offender Referral to Administrative Control Status

1. Prior to completion of a segregation sentence at MCF-OPH, a warden or department staff may make a referral the MCF-OPH Warden to place the offender on administrative control status.
2. The following factors will be considered when reviewing an offender for placement on administrative control status:
  - a) Any incident during confinement in which an offender has caused the death of another person.
  - b) Any incident during confinement in which the offender has caused serious injury to other persons.
  - c) Any incident in which an offender was in the possession of a weapon(s).
  - d) An escape or an attempted escape from a correctional facility depending upon the circumstances.

- e) The nature of the committing offense. An offender may not be considered solely on the nature of the crime which resulted in the offender's incarceration; however, the nature of the crime may be considered in combination with other factor(s) or a history as described in this section.
  - f) History of such incidents as outlined above.
  - g) Pattern of predatory, assaultive, or sexual behavior that places others at risk.
  - h) Credible intelligence information from reliable sources that indicates offender has a negative leadership role and is directing, ordering, and/or organizing actions that jeopardize other offender's safety and/or threatens facility security.
3. An offender may not be approved for placement on administrative control status if the offender shows evidence of significant mental disorder or major physical disabilities as documented in the mental health evaluation or physical record. ACS offenders who are transferred to the mental health unit for serious and persistent mental health concerns will have their status suspended. ACS placement will be re-evaluated within ten days of discharge from MHU.

A mental health summary report (by an appropriate mental health professional) and a medical (including dental) summary report (by medical staff) will be available for the Warden's consideration prior to placement on administrative control status. If the offender refuses to cooperate in a mental health evaluation, a mental health professional will document this refusal in a report consisting of a record review and staff observation.

B. Review Procedure for Administrative Control Status Referral

1. Upon receiving the materials outlined in Procedure A above, the MCF-OPH Warden/designee will convene the ACS Committee. If the offender being referred is currently serving a segregation sentence, the Placement ACS Committee will review the case at the next regularly scheduled meeting prior to the conclusion of the segregation sentence. If the offender is not currently serving a segregation sentence, the review will take place within ten days. This review will ordinarily take place at MCF-OPH.
2. Offender Notice. A minimum of two days prior to the ACS Committee meeting, staff will provide written notice (attached) to the offender.
  - a) The notice must include the specific act(s) or other evidence forming the basis for the recommendation to place the offender on administrative control status. If the ACS Committee intends to consider any disciplinary actions the offender received before or after the referral, it must be noted in the written notice. The notice will not include specific act(s) or other evidence that would likely endanger staff or others.
  - b) Staff giving the offender the written notice will note the date the written notice was given to the offender on the staff copy of the written notice. If the offender is illiterate, staff will explain the written notice to the offender. Staff will arrange for interpreters for offenders who do not adequately understand written or spoken English, including hearing-impaired offenders whose primary language is American Sign Language. In all cases, staff will document the time and date that notice was given.

3. Offender Presence at Referral Review. The offender may be present throughout the ACS Committee's review, except in the event that facility security or staff safety could be jeopardized. The ACS Committee may conduct a review in the absence of the offender when the offender refuses to appear. During the hearing the offender will be offered an opportunity to present his position to the ACS Committee verbally or in writing. In the event an offender refuses to appear or there are other reasons for an offender not attending, the staff must note this in the ACS Committee meeting minutes.
  4. Review Information. The information considered by the ACS Committee must be material and relevant to the issues as to whether the offender can and would function in a general prison population without being or posing a threat to staff or others, or to the orderly operation of the correctional facility. The ACS Committee may not consider attempts to reverse or repeal a prior finding on a disciplinary violation.
  5. ACS Committee Review Decision
    - a) An offender may only be placed on administrative control status if the majority of the ACS Committee recommends placement. The Assistant Commissioner of Facility Services will review all recommendations for placement.
    - b) The ACS Committee chair will prepare individual summaries of the review including the specific reason for the recommendation including a description of the act(s) or series of acts, or the evidence on which the decision is based; projected length of time on administrative control status given positive adjustment; and a status plan that outlines expectation of the offender while on administrative control status. This summary will be provided to the offender and the Assistant Commissioner of Facility Services within five working days of the hearing.
    - c) The Assistant Commissioner of Facility Services will accept or reject the ACS Committee's recommendation within 15 business days of receipt of the summary. The decision will be in writing. Copies of the decision will be provided to the offender, the MCF-OPH Warden and the ACS Committee chair.
  6. Offender Appeal  
An offender may appeal (attached) his placement on administrative control status to the Deputy Commissioner of Facility Services within 15 calendar days of receipt of the final decision by the Assistant Commissioner. The Deputy Commissioner will make a final decision within 30 days.
- C. Admission to the ACU – All offenders placed on administrative control status in the Administrative Control Unit will:
1. receive an unclothed body search upon admission to the ACU. The ACU staff will conduct the unclothed body search.
  2. receive notice of the type of personal property allowed in ACU.
  3. receive a summary of the guidelines and disciplinary procedures applicable in the ACU. ACU offenders are subject to placement on disciplinary segregation status. The Program Director may credit the offender's ACU time with time spent in segregation for time served after being placed on control status in ACU.

4. receive an explanation of the activities available in the ACU.
5. receive the expectations of the offender's involvement in ACU activities.
6. receive the criteria for release from the ACU and how those criteria specifically relate to this confinement period in the unit and any specific requirements in the offender's individual case.

D. Offender Searches

All offenders on administrative control status will receive an unclothed body search upon admission, upon leaving the ACU, and upon returning to the ACU.

E. ACU Programs and Services for Offenders on Administrative Control Status - The Program Director will provide activities, programs, and services consistent with maintaining the security and order of the ACU and supervise the ACU. These services must be provided unless compelling security or safety reasons dictate otherwise. These reasons for not providing programming for a particular offender must be documented and signed by the MCF-OPH Warden, indicating the Warden's review and approval.

1. Education - The Education Director will assign a member of the education staff on at least a part-time basis to assist administrative control status offenders in developing an educational program to fulfill each offender's academic needs. The education available will include adult basic, GED programs and limited college courses through authorized and approved sources (approved by the education director and paid for by the offender).
2. Work Assignments - The ACU Unit Lieutenant may assign offenders to any work assignment provided the duty does not compromise the security or safety of the correctional facility, staff, or other offenders. The manner in which these duties are carried out will reflect the offender's unit adjustment and will assist staff in evaluating the offender.
3. Legal - An offender assigned to administrative control status will have access to law library materials upon request and in rotation. Abuse of materials may result in a decision by the Warden to limit the use of legal materials. A decision to limit materials due to abuse must be documented in writing and signed by the Warden.
4. Recreation - The recreation program for administrative control status offenders will include the following requirements:
  - a) Each offender will have the opportunity to receive a minimum of seven hours weekly recreation and exercise out of the cell. When an offender refuses recreation, staff will note this on the offender's record. Offenders recreate individually. Limited exercise materials as consistent with security considerations and orderly operation of the ACU will be provided. Offenders who alter or intentionally damage recreation equipment may be deprived of the use of that equipment in the future.
  - b) Televisions and radios may be provided consistent with security and good order. Abuse or damage of television, radio or equipment will be grounds for individual limitations on the use or removal of the television/radio and may result in informal or formal disciplinary action.

5. Case Management Services - The case manager is responsible for all areas of case management. The case manager is a member of the ACU review team and will document monthly contacts with the offender.
6. Health Services - A member of the medical staff will visit administrative control unit daily and be available upon request. A physician will visit the ACU as the need arises. If evaluation or treatment cannot be administered in the ACU, and upon the request of the medical doctor or dentist, staff will escort the offender to the MCF-OPH medical unit.
7. Mental Health Services - During the first 30-day period on administrative control status, the offender will receive a psychological evaluation conducted by a mental health professional. Additional contact/screenings will occur every 30 days. The mental health professional will perform and/or supervise needed behavioral health services and develop written treatment plans for services required during placement on administrative control status. Psychiatric services will be provided when necessary. An ACS offender diagnosed with a serious and persistent mental illness, that impairs their decision-making process and ability to manage behavior, will be removed from ACS.
8. Religion - Offenders may have their five religious items upon request limited by security consideration and housekeeping rules in the ACU. This material may come from an offender's personal property or from the Religious Resource Coordinator's Office. The correctional facility religious coordinator will make monthly visits to offenders on administrative control status. While individual prayer and/or worship is allowed in a control unit, religious assemblies or group meetings are not allowed.
9. Food Service and Personal Hygiene - Staff will provide food services and personal hygiene care consistent with the requirements established in Administrative Segregation in MCF-OPH.
10. Correspondence - Offenders placed on administrative control status are provided correspondence privileges consistent with Administrative Segregation status (see Division Directive 301.083, "Segregation Unit Management.")
11. Visiting - Visits for offenders confined in the ACU are conducted in a controlled visiting area over the closed circuit television monitor. Staff will allot a minimum of four hours per month visiting time to an ACU offender. The number of consecutive hours of visiting on a particular day may be limited by the number of visitors waiting to visit. All visitors must be on the offender's approved visiting list. The Warden may establish a limit, consistent with resources and correctional facility security and good order, on the number of visitors an offender may receive, visits in excess of four each month, and the number of visiting hours in excess of four allotted each month.
12. Canteen - Staff will establish a canteen purchase schedule. The amount of canteen allowed is similar to general population. The items available for canteen may be limited to ensure the safety and security of the unit.
13. Personal Property - Personal property retained by an offender will be stored in the space provided. Personal property items are limited in number and type to ensure the safety and good order of the unit and will be consistent with Administrative Segregation status (see Division Directive 301.083, "Segregation Unit Management.")

F. Records

1. Separate ACS files will be maintained by the A/W of Operations or designee.
2. Detailed records must be maintained in the ACU. Staff will record all admissions in the unit log.
3. Staff will record any unusual activity or behavior (both positive and negative) of individual offenders by writing incident reports.

G. Review of ACU Placement

1. ACU staff will monitor an offender's adjustment on administrative control status in the ACU.
2. On a quarterly basis, the ACU Quarterly Review Committee Team, comprised of the Program Director, Case Manager, Unit Lieutenant/Sergeant, Education staff member assigned to the unit and a mental health professional will meet with an offender in the ACU. Reviews will include an assessment of the offender's adjustment and progress toward removal from administrative control status. The assessment will include the offender's willingness to participate in the review.
3. After the initial six months of administrative control status and every six months thereafter, the ACS Committee will review the case and may make a recommendation as to readiness for release after considering the offender's:
  - a) Unit status;
  - b) Adjustment (No discipline reports and positive interaction with unit staff);
  - c) Readiness for release from the unit;
  - d) Participation in any program recommendations and ACS reviews; and
  - e) Length of time on administrative control status. This may include temporary placement in other closed units prior to placement in a general population unit.

The Assistant Commissioner of Facility Services will serve as the reviewing authority for ACS Committee decisions related to removal from administrative control status. An offender may appeal the ACS Committee decision to the Assistant Commissioner within five working days of receipt of that decision. The offender will receive a response to this appeal within 15 days of the decision. Appeals will be submitted to the Warden/designee who will record receipt and forward to the Assistant Commissioner.

H. Release From Administrative Control Status

1. When the ACU Team recommends that an offender be released from administrative control status, a written report (attached) will be submitted to the Assistant Commissioner that includes the following information:
  - a) Relationship with other offenders and staff members, which demonstrates the offender is able to function in a less restrictive environment without posing a threat to others or to the orderly operation of the correctional facility;
  - b) Involvement in work (if assigned) and recreational activities and special programming (anger management, Thinking For A Change, education, etc.).

- c) Adherence to correctional facility disciplinary rules and department rules and policy;
  - d) Personal grooming and cleanliness; and
  - e) Plan for transitioning into the general population at MCF-OPH.
2. An offender released from ACS will be placed into an appropriate step-down program that includes a minimum adjustment time in general population at MCF-OPH before transfer to other facilities is considered. The written plan will be provided to the offender, case manager and appropriate living unit staff.

**REVIEW:** Annually

**REFERENCES:** None

**SUPERSESSSION:** Division Directive 301.087, "Administrative Control Status Minnesota Correctional Facility - Oak Park Heights," 7/3/07.  
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

**ATTACHMENTS:** Notice of Administrative Control Unit Referral Review  
Offender ACS Appeal form  
ACS 6th Month Review - Continuation  
ACS 6th Month Review - Removal

/s/  
David R. Crist, Assistant Commissioner  
Facility Services

**Instructions**  
301.087OPH, "Administrative Control Unit"