


PROCEDURES NORTH DAKOTA STATE PENITENTIARY  NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION		PROCEDURE NUMBER: 5A-20
		APPENDICES: A. Inmate Separation B. Secure Housing Placement Memo C. Bunk Area Condition Check D. Administrative Segregation and Disciplinary Detention Withholding Report
		ACA/PbS RELATED STANDARDS: ACI 4-4249 through 4-4273
CHAPTER TITLE: 5. Facility Operations	SECTION: A. Security and Control	SUBJECT: Segregation
DATE ISSUED: December 16, 2011	DATE(s) REVISED: October 23, 2012	

1. **APPLICABILITY:** To all staff involved in the management, operation or utilization of the segregation unit and those required to provide service to inmates housed in the special management units.

2. **DEFINITIONS AND ACRONYMS:**
 - A. **Administrative Segregation:** A form of separation from the general population administered by the classification committee or other authorized group when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff, or other inmates or to the security or orderly running of the institution. Inmates pending investigation for trial on a criminal act or pending transfer may be included.

 - B. **Administrative Segregation Committee:** Staff assigned to review placement and make recommendations to the warden.

 - C. **Administrative Segregation Observation:** Inmates dealing with a crisis that may cause them to inflict harm on themselves, others or property, or for detoxification purposes, may be placed on observation status.

 - D. **Administrative Segregation Pre-Hearing Detention:** When an inmate needs to be isolated due to an active investigation of a rule infraction pending a hearing before the institutional disciplinary committee.

 - E. **Disciplinary Detention:** A form of separation from the general population in which inmates committing serious violations of conduct regulations are confined by the disciplinary committee or other authorized group for short periods of time to individual cells separated from the general population. Placement in detention shall occur only after a finding of a rule violation at an impartial hearing and when there is not an adequate alternative disposition to regulate the inmate's behavior.

- F. Inmate: A person housed in a Department of Corrections and Rehabilitation facility or the Dakota Women's Correctional and Rehabilitation Center.
- G. iTAG: The information management system utilized by adult and juvenile facilities.
- H. Protective Custody: A form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health or safety.
- I. Segregation: The confinement of an inmate after an administrative review to an area that is separated from the general population.
- J. Special Management Inmates: Individuals whose behavior presents a serious threat to the safety and security of the facility, staff, general inmate population, or themselves.
- K. Special Management Units: Units that segregate inmates who threaten the secure and orderly management of the institution.
- L. AS: Administrative Segregation
- M. CM: Case Manager
- N. COS: Chief of Security
- O. DD: Disciplinary Detention
- P. DOCR: Department of Corrections and Rehabilitation
- Q. PC: Protective Custody
- R. UM: Unit Manager

3. **PROCEDURES:**

A. Administrative Segregation:

1. The Warden or shift supervisor can order immediate segregation, when it is necessary, to protect the inmate or others. (4-4250)
 - a. Written notification identifying the reason for placement should be given to the inmate within 24 hours. The action is reviewed within 72 hours by the appropriate authority.
 - b. Documentation detailing the reason for placing the inmate in AS or PC will be prepared and forwarded to the members of the AS Committee. Copies will be given to the AS CM and to the inmate, provided this does not compromise institutional security.

B. Separation Requests:

1. The Separation Committee will notify the COS through the process of the Inmate Separation form. The COS or the captain will complete an

investigation or assign to another staff and make a determination as to the urgency of the request, and take any immediate action deemed necessary. Immediate action may range from informal resolution of the conflict, to securing the inmate in AS on PC status until the investigation is completed.

2. When the investigation is completed, all statements and reports will be forwarded to the COS for review.
3. The COS will review the case and make one of three recommendations to the Warden.
 - a. Recommend it is not a legitimate separation case.
 - b. Recommend it be labeled a monitoring case. In this situation, the two inmates may be housed in the same facility but staff should be aware that problems exist. If possible, they should not be housed on the same floor. Mediation may also be recommended.
 - c. Recommend the case is a legitimate separation case. The inmates will be kept separated from one another and both not be housed at the North Dakota State Penitentiary.
4. When the process is completed, the paperwork will be forwarded to administrative services to be placed in the case history files and entered into iTAG. Staff will be briefed to check iTAG for any separations or non-associations before making moves, housing, or work assignments, where these inmates are concerned.

C. Protective Custody:

1. Inmates requesting PC will notify staff. (4-4251)
2. The inmate must produce a signed statement identifying the threat.
3. Each PC case should be reviewed on the same schedule as AS inmates with the goal of terminating the separate housing assignment as soon as possible.

D. Disciplinary Detention:

1. Admission:
 - a. Inmates are placed on disciplinary status for a rule violation, only after a hearing, by the Disciplinary Committee or resolution officer, upon review by the UM. (4-4252)
 - 1.) There is a sanctioning schedule for institutional rule violations.
 - 2.) Continuous confinement for more than 30 days requires the review and approval of the Warden.

- 3.) Inmates exceeding 60 days of DD are provided programming and privileges, the same as other segregation inmates. (4-4255)
2. Supervision:
 - a. Inmates in segregation are visually observed at least every 30 minutes on irregular intervals.
 - b. Anytime a crisis situation arises with an inmate in DD, the inmate will be evaluated and a determination will be made as to whether placement in observation is needed. If the inmate is to remain in the DD area, 15 minute checks will be initiated unless the shift supervisor determines otherwise.
 - c. If the inmate is moved to observation, DD time will not be credited. DD time will resume upon placement in the DD area.
3. Visits:
 - a. Visits may be allowed for inmates on DD status after serving 60 consecutive days. The COS and shift supervisor may approve legal or special visits, based on need.
 - b. Visits may be withheld when the COS has substantial reasons for withholding them.
4. Haircuts:
 - a. AS, DD, AS pre-hearing detention and observation inmates receive haircuts on the same basis as inmates in general population. They can sign up for a haircut once per month through the staff working in the unit.
5. Legal and reading materials:
 - a. Inmates on DD status are allowed access to materials from the law library and a reasonable amount of legal material by submitting a request slip to the UM or CM, if the inmate proves a filing deadline of 14 days after release from DD. Security staff will ensure all staples, paper clips, and metal parts are removed from any approved material.
 - b. If inmates request legal assistance, an inmate law librarian may be scheduled to meet with the inmate requesting assistance in a non-contact visit.
 - c. Fiction and non-fiction books are supplied in all segregation units.
 - d. Reading materials may also be checked out from the main institution library or ordered through proper channels by sending a request slip to the Director of Education with their requests.

6. Telephone privileges:
 - a. Inmates on DD status may be allowed phone calls after 60 consecutive days.
 - b. Inmates may submit a written request to make an attorney phone call. Attorney calls are scheduled during business days and hours, and the attorney must be on the inmate's approved telephone list. (4-4272)
 - c. Inmates may request to make a staff assisted call in emergencies. The request must be made, in writing, at least 24 hours prior to making the call. The inmate must provide the necessary information to staff to have the call approved. Staff will determine if the situation is of an emergent nature.
 - d. Inmates on AS pre-hearing detention status will not be allowed to make personal telephone calls, unless approved by the shift supervisor or UM.
7. Allowable state issued items for DD and AS pre-hearing detention status inmates:
 - a. Hygiene items
 - b. Writing materials, paper, security pens and envelopes, upon request and identified need. Inmates may purchase stamps through the commissary or postage will be applied and their account charged through administrative services.
 - c. A pillow, linens and no more than two blankets, upon approval and dependant on beha vior.
 - d. Shower shoes
 - e. The Chaplain or the UM must approve any religious materials such as the Christian Bible, Koran, or Poetic Edda.
8. Inmates on AS pre-hearing detention and DD status may not have personal property including magazines, newspapers, pictures, packages, that have already been in their possession.

E. Review:

1. Inmates on AS status will be reviewed by the AS Committee every seven days for the first two months and will be personally reviewed every 30 days for the first three months. (4-4253)
 - a. The AS CM will provide members of the AS Committee information and recommendations on whether an AS inmate should be considered for release from AS, or should remain in AS. The committee's recommendation will be forwarded to the Warden for approval or disapproval.

- 1.) Inmates with poor or inappropriate behavior or unit adjustment during the 30-day review period may receive a file review by the AS Committee. If the AS Committee does not allow a personal review, the AS Committee must document specific reasons for the file review.
 - 2.) After four months of AS placement, the inmate will receive a review by the Warden or assigned staff. The Warden Review will be held every four months thereafter, except for those months where there is a scheduled review by the Director of DOCR's office. After one continuous year in AS, the inmate will receive a review from the Director of DOCR's office. The DOCR reviews will be held annually thereafter.
 - 3.) The AS Committee reviews shall consider the original reason for segregating an inmate and his behavior during segregation. The AS Committee shall consider any alternatives available and what, if any, assistance could be provided the inmate to hasten return to general population.
 - 4.) Inmates placed in the AS will participate in the development of a plan to progress out of the unit.
2. Release from any AS status or PC status shall be authorized by the Warden. The recommendation and conditions for release should be made by the AS Committee, the Director of DOCR, or directly from the Warden. (4-4254)
 - a. The shift supervisor may release an inmate, on detention status, to general population when conditions are satisfactory and there is no apparent threat to the security and orderly running of the institution, prior to the initial AS placement review hearing.
 - b. A classification score sheet must be completed prior to release.
 3. The AS CM will generate a monthly list of segregation inmates scheduled for review by a qualified mental health official. This list is sent to the appropriate clinical staff and the AS UM.
 - a. A mental health professional will interview and provide a written report on any inmate in segregation including DD for more than 30 days and if the inmate remains in segregation, an assessment will be conducted at least every three months. Notification of the completed reports will be sent to the AS UM and the AS CM. The report will be filed in the inmate's treatment file. (4-4256)

F. Supervision:

1. All special management inmates are personally observed by a correctional officer at least every 30 minutes on an irregular schedule. Inmates who are violent, mentally ill or who demonstrate unusual or

bizarre behavior receive more frequent observation; suicidal inmates are under continuous observation. (4-4257)

- a. If an inmate inflicts bodily harm to himself, report it immediately to the shift supervisor for assistance in evaluation or treatment by medical staff, as soon as possible. All necessary log entries and crisis reports must be completed prior to the officer completing shift.
 - b. All inmates assigned to AS shall be automatically classified as maximum-security custody. Any maximum custody inmate will be restrained, at all times, when they leave an AS cell. Restraints are required anytime an AS inmate is exposed to any other person without a secure partition between them. The minimum level of restraints is two staff and hand restraints. A belly chain will be used to secure hand restraints in the front or hand restraints can be applied behind without the use of a belly chain.
 - c. When an AS inmate refuses a meal, it should be documented in the log and appropriate staff notified.
2. Inmates in segregation shall be visited daily by the shift supervisor. (4-4258)
- a. Medical staff will visit the segregation unit daily to ensure the inmate has access to health care. The presence of medical staff is announced and recorded in the unit log.
 - b. The COS will visit the unit weekly.
 - c. The Chaplain will be available, at least weekly.
 - d. Program staff will visit weekly or as requested by the inmates.
 - e. Visits to the segregation area will be logged in the shift log in iTAG.
3. Specially screened staff will be assigned to work in the segregation unit with considerations given to the nature of the inmates in the unit and the personality, training, performance record, and completion of the probationary period of staff members being considered. Staff will be selected to work a minimum six-month rotation, but not to exceed 18 months. Based on the intensity of the assignment, thereafter, the AS UM will determine the need for rotation. (4-4259)
- a. The UM or CM will provide an orientation, training, and supervision to staff as to the function of the unit, rules governing its operation, and the needs and problems typical of inmates in the unit. The training will be documented in the employee training record.
4. Staff operating AS shall maintain the shift log recording in iTAG. (4-4260)

- a. Logs should contain the name, number, housing location, date admitted, type of infraction or reason for admission, tentative release date, and special medical or psychiatric problems or needs of the inmate. Logs should include visits from officials who inspect the units or counsel inmates, all unusual inmate behavior and all releases.
- G. General Conditions of Confinement: (4-4261)
1. Inmates in AS will be issued appropriate institutional clothing, socks, and shower shoes.
 - a. Inmates in segregation will not be allowed to take any personal effects with them, unless approved by the COS.
 - b. All property, including personal clothing, must be stored neatly within the inmate's quarters. If the property is not stored appropriately, the amount of property allowed will be restricted to that which is reasonable.
 - c. New placements to AS will not receive property until after the AS Review Committee recommends AS placement.
 - d. An unclothed search will be conducted on the inmate, to include a visual body cavity inspection prior to placement in segregation. The approved institutional uniform may be used as a substitute for personal clothing.
 - e. A staff member will search all cells to include the mattress and bed, prior to an inmate's placement and at least monthly thereafter. A Bunk Area Condition Check form must be completed by the staff searching the cell before and after each placement and be filed in the housing unit office retaining the two most recent Bunk Area Condition Check forms.
 2. Showers will be offered three times per week for inmates in segregation. (4-4262)
 - a. Showers will be no longer than 20 minutes in length.
 - b. AS inmates will be taken to the shower in restraints, with two staff escorting, locked in and then the restraints will be removed. When the shower is completed, the restraints will be placed on the inmate in the double locked position and the restraints removed only after the inmate is secured in his cell. At least one additional staff member should assist when conducting showers with AS inmates.
 3. Shaving:
 - a. Inmates are supplied with a safety razor at shower time only. Failure to check the safety razor out during shower time will result in not shaving for the day. The used safety razor must be returned to the officer for proper disposal in a sharps container. The razor must be inspected by staff upon completion of the

- inmates' shower to ensure all blades are present. Inmates caught tampering with the razors to remove blades shall receive disciplinary reports.
- b. Observation inmates will only be given a razor to shave, upon recommendation of treatment staff and approval by the shift supervisor.
4. Inmates may be issued clean underwear, socks and clean institutional uniforms for every shower. (4-4263) If an inmate's behavior has not been satisfactory, showers may be withheld. Negative behavior must be documented in the shift log; an Administrative Segregation and Disciplinary Detention Withholding Report filled out and signed by appropriate staff.
- a. Observation inmates will receive clothing as recommended by staff and approved by the shift supervisor.
 - b. AS inmates receive haircuts on the same basis as inmates in general population. They can sign up for a haircut once per month through the staff working in the unit.
 - c. AS pre-hearing detention and observation inmates may request approval, by appropriate staff, to receive a haircut. All inmates are given state issued shampoo to wash their hair when they shower.
5. If it is determined to place an inmate on alternate meal service, staff will document the problem behavior necessitating this action in the shift log. (4-4264)
- a. Unit staff shall complete an Administrative Segregation and Disciplinary Detention Withholding Report documenting the inmate's negative behavior and staff's recommendation to place an individual inmate on alternative meal service for a specific amount of time. Appropriate staff will sign off on the Administrative Segregation and Disciplinary Detention Withholding Report.
 - b. No item or activity should be withheld longer than is necessary to ensure the inmate's safety and well being of the staff and other inmates.
 - c. The Administrative Segregation and Disciplinary Detention Withholding Report for alternative meals shall not exceed seven days.
 - d. If there is a recommendation for restricted meal service, the Administrative Segregation and Disciplinary Detention Withholding Report must be signed off by medical staff and approved by the Warden.
 - e. Alternate meals will be given to the inmate, in place of the regular meal, and will meet the basic nutritional requirements.

- f. The original Administrative Segregation and Disciplinary Detention Withholding Report will be sent to the inmate's case history file and copies sent to the UM, CM, unit staff, COS, captain, medical, and the inmate.
6. If a usually authorized item or activity is withheld from an inmate, staff will document the problem behavior necessitating the loss of items and services in the shift log.
- a. The unit staff will complete an Administrative Segregation and Disciplinary Detention Withholding Report documenting the behavior and recommending the loss of a specific item or service for a specific amount of time. No items or activity should be withheld longer than is necessary to ensure the inmate's safety and well being of the staff and other inmates.
 - b. A copy of the Administrative Segregation and Disciplinary Detention Withholding Report will be routed to the COS after it has been completed and signed by appropriate staff. (4-4265)
 - c. If circumstances warrant the removal of the inmate's personal property items, approval should be obtained, in advance, from the Warden.
 - d. The original Administrative Segregation and Disciplinary Detention Withholding Report will be sent to the inmate's case history file and copies to the UM, CM, unit staff, COS, captain, and inmate.

H. Programs and Services:

- 1. Inmates in AS may request a pencil and writing paper from the officer, if they cannot afford these items.
 - a. Requests for mailing packages must be submitted to the property officer.
 - b. Inmates may write and receive first class mail on the same basis as the general population. (4-4266)
- 2. All inmates housed in AS will be allowed up to 10 visiting hours a month and are limited to one hour of visiting per day on days visiting is authorized. (4-4267)
 - a. Every effort will be made to notify approved visitors of any restrictions on visiting. The burden of this notification shall be placed on the inmate, unless the inmate does not have access to a telephone.
 - b. Inmates having visits will remain clothed in the institutional uniform that has been issued to them. They will be escorted to and from the secured visiting room and remain in restraints for the duration of the visit. Restraints will be applied based on the inmate's classification and custody level per staff discretion.

The visiting room officer will notify the shift supervisor or lieutenant upon the completion of the visit and hold the inmate in the secured visiting room until the escorting officer arrives to take charge of the inmate. Prior to his re-entering the DD unit, an unclothed search will be conducted on the inmate, to include a visual body cavity inspection.

I. Access to Legal and Reading Materials:

1. AS inmates shall have access to legal materials including both personal legal materials and available legal reference materials. (4-4268)
 - a. Reasonable arrangements should be made to assist the inmate in meeting court deadlines.
 - b. Inmates must submit a request to the AS CM informing them of the type of assistance requested and submitting appropriate documentation indicating a court deadline. If inmates request legal assistance, an inmate law librarian may be scheduled to meet with the inmate requesting assistance in a non-contact visit.
2. Reading materials are supplied in all segregation units. (4-4269) Reading materials may also be checked out from the library or ordered by sending a request to the Director of Education.

J. Exercise Outside of Cell:

1. Inmates in segregation receive one hour of outside cell recreation, five days per week, unless security or safety considerations dictate otherwise. (4-4270) If an inmate refuses recreation, staff will not make arrangements to make up the lost recreation. If recreation is cancelled due to institutional needs or some reason beyond the control of the institution, attempts will be made to make up the missed out of cell recreation. Reasons for denial of recreation will be documented in the unit log.

K. Telephone Privileges:

1. Inmates in AS are allowed telephone privileges. (4-4271)
 - a. Inmates must submit a written request so calls can be scheduled during the day. Portable phones shall be used when available.
 - b. Inmates in AS may be allowed to make personal phone calls daily to someone on their approved telephone list. Phone calls are limited to 15 minutes daily.

L. Programs:

1. Inmates in segregation may participate in such education, vocational, and rehabilitative programs and religious guidance as can be provided,

within the confines of the segregation unit, consistent with the security needs of the unit. (4-4273)

- a. Inmates may be provided the opportunity to seek education programs which are appropriate for their needs providing the program does not interfere with the security of the unit.
 - b. Inmates may order commissary, once weekly, through the established process. Items from commissary may be withheld if determined by the COS to be a threat of the security of the AS unit.
 - c. Inmates will be provided the opportunity to seek treatment which is appropriate for their needs. A social worker, psychologist, counselor, psychiatrist, Chaplain, or unit staff may provide services.
 - d. The Chaplain will provide religious services to inmates when requested.
 - e. Inmates shall receive the services of treatment staff at the inmate's written request.
 - f. Inmates housed in AS may be provided with the opportunity to work.
 - g. Inmates may request to participate in cell hobby. The request will be approved, on an individual basis, by the AS CM and AS UM. Each inmate may be allowed to participate in one form of cell arts and crafts hobby. The AS CM and AS UM will approve any exceptions.
4. **SIGNATURE:** These procedures become effective when signed by the Director of the Department of Corrections and Rehabilitation.

This copy has been approved by the Director with the original signature on file.