

STATE OF WEST VIRGINIA
DIVISION OF CORRECTIONS
POLICY DIRECTIVE

NUMBER: 326.00
DATE: 01 April 2008
SUBJECT: Special Management/Punitive
Segregation/Administrative
Segregation
AUTHORITY: WV Code 62-13-4;
ACA Standards 4-4249
through 4-4273

- I. **POLICY:** It is the policy of the West Virginia Division of Corrections to maintain a mechanism that ensures the dissemination of appropriate guidelines and procedures concerning the removal of an inmate from the general population.
- II. **CANCELLATION:** Policy Directive 326.00, dated 01 September 2007
- III. **DEFINITIONS:**

Administrative Segregation: 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.

Detention: A pre-hearing custody that is both preventive and reactive in nature. As such, detention allows for the pre-hearing removal of an inmate from the general population for the following purposes: to allow the responsible official to conduct an investigation into circumstances of incident(s), ensure immediate control and supervision, protect potential victims, ensure witnesses against intimidation, and to ensure the maintaining of facility security and public safety.

Punitive Segregation: A post-hearing custody that is reactive in nature. Punitive Segregation is ordered by a Correctional Hearing Officer following a hearing under the policy and procedures governing inmate discipline wherein it has been determined that there is some evidence the inmate committed the rule violation.

Special Management: Any specific procedure designed to provide for the safety and security of those members of the inmate population, who based on **verified** information, would be in jeopardy from another member or other members of the inmate population.

IV. APPLICABILITY: All units within the Division of Corrections, except Anthony Correctional Center.

V. PROCEDURE:

- A. Although this Policy Directive is applicable to all units within the Division of Corrections, it shall be utilized only when necessary and appropriate at Division of Corrections' institutions/facilities/centers that house Special Management/Punitive Segregation/Administrative Segregation inmates.
- B. The Warden/Administrator shall ensure, where a Segregation Unit exists, that there are written policies and procedures that govern their operation for the supervision of the inmates under Special Management/Punitive Segregation/Administrative Segregation.
1. The Warden/Administrator or Shift Commander can order immediate detention when it is necessary to protect the inmate or others. The actions shall be reviewed within seventy-two (72) hours by appropriate authority.
 2. An inmate shall be admitted to the Segregation Unit for Special Management Status only when there is documentation that such status is warranted and no reasonable alternatives are available.
 3. An inmate shall be placed in Punitive Segregation for a rule violation only after a hearing by a Correctional Hearing Officer.
 4. There shall be a review of the status of inmates in Administrative Segregation and Special Management by the Classification Committee or other authorized staff group every seven (7) days for the first two (2) months and at least every thirty (30) days thereafter.
 5. There shall be a review process used to release an inmate from Administrative Segregation and Special Management.
 6. There shall be a sanctioning schedule for institutional rule violations. Continuous confinement for more than thirty (30) days shall require the review and approval of the Warden/Administrator. Inmates held in Punitive Segregation for periods exceeding sixty (60) days shall be provided the same program services and privileges as inmates in Administrative Segregation and Special Management Status.
 7. A qualified mental health professional shall personally interview and prepare a written report on any inmate remaining in segregation for

more than thirty (30) days. If confinement continues beyond thirty (30) days, a mental health assessment by a qualified mental health professional shall be made at least every three (3) months – more frequently if prescribed by the chief medical authority.

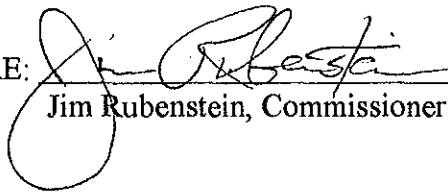
8. Correctional Officer staff shall personally observe all inmates in Special Management/Punitive Segregation/Administrative Segregation Status at least every thirty (30) minutes on an irregular schedule. Inmates who are violent or mentally disturbed or who demonstrate unusual, bizarre, behavior shall receive observations that are more frequent; suicidal inmates shall be under constant observation.
9. Inmates in segregation shall receive daily visits from the senior correctional supervisor in charge, daily visits from the qualified health care official (unless medical attention is needed more frequently), and visits from members of the program staff upon request.
10. Staff who work directly with inmates in segregation on a regular and daily basis shall be subject to specific selection criteria, supervision, and rotation in and out of the segregation unit.
11. Correctional staff operating segregation units shall maintain a permanent chronological log for each inmate.
 - a. The log shall contain the following information for each inmate in segregation: name, number, housing location, date admitted, the infraction or reason for admission, tentative release date, and special medical or psychiatric problems or needs.
 - b. The logs shall also be used to chronologically record all program activities and counseling contacts, all activities, movement and refusals of the same, all unusual inmate behavior, all incidents and rule violations, all changes in the inmate's status, and all releases.
12. All inmates in segregation shall be provided prescribed medication, clothing, that is not degrading, and access to basic personal items for use in their cells unless there is imminent damage that an inmate or any other inmate(s) will destroy an item or induce self-injury.
13. Inmates in segregation shall have the opportunity to shave and shower at least three (3) times per week.

14. Inmates in segregation shall receive laundry, barbering, and hair care services and shall be issued an exchange of clothing, bedding, and linen on the same basis as inmates in the general population. Exception shall be permitted only when found necessary by the senior officer on duty; any exceptions shall be recorded in the unit log and justified in writing.
15. Alternative meal service may be provided to an inmate in segregation who uses food or food service equipment in a manner that is hazardous to self, staff, or other inmates. Alternative meal service shall be on an individual basis, shall be based on health or safety considerations only, shall meet basic nutritional requirements, and shall occur with the written approval of the Warden/Administrator and responsible health authority. The substitution period shall not exceed seven (7) days.
16. Whenever an inmate in Segregation is deprived of any usually authorized item or activity, a report of the action shall be filed in the inmate's case record and forwarded to the Associate Warden of Security/Chief Correctional Officer.
 - a. The report shall identify the inmate, item, or activity deprived of and the reason(s) for the action.
 - b. The report shall be forwarded to the Associate Warden of Security/Chief Correctional Officer as soon as possible.
 - c. Approval for removing all of an inmate's personal items shall be obtained in advance from the Warden/Administrator/designee.
 - d. No item or activity shall be withheld for the purpose of punishment or for longer than necessary to ensure the safety and well-being of the inmate and others.
17. Inmates in segregation shall be able to write and receive letters on the same basis as inmates in the general population.
18. Inmates in segregation shall have opportunities for visitation unless there are substantial reasons for withholding such privileges.
 - a. Every effort shall be made to notify approved visitors of any restrictions on visiting.
 - b. If time allows, the burden of this notification shall be placed on the inmate.

19. Inmates in segregation shall have access to legal materials.
 - a. In order to ensure legal rights, inmates in segregation shall have access to both personal legal materials and available legal reference materials.
 - b. Reasonable arrangements shall be made to assist the inmates in meeting court deadlines.
20. Inmates in segregation shall have access to reading materials.
 - a. Inmates in segregation shall be provided a sufficient quantity of reading materials.
 - b. Inmates in segregation shall have an opportunity to borrow reading materials from the institution/facility/center's library.
21. Inmates in segregation shall receive a minimum of one (1) hour of exercise per day outside their cells, five (5) days per week, unless security or safety considerations dictate otherwise.
 - a. Inmates in segregation shall be provided with the opportunity to exercise in an area designated for this purpose, with opportunities to exercise outdoors, weather permitting, unless security or safety considerations dictate otherwise.
 - b. A written record shall be kept of each inmate's participation in the exercise program.
 - c. Reasons for the imposition of constraints shall be documented.
22. Inmates in Administrative Segregation and Special Management shall be allowed telephone privileges.
23. Unless authorized by the Warden/Administrator/designee, inmates in Punitive Segregation shall be allowed limited telephone privileges except for calls related specifically to access to the attorney of record.
24. Inmates in Administrative Segregation and Special Management shall have access to programs and services that include, but shall not be limited to, the following: educational services, commissary services, library services, social services, counseling services, religious guidance, and recreational programs.

- a. Although services and programs cannot be identical to those provided to the general population, there shall be no major differences for reasons other than danger to life, health, or safety.
 - b. Inmates in Administrative Segregation and Special Management shall have the opportunity to receive treatment from professionals such as social workers, psychologists, counselors, and psychiatrists.
- C. All male inmates in the custody of the Commissioner of Corrections who are under a death sentence from another jurisdiction shall be housed in Administrative Segregation at the Mount Olive Correctional Complex.
- D. All female inmates in the custody of the Commissioner of Corrections who are under a death sentence from another jurisdiction shall be housed in Administrative Segregation at the Lakin Correctional Center.

APPROVED SIGNATURE:


Jim Rubenstein, Commissioner

April 6, 2008
Date