

POLICY TITLE: DISCIPLINARY SEGREGATION STATUS	PAGE 1 OF 23	
POLICY NUMBER: 15.2		
CHAPTER 15: SPECIAL HOUSING		
 <p>STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: </p>	PROFESSIONAL STANDARDS: See Section VIII	
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I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Sections 1403.

II. APPLICABILITY

All Departmental Adult Facilities

III. POLICY

The Department of Corrections recognizes that some prisoners in its adult facilities may need to be housed separately for disciplinary reasons. Prisoners are placed on disciplinary segregation status after being afforded the opportunity for a due process disciplinary hearing. Prisoners on disciplinary segregation status are provided with program and activity access, treatment services, and property as appropriate for prisoners in restrictive housing. The purpose of this policy is to provide governance for the supervision of prisoners on disciplinary segregation status. **4-4249 & 5-ACI-4B-03**

Because the Department does not house anyone under eighteen years of age in adult facilities, there will be no placement of persons under that age on disciplinary segregation status. **5-ACI-4B-33** A prisoner shall not be placed on disciplinary segregation status on the basis of gender identity alone. **5-ACI-4B-34** Female prisoners known to be pregnant shall not be retained on disciplinary segregation status for more than thirty (30) days. **5-ACI-4B-32**

This policy does not govern prisoners on disciplinary restriction, on administrative status or protective custody status, or in the Administrative Control Unit or the Intensive Mental Health Unit (IMHU).

IV. DEFINITIONS

1. Disciplinary segregation – The confinement of a prisoner in a cell in a restrictive housing unit separated from the general population for a specified period of time as a result of a disciplinary disposition.

2. Licensed clinician – A psychiatrist, psychologist, psychiatric nurse practitioner, licensed clinical social worker, licensed clinical professional counselor, or licensed marriage and family therapist.
3. Restrictive housing - Housing that separates a prisoner from the general population and restricts the prisoner to his or her cell twenty-two (22) hours or more per day for the safe and secure operation of the facility.
4. Step-down program - A program that includes a system of review and establishes criteria to prepare a prisoner for transition to general population or the community. The program shall be individualized and involve a coordinated, multidisciplinary team approach that includes behavioral health, case management, and security staff. Medical staff shall be a part of the multidisciplinary team when a prisoner who has a chronic care or other significant medical need participates in this program.

V. CONTENTS

- Procedure A: Placement on Disciplinary Segregation Status
 Procedure B: Health Care Services
 Procedure C: Disciplinary Segregation Status Reviews
 Procedure D: Appeals
 Procedure E: Conditions for Prisoners on Disciplinary Segregation Status
 Procedure F: Case Plans, Programs, and Services for Prisoners on Disciplinary Segregation Status
 Procedure G: Security Procedures
 Procedure H: Additional Requirements for Staff
 Procedure I: Release from Disciplinary Segregation Status
 Procedure J: Record Keeping

VI. ATTACHMENTS

None

VII. PROCEDURES

Procedure A: Placement on Disciplinary Segregation Status

1. A prisoner may be placed on disciplinary segregation status only after having been found guilty of a major violation (Class A or B) of a prisoner disciplinary rule (i.e., a violation that poses a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility) and having been given a disposition of disciplinary segregation after consideration of the other dispositions that are available to safely deal with the threat posed by the prisoner's conduct in accordance with Department Policy (AF) 20.1, Prisoner Discipline. **5-ACI-4A-06 & 5-ACI-4B-01**

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 2 of 23 7/1/20R

2. Any appeal of a guilty finding and/or the disposition of disciplinary segregation shall be made in accordance with Department Policy (AF) 20.1, Prisoner Discipline.
3. If the prisoner files an appeal of the finding of guilt and/or the disposition of disciplinary segregation, disciplinary segregation status may be implemented after, but not before, the Chief Administrative Officer, or designee, has reviewed the appeal and, as applicable, has affirmed the finding and the disposition or has affirmed the finding and modified the disposition to a lesser period of time on disciplinary segregation status.
4. If the prisoner has not waived the right to appeal but does not file an appeal or files an untimely appeal, disciplinary segregation status may be implemented after, but not before, the appeal period has expired.
5. If the prisoner has waived the right to appeal, disciplinary segregation status may be implemented after the disciplinary proceeding.
6. Staff designated by the Chief Administrative Officer, or designee, shall promptly notify the Unit Manager, or designee, of where the prisoner is currently housed and the Unit Manager, or designee, of the restrictive housing unit once the disciplinary segregation status may be implemented. The Unit Manager, or designee, shall ensure the prisoner's placement on disciplinary segregation status as soon as a suitable bed is available in restrictive housing.
7. Placement on disciplinary segregation status shall take precedence over a placement on administrative status or placement in the Administrative Control Unit.

Procedure B: Health Care Services

1. When a prisoner is placed on disciplinary segregation status, the Unit Manager, or designee, of the restrictive housing unit shall immediately notify the facility health care staff, who shall provide a screening and review as set out in Department Policy (AF) 18.5, Health Care Services. The notification shall be recorded in CORIS. **4-4400 & 5-ACI-4B-28**
2. If there is any medical or mental health condition that might contraindicate the placement, the Unit Manager of the restrictive housing unit, or designee, shall consult with the facility Health Services Administrator, or designee, to determine whether the identified problem(s) can be resolved. If not, the Unit Manager, or designee, of the restrictive housing unit shall notify the Chief Administrative Officer, or designee, who shall notify the Commissioner, or designee, for a decision regarding how to proceed. Any consultation, decision(s), and notification shall be documented in CORIS. **5-ACI-4B-01**
3. Prisoners placed on disciplinary segregation status shall receive the same medical and behavioral health services as provided to general population prisoners. An exception may be made by a security supervisor, provided the staff

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 3 of 23 7/1/20R

making the exception obtains the approval of the Unit Manager or, if the Unit Manager is not on duty, the Shift Commander, prior to or immediately after the exception. The exception may be made, on a case-by-case basis, when a prisoner's behavior indicates a threat to medical, behavioral health, or other staff. In such a case, if possible, the provision of medical or behavioral health services shall be modified to ensure the safety of staff.

4. Approval for a prisoner to receive modified medical or behavioral health services or for another exception to medical or behavioral health services shall be recorded in the unit log. In addition to recording the information in the unit log, the staff person making the request shall complete an Incident Report in CORIS, which shall be reviewed by the Unit Manager as soon as practicable. The exception shall last only as long as necessary, and the approval for the exception and the duration of the exception shall be recorded in CORIS. Any exception shall also be posted on the prisoner's cell door.
5. A prisoner on disciplinary segregation status shall be provided medication as prescribed by facility health care staff. **4-4261 & 5-ACI-4B-14**
6. The facility physician shall visit prisoners on disciplinary segregation status as determined necessary by the Department's contracted health care services provider. A licensed clinician shall visit prisoners on disciplinary segregation status as determined necessary by the Department's contracted health care services provider. **4-4400 & 5-ACI-4B-28**
7. A licensed clinician shall meet with a prisoner on disciplinary segregation status and shall complete:
 - a. a mental health appraisal within seven (7) days of placement; and
5-ACI-4B-10
 - b. a behavioral health assessment at least every thirty (30) days thereafter for a prisoner with a diagnosed behavioral health disorder and more frequently if clinically indicated; or **4-4256 & 5-ACI-4B-10**
 - c. a behavioral health assessment at least every ninety (90) days thereafter for all other prisoners and more frequently if clinically indicated.

The licensed clinician staff shall record the meetings in the housing log and the prisoner's electronic health care record and shall include reports of the appraisal and assessments in the prisoner's electronic health care record. **4-4256 & 5-ACI-4B-10**

8. The above reports or summaries of the reports shall be made available to the Unit Manager, or designee, and the Chief Administrative Officer, or designee, as applicable, so that this information can be taken into consideration prior to the prisoner's next disciplinary segregation status review.
9. If any prisoner remains on disciplinary segregation status for more than thirty (30) days, the Unit Manager, or designee, shall ensure that an individualized treatment plan is developed that includes weekly monitoring by behavioral health staff,

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 4 of 23 7/1/20R

treatment as necessary, and steps to facilitate the transition of the prisoner to general population. **5-ACI-4B-30**

Procedure C: Disciplinary Segregation Status Reviews

1. The duration of disciplinary segregation status is determined by the disposition resulting from the disciplinary process.
2. The restrictive housing unit team (consisting of at least three (3) members, one of whom shall be the Unit Manager, or designee, or a case manager), in collaboration with the prisoner's assigned Unit Management Team, if applicable, shall conduct a review, after consultation with appropriate facility staff (e.g., Special Investigations and Intelligence (SII), behavioral health staff, etc.) to determine if removal from disciplinary segregation status is appropriate based on one of the below reasons for modification or suspension of the disposition of disciplinary segregation: **5-ACI-4B-08 & 5-ACI-4B-09**
 - a. at least every seven (7) days, for the first sixty (60) days after placement; and
 - b. after the first sixty (60) days, at least every thirty (30) days.

Note: In some facilities, the restrictive housing unit team, the special management housing unit team, and the assigned Unit Management Team may be the same team.

3. Unless the prisoner's behavior warrants denying the prisoner's presence, the prisoner shall be allowed to attend the fourth seven (7) day review, the eighth seven (7) day review, and every review thereafter. The team may allow the prisoner to attend any other review at its discretion. At least one day prior to each review the prisoner is allowed to attend, the Unit Manager, or designee, shall notify the prisoner of the review and the prisoner's ability to attend and to submit a written statement for the review, and the Unit Manager, or designee, shall document the notification in CORIS. All other reviews shall take place in the prisoner's absence.
4. If the prisoner's behavior warrants denying the prisoner's presence at one of the reviews the prisoner would otherwise be allowed to attend, documentation of the denial and the behavior shall be made in CORIS and the review shall proceed in the prisoner's absence.
5. If a prisoner refuses to attend one of the reviews the prisoner is allowed to attend, the refusal shall be documented in CORIS and the review shall proceed in the prisoner's absence. The prisoner shall be given the opportunity to submit a written statement prior to the review and any written statement shall be summarized in CORIS.
6. If present at the review, the prisoner may respond orally or submit a statement in writing. A summary of the prisoner's oral or written statement, if any, shall be documented in CORIS.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 5 of 23 7/1/20R

7. The restrictive housing unit team may recommend to the Chief Administrative Officer, or designee, that:
 - a. the prisoner remains on disciplinary segregation status, at least until the next review;
 - b. the disposition of disciplinary segregation be modified to disciplinary restriction, which must be for the same number of days, for one of the following reasons:
 - 1) the prisoner has demonstrated an extended period of good behavior;
 - 2) the prisoner signs a written contract agreeing to demonstrate good behavior and satisfactory program participation;
 - 3) to address a medical or mental health need after consultation with appropriate medical or behavioral health staff; or
 - 4) for any other reason the team deems appropriate.

If the team recommends modification of the disposition to disciplinary restriction, the team shall also recommend whether the disciplinary restriction should be served in special management housing as a transition or be served in general population; or

 - c. some or all of the disciplinary segregation disposition be suspended as set out in Department Policy (AF) 20.1, Prisoner Discipline, if:
 - 1) the prisoner has demonstrated an extended period of good behavior;
 - 2) the prisoner signs a written contract agreeing to demonstrate good behavior and satisfactory program participation; or
 - 3) to address a medical or mental health need after consultation with appropriate medical or behavioral health staff.
8. The Unit Manager, or designee, shall ensure that the recommendation and the reason(s) for the recommendation are documented in CORIS.
9. When conducting a review of a prisoner who the team is recommending remain on disciplinary segregation status for more than thirty (30) days, the team shall consider opportunities to increase a prisoner's time out of cell for program opportunities, prosocial activity, and/or an attempt to target the behaviors that led to the placement, preferably as part of a step-down program as described in Procedure I. The Unit Manager, or designee, shall document this consideration in CORIS.
10. In the case of a prisoner diagnosed with a serious mental illness, the reviews shall be conducted by a multidisciplinary team, including at least the Unit Manager, or designee, the facility Director of Behavioral Health, or designee, and a security supervisor. The team may consult with appropriate facility staff (e.g., Special Investigations and Intelligence, etc.). The prisoner shall not remain on

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 6 of 23 7/1/20R

disciplinary segregation status unless the facility Chief Administrative Officer, or designee, after consultation with the team, determines there is an immediate and present danger to others or the safe and secure operation of the facility. Prior to retention on disciplinary segregation status for more than seven (7) days, the prisoner shall be reviewed for possible placement in the Intensive Mental Health Unit, in accordance with Department Policy (AF) 18.6.1, Intensive Mental Health Unit. **5-ACI-4B-30**

11. In the case of a female prisoner known to be pregnant or known to be thirty (30) days or fewer postpartum, the reviews shall be conducted by a multidisciplinary team, including at least the Unit Manager, or designee, a facility physician, physician assistant, or nurse practitioner, and a security supervisor. The team may consult with appropriate facility staff (e.g., Special Investigations and Intelligence, behavioral health staff, etc.). The prisoner shall not remain on disciplinary segregation status unless the facility Chief Administrative Officer, or designee, after consultation with the team, determines there is an immediate and present danger to others or the safe and secure operation of the facility.
12. In the case of a prisoner sixty five (65) years of age or older, the reviews shall be conducted by a multidisciplinary team, including at least the Unit Manager, or designee, a facility physician, physician assistant, or nurse practitioner, and a security supervisor. The team may consult with appropriate facility staff (e.g., Special Investigations and Intelligence, behavioral health staff, etc.). The prisoner shall not remain on disciplinary segregation status unless the facility Chief Administrative Officer, or designee, after consultation with the team, determines there is an immediate and present danger to others or the safe and secure operation of the facility.
13. The facility Chief Administrative Officer, or designee, shall make a determination whether to accept the recommendation(s) of the Unit Team or multidisciplinary team, as applicable, and shall ensure his or her decision is documented in CORIS.
14. A prisoner shall not remain on disciplinary segregation status for more than thirty (30) days unless that is reviewed and approved by the Chief Administrative Officer, or designee, as a result of the fourth seven (7) day review. This shall fulfill the requirement in Department Policy (AF) 20.1, Prisoner Discipline, that, in the case of a prisoner who has been given a disciplinary disposition that would result in the prisoner being on continuous disciplinary segregation status for more than thirty (30) days, the Chief Administrative Officer, or designee, shall review and determine whether to approve the continuation on disciplinary segregation status beyond the thirty (30) days or modify or suspend the disposition. **4-4255 & 5-ACI-4A-09**
15. The facility Chief Administrative Officer, or designee, may, at any time, modify or suspend a disposition of disciplinary segregation as set out in Department Policy (AF) 20.1, Prisoner Discipline and shall ensure any such action is documented in CORIS.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 7 of 23 7/1/20R

Procedure D: Appeals

1. Any appeal of the disposition of disciplinary segregation shall be made in accordance with Department Policy (AF) 20.1, Prisoner Discipline.
2. Appeals are not allowed of any decision made under this policy.

Procedure E: Conditions for Prisoners on Disciplinary Segregation Status

1. The Unit Manager, or designee, shall ensure prisoners receive an orientation to disciplinary segregation status and restrictive housing within twenty-four (24) hours of placement and that the orientation is documented in CORIS. The orientation shall include written information regarding schedules and access to programs and services, as well as verbal explanation of this and other relevant information.
2. A prisoner on disciplinary segregation status is not eligible to earn any deductions (good time), as set out in Department Policy (AF) 11.5, Calculation of Prisoner Release Date.
3. Posted on each cell door shall be the prisoner's photograph, MDOC number, status (disciplinary segregation status), any special exceptions to property or meal service, any suicide and self-injury watch, and any other pertinent information.
4. Prisoners on disciplinary segregation status shall be provided living conditions that approximate those of general population prisoners regarding cell size, lighting, heat, and ventilation, and
 - a. cell design shall permit the prisoners assigned to the cells to converse with and be observed by staff; **4-4140 and 5-ACI-4B-04** and
 - b. prisoners on disciplinary segregation status shall be single-celled.
5. Space is available either inside the housing unit or external to the unit for behavioral health staff consultation with prisoners on disciplinary segregation status. **5-ACI-4B-04**
6. There shall be no commissary purchases or deliveries allowed, except items needed for correspondence and, if not provided by the facility, personal hygiene items.
7. Unless an exception is made in accordance with this policy, the following shall apply to prisoners on disciplinary segregation status:
 - a. Mail: **4-4266 & 5-ACI-4B-20**
 - 1) Incoming and outgoing mail shall be permitted as per Department Policy (AF) 21.2, Prisoner Mail.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 8 of 23 7/1/20R

- 2) The prisoner shall be provided envelopes, paper, and writing instruments as necessary for outgoing correspondence, if not purchased through the commissary.
- b. Phone calls: *4-4272, 5-ACI-4A-26 & 5-ACI-4B-25*
- 1) The prisoner may make privileged phone calls in accordance with Department Policy (AF) 21.3, Prisoner Telephone System.
 - 2) Unless further restrictions have been imposed on other phone calls pursuant to applicable Department policies, the prisoner shall be allowed:
 - a) one (1) telephone call per week; and
 - b) emergency phone calls as determined by the Unit Manager, or designee.
- c. Visits: *4-4267 and 5-ACI-4B-21*
- 1) The prisoner shall be allowed professional visits in accordance with Department Policy (AF) 21.4, Prisoner Visitation.
 - 2) Unless further restrictions have been imposed on regular visits pursuant to applicable Department policies, the prisoner shall be allowed one (1) regular visit per week.
 - 3) All regular and professional visits shall be non-contact, which may include video visitation.
- d. Legal Materials: *4-4268 & 5-ACI-4B-22*
- 1) Prisoners shall be permitted to access legal materials using electronic legal research service terminal(s) in the housing unit, if available, or by requesting access to legal materials from the law library in accordance with Department Policy (AF) 24.4, Library Services and facility practices.
 - 2) Access to the legal research terminals in the unit may be scheduled for up to one (1) hour per day, five (5) days per week.
 - 3) Additional access may be permitted by the Unit Management Team as determined necessary in connection with an active case.
- e. Out-of-cell exercise shall be one (1) hour per day, seven (7) days per week, outdoors (weather permitting). If weather does not permit exercise outdoors, out-of-cell exercise shall be offered indoors. *4-4270 & 5-ACI-4B-24*
- f. Health care items shall be permitted as determined necessary by the facility health care provider. If an item might create a risk to safety or security, the Unit Manager, or designee, shall consult with the health care provider about other alternatives.
- g. Reading materials may be accessed on a weekly basis from the library in accordance with facility practices. A prisoner may not have hard cover

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 9 of 23 7/1/20R

books and may only have only three (3) soft cover books at a time. **4-4269 & 5-ACI-4B-23**

h. There shall be no personal property items allowed, except for:

- 1) Personal legal materials, written religious materials, and correspondence and writing materials that can be contained in the approved storage box/container. Any additional legal materials shall be stored by staff and made available within a reasonable period of time, upon written request, on an even exchange basis;
- 2) Personal religious items that prisoners in general population are permitted to keep in their cells; and
- 3) A wedding ring, if applicable.

i. Prisoners on disciplinary segregation status shall receive the following services on the same basis as prisoners in general population: **4-4263 & 5-ACI-4B-17**

- 1) laundry;
- 2) barbering and hair care services;
- 3) at least three (3) clothing exchanges per week;
- 4) issuance and exchange of bedding and linen; and
- 5) the opportunity to shower and shave at least three (3) times per week. **4-4262 & 5-ACI-4B-16**

j. Prisoners on disciplinary segregation status shall be provided the following: **4-4261 & 5-ACI-4B-15**

- 1) toilet, sink and running water;
- 2) personal hygiene items:
 - a) toothbrush
 - b) toothpaste
 - c) comb or brush
 - d) soap
 - e) deodorant
 - f) feminine hygiene items, as gender-appropriate
 - g) toilet paper
 - h) access to shaving implements
 - i) drinking cup
- 3) linens and bedding:
 - a) 1 towel
 - b) 1 washcloth
 - c) 2 bed sheets
 - d) 1 pillowcase
 - e) 2 blankets

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 10 of 23 7/1/20R

- f) 1 pillow
 - g) 1 mattress
- 4) clothing, which shall be similar to that provided to general population prisoners:
- a) pants and shirt or one-piece suit
 - b) 1 complete set of underwear, appropriate by gender
 - c) 1 pair of socks
 - d) 1 pair of footwear
 - e) access to a jacket or coat, hat, and gloves for outdoor exercise or transport, when seasonally necessary.
8. An exception to any of the above may be made by a security supervisor, provided the staff making the exception obtains the approval of the Unit Manager or, if the Unit Manager is not on duty, the Shift Commander, prior to or immediately after the exception. The exception may be made, on a case-by-case basis, when it is necessary to prevent suicide or other self-injurious behavior, injury to others, damage to property of others, or risk to security.
9. Approval for an exception to any of the above shall be recorded in the housing unit log. In addition to recording the information in the unit log, the staff making the request shall complete an Incident Report in CORIS, which shall be reviewed by the Unit Manager as soon as practicable. The exception shall last only as long as necessary, and the approval for and duration of the exception shall be recorded in CORIS. Any exception shall also be posted on the prisoner's cell door. **4-4265 & 5-ACI-4B-19**
10. If a prisoner on disciplinary segregation status is on a suicide and self-injury watch, the applicable provisions of Department Policy (AF) 18.6.2, Suicide and Self-Injury Prevention Plan shall be followed. **5-ACI-4B-11**
11. Prisoners on disciplinary segregation status may be served meals with trays and utensils consistent with reasonable precautions designed to protect safety, security, and orderly management of the facility.
12. Prisoners on disciplinary segregation status shall receive the same meals as provided to general population prisoners. An exception may be made when a prisoner is throwing food or otherwise using food or a food service implement in a manner that is hazardous to self, staff, or others. Alternative meal service shall be on a case-by-case basis, based only on safety or security considerations, shall meet basic nutritional requirements, and shall only occur if an exception is made by a security supervisor, provided the staff making the exception obtains the written approval of the Chief Administrative Officer, or designee, and the facility physician, physician assistant, or nurse practitioner, prior to the exception. In such a case, the prisoner may be given the same meal in a different form or a different meal of similar nutritional value up to seven (7) days.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 11 of 23 7/1/20R

13. The approvals for a prisoner to receive alternative meal service shall be recorded in the unit log. In addition to recording the information in the unit log, the staff person making the request shall complete an Incident Report in CORIS, which shall be reviewed by the Unit Manager as soon as practicable. The exception shall last only as long as necessary, and the approvals for and duration of the exception shall be recorded in CORIS. The alternative meal service shall also be posted on the prisoner's cell door. The alternative meal service shall not exceed seven (7) days at any one time. **4-4264 & 5-ACI-4B-18**
14. A prisoner on disciplinary segregation status is not eligible for participation in a privilege level system.

Procedure F: Case Plans, Programs, and Services for Prisoners on Disciplinary Segregation Status

1. If, after the first seven (7) day review, the prisoner is approved for continued placement on disciplinary segregation status, the case manager shall update the individualized case plan with the prisoner and update it after subsequent reviews as necessary.
2. The case plan shall include action steps and activities for the prisoner to engage in on a daily basis and for completion in the housing unit, preferably in cell. The case plan shall include steps to transition to less restrictive housing.
3. When updating the case plan, the case manager shall consider that prisoners on continuous disciplinary segregation status for more than sixty (60) days are to have access to programs and services that include, but are not limited to, the following: educational programs, commissary services (as set out above), library services, social services, behavioral health services, religious guidance, and recreational programs. **4-4255, 5-ACI-4A-09, & 5-ACI-4B-26**
4. If programs and services are permitted to be provided by volunteers, they shall be provided on a non-contact basis only.
5. Prisoners may have access to programs and services using tablets if allowed by Department Policy 24.10.1 (AF), Computer Tablets, and facility practice.

Procedure G: Security Procedures

1. At a minimum, all prisoners on disciplinary segregation status shall be observed in person by a correctional officer at least twice per hour, but no more than thirty (30) minutes apart, on an irregular schedule. **5-ACI-4B-11**
2. Prisoners who are violent or mentally ill or who demonstrate unusual or bizarre behavior shall receive more frequent observation. The rationale for more frequent observation shall be documented in the unit log book and CORIS. **5-ACI-4B-11**

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 12 of 23 7/1/20R

3. The use of restraints on female prisoners determined to be pregnant is governed by Department Policy (AF) 18.19.1 and (JF) 13.19.1, Use of Mechanical restraints on a Pregnant Prisoner or a Pregnant Resident.
4. Except for female prisoners determined to be pregnant, prisoners on disciplinary segregation status:
 - a. shall be in restraints and controlled by security staff when transported outside of the facility;
 - b. may be in restraints and controlled by security staff when escorted out of the housing unit; and
 - c. may otherwise be in restraints only when necessary for safety, security, or orderly management of the facility.
5. A prisoner on disciplinary segregation status may be temporarily restrained using stationary restraints (restraints attached to the floor, a wall or an immovable object) provided the use of stationary restraints has been approved by the Commissioner, or designee, for disciplinary segregation prisoners during a particular type of activity (e.g., while making a phone call, during group therapy, etc.) and provided the stationary restraints are used only under the conditions approved by the Commissioner, or designee, and only for the duration of the activity.
6. Staff may utilize shields or other barriers in front of cells to prevent or reduce the throwing of body fluids, food, drinks, or other items. Use of these barriers shall be approved by the Unit Manager, Shift Commander, or higher authority. They shall only be used as long as necessary to preserve safety, security, and sanitation. The barriers shall not impair staff view into the cell.

Procedure H: Additional Requirements for Staff

4-4258, 4-4400, 5-ACI-4B-12 & 5-ACI-4B-28

1. The assigned Correctional Sergeant shall visit the restrictive housing unit where prisoners on disciplinary segregation status are housed at least twice daily.
2. The Shift Commander shall visit the housing unit at least daily.
3. The Unit Manager, or designee, shall visit the housing unit at least daily.
4. The Chief Administrative Officer, or designee, shall visit the housing unit at least weekly.
5. At a minimum, visits to a prisoner on disciplinary segregation status shall be made by facility health care staff daily (unless medical attention is needed more frequently) to ensure the prisoner's access to appropriate health care.
 - a. the presence of the health care staff shall be announced to the prisoners in the unit and recorded in the housing unit log by security staff; and

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 13 of 23 7/1/20R

- b. the health care staff shall observe each prisoner and inquire of each prisoner as to the prisoner's well-being.
6. At a minimum, visits to a prisoner on disciplinary segregation status shall be made by facility behavioral health staff weekly (unless mental health attention is needed more frequently) to ensure the prisoner's access to appropriate mental health care.
- a. the presence of the behavioral health staff shall be announced to the prisoners in the unit and recorded in the housing unit log by security staff; and
 - b. the behavioral health staff shall observe each prisoner and inquire of each prisoner as to the prisoner's well-being.
7. Staff from all programs available to prisoners on disciplinary segregation status shall visit the housing unit at least weekly.
8. Case managers assigned to prisoners on disciplinary segregation status shall personally visit each prisoner on his or her caseload a minimum of once per week.
9. Prisoners on disciplinary segregation status shall be provided the opportunity to receive weekly visits from the facility chaplain to provide religious guidance. Prisoners may request further religious counseling through the chaplain.
10. Security staff shall inspect the cell of each prisoner on disciplinary segregation status at least daily.
11. Staff who supervise or work with prisoners on disciplinary segregation status on a regular basis shall be appropriately trained to perform duties relating to prisoners on that status. The Chief Administrative Officer, or designee, shall establish practices to supervise and evaluate the performance of all staff who supervise or work with prisoners on disciplinary segregation status on a regular basis and develop criteria for rotation of staff as necessary. **4-4259 & 5-ACI-4B-13**

Procedure I: Release from Disciplinary Segregation Status **5-ACI-4B-29**

1. Because a prisoner may not be separated from the general prisoner population merely because there is an ongoing investigation or merely because there is a disciplinary write up, disciplinary hearing, or disciplinary appeal pending, any time spent separated from the general population in accordance with another department policy (e.g., Department Policy (AF) 15.1, Administrative Status) shall not be credited toward a disciplinary segregation disposition. **5-ACI-4B-07**
2. Once a prisoner's disciplinary segregation disposition as determined by the disciplinary process has been completed or has been ended through modification or suspension by the Chief Administrative Officer, or designee, as set out above, the restrictive housing Unit Management Team shall determine the appropriate housing unit for the prisoner to be placed in, after consulting with the prisoner's

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 14 of 23 7/1/20R

prior Unit Management Team at the facility, if applicable, and that placement shall occur on the same day that the disciplinary segregation disposition has been completed or ended. Any disagreement about the appropriate placement shall be resolved by the Chief Administrative Officer, or designee.

3. If the prisoner refuses to move to the designated housing unit, the prisoner may be considered for placement on administrative status in restrictive housing in accordance with Department Policy (AF) 15.1, Administrative Status.
4. A step-down program shall be offered to prisoners on disciplinary segregation status for more than thirty (30) days to facilitate the transition of the prisoner into general population or the community in accordance with applicable Department policies. **5-ACI-4B-31** This program shall include, at a minimum, the following:
 - a. pre-screening evaluation;
 - b. monthly evaluations using a multidisciplinary approach to determine the prisoner's compliance with program requirements;
 - c. subject to monthly evaluations, gradually increasing out-of-cell time, then gradually increasing group interaction, then gradually increasing program opportunities, and finally gradually increasing privileges;
 - d. a step-down transition compliance review; and
 - e. post-screening evaluation.
5. Every effort shall be made to not release a prisoner from disciplinary segregation status directly to the community.
6. A prisoner on disciplinary segregation status for more than thirty (30) days shall not be released from disciplinary segregation status directly to the community unless the restrictive housing Unit Management Team determines there is an immediate and present danger to others or the safe and secure operation of the facility.
7. The restrictive housing Unit Management Team shall meet with a prisoner who is on disciplinary segregation status and is approaching three (3) months prior to his or her current release date to determine if the prisoner can return to general population or if the prisoner is to be released directly to the community from disciplinary segregation status. This meeting may occur as part of one of the reviews required under Procedure C. or may be specially scheduled. In either case, the results of the meeting shall be documented in CORIS.
8. If the Unit Management Team recommends that a prisoner on disciplinary segregation status for more than thirty (30) days is to be released to the community directly from disciplinary segregation status, the Unit Manager, or designee, shall document the justification in CORIS.
9. At least thirty (30) days prior to the prisoner's current release date, the Commissioner, or designee, shall be notified and, after consulting with the facility

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 15 of 23 7/1/20R

Chief Administrative Officer, or designee, shall make the final determination in this matter. The decision of the Commissioner, or designee, shall be documented in CORIS.

10. If the decision is that the prisoner is not to be released directly to the community from disciplinary segregation status, the Chief Administrative Officer, or designee, after consultation with a multidisciplinary team including the facility Director of Behavioral Health, or designee, shall determine the appropriate housing unit for the prisoner to be placed in pending release.
11. The procedures outlined in Department Policy (AF) 27.1, Release and Reentry Planning shall be followed for a prisoner who is to be released from disciplinary segregation status directly to the community, as applicable.
12. In addition, if a prisoner on disciplinary segregation status for more than thirty (30) days is to be released directly to the community from disciplinary segregation status, the facility Community Program Coordinator, or other designated facility staff, shall provide notification of release to appropriate state and local law enforcement.

Procedure J: Record Keeping

1. A log book shall be maintained within the restrictive housing unit and shall be reviewed by the Unit Manager, or designee, at least daily. **4-4260**
2. All documentation pertaining to placement and reviews shall be done in CORIS for each prisoner on disciplinary segregation status
3. All other documentation shall be made in accordance with applicable Department policies and facility practice, including, but not limited to, in the unit log book, in activity and other logs, and in CORIS, as applicable, to include, but not be limited to:
 - a. counts;
 - b. security rounds and the observations made during those rounds;
 - c. major incidents of any type;
 - d. unusual occurrences and/or behavior;
 - e. visits by staff as set out in Procedure H.
 - f. daily cell inspections by staff
 - g. sick call and medication distribution;
 - h. when showers were offered and whether they were taken and by which prisoners:
 - i. when exercise was offered and whether it was taken and by which prisoners;
 - j. regular and professional visits;

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 16 of 23 7/1/20R

- k. privileged and emergency telephone calls;
- l. requests to use legal research terminals in the unit and the those requests;
- m. alternative meals;
- n. programs and services offered (e.g., education, religious services);
- o. contact by health care staff;
- p. reasons for any decision to refuse a property item, program, service, or activity;
- q. any restrictions, exceptions, and special precautions; and
- r. any deviations from a schedule along with the explanation.

VIII. PROFESSIONAL STANDARDS

ACA:

- 4-4140** Segregation housing units provide living conditions that approximate those of the general inmate population; all exceptions are clearly documented. Segregation cells/rooms permit the inmates assigned to them to converse with and be observed by staff members.
- 4-4249** When segregation units exist, written policy and procedure govern their operation for the supervision of inmates under administrative segregation, protective custody, and disciplinary detention.
- 4-4255** There is a sanctioning schedule for institutional rule violations. Continuous confinement for more than 30 days requires the review and approval of the warden/superintendent or designee. Inmates held in disciplinary detention for periods exceeding 60 days are provided the same program services and privileges as inmates in administrative segregation and protective custody.
- 4-4256** Written policy, procedure, and practice provide that a qualified mental health professional personally interviews and prepares a written report on any inmate remaining in restrictive housing for more than 30 days. If confinement continues beyond 30 days, a mental health assessment by a qualified mental health professional is made at least every 30 days for inmates who have an identified mental health need, and every three months for all other inmates – more frequently if prescribed by the chief medical authority.
- 4-4258** Written policy, procedure, and practice provide that inmates in segregation receive daily visits from the senior correctional supervisor in charge, daily visits from a qualified health care official (unless medical attention is needed more frequently), and visits from members of the program staff upon request.
- 4-4259** Written policy and procedure govern the selection criteria, supervision, and rotation of staff who work directly with inmates in segregation on a regular and daily basis.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 17 of 23 7/1/20R

- 4-4260 Written policy, procedure, and practice provide that staff operating segregation units maintain a permanent log.
- 4-4261 Written policy, procedure, and practice provide that all inmates in segregation are provided 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.
- 4-4262 Written policy, procedure, and practice provide that inmates in segregation have the opportunity to shave and shower at least three times per week.
- 4-4263 Written policy, procedure, and practice provide that inmates in segregation receive laundry, bartering, and hair care services and are issued and exchange clothing, bedding, and linen on the same basis as inmates in the general population. Exceptions are permitted only when found necessary by the senior officer on duty; any exception is recorded in the unit log and justified in writing.
- 4-4264 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 is on an individual basis, is based on health or safety considerations only, meets basic nutritional requirements, and occurs with the written approval of the warden/superintendent, or designee and responsible health authority or designee. The substitution period shall not exceed seven days.
- 4-4265 Written policy, procedure, and practice provide that whenever an inmate in segregation is deprived of any usually authorized item or activity a report of the action is filed in the inmate's case record and forwarded to the chief security officer.
- 4-4266 Written policy, procedure, and practice provide that inmates in segregation can write and receive letters on the same basis as inmates in the general population.
- 4-4267 Written policy, procedure, and practice provide that inmates in segregation have opportunities for visitation unless there are substantial reasons for withholding such privileges.
- 4-4268 Written policy, procedure, and practice provide that inmates in segregation have access to legal materials.
- 4-4269 Written policy, procedure, and practice provide that inmates in segregation have access to reading materials.
- 4-4270 Written policy, procedure, and practice provide that inmates in segregation receive a minimum of one hour of exercise per day outside their cells, five days per week, unless security or safety considerations dictate otherwise.
- 4-4272 Written policy, procedure, and practice provide that, unless authorized by the warden/superintendent or designee, inmates in disciplinary detention are allowed limited telephone privileges except for calls related specifically to access to the attorney of the record.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 18 of 23 7/1/20R

- 4-4400** (Mandatory) When an offender is transferred to segregation, health care staff will be informed immediately and will provide a screening and review as indicated by the protocols established by the health authority. Unless medical attention is needed more frequently, each offender in segregation receives a daily visit from a qualified health care professional. The visit ensures that offenders have access to the health care system. The presence of a health care provider in segregation is announced and recorded. The frequency of physician visits to segregation units is determined by the health authority.
- 5-ACI-4A-06** Written policy, procedure, and practice provide that an inmate is placed in disciplinary detention for a rule violation only after a hearing by the disciplinary committee or hearing examiner.
- 5-ACI-4A-09** There is a sanctioning schedule for institutional rule violations. Continuous confinement for more than 30 days requires the review and approval of the warden/ superintendent or designee. Inmates held in disciplinary status for periods exceeding 60 days are provided the same program services and privileges as inmates in administrative status and protective custody.
- 5-ACI-4A-26** Written policy, procedure, and practice provide that, unless authorized by the warden/superintendent or designee, inmates in disciplinary detention are allowed limited telephone privileges except for calls related specifically to access to the attorney of the record.
- 5-ACI-4B-01** Written policy, procedure and practice provide that the placement of an inmate in Restrictive Housing shall be limited to those circumstances that pose a direct threat to the safety of persons or a clear threat to the safe and secure operations of the facility. The policy governing the placement of an inmate in Restrictive Housing shall include:
 - the relationship between the threat the inmates poses and the behaviors articulated in the policy.
 - the impact that Restrictive Housing may have on medical and mental health conditions exhibited by the inmate and the possible alternatives that may be available to compensate for such conditions.
 - a description of alternatives that may be available to safely deal with the threat posed by the inmate other than restricted housing.
- 5-ACI-4B-03** When Restrictive Housing units exist, written policy and procedure govern their operation.
- 5-ACI-4B-04** Restrictive Housing units provide living conditions that approximate those of the general inmate population; all exceptions are clearly documented. Restrictive Housing cells permit the inmates assigned to them to converse with and be observed by staff members. Space is available either inside the Restrictive Housing unit or external to the unit for treatment staff consultation with Restrictive Housing inmates.
- 5-ACI-4B-07** Written policy, procedure, and practice provide any time served in prehearing detention is to be credited to the determinant Restrictive Housing sanction.
- 5-ACI-4B-08** Written policy, procedure, and practice provide for a review of the status of inmates in Restrictive Housing by the classification committee or other

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 19 of 23 7/1/20R

authorized staff every seven days for the first 60 days and at least every 30 days thereafter.

- 5-ACI-4B-09 Written policy, procedure, and practice specify the review process used to release an inmate from Restrictive Housing.
- 5-ACI-4B-10 Written policy, procedure, and practice provide that a mental health practitioner/provider completes a mental health appraisal within 7 days of placement. This may include a mental health screening that has been completed by health care personnel at the time the offender is placed in restrictive housing. If confinement continues beyond 30 days, a behavioral health assessment by a mental health practitioner/provider is completed at least every 30 days for offenders with a diagnosed behavioral health disorder and more frequently if clinically indicated. For offenders without a behavioral health disorder, an assessment is completed every 90 days and more frequently if clinically indicated. The behavioral health assessment will be conducted in a manner that ensures confidentiality.
- 5-ACI-4B-11 Written policy, procedure, and practice require that all Restrictive Housing inmates are personally observed by a correctional officer twice per hour, but no more than 40 minutes apart, on an irregular schedule. Inmates who are violent or mentally disordered or who demonstrate unusual or bizarre behavior or self-harm receive more frequent observation; suicidal inmates are under continuous observation. Observation shall be documented on a log. A qualified mental health professional will determine the type of observation (minimal to constant).
- 5-ACI-4B-12 Written policy, procedure, and practice provide that inmates in Restrictive Housing receive daily visits from the senior correctional supervisor in charge, daily health care rounds from a qualified health care professional (unless medical attention is needed more frequently), and visits from members of the program staff at least weekly.
- 5-ACI-4B-13 Written policy and procedure govern the selection criteria, specialized training, supervision, and rotation of security staff who work directly with inmates in Restrictive Housing on a regular and daily basis.
- 5-ACI-4B-14 Written policy, procedure, and practice provide that all inmates in Restrictive Housing are provided medication as prescribed.
- 5-ACI-4B-15 Written policy, procedure, and practice provide that all inmates in Restrictive Housing are provided suitable clothing, 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.
- 5-ACI-4B-16 Written policy, procedure, and practice provide that inmates in Restrictive Housing have the opportunity to shave and shower at least three times per week. In instances where inmates are not allowed to shave or shower, these instances must be documented and reviewed by the senior correctional supervisor in charge.
- 5-4B-ACI-17 Written policy, procedure, and practice provide that inmates in Restrictive Housing receive laundry and hair care services and are issued and exchange clothing, bedding, and linen on the same basis as inmates in the general population. Exceptions are permitted only when found necessary by the senior officer on duty; any exception is recorded in the unit log and justified in writing.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 20 of 23 7/1/20R

- 5-ACI-4B-18** Alternative meal service may be provided to an inmate in Restrictive Housing who uses food or food service equipment in a manner that is hazardous to self, staff, or other inmates. Alternative meal service is on an individual basis, is based on health or safety considerations only, meets basic nutritional requirements, and occurs with the written approval of the warden/superintendent, or designee and facility health care authority or designee. The substitution period shall not exceed seven days unless it is extended with the review of the authorizing administrator and the approval of the health care practitioner.
- 5-ACI-4B-19** Written policy, procedure, and practice provide that whenever an inmate in Restrictive Housing is deprived of any usually authorized item or activity; a report of the action is filed in the inmate's case record and forwarded to the chief security officer.
- 5-ACI-4B-20** Written policy, procedure, and practice provide that inmates in Restrictive Housing can write and receive letters on the same basis as inmates in the general population.
- 5-ACI-4B-21** Written policy, procedure, and practice provide that inmates in Restrictive Housing have opportunities for visitation unless there are substantial documented reasons for withholding such privileges.
- 5-ACI-4B-22** Written policy, procedure, and practice provide that inmates in Restrictive Housing have access to legal materials.
- 5-ACI-4B-23** Written policy, procedure, and practice provide that inmates in Restrictive Housing have access to reading materials.
- 5-ACI-4B-24** Written policy, procedure, and practice provide that inmates in Restrictive Housing receive a minimum of one hour of exercise outside their cells, five days per week, unless security or safety considerations dictate otherwise.
- 5-ACI-4B-25** Written policy, procedure, and practice provide that inmates in Restrictive Housing are allowed at minimum telephone privileges to access the judicial process and family emergencies as determined by the facility administrator or designee unless security or safety considerations dictate otherwise.
- 5-ACI-4B-26** Written policy, procedure, and practice provide that inmates in Extended Restrictive Housing have access to programs and services that include, but are not limited to the following: educational services, commissary services, library services, social services, behavioral health and treatment services, religious guidance, and recreational programs.
- 5-ACI-4B-28** **(MANDATORY)** When an offender is transferred to Restrictive Housing, health care personnel will be informed immediately and will provide a screening and review as indicated by the protocols established by the health authority. The mental health portion of the screening should include at a minimum, but is not limited to:
- Inquiry into:
- whether the offender has a present suicide ideation
 - whether the offender has a history of suicidal behavior
 - whether the offender is presently prescribed psychotropic medication

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 21 of 23 7/1/20R

- whether the offender has a current mental health complaint
- whether the offender is being treated for mental health problems
- whether the offender has a history of inpatient and outpatient psychiatric treatment
- whether the offender has a history of treatment for substance abuse

Observation of:

- general appearance and behavior
- evidence of abuse and/or trauma
- current symptoms of psychosis, depression, anxiety, and/or aggression

Disposition of offender:

- no mental health referral
- referral to mental health care service
- referral to appropriate mental health care service for emergency treatment

If the results of the inmate screening indicates the inmate is at imminent risk for serious self-harm, suicide, exhibits debilitating symptoms of a SMI, or requires emergency medical care, a health care professional shall be contacted for appropriate assessment and treatment.

Unless medical attention is needed more frequently, each offender in Restrictive Housing receives a daily visit from health care personnel to ensure that offenders have access to the health care system. The presence of health care personnel in Restrictive Housing is announced and recorded. The health authority determines the frequency of physician visits to Restrictive Housing units.

Unless mental health attention is needed more frequently, each offender in Restrictive Housing shall receive a weekly visit from mental health staff to ensure that offenders have access to the behavioral health system. The presence of a mental health staff in Restrictive Housing is announced and recorded. The mental health authority determines the frequency of mental health professionals to Restrictive Housing units.

5-ACI-4B-29 Written policy, procedure and practice require that the agency will attempt to ensure offenders are not released directly into the community from Extended Restrictive Housing. In the event that the release of an offender directly from Extended Restrictive Housing into the community is imminent, the facility will document the justification and receive agency level or designee approval (does not apply to immediate court order release).

In addition to required release procedures (see 5-ACI-5F-05) the following must be taken at a minimum:

- development of a release plan that is tailored to specific needs of the offender (does not apply to immediate court order release)
- notification of release to state and local law enforcement
- notify releasing offender of applicable community resources
- victim notification (if applicable/there is a victim)

5-ACI-4B-30 An individual diagnosed with a serious mental illness will not be placed in Extended Restrictive Housing, unless the multidisciplinary service team determines there is an immediate and present danger to others or the safety of the institution. There must be an active individualized treatment plan that includes weekly monitoring by mental health staff, treatment as necessary, and steps to facilitate the transition of the offender back into general population.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 22 of 23 7/1/20R

- 5-ACI-4B-31** Written policy, procedure, and practice require that step down programs are offered to Extended Restrictive Housing inmates to facilitate the reintegration of the inmate into general population or the community. These programs shall include, at a minimum, the following:
- pre-screening evaluation
 - monthly evaluations using a multidisciplinary approach to determine the inmate's compliance with program requirements
 - subject to monthly evaluations; to gradually increasing out-of-cell time to gradually increasing group interaction to gradually increasing education and programming opportunities to gradually increasing privileges
 - a step-down transition compliance review
 - post Screening Evaluation
- 5-ACI-4B-32** Female inmates determined to be pregnant will not be housed in Extended Restrictive Housing.
- 5-ACI-4B-33** Confinement of offenders under the age of 18 years of age in Extended Restrictive Housing is prohibited.
- 5-ACI-4B-34** An inmate will not be placed in Restrictive Housing on the basis of Gender Identity alone.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.2 Disciplinary Segregation Status	15. Special Housing	Page 23 of 23 7/1/20R