

1.3.D.1 Disciplinary Housing

I Policy Index:



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Replaces Policy: 3D.1
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Affected Units: All Institutions
Effective Date: 02/03/2017
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Office of Primary Responsibility: DOC Administration

II Policy:

Disciplinary housing can be established at any Department of Corrections (DOC) institution. Disciplinary status is a punitive status intended to separate an inmate found guilty of committing a prohibited act from the general population for a specified period of time, and to provide punitive consequences/a sanction for behavior. An inmate can be placed in disciplinary housing only after due process.

III Definitions:

Administrative Detention:

A temporary form of separation from general population used when the continued presence of an inmate within general population poses a threat to staff or inmates, or disrupts the disciplined operation of the institution.

Disciplinary Hearing Officer (DHO):

An independent staff member responsible for conducting the final institutional disciplinary hearing on an alleged violation(s) involving a major Prohibited Act(s). The DHO imposes appropriate sanction(s) when he/she determines an inmate has violated an Offense in Custody.

Disciplinary Housing:

Punitive separation from the general population for a specified period of time for inmates who have committed an Offense in Custody (See SDCL § 24-2-12).

Unit Disciplinary Committee (UDC):

One (1) or more unit staff members assigned the duty of convening an initial hearing concerning a charge(s) brought against an inmate for misconduct. The UDC will determine if an inmate committed an Offense in Custody and, if so, the sanction that shall be imposed.

IV Procedures:

1. Disciplinary Criteria:

- A. The Warden will determine what area(s) within the institution shall be designated for disciplinary housing (See SDCL § 24-1-1).
- B. Inmates found to have committed an Offense in Custody may be separated from the general population and placed on disciplinary status for a specified period of time (See DOC policy 1.3.C.2 *Inmate Discipline System* and SDCL §§ 24-2-9, 24-2-12 & 24-15A-4).
 - 1. Only the Disciplinary Hearing Officer (DHO) has authority to place an inmate in disciplinary housing for committing an Offense in Custody as part of a disciplinary sanction issued by the DHO at the conclusion of the institutional disciplinary hearing.
 - 2. If, while appearing before the Unit Disciplinary Committee (UDC), the inmate waives his/her right to the hearing, the UDC may impose a disciplinary sanction, including placement in disciplinary housing, in accordance with DOC policy 1.3.C.2 - *Inmate Discipline System*.
 - 3. An inmate placed in disciplinary segregation may receive credit for time served in administrative detention. Credit for time served does not apply to offenses committed by the inmate while housed in disciplinary housing.
- C. A record of the administrative detention will be placed in on the Offender Care in Placement-OIDCIPON screen in the Comprehensive Offender Management System (COMS) with all the fields appropriately completed. It should be noted that if the offender is already in "Restricted Housing" or another "Care in Placement" option, that a combination of the placements should be entered in the "TYPE" field.

Care in Placement

Type*	Reason*	Facility*	Requested By*
Administrative Detention	Pending Major violation hear	Jameson Annex	Security Supervisor

Details:

Authorized By* Security supervisor	Name* LAST NAME, FIRST NAME	Days:	Hours:
Effective Date* 12/30/2013	Time* 15:14	Duration Type* INDEFINITE	Duration
			Review Date 01/05/2014
Comments: Example: Any applicable notes like, was written up.		Expiry Date:	Time:

- D. Each Warden or designee will develop a list of privileges authorized for inmates placed in disciplinary housing and the processes and procedures necessary to operate the unit in an efficient and effective manner. Such processes and procedures will be maintained in the respective unit plan (See DOC policy 1.3.A.1 *Unit Plans*). Procedures specific to disciplinary housing may also be established through operational memorandums.

1. The processes and procedures will include a list of programs and services available to inmates in disciplinary housing and any limitations or allowances regarding property or privileges.
- E. Placement in disciplinary housing may not exceed sixty (60) days per offense.
1. If not granted credit for time served in administrative detention, the days an inmate served in administrative detention is not included in the sixty day maximum per offense.
 2. Inmates may submit a request to the Associate or Deputy Warden for a suspension of time which they are required to be placed in disciplinary housing. Designated staff may suspend disciplinary housing days or grant an early release for good cause.
 3. Continued placement in disciplinary housing beyond sixty (60) days (i.e., an inmate has multiple sanctions for multiple offenses) requires notice to the Warden or designee.
- F. Inmates releasing to parole or discharge directly from disciplinary housing may be designated a "High Risk Release" if certain criteria set forth in DOC policy 1.4.G.6 [System Risk Classification](#) is met.
1. Upon the conclusion of the inmate's placement in disciplinary housing, the inmate must either be returned to general population, or referred for reclassification and/or placement in suitable housing. If the inmate is determined not appropriate for return to general population, staff must prepare information describing why the inmate should not be placed in general population. This must be submitted in advance of the inmate's planned release from disciplinary housing.

2. Administrative Detention:

- A. Administrative detention is a non-punitive status in which the inmate is removed from general population and housed in a restricted housing unit. Administrative Detention may be used when:
1. An inmate is charged with violating a high level Offense in Custody (See DOC [Inmate Living Guide](#)); or
 2. It is determined by designated DOC staff the inmate's continued presence in general population poses a threat to the safety, security or disciplined operation of the institution, staff or others; or
 3. The inmate is under investigation for allegedly violating DOC policy or is the subject of a criminal investigation for acts committed while in custody.
- B. If an inmate is placed on administrative detention for investigative purposes (IP), the OIC will notify designated security staff as soon as he/she is on duty. The senior security staff person will personally meet with the inmate within three (3) days of the inmate being placed on administrative detention and will determine what course of action to take in accordance with DOC policy 1.3.C.2 [Inmate Discipline System](#). The inmate will receive an order stating why they have been placed on IP within 24 hours of initial placement on IP, provided institutional security and safety is not compromised.
- C. Placement on administrative detention will not exceed thirty (30) days unless a documented

need is established by staff and the extended placement (beyond thirty (30) days) is approved by the Warden or designee. Detainment on administrative detention beyond thirty days requires review by the Warden every week.

- D. Administrative detention will not be used to circumvent the processes and procedures of the inmate discipline system (See DOC policy 1.3.C.2 *Inmate Discipline System*).
- E. A record of the administrative detention will be placed in the Offender Care in Placement-OIDCIPON screen in COMS with all the fields appropriately completed. It should be noted that if the offender is already in "Administrative Segregation" or another "Care in Placement" option, that a combination of the placements should be entered in the "TYPE" field (Example- Admin Detention/Admin Seg).

Care In Placement

Type*	Reason*	Facility*	Requested By*
Administrative Detention	Pending Major violation hear	Jameson Annex	Security Supervisor

Details:

Authorized By*	Name*	Days:	Hours:
Security supervisor	LAST NAME, FIRST NAME	Time Served:	
Effective Date*	Time*	Duration Type*	Duration
12/30/2013	15:14	INDEFINITE	
		Review Date	
		01/05/2014	

Expiry Date: Time:

Comments:
 Example: Any applicable notes like, was written up.

V Related Directives:

SDCL §§ 24-2-9, 24-2-12 and 24-15A-4.

- DOC policy 1.3.A.1 -- *Unit Plans*
- DOC policy 1.3.C.2 -- *Inmate Discipline System*
- DOC policy 1.4.G.6 -- *System Risk Classification*
- DOC -- *Inmate Living Guide*

VI Revision Log:

- August 2003:** Added section to Attachment 2 on Reason for Placement/Continuation in Administrative Segregation. Revised the section on removal of an inmate from protective custody.
- August 2006:** Changed policy name to Disciplinary Segregation. Deleted most references to Administrative Segregation and Protective Custody.
- August 2007:** Added attachment 1. Changed Special Management Unit to Disciplinary Segregation.
- July 2008:** Revised formatting of policy and attachment in accordance with 1.1.A.2. Replaced review with referral in ss (B) of Mental Health Assessment section. Added DOC policy when referencing 1.3.C.2 in Related Directives section.
- July 2009:** Added "unit staff" in ss (B1 of Disciplinary Segregation Criteria). Added ss (B1 of Mental Health Assessment). Added hyperlinks throughout policy.

July 2010: Revised formatting of Section 1.

October 2011: Added definition of Unit Disciplinary Committee and Disciplinary Hearing Officer.

Deleted “or unit staff are” and **Added** “issued by the DHO at the conclusion of the Institutional Disciplinary Hearing” and **Deleted** “unless” and **Replaced** with “if” and **Added** “when appearing before the Unit Disciplinary Committee the UDC may impose a disciplinary sanction that includes disciplinary segregation” all in Section 1 B. 1. **Deleted** “will” and **Replaced** with “may” to Section 1 B. 2. **Added** 1.and 2. to Section 1 D. **Added** new Section 2 Administrative Detention and A-D.

Renumbered following sections. **Deleted** “A mental health professional will assess the status of all inmates on Administrative Segregation and/or Disciplinary Segregation for a continuous period of more than one year”. and **Replaced** with “If it appears at any state of the disciplinary process and inmate may have a mental illness, staff may refer the inmate to mental health services for assessment”. in Section 3 A. **Deleted** “on administrative Segregation and/or” and **Replaced** with “housed in” and **Deleted** “for whom mental health considerations indicate such status is inappropriate” and **Replaced** with “if such placement is inappropriate, as determined by mental health staff” to Section 3 A. 1.

Deleted “In the event that such inmate will continue on Administrative Segregation and/or Disciplinary Segregation after said assessment, assessments will be done every six months an inmate is on Administrative Segregation or Disciplinary Segregation and **Replaced** with “Mental health staff will notify the OIC if placement in Disciplinary Segregation is not an option for the inmate.” in Section 3 A. **Added** “issue/need” to Section 3 B. **Added** D. “Alternative disciplinary sanctions may be applied by the DHO/UDC if Disciplinary Segregation is not a placement option for an inmate.” to Section 3.

August 2012: **Deleted** “for a category 4 or 5 Prohibited Act” in Section 1 B. 1. **Added** “If not granted credit for AD” and **Deleted** “typically” in Section 1. D. 1. **Added** E. to Section 1. **Added** 1-3 to Section 2 A. **Deleted** “working” days from Section 2 B. **Added** D and D. 1-2 to Section 3 and **Renumbered** previous D. to E. in same section. **Deleted** “an assessment” and **Replaced** with “review of their mental health status (See Attachment 2) in Section 3 A. **Deleted** “personal interview” and **Replaced** with “face to face assessment” in Section 3 A. 2. **Deleted** “placement in disciplinary segregation should not be considered an option for the inmate” and **Replaced** with “of any current mental health needs or concerns pertaining to the inmate” in Section 3 A. 3.

November 2012: **Added** 3. to Section 1 D. **Added** “or his/her designee” to Section 2 C.

July 2013: Reviewed with no changes.

December 2016: Revisions to the policy structure and wording. **Added** C. and screen shot in Section 1 and **Added** E. and screen shot in Section 2. **Deleted** Section 3 “Mental Health Assessment”. **Added** 1. to Section 1 F. **Deleted** Attachment 1 “Mental Health Referral” and Attachment 2 “Inmate Mental Health Status”.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

02/06/2017

Date