

1.3.D.1 Disciplinary Segregation Housing

I Policy Index:



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II Policy:

Disciplinary segregation can be established at any adult Department of Corrections (DOC) facility to house inmates who violate a major Prohibited Act. An inmate can be placed in disciplinary segregation only after receiving the due process rights afforded to him/her.

III Definitions:

Disciplinary Segregation:

Punitive separation from the general population for inmates who have committed serious violations of DOC Prohibited Acts (See SDCL § 24-2-12).

Administrative Detention:

A temporary form of separation from the general population used when the continued presence of an inmate within the general population would pose a threat to life, property, self, staff, or other inmates; or to the security or disciplined operation of the institution.

Unit Disciplinary Committee (UDC):

One (1) or more unit staff members delegated by the Warden to hold an initial hearing concerning a charge(s) of inmate misconduct. The UDC will determine if an inmate violated a minor Prohibited Act(s) and, if so, will issue the appropriate sanction(s).

Disciplinary Hearing Officer (DHO):

A one-person, 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 violated a major Prohibited Act (or a combination of a major and minor Prohibited Act(s)).

IV Procedures:

1. Disciplinary Segregation Criteria:

- A. Each Warden will determine what area(s), if any, will be designated for disciplinary segregation housing within each facility under their authority.

- B. Inmates who are found to have committed a major DOC Prohibited Act(s) may be separated from the general population and placed on disciplinary segregation (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 the authority to place an inmate in disciplinary segregation as part of a disciplinary sanction issued by the DHO at the conclusion of the institutional disciplinary hearing. If the inmate waives his/her rights to a hearing by the DHO when appearing before the Unit Disciplinary Committee (UDC), the UDC may impose a disciplinary sanction that includes disciplinary segregation in accordance with DOC policy 1.3.C.2 - *Inmate Discipline System*.
 2. An inmate placed in disciplinary segregation may receive credit for time served on administrative detention (unless the major Prohibited Act was committed while the inmate was housed in disciplinary segregation).
- C. Each institution will develop procedures for the day-to-day privileges authorized for inmates on disciplinary segregation. Such procedures may be kept in the respective unit plan (See DOC policy 1.3.A.1 *Unit Plans*) or in a separate institutional operational memorandum which is accessible to institutional staff.
1. The procedures/privileges will include which programs and services are available to inmates housed in disciplinary segregation.
 2. Any planned use of special items of clothing and/or bedding will be outlined in the memorandum.
 3. Deprivation of food may not be used as punishment upon any inmate housed in disciplinary segregation.
- D. Placement in disciplinary segregation may not exceed ninety (90) days per offense.
1. If not granted credit for time served in administrative detention, the days an inmate serves in administrative detention are not included in the ninety 90-day maximum per offense. However, the inmate may be given credit for time served in administrative detention by the DHO. If credit for time served is granted, these days will count towards the total number of days the inmate must serve in disciplinary segregation, as specified in the disciplinary sanction.
 2. Inmates may submit a request to designated staff (usually an Associate Warden) for a suspension of a portion of their disciplinary segregation sanction based on good cause and in accordance with the process described in the institution's applicable operational memoranda.
 3. Continued placement in disciplinary segregation beyond ninety (90) days (i.e., an inmate has more than one offense for which disciplinary segregation time was given) requires the approval of the Warden or his/her designee.
- E. Inmates releasing to parole or discharge directly from disciplinary segregation may be designated a "High Risk Release" if certain criteria set forth in DOC policy 1.4.G.5 *High Risk Release* is met.

2. Administrative Detention:

- A. Administrative detention may be utilized for inmates if:
 - 1. The inmate has been charged with violating a major Offense in Custody;
 - 2. The Officer in Charge (OIC) determines the inmate's continued presence in general population could pose a threat to the safety, security or disciplined operation of the institution; or
 - 3. The inmate is under investigation for alleged involvement in a crime or the inmate is suspected of committing a criminal act.
- 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 staff person will personally see 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*.
- C. Placement on administrative detention for IP may not be for punitive reasons and should not exceed thirty (30) days, unless a documented need is established by staff and extended placement beyond thirty (30) days is approved by the Warden or his/her designee.
- D. Staff may not use administrative detention to circumvent the processes and procedures of the inmate discipline system (See DOC policy 1.3.C.2 *Inmate Discipline System*).

3. Mental Health Assessment:

- A. If it appears at any stage of the disciplinary process an inmate may have a mental illness, DOC staff may refer the inmate to mental health services for a review of their mental health status (See [Attachment 2](#)).
 - 1. The purpose of the review is to ensure no inmate is placed in disciplinary segregation if such placement is deemed inappropriate by mental health staff.
 - 2. The review by mental health staff will include a face-to-face assessment with the inmate.
 - 3. Mental health staff will notify the OIC of any current mental health needs or concerns pertaining to the inmate.
- B. Staff may refer any inmate housed in disciplinary segregation for a mental health review/assessment any time the inmate's behavior indicates the inmate may have a mental health issue/need.
- C. Staff will complete the referral process by submitting the [Mental Health Referral](#) form (See [Attachment 1](#)).
- D. Mental health or medical staff may determine the level of monitoring to provide to a inmate placed in disciplinary segregation in order to meet the inmate's medical, dental and/or mental health needs.
 - 1. Inmates housed in disciplinary segregation may request to be seen by medical or mental

health staff through the inmate kite system or when DOC/medical/mental health staff are conducting rounds within the disciplinary segregation unit.

2. Staff will document an inmate's medical, mental health or dental needs. All rounds conducted within the disciplinary segregation unit shall be documented.
- E. Alternative disciplinary sanctions may be applied or considered by the DHO/UDC if placement in disciplinary segregation is not an option for the inmate.

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.5 -- [High Risk Release](#)
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.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

10/19/2013

Date

