

1.3.D.1 Disciplinary Housing

I Policy Index:



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II Policy:

It is the policy of the South Dakota Department of Corrections to house inmates in the least restrictive housing available. Inmates who actions jeopardize the safety, security and orderly operation of the facility, staff, visitors or others, may be housed in temporary restricted housing. Inmates may also be placed in temporary restricted housing for investigative purposes. Restricted housing may be established at any Department of Corrections (DOC) institution.

III Definitions:

Administrative Detention:

A temporary form of separation from general population when the continued presence of the inmate within the general population poses a serious threat or risk to life, property, self, staff, inmates, others, or the security and good order of the institution. Inmates pending investigation for trial on a criminal act or pending transfer for trial, can be housed in Administrative Detention.

Disciplinary Hearing Officer (DHO):

Staff member responsible for conducting the institutional disciplinary hearing in response to an inmate who is allegedly to have committed a High-level offense in custody. The DHO shall determine if substantial evidence exists to support a finding the inmate has committed the offense in custody. The DHO may impose an appropriate sanction(s) when it is determined an inmate has committed an Offense in Custody.

Disciplinary Housing:

A punitive form of separation from the general population, in which inmates found guilty of committing an offense in custody are confined by order of the DHO or UDC, for short, specified periods of time, to designated housing that is separate from the general population. Placement in disciplinary housing may only occur after an affirmative finding an inmate has committed an offense in custody through an impartial hearing. Inmates may be placed in disciplinary housing in the best interest of discipline, justice, rehabilitation, and to protect the inmate and others (See SDCL § 24-2-12).

Unit Disciplinary Committee (UDC):

One or more unit staff members assigned the duty of convening an initial hearing concerning charges brought against an inmate for misconduct. The UDC may determine if some evidence

exists to support an inmate committed an offense in custody and determine an appropriate sanction.

IV Procedures:

1. Disciplinary Criteria:

- A. All inmates are under the custody of the Warden and shall be housed and disciplined in a manner prescribed by law, rule and policy. The Warden may delegate housing and disciplinary decisions to staff or committees (See SDCL § 24-2-1). The Warden shall maintain oversight over discipline applied to inmate behaviors within the institution and review all aspects of disciplinary process for compliance with policy and accepted practices and procedures. The Warden will determine what area(s) within the institution will be designated for disciplinary housing (See SDCL § 24-2-1).
- B. Placement in disciplinary housing is a form of punitive confinement, which is an authorized sanction that may be applied to inmates who violate institutional rules or policies (See SDCL §§ 24-2-9 and 24-2-12). Disciplinary housing should be reserved for offenses in custody involving:
1. Violence;
 2. Escape;
 3. Predatory violation; or
 4. A threat to the safety of staff or others or misconduct which causes a significant disruption to the disciplined operation of the institution, including encouraging other inmates to engage in misconduct.
- C. Placement in disciplinary housing shall be consistent with application and implementation of the inmate discipline system. Inmates may be placed in disciplinary housing only if there is some evidence to support they have committed an offense in custody, and the inmate is adjudicated guilty of the alleged violation, in accordance with DOC policy 1.3.C.2 *Inmate Discipline System*.
1. The Disciplinary Hearing Officer (DHO) or Unit Disciplinary Committee (UDC) has authority to order placement of an inmate in disciplinary housing, only after the inmate has been provided an opportunity for an impartial hearing, and it has been determined alternative dispositions are inadequate to regulate the inmate's behavior within acceptable limits, or the inmate's continued presence in general population poses a serious threat to the orderly operation of the institution (See ACA 4-4249 and 4-4252).
 2. If, during the disciplinary process, the inmate waives his/her right to a hearing or pleads guilty to the offense in custody or refuses to appear before the DHO or UDC, designated staff may issue the inmate a sanction, which may include placement in disciplinary housing, consistent with DOC policy 1.3.C.2 - *Inmate Discipline System*.
 3. An inmate placed in disciplinary housing may receive credit for time served in administrative detention (ACA 4- RH-0007). Credit for time served does not apply to sanctions received by the inmate for offenses committed while housed in disciplinary housing.
- D. A record of the inmate's placement in disciplinary housing will be maintained in the Offender Care in Placement-OIDCIPON screen in the Comprehensive Offender Management System (COMS) with all the fields appropriately completed. It should be noted if the inmate is already

- in “Restricted Housing” or another “Care in Placement” option a combination of the placements should be entered in the “TYPE” field.
- E. 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](#)) and must be consistent with DOC policy. Procedures specific to operation of the disciplinary housing unit may be established through institutional operational memorandums.
1. The processes and procedures will include a list of privileges, programs and services available to inmates in disciplinary housing and any limitations, criteria or conditions that may apply.
- F. Placement in disciplinary housing may be for a period as determined necessary in the best interest of discipline, justice, rehabilitation and protection of the inmate or others (SDCL § [24-2-12](#)). Placement in disciplinary housing shall not exceed fifteen (15) days, consecutive, unless otherwise authorized by the Warden. Inmates held in disciplinary housing for any period exceeding sixty (60) days must be provided the same program services and privileges as inmates in Restricted Housing (ACA 4-455).
1. Inmates may submit a request to the Associate Warden or Deputy Warden when seeking suspension of all or a portion of their time to serve in disciplinary housing. To incentivize positive conduct, the Warden or Deputy Warden may grant an inmate early release from disciplinary housing for consistent demonstration of positive behaviors by the inmate while serving disciplinary housing time. In addition, the DHO may suspend a portion of the total number of disciplinary housing days an inmate receives. The suspended days may be imposed by the UDC or DOH through a subsequent disciplinary hearing.
 2. Continued placement in disciplinary housing beyond fifteen (15) days must be reviewed and approved by the Warden or Deputy Warden. Continued placement beyond 15 days shall be in the best interests of discipline, justice, rehabilitation, safety and efficient operation of the facility.
 3. Inmates may receive disciplinary time set to run concurrent for multiple offenses resulting from the same incident.
 4. Inmates known to be pregnant will not be placed in disciplinary housing without final approval of the Warden or designee.
- G. Inmates releasing to parole or discharge directly from disciplinary housing may be designated a “High Risk Release”, if the inmate meets the criteria set forth in DOC policy 1.4.G.6 [System Risk Level](#).
- H. Upon conclusion of the inmate’s punitive sanction of disciplinary housing time, the inmate must either be returned to general population or referred for a hearing to determine if the inmate meets the criteria for placement in Restricted Housing/SMI unit, or referred for reclassification and placement in the least restrictive housing environment, consistent with the inmate’s custody level and programming needs.

2. Administrative Detention:

- A. Administrative detention is a non-punitive status used to house inmates in an individual cell, separate from general population. Inmates may be placed in Administrative Detention when:
1. The inmate is charged with violating an Offense in Custody and is awaiting a hearing before the UDC or the offense in custody the inmate is charged with committing remains under investigation or review. Inmates may be placed in Administrative Detention if the offense involves the following:
 - a. The seriousness of the alleged offense in custody.
 - b. Whether the offense involved violence.
 - c. Whether the offense involved escape.
 - d. Whether the offense involved predatory behavior.
 - e. A threat to the safety of staff or others or misconduct which causes a significant disruption to the disciplined operation of the institution, including encouraging other inmates to engage in misconduct.
 2. It is determined the inmate's continued presence in general population poses a threat to the safety, security or disciplined operation of the institution. Inmates may be placed in Administrative detention pending investigation if it is determined the inmate poses a danger to self, staff or others; or
 3. The inmate is under investigation for allegedly committing or having direct involvement in a criminal act, or the inmate and their actions are the subject of a criminal investigation involving the alleged commission of a crime.
 - a. Investigations shall commence within 24 hours of the time the violation is reported and completed without reasonable delay, unless there are exceptional circumstances that delay the investigation (ACA 4-4234).
 - b. The investigation or review should be completed without reasonable delay, unless there are exceptional circumstances that delay the investigation or review (ACA 4-4234). Routine investigations shall be completed within fifteen (15) days. This may be extended with approval from the Warden. Compelling reasons supporting the delay must be documented and included in the Disciplinary Report. When determining whether to place an inmate in Administrative Detention, staff shall consider the following:
- B. When an inmate is placed in Administrative Detention, the OIC, shift supervisor or designated staff member not involved in the initial placement of the inmate in Administrative Detention will inform the inmate of the reason they were placed in Administrative Detention. This notice shall be provided within 24 hours of the inmate's placement in Administrative Detention, unless providing such information may compromise security or investigative practices. Staff providing the inmate with the information is responsible for reviewing the appropriateness of the placement. Any concerns regarding the placement must be directed to the staff member's supervisor.
- C. Placement on administrative detention will not exceed thirty (30) days, unless a documented

need is established supporting placement of the inmate in general population would pose a serious threat to life, property, self, staff or other inmates, or jeopardize the safe and secure operation of the institution. Detainment in Administrative Detention beyond thirty (30) days must be approved by the Warden or designee and must be documented in a case note. Detainment in administrative detention beyond thirty days requires review by the Warden each week thereafter until the inmate is transferred from AD.

- D. Inmates placed in Administrative Detention pending investigation for committing an offense in custody should not remain in Administrative Detention for longer than the maximum term of disciplinary housing permitted (15 days). Inmates who demonstrate good behavior during the investigative process may be granted credit for time served.
- E. Inmates known to be Severely Mentally Ill (SMI), (confirmed with Behavioral Health staff) may not be placed in Administrative Detention unless it is determined the inmate presents an immediate and serious risk to the safety of staff, self or others or risk to the safety and security of the institution and no other reasonable alternatives exist to safely house the inmate. Behavior Health staff will be notified of the placement.
 - 1. SMI inmates shall be monitored daily by staff for signs of decompensation.
 - 2. SMI inmates will continue to receive Behavioral Health services and programming as determined necessary by Behavioral Health staff.
- F. 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*).
- G. A record of the administrative detention will be placed in the Offender Care in Placement- OI DCIPON 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* 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:

V Related Directives:

SDCL §§ 24-2-1, 24-2-9 and 24-2-12.

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 Level](#)
[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 end 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".

October 2017: Revised definition of Disciplinary Housing consistent with statute. Deleted “The Warden will determine what area(s) within the institution area designated for disciplinary housing (See SDCL § 24-1-1)” and Replaced with “All inmates are under the custody of the Warden and will be housed and disciplined in a manner prescribed by law, rules and policies of the Department of Corrections. The Warden may delegate housing and disciplinary decisions to designated staff or committees consisting of staff members (See SDCL 24-2-1)” and Added “The Warden shall maintain oversight over discipline applied to inmate behaviors within the institution and review all aspects of disciplinary process for compliance with policy and accepted practices and procedures” in Section 1 A. Added “or the inmate refuses to appear before the UDC” in Section 1 B. 2. Deleted 60 days and Replaced with “fifteen days” in Section 1 E and E. 1. Added 3., 4. and 5. to Section 1 E. Deleted “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*” and made revisions to this section, in Section 2 B.

August 2018: Added “Disciplinary housing should be reserved for offenses in custody involving:” and Added 1-4 in Section 1 B. Added “consecutive, unless otherwise authorized by the Warden. Inmates held in disciplinary housing for any period exceeding sixty (60) days must be provided the same program services and privileges as inmates in Restricted Housing (ACA 4-455)” to Section 1 F. Added “for consistent demonstration of positive behaviors” in Section 1 F. 1. Deleted “suitable housing based on their updated custody level” and Replaced with “in the least restrictive housing environment, consistent with the inmate’s custody level and programming needs” in Section 1 H. Added 2. a.-e. to Section 2 A. Added a. to Section 2 A. 4. Added “or jeopardize the safe and secure operation of the institution and Added “and must be documented in a case note” in Section 2 C. Added D. and E. to Section 2.

Denny Kaemingk (original signature on file)

Denny Kaemingk, Secretary of Corrections

12/11/2018

Date