

## 1.3.D.1 Disciplinary Housing

### I Policy Index:



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**Office of Primary Responsibility:** DOC Administration

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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 whose actions jeopardize or otherwise pose risk to safety or security may be housed temporarily in a restricted housing unit. Each facility shall have space to temporarily house inmates on a restricted status.

### III Definitions:

#### **Administrative Detention:**

A temporary form of separation from general population when the continued presence of an inmate within the general population poses or may pose a serious threat to safety or security. Inmates pending investigation for involvement in a criminal act or pending transfer for trial may be housed in Administrative Detention.

#### **Disciplinary Hearing Officer (DHO):**

A staff member responsible for conducting the institutional disciplinary hearing in response to an inmate alleged to have committed a high-level offense in custody. The DHO shall determine if some evidence exists to support a finding the inmate 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 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 separate from general population. Placement in disciplinary housing may only occur after an affirmative finding an inmate has committed an offense in custody. 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, policy and directive. The Warden may delegate housing and disciplinary decisions to staff, or committees of staff (See SDCL § 24-2-1), within the facilities he/she supervises. The Warden or designee shall maintain oversight over discipline applied to inmate behaviors within the institution and review aspects of the applied disciplinary process for compliance with policy, directives, accepted practices and approved procedures. The Warden shall determine what area(s) within the institution will be designated for disciplinary housing (See SDCL § 24-2-1).
- B. Placement in disciplinary housing is 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 may be issued as a sanction to inmates who commit an offense that is determined to include:
1. Violence;
  2. Escape;
  3. Predatory behavior; or
  4. A threat to the safety of staff or others, or misconduct which causes a security risk to the facility, including encouraging other inmates to engage in such misconduct.
- C. Placement in disciplinary housing shall be consistent with the application and implementation of the inmate discipline system. An inmate may only be placed in disciplinary housing if there is some evidence to support he/she 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 sanction the inmate to disciplinary housing only after the inmate has been provided an opportunity for an impartial hearing and it has been determined by staff that alternative dispositions are inadequate to correct the inmate's behavior (See ACA 4-4249 and 4-4252).
  2. If, during the disciplinary process, the inmate waives his/her right to a hearing, pleads guilty to the offense in custody, is found guilty, or refuses to appear, the DHO or UDC shall issue an appropriate sanction, 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 he/she commits 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 placements must 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 shall be consistent with DOC policy.
  - 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 of time determined necessary by the sentencing staff, in the best interest of discipline, justice, rehabilitation, security and safety (SDCL § 24-2-12). Placement in disciplinary housing shall not exceed fifteen (15) consecutive days per occurrence, unless otherwise authorized by the Warden.
  - 1. Inmates may submit a request to the Warden or designee when seeking suspension of a portion of their time to serve in disciplinary housing. To incentivize positive conduct, the Warden or designee may grant early release from disciplinary housing for inmates demonstrating positive behaviors or improved behavior. In addition, the DHO may suspend a portion of the total number of disciplinary housing days an inmate receives as a sanction. 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) consecutive days must be reviewed and approved by the Warden. This includes consecutive sentences issued for separate offenses or additional disciplinary time received while the inmate is currently serving disciplinary time. Continued placement beyond fifteen (15) consecutive days must 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 committed.
  - 4. Female inmates known to be pregnant will not be placed in disciplinary housing without approval by the Warden.
- 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, 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 or Managed Housing. Inmates may be reclassified based upon disciplinary history. Inmates shall be housed in the least restrictive housing available, 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. An inmate is charged with violating a major offense in custody and is awaiting a hearing; or the offense in custody the inmate is charged with remains under investigation or

- review. Inmates may be placed in administrative detention with consideration to the following:
- a. The seriousness of the alleged offense.
  - b. Whether the offense involved violence or attempt to commit violence.
  - c. Whether the offense involved escape or attempt to escape.
  - d. Whether the offense involved predatory behavior or attempt to commit predatory behavior.
2. It is determined by the Warden or designee that the inmate's continued presence in general population poses a threat to safety or security, including the inmate's own safety. Inmates may be placed in administrative detention pending investigation.
  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 an active criminal investigation.
    - a. Investigations will typically commence within 24-hours of the violation/offense being documented and will be completed without reasonable delay, unless there are exceptional circumstances that delay the investigation (ACA 4-4234).
    - b. Routine investigations will normally be completed within fifteen (15) days. This may be extended with approval by the Warden or designee. Compelling reasons supporting the delay must be documented and included in the report.
- B. When an inmate is placed in administrative detention, the OIC, shift supervisor or unit staff not involved in the initial placement of the inmate 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, or an extension is granted by the Warden or designee. Staff providing the inmate with the information is responsible for reviewing the appropriateness of the placement in administrative detention. Any concerns regarding the placement must be directed to an Associate Warden or Deputy Warden.
- C. Placement on administrative detention may not exceed thirty (30) days, unless a documented risk is established supporting placement of the inmate in general population poses a serious threat to life, property, self, staff or other inmates, or jeopardizes safety or security. Detainment in administrative detention beyond thirty (30) days must be approved by the Warden or designee and must be documented as a case note in COMS. Detainment in administrative detention beyond thirty days requires review by the Warden each week thereafter, until the inmate is transferred from administrative detention.
- D. Inmates placed in administrative detention pending investigation for committing an offense in custody, should not remain in administrative detention for longer than fifteen consecutive days. Inmates receiving a sanction of disciplinary housing at the conclusion of their time in administrative detention may be granted credit for time served.
- E. Inmates in administrative detention will have regular access to Behavioral Health staff.

1. Inmates housed in administrative detention who are identified by Behavioral Health staff of having a level of functioning code of 3 or 4 may be considered for transfer to Secured Mental Health housing, as deemed appropriate by Behavioral Health staff and the Associate or Deputy Warden.
- 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 an inmate's placement in administrative detention will be placed in the Offender Care in Placement-OIDCIPON screen in COMS, with all the fields appropriately completed. Staff shall promptly update the inmate's Care in Placement in COMS by moving the inmate from AD Det. to Disciplinary.

**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 §§ 24-2-1, 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:

Removed revisions from 2003-2009.

**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.

**December 2019:** **Added** “or attempt to commit” in b. c. and d. in Section 2 A. 1. **Added** “or an extension is granted by the Warden or designee” in Section 2 B. **Deleted** “(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” and **Added** 1. in Section 2 E. **Deleted** “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)" in Section 2 G. **Added** "Staff shall promptly update the inmate's Care in Placement in COMS by moving the inmate from AD Det. to Disciplinary" in Section 2 G.

**July 2020:** Reviewed with no changes.

*Mike Leidholt (original signature on file)*

*07/16/2020*

Mike Leidholt, Secretary of Corrections

Date