1.3.D.4 Restrictive Housing

I Policy Index:

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II Policy:

Inmates who, based upon their behavior, require greater security, supervision or control than can be provided to them in the in general population, will be referred for Restrictive Housing. Inmates housed in Restrictive Housing may be confined to cells for 22 hours or more per day for the safety and security of the institution.

III Definitions:

Hearing:
A proceeding to determine a course or action, such as the placement of an inmate or in determining guilt or innocence in a disciplinary matter. Arguments, witnesses and evidence may be introduced and heard by staff or the administrative body conducting the hearing.

Identified member of a Security Threat Group:
An inmate identified as belonging to a gang that is monitored by the Special Investigation Unit. Identification through self-report by the inmate or an affirmative and supported finding the inmate is affiliated with a gang, which must be confirmed by the Special Investigations Unit (SIU). Must include direct involvement, past or present, in gang activity within the community or institution.

Modified Housing:
Housing program that includes a system of review and criteria to prepare an inmate for transition to general population or the community. Inmates housed in this program are permitted a minimum of three hours of out of cell time daily.

Personal Property:
Includes all approved property not issued to an inmate by the Department of Corrections.

Restrictive Housing (RH):
A program for inmates whose continued presence in the general population poses a direct threat to persons or present a clear threat to the safe and secure operations of the institution. Placement is based on the acts and behaviors of the inmate. Restrictive Housing does not include disciplinary, Investigative Purpose (IP), or protective custody status inmates and may not be used as a disciplinary sanction or punitive response. Restrictive Housing provides a safe and productive environment for staff and inmates, and provides a path for inmates to successfully transition to a less restrictive setting.
Secured Mental Health Housing:
Housing program that includes a system of review and criteria to prepare an inmate for transition to general population or the community. Inmates housed in this program are permitted a minimum of three hours of out-of-cell time daily.

Seriously Mentally Ill (SMI):
For the purposes of this policy, an inmate who meets the criteria for SMI (Seriously Mentally Ill), who has a chronic mental illness by history, diagnosis, or prognosis and requires repeated and prolonged periods of mental health care, and who exhibits persistent disability or impairment in the prison.

Substantial evidence:
Evidence a reasonable mind would accept as adequate to support a conclusion.

Weapon:
Any firearm, stun gun, knife, device, instrument, material or substance which is calculated or designed to inflict death or serious bodily harm, or by the manner in which it is used is likely to inflict death or serious bodily harm.

IV Procedures:

1. Referral for Restrictive Housing:
   A. Inmates placed in disciplinary housing or administrative detention who have committed acts or behaviors consistent with the criteria listed in Section 2 (1-10) of this policy, may be referred for possible placement in Restrictive Housing by the Warden, unit manager, or Special Investigation Unit staff (See DOC policy 1.3.C.2 Inmate Discipline System and ACA Standard #4-4250).
   B. If admissions unit staff become aware a new admission inmate has exhibited or committed any acts or behaviors listed in Section 2 of this policy, while in the custody of a county jail or other holding authority, directly prior to admission to the DOC, staff may refer the inmate for placement in Restrictive Housing (See DOC policy 1.4.A.2 Inmate Admission).
   C. Severely Mentally Ill (SMI) inmates meeting criteria for placement in Restrictive Housing may be temporarily housed in Restrictive Housing, provided such placement is less than thirty (30) consecutive days. SMI inmates meeting the criteria for placement in Restrictive Housing may be referred for placement in Secured Mental Health Housing. All SMI inmates placed in Restrictive Housing must have an individualized treatment plan.

2. Criteria for Referral:
   A. Inmates committing one or more of the following acts or behaviors (single incident or pattern of behaviors that constitute a threat to the proper operation of the institution), may be referred for a Restrictive Housing hearing:
      1. Assault and related acts.
         a. The inmate caused or attempted to cause, serious physical harm (requiring immediate medical attention, emergency treatment or hospitalization) to another person; or
b. The inmate compelled or coerced another person by force or threat of serious physical harm or death, to engage in any sexual act or sexual abuse; or

c. The inmate compelled or coerced another person by force or threat of serious physical harm or death, to provide anything of value to another, or perform any act in violation of any DOC rule.

2. The inmate led, organized or incited a disturbance or riot which resulted in the taking of hostages, serious physical harm to others, loss of life or significant property damage;

3. The inmate possessed class A or B dangerous contraband, conspired or attempted to introduce class A or B dangerous contraband (see SDSP OM 2.3.A.16 Contraband Handling, Reporting and Disposal) into the institution, thereby causing a serious threat to the security of the institution and safety of others. Dangerous contraband includes but is not limited to:

   a. Weapons;
   b. Escape paraphernalia; or
   c. Drugs or drug paraphernalia.

4. The inmate is an identified security threat group member, who has committed a level (H) High-level disciplinary infraction, or identified as being in a leadership position within a security threat group by the Special Investigations Unit (SIU), and evidence exists supporting the inmate has used their leadership position to coerce another inmate(s) to commit any acts or behaviors listed in #1-9 of this section. SIU reports, Incident Reports and Disciplinary Reports shall be included to verify the finding; or

5. The inmate has escaped or attempted to escape from a secure correctional institution, or is known to have helped others escape or attempt to escape from a secure institution, or has facilitated an escape/escape attempt from a secure institution; or

6. The inmate has knowingly through willful, reckless or negligent conduct, exposed others to risk of contracting a blood-borne pathogen, such as HIV or Hepatitis (see DOC policy 1.4.E.8 Blood-Borne Pathogens and Infectious Disease Management). SIUM reports, Incident Reports, Disciplinary Reports, and any legal action or conviction shall be included to verify the finding; or

7. The inmate has threatened to cause serious physical harm or injury upon any person; or threatened the life of any person in a manner which a reasonable person would conclude the inmate’s intent is to cause serious physical harm or injury upon the person(s) ; or

   a. Upon receiving information/report of such a threat, unit staff will schedule a time to meet with the inmate at least 24-hours after receiving the information/report to determine, to the best of their ability, the sincerity of the inmate’s threat and if there is continued concern the inmate intends to physically harm or injure any person.

   b. If an inmate attempts to cause physical harm or injury upon any person or causes physical harm or injury to any person by assault, the 24-hour review shall be waived, and the inmate will be determined to meet the criteria. The Incident Report shall be included and support the inmate meets criteria #7.
8. While detained or incarcerated, the inmate intentionally set a fire or directly caused a fire that resulted in serious physical harm or risk of serious physical harm to human life or caused extensive damage to state property; or

9. The inmate, on more than one occasion, compelled or coerced a staff member to engage in behavior(s) or conduct contrary to standards of staff conduct (see DOC Policy 1.1.C.1 Staff Code of Ethics and BHR policy); or

10. The inmate has committed a crime of exceptional violence and/or notoriety proximate to incarceration that supports the inmate’s presence in general population may cause risk to the safety of the inmate or others, or threaten or disrupt the safe and secure operation of the institution.

B. The Unit Manager or Special Investigations Unit (SIU) staff is responsible for gathering, compiling and documenting information, evidence and facts supporting referral of the inmate for possible placement in Restrictive Housing in the Case Notes in COMS and on the Restrictive Housing Referral for Hearing form (See Attachment 1). Information, evidence, and facts supporting the referral must be specifically documented on the form and in the case notes.

C. The Unit Manager or Special Investigations Unit staff will forward the referral to an Associate Warden or staff member of equal or higher rank. Referrals supported by an Associate Warden or staff member of equal or higher rank will be forwarded to the Restrictive Housing Manager.

1. All related documentation validating the criteria met that supports the referral shall be included. Documentation must be specific and clear. If the documentation is not included, does not support the referral, or is not specific and clear, the team may request additional documentation.

3. Inmate Notice of Restrictive Housing Hearing:

A. The inmate will be served the Restrictive Housing Notice of Initial Hearing form (See Attachment 2) at least twenty-four (24) hours prior to the time and date set for the Restrictive Housing hearing. Receipt shall be acknowledged by the inmate’s signature. The notice will include:

1. A statement describing the acts and/or behavior(s) exhibited by the inmate which supports referral for possible placement in Restricted Housing. A minimum of one (1) of the criteria identified in Section 2 (1-10) must be met.

2. The date, time, and location set for the hearing.

3. A description of the inmate’s rights.

4. Multi-Disciplinary Staffing:

A. Prior to the Restrictive Housing hearing, a multi-disciplinary team will convene to consider the referral.

1. At a minimum, the multi-disciplinary team will be comprised of the RH Manager, Case Manager assigned to the unit, Unit Manager, and Behavioral Health staff if the inmate is SMI or has a level of functioning code higher than 3. Additional staff may participate in the staffing as deemed appropriate by the Unit Manager and Restrictive Housing
Manager. Members of the Restrictive Housing Hearing Board will not be part of the multi-disciplinary team staffing.

a. If a referral is based on the inmate criteria #4 “Identified Security Threat Group member”, of Section 2 of this policy, a staff member from the Special Investigations Unit must be present.

2. Factors to be considered by the team include the following:

a. The inmate’s assigned level of functioning code, overall health condition, and medical needs or accommodations. Recommendations or comments provided by Behavioral Health or Health Services staff regarding the impact Restrictive Housing placement may have on the inmate’s health, care, or treatment.

b. Programming needs.

c. Any recent acts of violence committed by the inmate, or threats of violence that support the inmate poses or may pose, a real and immediate threat to security and safety.

d. The inmate's history of behaviors and level of overall compliance while housed in general population, and results/outcome of any past interventions or attempts to move the inmate from Restrictive Housing to general population.

e. Any available alternatives to safely deal with threats to the safe and secure operation of the institution posed by the inmate, other than placement in Restrictive Housing.

B. Information discussed in the multi-disciplinary staffing will be documented by the Unit Manager or the Restrictive Housing manager on the Restrictive Housing Multi-Disciplinary Staffing Review (Attachment 12), and as a case note in the Comprehensive Offender Management System (COMS).

1. The multi-disciplinary team's completed review will be provided to the Restrictive Housing Hearing Board prior to the hearing.

5. Restrictive Housing Hearing Board:

A. The Restrictive Housing Hearing Board will consist of the following staff:

1. One supervisory correctional officer (rank of Captain or above); and

2. Two unit managers.

B. If the referral includes confidential investigative information, the investigator will not be a member of the Restrictive Housing Hearing Board.

6. Hearing and Decision Process:

A. The hearing will be held no sooner than twenty-four (24) hours from the date and time the inmate is served notice of the hearing. The hearing will be held no later than seven (7) calendar days from the date the inmate was served, unless an extension is approved by the Warden or designee for extenuating circumstances.
B. The inmate will be provided the *Restrictive Housing Notice of Initial Hearing* form (See Attachment 2).

C. The inmate shall have the following rights:

1. Right to an impartial hearing;
2. To be present at the hearing;
3. To remain silent;
4. To be informed of the behaviors/criteria the inmate is said to have committed and the criteria the inmate meets that supports the referral for possible placement in Restrictive Housing.
5. To present relevant documents and relevant witness statements, including written statements in the inmate’s defense.

D. The inmate may be assisted throughout the hearing by a member of their unit staff. Normally this will be a case manager.

1. The inmate is responsible for assembling evidence on their behalf. The inmate may request documents relevant to the hearing and may request staff obtain witness statements on their behalf.
2. The inmate will be provided reasonable time to obtain assemble evidence. The inmate may request a reasonable delay of the hearing; however, the Hearing Board retains authority to conduct the hearing as scheduled, or to set a new time and day for the hearing.

E. The Hearing Board will consider reliable confidential information presented. This information will be available to the inmate; however, the source of the confidential information will not be disclosed if the Hearing Board determines such disclosure may subject the source of the information to risk or harm.

F. The Hearing Board may require pre-identified staff members to appear at the hearing for questioning and to provide relevant information supporting staff’s recommendation the inmate be placed in Restrictive Housing. The Hearing Board may temporarily adjourn to consider all information.

G. Upon preponderance of all information, facts and evidence, the Hearing Board will determine: (1) Whether substantial evidence exists that supports the inmate has exhibited one or more of the acts or behaviors set forth in Section 2 (1-10) of this policy; and (2) Whether placement in Restrictive Housing is the least restrictive environment to appropriately manage the inmate’s behaviors; and (3) Whether placing the inmate in Restrictive Housing will likely reduce risk of harm to staff and others and help preserve the safe and secure operation of the institution, consistent with the legitimate penological interests of the DOC; and (4) There is currently no less restrictive housing options available that include the resources required or recommended to afford the inmate opportunity to participate in programming and to make positive changes in their behaviors, given the totality of facts, evidence, and information considered at the time.

1. Upon an affirmative finding that 1-4 above have been met, the Hearing Board will recommend the inmate be placed in Restrictive Housing. The finding will be provided to
the Deputy Warden within two (2) business days following the conclusion of the hearing.

2. If an affirmative finding is not reached by the Hearing Board, the inmate will not be recommended for placement in Restrictive Housing.

3. The Board’s recommendation and basis for the recommendation will be documented as a case note in COMS.

H. The Deputy Warden shall affirm or deny the Hearing Board’s recommendation within three (3) business days of receipt of the recommendation (See Restrictive Housing Hearing Board Findings and Disposition- Attachment 3).

1. If the Deputy Warden affirms the Hearing Board’s recommendation to place the inmate in Restrictive Housing, the inmate shall be placed in Restrictive Housing.

2. If the Deputy Warden does not support the Board’s recommendation to place the inmate in Restrictive Housing, the inmate shall be housed outside of Restrictive Housing, as deemed appropriate.

3. If the Hearing Board does not recommend the inmate be placed in Restrictive Housing, but the Deputy Warden determines, after review of all information, the inmate meets the criteria (should be the same information considered by the Board in G. above) for placement in Restrictive Housing, and such placement is necessary to protect the inmate or others, the inmate shall be placed in Restrictive Housing.

   a. If the Deputy Warden decides to place an inmate in Restrictive Housing, this decision will be forwarded to the Warden for review. The Warden will approve, deny or modify the Deputy Warden’s decision.

I. Restrictive Housing staff will provide a copy of the Restrictive Housing Hearing Board Findings and Disposition form to the inmate. This will include the final determination by the Deputy Warden.

J. The inmate will be advised of their right to appeal a decision to be placed in Restrictive Housing through the Inmate Administrative Remedy process (See DOC policy 1.3.E.2 Administrative Remedy for Inmates and ACA Standard #4-4248).

7. **Level System:**

A. The Level System is composed of four-levels and structured to provide inmates with support, resources, and programming to facilitate successful reintegration into general population, and to help prepare the inmate for release and successful transition to the community. Inmates have the opportunity to demonstrate readiness to return to general population through successful participation in prescribed programming and successful advancement through the Level System program, including placement in Modified Housing.

B. The Level System includes an established method of review, identified criteria/individualized goals, and plans to prepare the inmate for transition to a less restrictive housing environment within the institution, or release to the community. Monthly reviews will be completed using a multidisciplinary approach that includes input from behavioral health, case management, program staff, security, health services and parole (as applicable). One of the purposes of the review is to determine an inmate’s compliance with documented requirements.
1. Level 1 is the most restrictive level. Placement in this level is a maximum of 15 days in duration.

2. Level 2 is the entry level for all inmates placed in Restrictive Housing. Placement in this level is a maximum of 60 days in duration.

3. Level 3 is the intermediate level. Placement in this level is a maximum of 90 days in duration.

4. Level 4 is the least restrictive level within Unit A. Placement in this level is a maximum of 90 days in duration.

**NOTE** If special circumstances warrant, an inmate’s placement in a particular level may be extended or otherwise modified, consistent with the legitimate penological interests of the DOC. Inmates have no implied right or expectation to program placement or transfer. The approximate time to complete all four levels of the program is 8 months.

C. Inmate activities, privileges and property associated with each level are identified on the Restrictive Housing Property List by Level (See Attachment 7) and the Restrictive Housing Level and Privileges Table (See Attachment 8). Inmates placed in level 4 and modified housing will have an opportunity for additional out-of-cell time, group interaction with other inmates, education, programming opportunities, and other privileges, as appropriate.

D. Inmates assigned to Restrictive Housing are typically assigned a cell with a cellmate assigned to the same level. Inmates assigned to different levels may be housed in the same housing unit, when appropriate.

1. Cell assignments will be consistent with an inmate’s PREA score and AIMS code.
   a. Inmates identified by staff as posing a direct and significant threat to the safety of other inmates may be housed single-cell, as long as the threat exists.

2. Housing placements within the unit will be consistent with preserving the legitimate safety requirements necessary for the safe operation of the institution, good order of the unit, and preservation of the penological interests of the DOC.

E. An inmate’s prescribed programming may be modified or revised based on individualized assessment results (relying on current conduct, medical and behavioral health assessments, needs, and other available objective evidence) and the inmate’s current Individualized Program Directive (IPD).

1. Before modifying or revising an inmate’s prescribed programming, including placement in the level program or movement within the program, staff must assess: (1) the nature, duration, and severity of risk posed by the inmate, (2) the risk of probable or potential injury to the inmate or others, and (3) whether reasonable modifications in programming will mitigate or eliminate identified/known risk(s).

2. Modifications to an inmate’s programming that extend or reduce an inmate’s placement on a particular program level, must be documented in the Care in Placement section in COMS.
8. Level Movement-Regression, Retention, Progression:

A. All inmates in Restrictive Housing will receive a review at least once every thirty (30) days. The results of the review will be documented in the Care In Placement notes in COMS. Movement between levels or placement outside of Restrictive Housing (general population or Modified Housing) will generally occur following the review.

B. Inmates may be moved up a level, down a level, or be retained at their current level. Information supporting placement of the inmate on their assigned level will be documented in the Care in Placement section within COMS. Inmates must be informed of the requirements to move up from their current level. A clear plan for returning the inmate to a less restrictive housing placement/general population shall be developed and discussed with the inmate, unless doing so would jeopardize the safety of the inmate, staff, other inmates, or the public. Any significant changes to the plan will be discussed with the inmate during the hearing. Individualized plans are documented in COMS in the Case Notes section.

1. An inmate may move up from level 1 to 2, or down from level 2 to 1, or be retained at their present level, with majority approval from the staff members reviewing the inmate’s level assignment. Review staff will include the Restrictive Housing Manager and/or Unit A Unit Manager, Case Manager, Unit A Sergeant or Corporal.

   a. The Level Review Committee (LRC) must review any decision to move an inmate down a level.

   b. An inmate who has committed a L or V level offense may only be moved down one level.

   c. The Restrictive Housing Manager/Chair must review all decisions to move an inmate down a level.

   d. If the Restrictive Housing Manager does not support the majority decision to move the inmate to another level or retain the inmate at their current level, he/she will refer the matter to the Associate Warden or designee for final determination.

2. An inmate may move up a level from level 2 to 3, or down a level from 3 to 2, or be retained at their present level, with majority approval from the staff members assigned to review the inmate’s level assignment. Review staff shall include the Restrictive Housing Manager and/or Unit A Unit Manager, a case manager, Unit A Sergeant or Corporal.

   a. The Level Review Committee (LRC) must review any decision to move an inmate down a level.

   b. An inmate who has committed a L or V level offense may only be moved down one level.

   c. The Restrictive Housing Manager/Chair must review all decisions to move an inmate down a level.

   d. If the Restrictive Housing Manager does not support the majority decision to move the inmate to another level or retain the inmate at their current level, he/she will refer the matter to the Associate Warden or designee for final determination.
3. An inmate may move up a level from level 3 to 4, or down a level from level 4 to 3, or be retained at their present level, with majority approval from Level Review Committee (LRC). The LRC will be chaired by the Associate Warden (preferably Jameson Associate Warden) and include the Restrictive Housing Manager, a Major (preferably Jameson Annex Major), Case Manager (preferably Unit A), and the Unit A Sergeant or designated officer from Unit A.
   a. The LRC must review any decision to move an inmate down a level.
   b. An inmate who has committed a L or V level offense may only be moved down one level.
   c. The Deputy Warden/Chair must review all decisions to move an inmate down a level.
   d. If the Deputy Warden does not support the majority decision to move the inmate to another level or retain the inmate at their current level, he/she will refer the matter to the Warden for final determination.

4. An inmate may move from level 4 to Modified Housing, or be retained at level 4, taking into consideration the duration which the inmate has been at the level, with majority approval from the members of the LRC. The LRC will be composed of the staff members listed above in #3 AND the Deputy Warden. The Deputy Warden will serve as the chair person.
   a. If the Deputy Warden does not support the majority approval/decision of the LRC, the Deputy Warden will refer the matter to the Warden for final determination.

C. If an inmate is retained at a level beyond the minimum duration set for the respective level, or the inmate is moved from a higher level to a lower level, the reason for the continued retention or move down shall be clearly documented and shared with the inmate, including alternative programming or engagement strategies that will be offered to help the inmate successfully advance. The inmate may appeal the decision to the Warden through the Administrative Remedy process (See DOC policy 1.3.E.2 Administrative Remedy for Inmates). The maximum duration an inmate may be retained without a review by the LRC is 180 days.

D. If an inmate commits a category H or M Offense in Custody, the LRC will review the incident and accompanying Incident Report to determine if the inmate will be retained at their current level or moved to a lower level. The inmate may be moved more than one level, including back to level 1, as determined appropriate. The results of the review will be documented in the Care in Placement section in COMS.

E. Inmates on Restrictive Housing or Modified Housing who commit an offense in custody are subject to the same response/sanctions that apply to inmates in general population, including placement in disciplinary housing (see DOC policy 1.3.D.1 Disciplinary Housing).

1. When an inmate in Restrictive Housing is found guilty of committing an offense or behavior listed in Section 2 (1-10) of this policy, the inmate may be moved to a lower level or required to start the Level Program over (placed on level 1).

F. Any inmate placed on Restrictive Housing status with a release date that makes it impossible for the inmate to complete the Level System based on the minimum number of days set for completion of each level (1-4), may have their prescribed programming in the Level Program amended (See Section 14 of this policy).
G. Inmates will be reviewed for possible placement in general population after successful completion of all levels of the program (ACA #4-4254).

H. Inmate levels will be maintained as an “alert” in COMS.

*Example:* 1 = Level 1, 2 = Level 2.

**9. Restrictive Housing Status Review:**

A. All inmates placed on Restrictive Housing status will receive a face-to-face review once a week, for the first 60 days following initial placement on Restrictive Housing status (See ACA #4-4253). The reviews will be documented in the Care in Placement in COMS.

1. All inmates will receive a face-to-face review by the Restrictive Housing Manager or designee on day 7, 14, 21, 35, 42 and 49 following placement on Restrictive Housing status. The reviews will be documented in COMS on a Care in Placement note.

   a. The Restrictive Housing Manager or designee will review the appropriateness of the inmate’s placement on Restrictive Housing status (meets criteria for placement, reasons for continued placement exist, etc.) and review the inmate’s overall adjustment to the level program (i.e. program compliance, daily schedule/routine, disciplinary record since placement), and follow up on any additional concerns or questions the inmate may have regarding the level program.

B. Inmates on Restrictive Housing status will receive a review, either at the cell front or out-of-cell (not cell front), by a case manager on the 28th and 56th day of placement on Restricted Housing status, and every thirty (30) days following review on the 56th day. Reviews will continue to occur every 30 days throughout the duration of the inmate’s placement on Restrictive Housing status. All reviews will be documented on the Restrictive Housing Status Review form (See Attachment 6) and in COMS as a Care in Placement type “RH Monthly Status Review” (See ACA #4-4253). If the inmate chooses not to attend any review, the Unit Manager or Case Manager will document the inmate’s absence on the Restrictive Housing Status Review form.

1. The content of the reviews will include, but is not limited to:

   a. Review the inmate’s behavior logs;

   b. Review the inmate’s rule compliance, disciplinary violations and punitive responses;

   c. Review the inmate’s current program progress and compliance with prescribed programming (required and/or elective);

   d. Note any additional recommended programming or incomplete programming. Consideration will be given to modify program practices and/or procedures for inmates whose access to, and participation in, services, programs or activities is limited due to the inmate posing a direct threat to the health and safety of others; and

   e. Review any behavioral health concerns or needs of the inmate documented by staff since the inmate’s placement on Restrictive Housing status.
C. The RHM will review the Restrictive Housing Status Review form (See Attachment 6) any time an inmate is retained at a at a level or moved to a lower level.

D. In the case an inmate’s restrictive housing status is extended beyond ten (10) months, the Warden will review the inmate’s restrictive housing status reviews and other pertinent information.

1. The Warden will review all inmates on restrictive housing status beyond ten (10) months, a minimum of one time each year, and will document the review in the Case Notes in COMS.

2. The Warden will approve, modify or deny continued placement of each inmate retained on Restrictive Housing status beyond ten (10) months. The inmate will be informed of the decision and the decision will be documented in the Case Notes in COMS.

3. The inmate may appeal the Warden’s decision to retain the inmate on Restrictive Housing status to the Secretary through the Administrative Remedy process (See DOC policy 1.3.E.2 Administrative Remedy for Inmates).

10. Health Services:

A. Following the Warden’s decision to support placing an inmate on Restricted Housing status, DOC staff will notify DOH Health Services staff that the inmate will be placed on Restrictive Housing status.

B. Health Service staff will review the inmate’s health record upon placement on Restrictive Housing status to ensure the continuation of medical and dental services/care. The level of medical needs monitoring provided to inmates on Restrictive Housing status will be determined by Health Services staff (See DOH Policy P-E-09 Segregated Inmates).

11. Behavioral Health:

A. Correctional Behavioral Health (CBH) staff will observe the inmate’s adjustment to placement on restrictive housing status and note any concerns involving the inmate’s behavioral health needs (ACA #4-4256).

1. CBH staff and/or unit staff will inform inmates placed on restricted housing status of the practices and procedures to access behavioral health care services while on restricted housing status.

2. CBH staff will conduct rounds in restrictive housing A-unit at least 3 times a week and at least one time per week in D-unit. The rounds process facilitates timely identification of inmates exhibiting acute symptoms of mental illness and the provision of appropriate clinical interventions. CBH staff will document rounds on individual logs (See DSS policy 300.10).

B. Behavioral Health staff will complete the Inmate Mental Health Status form for each inmate within 72 hours of initial placement on Restricted Housing status (See Attachment 4).

C. Inmates must be assessed by CBH staff a minimum of every 90 days (ACA #4-4256). The assessment will be documented in the Progress Notes in COMS (See Attachment 4). Placement on Restrictive Housing status will not interfere with CBH staff’s efforts to provide the inmate with care, treatment and programming.
1. If CBH staff determines an inmate is in severe psychiatric crisis, and there is evidence to support continued placement on restrictive housing status may be detrimental to the health and wellbeing of the inmate, arrangements will be made through the inmate’s unit staff to promptly remove the inmate from restrictive housing status.

D. All inmates placed on restrictive housing status will have access to health and behavioral health services. Staff will conduct regular rounds on the units. Inmates may submit a written request (kite) to request to be seen by Health Services or CBH staff (See DOH Policy P-F-03 Mental Health Services, DSS policy 300.10 and ACA Standard #1-HC-3A-07).

E. Unit staff may refer an inmate to CBH staff at any time by completing a Mental Health Referral form (See Attachment 5).

12. General Conditions of Confinement in Restrictive Housing:

A. All inmates on Restrictive Housing status will receive laundry services and access to barbering/hair care services (ACA #4-4262 & #4-4263). Inmates will be issued and allowed to exchange, clothing, bedding and linen as directed in the unit plan (ACA #4-4261 and #4-4263).

1. An inmate’s access to certain hygiene, clothing and/or bedding items may be restricted by unit staff for safety and security reasons, i.e. the inmate is destroying property, has engaged in self harm or has harmed others utilizing certain items. All exceptions must be approved by the unit manager, documented, and justified (ACA #4-4263)

B. All inmates on levels 2-4 will be allowed telephone privileges (See DOC policy 1.5.D.4 Inmate Access to Telephones and Tablets and ACA #4-4271). An inmate’s access to their attorney shall not be denied at any level.

C. All inmates on restrictive housing status will have access to programs and services, including education, library services, legal aid, behavioral health and health services, religious services, recreation (outside their cell) and commissary (ACA #4-4273), contingent upon the level which they are assigned.

1. For detailed information on programs, commissary and recreation, refer to the Restrictive Housing Level and Privileges Table (See Attachment 8).

D. All inmates on restrictive housing status, except those prescribed a special medical diet or religious diet (See DOC policy 1.5.F.2 Inmate Religious and Medical Diets), will be offered the same meals provided to general population inmates. Food/meals will not be withheld, or the standard menu varied, as a disciplinary sanction for an individual inmate (ACA #4-4320). Inmates on levels 1-4 will receive meals in their assigned cell.

1. Religious and medical meals may be provided to inmates on restrictive housing status who use food or food service equipment in a manner that is hazardous to self, staff or other inmates, or to damage or destroy property. Religious and medical meals are issued on a case-by-case basis and must be based on health and safety considerations. Religious and medical meals will meet the basic nutritional requirements set by the dietician. Religious and medical meals for an inmate must be approved by the Unit Manager or Restrictive Housing Manager and may not exceed seven (7) days without approval of the Warden (ACA #4-4264).

E. All inmates on restrictive housing status, with the exception of inmates on level 1, will have access to class II and class III visits, unless temporarily prohibited by a disciplinary sanction.
Restrictions may be placed on the number of visitors, duration and frequency of visits (does not apply to attorney visits). Visitors must be on the inmate’s approved visit list (See DOC policy 1.5.D.1 *Inmate Visiting* and ACA #4-4267).

1. All inmates on restrictive housing status will have access to legal counsel, including visits with their attorney. Attorney visits will not be counted against the number of allowable social visits granted to inmates in levels 2-4. (See DOC policy 1.3.E.1 *Inmate Access to Courts* and ACA #4-4275).

F. Inmates on restrictive housing status may send and receive correspondence, as described in DOC policy 1.5.D.3 *Inmate Correspondence* (ACA #4-4266).

G. All inmates on restrictive housing status will have access to personal legal materials and legal reference materials, in accordance with DOC policy 1.3.E.1 *Inmate Access to Courts* and ACA #4-4268).

H. All inmates on restrictive housing status will have access to reading materials provided by the library on a regularly scheduled basis (ACA #4-4269). Religious materials may be accessed/provided by the Cultural Coordinator (ACA #4-4258). The amount of reading materials kept in an inmate’s cell/room may be limited for security and/or safety reasons.

I. Inmates on restrictive housing status levels 2-4 will have access to appropriate programs that support transition back to general population or the community. Programs may include General Education Development (GED), chemical dependency (CD) and mental health (MH). Method of receipt may include in cells, out of cell, television, or cell front (ACA #4-4273).

1. Individual and group programming may be offered to inmates on levels 2-4.

2. Inmates will be provided opportunities to participate in, and benefit from, programming, services and approved activities.

J. All inmates on restrictive housing status levels 1-4 will be restrained when transported and escorted on or off the unit, in accordance with the restraint requirements assigned to their level, in accordance with DOC policy 1.3.A.7 *Inmate Transport & Escort* and the Restrictive Housing Level and Privileges Table (See Attachment 8).

13. **Response to Violations and Inmate Personal Property:**

A. Restrictive housing status inmates may be granted access to certain property items approved for the program level which they are assigned, as noted in the Restrictive Housing Property List by Level form (See Attachment 7).

B. Inmate personal property may be limited for safety reasons, health and hygiene concerns, to control contraband or as a consequence for behavior exhibited by the inmate. Provisions regulating inmate personal property as described in DOC policy 1.3.C.4 *Inmate Personal Property* apply to inmate personal property in Unit A and D.

C. Inmates who move to a higher level will have their property items carry over from the lower level (level 2 property is retained by an inmate moving to level 3). Inmates who move to a lower level will not have access to property items designated to the higher level. Example, level 2 property items will be removed from the inmate’s possession when the inmate moves to level 1.
D. Select personal property items may be immediately removed from an inmate’s possession for up to two (2) days by designated staff, as an immediate consequence for an inmate’s negative behavior. Inmate access to select personal property items is a privilege and will be used as an incentive for positive behaviors and/or program participation. Removal of an inmate’s personal property item(s) will be proportional to the offense/behavior, taking into the consideration the inmate’s prior conduct and history of behaviors. For a list of personal property items which may temporarily suspended, refer to the Restrictive Housing Property List by Level form (See Attachment 7).

1. Any staff member may recommend the immediate and temporary removal of an inmate’s personal property item(s) to the Restrictive Housing Manager, Unit Manager, or in their absence, the Shift Commander. Only the Restrictive Housing Manager, Unit Manager or in their absence, the Shift Commander, has authority to temporarily remove an inmate’s personal property.

2. The removal of an inmate’s personal property item by staff will be documented on the Temporary Removal of Property form (See Attachment 9) and forwarded to the Restrictive Housing Manager.

3. Personal property items may only be returned to the inmate early (for positive changes in the inmate’s behavior) by the staff member making the original recommendation for removal of the property item or by the staff member who authorized the removal of the property.

14. Re-entry Procedures for Inmates Six Months from Release/Discharge:

A. Staff will identify inmates currently on Restrictive Housing status who are within 180 days of their end date. The unit manager will set an identifying alert in COMS for identification purposes.

B. Inmates placed on levels 1-4 will be assessed as a level 3 System Risk and will have a high risk release packet completed in accordance with DOC policy 1.4.G.6 System Risk Level.

C. Inmates placed in Modified Housing will be assessed as a Level 2 System Risk. If the inmate regresses to a lower level (1-4), the Risk Reduction Manager will be contacted immediately.

D. All inmates on restrictive housing status within 180 days of their end date will be reviewed by the Unit Manager, Case Manager, Transition Case Manager, Parole Agent (if assigned) and Restrictive Housing Manager. The required minimum contact standards set within DOC policy 1.1.E.6 Case Management apply to all inmates placed on restrictive housing status.

E. In addition to the identified needs and behavioral indicators documented on the inmate’s case plan and release plan (See DOC policy 1.4.G.1 Inmate Release Plan and Transition Programming), staff will consider the following:

1. The inmate’s physical health needs and treatment/care recommendations from Health Services staff;

2. The inmate’s behavioral health needs and recommended or required treatment programming upon release (as applicable) from CBH staff.

3. The inmate’s current programmatic needs and information from recent Review Hearings;
4. Any recent violent behaviors or threats to the safety and security of staff, inmates and facility;

5. Recent interventions and attempts to transition the inmate into general population;

6. The inmate’s current level; and

7. Any case planning recommendations to “fast-track” the inmate through the levels due to an impending release date.

F. The results of the review, including any updates or changes in the inmate’s release plan, transitional programming plan, needs, or minimum contact standards, will be processed through the inmate’s assigned case manager. All updates or changes will be entered in the Release Plan module in COMS.

G. If at any time during the 180 days prior to the inmate’s release/discharge the Level Review Committee determines the inmate is not suitable for transition from restrictive housing status to general population, the team will provide supporting documentation to the Warden. The Warden will determine if retention on restrictive housing status is justified.

1. The inmate may appeal the decision to retain him on restrictive housing status to the Secretary of Corrections through the Administrative Remedy procedure process (See DOC policy 1.3.E.2 Administrative Remedy for Inmates).

H. Any inmate placed on restrictive housing status with a possible release date sooner than the projected date he would complete the level program, (determined by adding the total minimum number of days applied to each level (1-4) of the level program), may have his program, amended to account for the remaining time he has to serve before release/discharge. The amended program must be approved by the Level Review Committee.

I. Inmates will be provided opportunities to receive re-entry services and/or programming conducive to their wellbeing. Programs and services will be designed to enhance the inmate’s opportunity for a successful transition into the community.

1. The minimum duration for some or all of the programs may be modified or adjusted as deemed appropriate by program staff, based on safety or security concerns.


15. Performance Measures:

A. Designated staff will document restrictive housing statistics and performance measures to track the progress of individual inmates and/or groups of inmates assigned to restrictive housing status, assess the effectiveness of the program and its components, and identify potential localized adjustments in the administration of the program and respective policies and procedures.

B. Performance measures specific to restrictive housing include but are not limited to:
1. Length of stay on restrictive housing status. This is the number of consecutive days inmates released from restrictive housing status during the review period spent on restrictive housing status.

2. Institutional violence. This will measure the number of violent incidents that occurred during the review period among those inmates on restrictive housing status and those inmates in general population.

3. Releases directly from restrictive housing status.

4. Returns to restrictive housing status. This will track the number of inmates released from restrictive housing status to general population who are returned to restrictive housing status.

16. Staff Selection and Training:

A. Staff assigned to the restrictive housing unit will have completed their employment probationary period and will be selected for assignment to the unit after completing an application, interview and completion of their supervisory review.

1. Interviews will be conducted by a minimum of two of the following staff: Unit A Manager, Restrictive Housing Manager, and/or the Jameson Major (or designee).

2. Supervisory reviews will include recommendations and comments/input from Lieutenants, Captains and Majors.

B. In addition to receiving all required DOC pre-service and annual in-service training, staff assigned to the restrictive housing unit will receive appropriate training in managing inmates on restrictive housing status specific to the job duties and positions they are assigned within the unit.

1. The Warden and/or Director of Prison Operations or designee is responsible for establishing specific training requirements for staff assigned to the restrictive housing unit and communicating all training requirements to the institution’s training officer.

2. The RH Manager is responsible for development of the restrictive housing training curriculum and scheduling the training. Staff attending pre-service and/or annual in-service training may be required to complete specific restrictive housing training as deemed necessary by the Warden.

3. Restrictive housing training will include at a minimum;

   a. Restrictive housing level system;

   b. Restrictive housing unit daily operations and relevant policies/procedures;

   c. De-escalation skills;

   d. Working with inmates identified as having behavioral health issues;

   e. Basic understanding of the programming provided/offered to inmates on restrictive housing status;

   f. Documentation and communication requirements;
g. Skills necessary to protect inmates from suicide, suicide attempts, self-harm and appropriate response to such actions/incidents; and

h. Providing meaningful observation of an inmate’s physical and behavioral wellbeing; signs of decomposition, risks of self-harm or suicidal ideations and proper response to such conditions, behaviors/incidents.

V Related Directives:
DOC policy 1.1.E.6 -- Case Management
DOC policy 1.2.E.1 -- Inmate Commissary
DOC policy 1.3.A.7 -- Inmate Transport & Escort
DOC policy 1.3.C.2 -- Inmate Discipline System
DOC policy 1.3.C.4 -- Inmate Personal Property
DOC policy 1.3.D.1 -- Disciplinary Housing
DOC policy 1.3.E.1 -- Inmate Access to Courts
DOC policy 1.3.E.2 -- Administrative Remedy for Inmates
DOC policy 1.5.F.2 -- Inmate Religious and Medical Diets
DOC policy 1.4.B.2 -- Male Inmate Classification
DOC policy 1.4.E.7 -- Offender Suicide Prevention and Intervention
DOC policy 1.4.G.1 -- Inmate Release Plan and Transition Programming
DOC policy 1.4.G.2 -- Inmate Release Procedure
DOC policy 1.4.G.6 -- System Risk Level
DOC policy 1.5.D.1 -- Inmate Visiting
DOC policy 1.5.D.3 -- Inmate Correspondence
DOC policy 1.5.D.4 -- Inmate Access to Telephones and Tablets
SDSP OM 2.3.A.16 -- Contraband Handling, Reporting and Disposal
DOH Policy P-F-03 -- Mental Health Services
DOH Policy P-G-02 -- Segregated Inmates
DSS policy 300.10

VI Revision Log:
Removed revision history 2004-2010

August 2012: Added definition of Administrative Restrictive Housing. Added “may include those inmates with a capital punishment sentence” to definition of Ad. Seg. Added B. to Section 1. Added “specific program needs” to Section 2 B. 5. Deleted “and therefore requires separation from the general population” Deleted “to the Warden and the Warden’s decision to the SOC” and Replaced with “in accordance with DOC policy” in Section 4 G. Deleted “if he/she presents a risk to the security of disciplined operation of the institution” and Replaced with “has the authority to” in Section 5 A. Added “or acts” and “or harm” to Section 5 B. 1. Added new D. and Renumbered existing items that followed in Section 5. Added 14. to Section 5 E. Added “The review will be recorded except for the Board’s deliberation” in Section 6 A. Added “or the Board determines his presence would create a threat to the safety of others” in Section 6 A. 4. Added 5. And 6. to Section 6 A. Deleted ninety (90) days” and Replaced with “time preceding the inmate’s placement in Ad. Seg. or the last review by the Board” in Section 6 C. 1. Deleted “expose an inmate to bodily harm or other violent acts” and Replaced with “pose a threat to self, staff or others” and Added “the disciplined operation of the institution” in Section 6 C. 2. Added 3. and 4. to Section 6 C. Deleted “A mental health professional will personally interview and assess the psychological status of each inmate prior to their initial Administrative Restrictive Housing hearing and prior to each review hearing” and Replaced with “Upon notification that an inmate is placed in Ad. Seg., mental health staff will review the inmate’s mental health record to determine whether existing mental health needs contradict placement in Ad. Seg. or the requirement accommodations in Section 7 A. Replaced “Human Services” with “Social Services in Section 7. Added “upon placement in Ad.
Seg. in Section 7 A. 1. Added "in the inmate’s records and MH record" and "may be conducted at the discretion of MH staff" in Section 7 A. 3. Added new 2. and changed 2. to 3. In Section 7 A. Deleted “and/or disciplinary segregation for a continuous period of more than one (1) year” and Replaced with “for more than ninety (90) days” in Section 7 B. Deleted “to ensure that no inmate is on Ad. Seg. and/or Dis. Seg. for whom mental health considerations indicate such status is inappropriate” and Replaced with “to provide the Board with information which will assist the Board in determining appropriate housing/unit placement of the inmate” in Section 7 B. 2. Deleted “personal interview” and Replaced with “a review of the inmate’s MH record, past functioning in Ad. Seg. and may include a face-to-face assessment” and “at the discretion of MH staff” in Section 7 B. 3. Deleted six months an inmate is on Ad. Seg. or Dis. Seg.” and Replaced with ninety days following an inmate’s initial placement on Ad. Seg.” in Section 7 B. 4. Added C. and C. 1. and C. 2. to Section 7. Deleted “procedures contained in DOC policy” and Replaced with “procedures contained within the institutional OM” in Section 8 B. Added (daily) to Section 9 A. 5. Added “and other reading materials as approved” in Section 9 A. 6. Added “attorney visits” to Section 9 A. 7. Added 12 & 13. to Section 9 A. Revised Attachment 2 to conform with policy.

April 2013: Deleted “case manager” and Replaced with “staff member” and Deleted “this requirement” and Replaced with “declines their presence at the hearing” in Section 2 B. 2. Added H. to Section 4. Added “by mental health staff” in Section 5 C. Added D. to Section 6. Added 14. to Section 9 A.

September 2014: Extensive revisions to policy.

August 2015: Extensive revisions to the policy.

March 2017: Deleted “90” and Replaced with “60” in Section 7 A. 2. Deleted “120” and Replaced with “90” in Section 7 A. 4.

May 2021: Deleted “afforded” and Replaced with “provided to them in”, and Added “Inmates housed in Restrictive Housing may be confined to cells for 22 hours or more per day for the safety and security of the institution” in the Policy statement. Added definitions for Hearing, Modified Housing, Seriously Mentally Ill (SMI), and Secured Mental Health Housing. Updated definitions for “Identified Member of a Security Threat Group,” “Personal Property,” and “Restrictive Housing.” Added “Warden” to Section 1 A. Added “committed” to Section 1 B. Added “meeting criteria for placement in Restrictive Housing, may be temporarily housed in Restrictive Housing, provided such placement is less than thirty (30) consecutive days. SMI inmates meeting the criteria for placement in Restrictive Housing may be referred for placement in Secured Mental Health Housing. All SMI inmates place in Restrictive Housing must have and individualized treatment plan.” In Section 1 C.

Added “(single incident or pattern of behaviors that constitute a threat to the proper operation of the institution)” in Section 2 A. Added “class A or B dangerous contraband” and “class A or B” to Section 2 A 3. Deleted “explosives or ammunition” from Section 2 A 3 a. Added “by the Special Investigations Unit (SIU) and evidence exists supporting the inmate has used their leadership position to” and “SIU reports, Incident Reports, and Disciplinary Reports shall be included to verify the finding” in Section 2 A 4. Added “(see DOC policy 1.4.E.8 Blood-Borne Pathogens and Infectious Disease Management). SIU reports, Incident Reports, Disciplinary Reports, and any legal action or conviction shall be included to verify the finding” to Section 2 A 6. Added “cause,” “any person,” “serious physical harm or injury upon the person(s),” to Section 2 A 7. Added a. and b. to Section 2 A 7.

Added “intentionally” and “or directly caused a fire” to Section 2 A 8. Added “and BHR policy” to Section 2 A 9. Added “that supports the inmate’s presence in general population may cause risk to the safety of the inmate or others, or threaten or disrupt the safe and secure operation of the institution.” to Section 2 A 10. Added “Information, evidence, and facts supporting the referral must be specifically documented on the form and in the case notes.” to Section 2 B. Added “or higher” to Section 2 C. Added 1. to Section 2 C. Deleted “acts or behaviors” and Replaced with “criteria,” and Deleted “included in the statement notice” and Replaced with “met” in Section 3 A 1. Deleted “for possible placement of the inmate on restrictive housing status” in Section 4 A. Added “is SMI or has a level of functioning code higher than 3” to Section 4 A 1. Deleted “mental health” and Replaced with “level of functioning,” and Added “overall health condition, and medical needs or accommodations” and “impact Restrictive Housing placement may have on the inmate’s health, care or treatment” to Section 4 A 2 a. Deleted “or may pose” and Replaced with “real and immediate” to Section 4 A 2 c. Added “and level of overall compliance” and “outcome” to Section 4 A 2 d. Added
4 A 2 e. **Added** “or the Restrictive Housing manager” and “Attachment 10, and” in Section 4 B.

**Added** “unless an extension is approved by the Warden or designee for extenuating circumstances” to Section 6 A. **Added** “criteria,” “and the criteria the inmate meets,” and “for possible placement in Restrictive Housing” in Section 6 C 4. **Added** “in the inmate’s defense” to Section 6 C 5. **Added** “assembling evidence” and “The inmate may request documents relevant to the hearing and may request staff obtain witness statements on their behalf.” to Section 6 D 1. **Added** “(1) Whether,” and “and (2) Whether placement in Restrictive Housing is the least restrictive environment to appropriately manage the inmate’s behaviors; and (3) Whether placing the inmate in Restrictive Housing will likely reduce risk of harm to staff and others, and help preserve the safe and secure operation of the institution, consistent with the legitimate penological interests of the DOC; and (4) There is currently no less restrictive housing options available that include the resources required or recommended to afford the inmate opportunity to participate in programming and to make positive changes in their behaviors, given the totality of facts, evidence, and information considered at the time” to Section 6 G.

**Added** “that 1-4 above have been met” and “Deputy” to Section 6 G 1. **Deleted** Section 6 G 2 and renumbered subsequent items 3 to 2, and 4 to 3. **Deleted** “or the affirmative finding is not supported by the Warden or designee” and **Replaced** “placed on” with “recommended for placement” in Section 6 G 2 (was 3). **Added** “recommendation and basis for the recommendation” in Section 6 G 3 (was 4). **Added** “Deputy” and 1, 2, 3, and 3a to Section 6 H. **Deleted** “Board” and **Replaced** with “Restrictive Housing staff”, and **Added** “Deputy” and **Deleted** “or his/her designee” in Section 6 I. **Added** “to be placed in Restrictive Housing” to Section 6 J. **Deleted** “five” and **Replaced** with “four-levels and structured to”, and **Added** “with support, resources, and programming to facilitate successful reintegration into general population, and to help prepare the inmate for release and successful transition to the community.” And “Level System program, including placement in Modified Housing” in Section 7 A. **Added** new B to Section 7 and renumbered subsequent letters. **Deleted** “minimum” and **Replaced** with “maximum” in Section 7 B 2, 3, and 4. **Deleted** Section 7 B 5. **Added** “consistent with the legitimate penological interests of the DOC” and “The approximate time to complete all four levels of the program is 8 months.” to the Note under Section 7 B. **Deleted** “((SDCL §24-2-27)” from Note under Section 7 B. **Added** “Inmates placed in level 4 and modified housing will have an opportunity for additional out-of-cell time, group interaction with other inmates, education, programming opportunities, and other privileges, as appropriate.” in Section 7 C. **Added** “Inmates assigned to different levels may be housed in the same housing unit, when appropriate.” to Section 7 D. **Added** Section 7 D 1 a and “by staff”, “and significant”, and “as long as the threat exists” in Section 7 D 1 a. **Added** “within the unit” and “and preservation of the penological interests of the DOC” in Section 7 D 2. **Deleted** “(level program” and **Replaced** with “including placement in the level program or movement within the program” and **Added** “identified/known” in Section 7 E 1. **Added** “Care in Placement” to Section 7 E 2. **Added** “or placement outside of Restrictive Housing (general population or Modified Housing)” in Section 8 A. **Added** “Care in Placement” and “Inmates must be informed of the requirements to move up from their current level. A clear plan for returning the inmate to a less restrictive housing placement/general population shall be developed and discussed with the inmate, unless doing so would jeopardize the safety of the inmate, staff, other inmates, or the public. Any significant changes to the plan will be discussed with the inmate during the hearing. Individualized plans are documented in COMS in the Case Notes section.” to Section 8 B. **Added** a, b, c, and d to Section 8 B.1. **Added** a, b, c, and d to Section 8 B.3. **Deleted** “5” and **Replaced** with “Modified Housing” and **Added** “taking into consideration the duration which the inmate has been at the level” and “Deputy” to Section 8 B 4. **Added** “the reason for the continued retention or move down shall be clearly documented and shared with the inmate, including alternative programming or engagement strategies that will be offered to help the inmate successfully advance.” to Section 8 C. **Added** “and accompanying Incident Report” and “The inmate may be moved more than one level, including back to level 1, as determined appropriate” and **Replaced** “Case Notes” with “Care in Placement” in Section 8 D. **Deleted** “If an inmate on Restrictive Housing status receives a disciplinary report” and **Replaced** with “Inmates on Restrictive Housing or Modified Housing who commit an offense in custody are subject to” and **Added** “including placement in disciplinary housing (see DOC policy 1.3.D.1 Disciplinary Housing)” in Section 8 E. **Deleted** Section 8 E 1 and 2, renumbered 3 to 1. **Deleted** “receives a disciplinary report for” and **Replaced** with “is found guilty of” and **Replaced** “act” with “offense” in Section 8 E 1. **Deleted** “Unit A Manager” and **Replaced** with...
“designee” in Section 9 A 1 and 9 A 1 a. **Added** “a review, either at the cell front or” in Section 9 B. **Deleted** “twenty-four months (24 months)” and **Replaced** with “ten (10) months in Section 9 D and subsections in 9 D. **Deleted** “Director of Prison Operations, or the Secretary of Corrections if the Director of Operations is the Warden a the South Dakota State Penitentiary” and **Replaced** with “Warden” in Section 9 D. **Deleted** “Director or Secretary” and **Replaced** with “Warden” in Section 9 D 1, 2, and 3. **Changed** Level 5 to Level 4 in Section 12 B, 12 E 1, 12 I, and 12 I 1. **Deleted** “Alternative” and **Replaced** with “Religious and medical” in Section 12 D 1. **Added** “and class III visits” to Section 12 E. **Deleted** “on level 5” and **Replaced** with “in Modified Housing” in Section 14 C. **Deleted** “to level 5” and **Replaced** with “due to an impending release date” in Section 14 E 7. **Deleted** “and Warden” in Section 14 H. **Added** “a minimum of two of the following staff:” in Section 16 A 1. **Reformatted** Section 16 B subsections 1, 1, and 2, and the second 1 was changed to 2, and the 2 was changed to 3. **Deleted** “training officer” and **Replaced** with “RH Manager” in Section 16 B 2. **Updated** policy title for 1.5.D.4 Inmate Access to Telephones and Tablets throughout policy. **Updated** policy title for 1.5.D.3 Inmate Correspondence throughout policy. **Updated** policy title for 1.3.E.1 Inmate Access to Courts throughout policy. **Updated** all Attachments. **Added** Attachment 11: Restrictive Housing – Ten Month Review. **Added** Attachment 12: Restrictive Housing Status Multi-Disciplinary Staffing Review.

<table>
<thead>
<tr>
<th>Mike Leidholt (original signature on file)</th>
<th>05/26/2021</th>
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</thead>
<tbody>
<tr>
<td>Mike Leidholt, Secretary of Corrections</td>
<td>Date</td>
</tr>
</tbody>
</table>
Attachment 1: Restrictive Housing Referral for Hearing

The Restrictive Housing Referral for Hearing form is located in PolicyTech.
Attachment 2: Restrictive Housing Notice of Initial Hearing

The Restrictive Housing Notice of Initial Hearing form is located in PolicyTech.
Attachment 3: Restrictive Housing Status Findings and Disposition

The **Restrictive Housing Status Findings and Disposition** form is located in PolicyTech.

The gray areas indicate the information that is to be entered.
Attachment 4: Inmate Mental Health Status

The **Inmate Mental Health Status** form is located in PolicyTech.

The gray areas indicate the information that is to be entered.

---

**INMATE MENTAL HEALTH STATUS**

Inmate Name:  

Inmate Number:  

**ASSESSMENT BASED UPON:**

- Review of past correctional mental health records.  
- Review of past functioning in segregation placement.  
- Face to face assessment conducted on this date:  

**MENTAL STATUS:**

- Judgment:  
- Intact  
- Impaired  
- Describe:  

- Insight:  
- Intact  
- Impaired  
- Describe:  

- Hallucinations/ Delusions:  
- Present  
- N/A  
- Describe:  

- Mood:  
- Stable  
- Unstable  
- Describe:  

- Danger to self:  
- No evidence of Risk  
- Denied Evidence of Risk  
- Evidence of risk  

- Danger to others:  
- No evidence of Risk  
- Denied Evidence of Risk  
- Evidence of risk  

**MENTAL HEALTH NEEDS:**

- Inmate has no current mental health needs or concerns:  
- Yes  
- No  
- NA  

- Inmate is aware of how to access mental health services:  
- Yes  
- No  
- NA  

- Inmate has accessed mental health on an as needed or regular basis:  
- Yes  
- No  
- NA  

- Inmate is currently or has been seen by psychiatrist or taken psychiatrist prescribed meds:  
- Yes  
- No  
- NA  

- Inmate has been recommended for consultation with a psychiatrist – but has refused:  
- Yes  
- No  
- NA  

**Assessment of mental health concerns of placement in restrictive housing:**

---

Therapist  

Date  

Revised: 08/05/2019
Attachment 5: Mental Health Referral

The *Mental Health Referral* form is located in *PolicyTech*.

The gray areas indicate the information that is to be entered.

```
MENTAL HEALTH REFERRAL

Date: ____________________________
Inmate: _________________________ DOC #: _________________________
Location: ________________________ Phone Number: _________________________
Staff Member: ____________________ Phone Number: _________________________
Approved by Unit Staff: ______________

This inmate is being referred to Mental Health Services for the following reasons:
(Check all that apply)

- [ ] withdrawn
- [ ] sad
- [ ] cries
- [ ] “roller-coaster” moods
- [ ] wants to hurt self
- [ ] other (please specify): _________________________
- [ ] reports hearing voices
- [ ] thoughts do not make sense
- [ ] unable to care for self
- [ ] wants to hurt others
- [ ] has hurt self

Specific behavioral observations / Inmate self-report: (Must be completed)

________________________
________________________
________________________
________________________

Revised: 6/25/2009    Page 1 of 1
```
Attachment 6: Restrictive Housing Status Review

The *Restrictive Housing Status Review* form is located in *PolicyTech*.

---

### Attachment 6: Restrictive Housing Status Review

| **Name of Inmate:** |  |
| **Date of Status Review:** |  |
| **Inmate requested:** |  |
| | Cell Block | Cell in Cell (not cell block) |
| **Date of Review:** |  |
| **Inmate present at Review:** | Yes | No |
| | If No, provide explanation |  |
| **Date Placed in Restrictive Housing:** |  |
| **Reason for initial placement:** |  |
| **Current Level Placement:** |  |
| **Number of Days spent at current level:** |  |
| **Date of last review:** |  |
| **Appropriateness of Placement in Restrictive Housing:** |  |
| **Reasons exist supporting continued placement in Restricted Housing:** |  |
| | Inmate has adjusted to placement in Restricted Housing and level placement |  |
| | Any concerns or questions from the inmate regarding appropriateness of placement? |  |
| **Behavioral Log:** |  |
| | Reviewed Behavioral Log and discussed with inmate (attach log to review paperwork) |  |
| | Comments and goals for next review: |  |
| **Disciplinary/Rule Compliance and Positive Responses:** |  |
| **Reviewed Disciplinary Reports for past 30 days:** |  |
| | List of rule violations and goals for next review: |  |
| **Programs:** |  |
| | Check appropriate box for programming required of the inmate. Include a detailed status update for each program required. Consult facilitator for information prior to review: |  |
| | Individual (in-cell) assignments |  |
| | Group |  |
| | Other |  |
| **Any Behavioral Health Concerns or Needs:** |  |
| | New or ongoing needs |  |

**Revised:** 05/18/2021
Attachment 7: Restrictive Housing Property List by Level

The *Restrictive Housing Property List by Level* form is located in PolicyTech.

<table>
<thead>
<tr>
<th>LEVEL 1</th>
<th>LEVEL 2</th>
<th>LEVEL 3</th>
<th>LEVEL 4</th>
<th>Modified Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shoes and Shower Sandals</td>
<td>Calculator</td>
<td>Television</td>
<td>Ability to order craftwork</td>
<td>Same as General Population</td>
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<tr>
<td>Socks/T-shirts/underwear</td>
<td>Batteries</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical alert bracelet</td>
<td>Personal radio/batteries</td>
<td>-NO leather work</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comb/hairbrush</td>
<td>Photographs/albums</td>
<td>Sweat shorts/shirt/pants</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Toothbrush/toothpaste</td>
<td>Insulated Cup/Spooon</td>
<td>Steroe adapter jacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deodorant</td>
<td>Storage Container</td>
<td>Audio Extension cords</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shampoo/Conditioner/gel</td>
<td>Tablet</td>
<td>Chess/Checkers/Dominos</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lotion/foot powder/foamnic</td>
<td>Desk Lamp</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Washcloths</td>
<td>Extension Cord</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wedding Bands</td>
<td>Loaner radio/ear buds</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Magazines and Books</td>
<td>Legal mail/copies</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legal mail/copies</td>
<td>Address Book</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eye glasses/Dentures</td>
<td>Deck of Cards</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: All of the property from the previous level carries over into the next (i.e. inmates keep all property from Level 1 when moving to Level 2)

Property items that may be removed:
- TV and/or remote control
- Craft work
- Radio (personal or loaner)
- Board games

Revised 05/13/2021
## Attachment 8: Restrictive Housing Level and Privileges Table

The *Restrictive Housing Level and Privileges Table* form is located in PolicyTech.

<table>
<thead>
<tr>
<th>Duration</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
<th>Level 4</th>
<th>Modified Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>15 days maximum</td>
<td>60 days maximum</td>
<td>90 days maximum</td>
<td>60 days maximum</td>
<td>30 days minimum</td>
</tr>
<tr>
<td><strong>Location</strong></td>
<td>Unit A (section 3)</td>
<td>Unit A (section 3)</td>
<td>Unit A (section 4)</td>
<td>Unit A (section 5)</td>
<td>Unit D</td>
</tr>
<tr>
<td></td>
<td><em>Location selection for level is based on availability of cells</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Recreation</strong></td>
<td>5 days/week <em>recreation enclosure</em></td>
<td>5 days/week <em>recreation enclosure</em></td>
<td>5 days/week <em>recreation enclosure</em></td>
<td>7 days/week <em>recreation enclosure</em></td>
<td>7 days/week <em>rotating between dayroom and gym/outdoor yard</em></td>
</tr>
<tr>
<td></td>
<td><em>Duration 60 minutes</em></td>
<td><em>daily showers</em></td>
<td><em>telephone use during recreation</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Meals</strong></td>
<td>In-cell</td>
<td>In-cell</td>
<td>In-cell</td>
<td>In-cell</td>
<td>Dining Hall (lunch) and Dayroom/Cell (rotating)</td>
</tr>
<tr>
<td></td>
<td>Hygiene/mail items only</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Commissary</strong></td>
<td>Hygiene/mail items only</td>
<td>$10 weekly limit</td>
<td>$15 weekly limit</td>
<td>$20 weekly limit</td>
<td>$30 weekly limit</td>
</tr>
<tr>
<td><strong>Visits</strong></td>
<td>None</td>
<td>1 visit/week (Class II or III), maximum of 3 visitors</td>
<td>2 visits/week (Class II or III), maximum of 3 visitors</td>
<td>2 visits/week/Visitor (Class II or III)</td>
<td>2 visits/week/Visitor (Class II or III)</td>
</tr>
<tr>
<td><strong>Restrains</strong></td>
<td>Full restraints off unit</td>
<td>Full restraints off unit</td>
<td>Full restraints off unit</td>
<td>-Unrestrained movement to recreation and shower inside the section. -Handcuffs only off unit (unless leaving facility)</td>
<td>-No restraints when out of cell, maximum 8 inmates out of cell at one time.</td>
</tr>
<tr>
<td><strong>Work Assignments</strong></td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>Rotating non-paid work assignments for unit</td>
</tr>
<tr>
<td><strong>Programming</strong></td>
<td>In-cell only/individual electives</td>
<td>In-cell only/individual electives</td>
<td>In-cell only/individual electives</td>
<td>Group programming; MRT Steps 1-3 (minimum requirement)</td>
<td>Group programming; MRT Steps 4-12</td>
</tr>
</tbody>
</table>

*GED, CD, MN programming offered at all levels*
Attachment 9: Restrictive Housing Temporary Removal of Property form is a duplicate form available through the print shop.

South Dakota Department of Corrections
Restrictive Housing
Temporary Removal of Property

<table>
<thead>
<tr>
<th>Inmate's Name (Last, First, Middle Initial)</th>
<th>DOC ID Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cell Number</td>
<td>Date Removed</td>
</tr>
<tr>
<td>Date Removed</td>
<td>Time Removed</td>
</tr>
</tbody>
</table>

Item(s) Removed
- [ ] Television  Serial #: ______________________
- [ ] Radio / Headphones  Serial #: ______________
- [ ] Craftwork: ________________________________
- [ ] ______________
- [ ] ______________
- [ ] ______________
- [ ] ______________

Reason for Removal

Duration of Removal

Staff Authorizing Removal of Property (Print & Sign)

Removal of Property [ ] I acknowledge the above property was taken from me on the above date and time.

Inmate Signature
Upon Removal: ____________________________ Date: ____________________________

Return of Property [ ] I acknowledge the above property has been returned to me and is in the same condition as when I last had it in my possession, unless otherwise noted by staff.

Inmate Signature
Upon Receipt: ____________________________ Date: ____________________________

Staff Signature
Upon Returning Property: ____________________________ Date: ____________________________

White Copy to Restrictive Housing Manager (Upon Return of Property)
Yellow Copy to Inmate (Upon Return of Property)
Pink Copy to Inmate (At Time of Removal)
Gold Copy to Restrictive Housing Manager (After Removal)
## Attachment 10: Restrictive Housing Level Review Committee

The **Restrictive Housing Level Review Committee** form is located in PolicyTech.

### Restrictive Housing Level Review Committee Form

<table>
<thead>
<tr>
<th>Name of inmate</th>
<th>Date of Level Review Committee Meeting</th>
<th>Inmate present at Review</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Placed into Restrictive Housing</td>
<td>Reason for initial placement</td>
<td>Current level placement</td>
<td>Number of days spent at current level</td>
<td>If the inmate is currently in a modified level program, provide reduced duration for current level</td>
</tr>
</tbody>
</table>

### Reason for moving an inmate (indicate from status report and designate chair):

1. Progression to Level 2 (Chair: Warden or Unit Manager)
2. Level 3 (Chair: Warden or Unit Manager)
3. Progression to Level 2 (Chair: Deputy Warden)
4. Progression to Modified Housing (Chair: Deputy Warden)

### Staff Members Present:

- Deputy Warden or designee (required for inmates at Level 4)
- Associate Warden or designee (required for inmates at Levels 3 and 4)
- Print Name and Signature

### Restrictive Housing Manager and/or Unit A Manager (one is required for inmates at all levels)

- Print Name and Signature

### Case Manager (required for inmates at all levels)

- Print Name and Signature

### Unit A Sergeant or Corporal (one required for inmates at all levels)

- Print Name and Signature

### Rehabilitative Staff (only required if inmate is SMH or has an intellectual disability)

- Print Name and Signature

### Restrictive Housing Coordinator

- Print Name and Signature

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*Revised: 07/12/2019*
Attachment 11: Restrictive Housing – Ten Month Review

The Restrictive Housing – Ten Month Review form is located in PolicyTech.

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## Attachment 11

### Restrictive Housing- Ten Month Review

In the case an inmate’s placement in Restrictive Housing is extended beyond ten months (10) months, the Warden will review the inmate’s placement in Restrictive Housing. The inmate’s placement in Restrictive Housing may be continued, modified or terminated.

**Name/DOC ID# of offender:** Click here to enter text.

**Date placed into Restrictive Housing:** Click here to enter a date.

**Reason for initial placement:** Click here to enter text.

**Date of last ten month review (if applicable):** Click here to enter a date.

**Current level:** Click here to enter text.

**Date Restrictive Housing Manager submitted packet for review:** Click here to enter a date.

**Attachments included for review:**
- Monthly Case Manager Status Reviews since the last review
- Disciplinary History Report since the last review
- Local Review Committee Decisions since the last review
- Other: Click here to enter text.
- Other: Click here to enter text.
- Other: Click here to enter text.

**Summary of assigned and/or voluntary programming and status update for each:**
Click here to enter text.

**Summary of past interventions and future plans to assist inmate with progression:**
Click here to enter text.

**Decision:**
- Approve continued placement (i.e. inmate will remain at current level)
- Modify continued placement (i.e. move to different level or establish conditions to move)
- Deny continued placement (i.e. inmate will be moved from current level placement)

If the decision is to modify or deny the recommendation for placement, a description of modification will be included below:
Click here to enter text.

**Printed Name/Signature**

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Revised: 07/12/2019

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Revised: 05/14/2021
Attachment 12: Restrictive Housing Status Multi-Disciplinary Staffing Review

The *Restrictive Housing Status Multi-Disciplinary Staffing Review* form is located in **PolicyTech**.