1.3.D.4  Restrictive Housing

II  Policy:

Inmates who based upon their behavior require greater security, supervision or control than can be afforded in general population will be referred for Restrictive Housing status.

III  Definitions:

Restrictive Housing:
Restrictive Housing (RH) is a status for inmates whose continued presence in the general population poses a serious threat to life, property, self, staff or other inmates, or to the security or orderly operation of a correctional facility. Placement on RH is based on the behavior of the inmate. RH does not include disciplinary segregation or protective custody inmates and is not used as a disciplinary sanction or punitive status. RH is designed to support a safe and productive environment for staff and inmates assigned to general population and to create a path for inmates to successfully transition to a less restrictive setting.

Status:
A housing or management assignment other than general population.

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

Weapon:
Any firearm, stun gun, knife, or 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.

Identified member of a Security Threat Group:  An inmate who has been identified as belonging to a gang or Security Threat Group (STG) via self report or an institutional Special Investigations Unit report. Examples used to identify STG involvement include, but are not limited to tattoos, markings, past history or incident involvement.

Personal Property:
Personal property includes all property owned by or in possession of an inmate that is not issued to the inmate by the Department of Corrections. This includes items an inmate is permitted to possess pursuant to applicable institutional operations memoranda and/or directives from the
Warden or his/her designee. Inmate personal property is a privilege earned by each inmate and references to personal property do not establish an ownership interest in the property superior to the policies, rules and procedures of the institution. Failure to abide by the policies, rules and procedures of the institution may result in a loss of the privilege of possessing or accessing certain items of personal property.

**Release Date:**
Suspended sentence release date, good time release date or term expires date on which the inmate will release from incarceration.

**IV Procedures:**

1. **Referral for Restrictive Housing:**

   A. Inmates in DOC custody exhibiting behaviors meeting one or more of the criteria set forth within Section 2 of this policy will be referred for possible placement in restrictive housing by DOC staff (See DOC policies 1.3.D.1 Disciplinary Segregation Housing, 1.4.B.2 Male Inmate Classification and ACA Standard #4-4250).

   B. Inmates exhibiting behaviors meeting one or more of the criteria set forth within Section 2 of this policy while detained prior to admission to the SD DOC may be referred for possible placement in restrictive housing by DOC staff.

2. **Criteria for Referral:**

   A. Inmates identified by DOC staff as exhibiting one or more of the following behaviors 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) or death to another person; or

      b. The inmate compelled or coerced another person, by force or the 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 the threat of serious physical harm or death, to provide anything of value, to perform any act or to violate any rule.

   2. The inmate lead, organized or incited a disturbance or riot which resulted in the taking of a hostage, significant property damage, physical harm or loss of life; or

   3. The inmate possessed, conspired, or attempted to introduce dangerous contraband (Class A or B) which posed a serious and legitimate threat to the security of the institution, including but not limited to:

      a. Weapons, explosives or ammunition;

      b. Escape paraphernalia; or

      c. Drugs or drug paraphernalia.
4. The inmate is an identified security threat group member, is believed to be a leader of a designated security threat group and is repeatedly involved in activities or behaviors which disrupt the safety and security of the institution; or

5. The inmate escaped or attempted to escape from a secure correctional facility, or is known to have committed related acts, such as helping others escape from a secure facility or facilitating an escape or escape attempt from a secure facility; or

6. The inmate knowingly exposed others to the risk of contracting a blood-borne pathogen, including, but not limited to, HIV or hepatitis B; or

7. The inmate threatened to inflict serious physical harm or injury upon a staff member, or threatened the life of a staff member in a deliberate or reckless manner which a reasonable person would conclude the intent of the threat was to cause the staff member fear; or

8. While detained or incarcerated, the inmate set a fire resulting in serious physical harm or risk of serious physical harm to persons, 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/conduct that is direct violation of the DOC Policy 1.1.C.1 Code of Ethics; or

10. The inmate committed a crime of exceptional violence and/or notoriety proximate to their incarceration.

B. Staff is responsible for compiling and documenting information, evidence and facts supporting referral of the inmate for possible placement on restrictive housing status (See Restrictive Housing Hearing Referral form -Attachment 1).

C. The referral must be approved by an Associate Warden or staff member of equal rank.

3. Inmate Notice of Restrictive Housing Hearing:

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

1. A statement describing the behavior(s) the inmate has exhibited which supports referral for placement on Restrictive Housing status. A minimum of (1) one of the behaviors identified in Section 2 of this policy must be included in the statement notice.

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

3. The inmate’s rights.

4. Mental Health Assessment:

A. Prior to the inmate’s hearing, a mental health assessment will be completed by Behavioral Health staff (See Attachment 4).

B. If Behavioral Health staff believe an inmate’s behavior may be more appropriately treated through intervention and/or by programming; or determines the acts/actions committed by the inmate are the result of the inmate’s mental illness, this information will be provided to the multi-disciplinary staffing team for consideration and discussion.
C. Inmates assessed as having a serious mental illness (SMI) or who are identified as having intellectual disabilities (ID), will not be placed on Restrictive Housing status unless they have exhibited behaviors listed Section 2 (1-10) and placement on restricted housing status is supported by Behavioral Health staff and approved by the Warden.

D. The assessment should include screening inmates for current or past suicidal or self-injurious behaviors and the potential risk of these types of harm if the inmate is placed on restrictive housing status.

5. Multi-Disciplinary Staffing:

A. Prior to the commencement of the restrictive housing hearing, a multi-disciplinary team will convene to consider, review and provide information and recommendations.

1. At a minimum, the team will include the Unit Manager, Case Manager assigned to the Restrictive Housing unit, Restrictive Housing Manager and Behavioral Health Services staff. Additional staff may be present as deemed appropriate by the Unit Manager and/or Restrictive Housing Manager. Members of the Restrictive Housing Hearing Board will not be part of the multi-disciplinary team staffing.

   a. If referral is based primarily on criteria #4 (See Section 2 of this policy), staff from the Special Investigations Unit will be present at the staffing.

2. Factors to be considered by the team include but are not limited to:

   a. The inmate’s mental health status and needs, based on information and recommendations provided by Behavioral Health staff; and

   b. The inmate’s programmatic needs; and

   c. The safety and security of the inmate and/or any known threat(s) the inmate poses to the safety of staff and other inmates.

      1) Each inmate must be individually assessed to determine the risk the inmate actually and objectively poses to others.

   d. The inmate’s history of behavior while housed in general population and the results of any past interventions/Attempts by staff to move the inmate from restrictive housing status to general population.

   e. If the inmate is 180 days or less from his release date, the team will consider modifying or reducing the set durations of the level program, with the goal of providing the inmate an opportunity to release/discharge from general population.

B. Information discussed in the multi-disciplinary staffing will be documented by the Unit Manager on the Restrictive Housing Multi-Disciplinary Staffing Review form (See Attachment 3) located in the Comprehensive Offender Management System (COMS).

   1. The completed review and any other related information will be provided to the Restrictive Housing Hearing Board prior to the hearing.

6. Restrictive Housing Hearing Board:

A. The board shall consist of three (3) members.
1. One (1) supervisory correctional officer (normally with the rank of Captain or higher). A Sergeant or Lieutenant may serve in this capacity if staff with the rank of Captain or higher is not available; and

2. Two (2) unit managers.

B. If the reason(s) for Restrictive Housing referral are based in part or in full on confidential investigative information, the investigator will not be a member of the Board.

7. Hearing and Decision Process:

A. The hearing will be held no sooner than twenty-four (24) hours from the date and time when the inmate is served notice of the hearing, but no later than seven (7) calendar days from the date the inmate was served.

B. The board may require staff to appear at the hearing to present relevant information. The board may temporarily adjourn to call staff or obtain additional information.

C. The inmate will be provided Notice of the Initial hearing (See Restrictive Housing Notice of Initial Hearing form- Attachment 2). The inmate has a right to an impartial hearing, to be present at the hearing, to remain silent, to know the behaviors he is said to have exhibited that lead to the referral, present relevant documents, relevant witness statements and evidence on his behalf and provide a written statement.

1. The inmate may be assisted by a member of his unit staff, normally a case manager.

2. The inmate is responsible for ensuring all documents and witnesses statements to be presented on his behalf have been requested and obtained prior to the review.

3. An effort will be made to provide the inmate with sufficient time to obtain relevant documents and witness statements; however, the board retains authority to conduct the hearing at a time and date determined by the board if the board deems delay by the inmate is excessive.

4. Staff will present documentary evidence supporting the recommendation the inmate be placed on restrictive housing status. The inmate will be afforded the opportunity to present documentary evidence on his behalf.

5. The board will consider reliable confidential information presented during the hearing. This information will be available to the inmate; however, the source of the confidential information will not be disclosed to the inmate if the board determines that such disclosure may subject the informant/witness to risk or harm if their identity were disclosed.

D. By preponderance of all information, facts and evidence presented during the hearing, the board will determine if there is substantial evidence supporting the inmate has exhibited one or more of the behaviors/criteria set forth in Section 2 of this policy.

1. Upon finding an inmate has exhibited one or more of the behaviors/criteria, the board may recommend the inmate be placed on restrictive housing status. This recommendation will be provided to the Warden or his/her designee within two (2) business days following the conclusion of the hearing.

2. Inmates will not unnecessarily and/or inappropriately be placed on restricted housing status. Adequate justification must exist to place an inmate on restricted housing status.
E. The Warden will approve or deny the board’s recommendation within three (3) business days of receipt of the board’s recommendation (See Attachment 3- Restrictive Housing Hearing Board Findings and Disposition).

F. The board will provide a copy of the Restrictive Housing Hearing Board Findings and Disposition (See Attachment 3) to the inmate. This will include the final determination by the Warden directing the inmate be placed on Restrictive Housing status, or returned to general population.

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

8. Level System:

A. A five-level program provided for inmates on restrictive housing status intended to provide inmates the opportunity to enhance and demonstrate their readiness to return to general population and/or the community, participate in programming and earn progressive privileges/property through advancement in program levels.

1. Level 1 is the most restrictive level. This level is a minimum of 15 days in duration.

2. Level 2 is the entry level for all inmates placed in restrictive housing. This level is a minimum of 90 days in duration.

3. Level 3 is an intermediate level. This level is a minimum of 90 days in duration.

4. Level 4 is the least restrictive level within Unit A. This level is a minimum of 120 days in duration.

5. Level 5 is the final level of the program prior to moving the inmate to general population or release/discharge from custody. Level 5 is located on Unit D and is a minimum of 120 days in duration.

NOTE* If special circumstances warrant, an inmate’s minimum duration at a level(s) may be extended, modified or reduced. Inmates have no implied right or expectation to assignment to a particular level or for transfer from restrictive housing status to general population (See SDCL § 24-2-27).

B. Activities, privileges and property associated with each level is identified on the Restrictive Housing Property List by Level (See Attachment 7) and Restrictive Housing Level and Privileges Table (See Attachment 8).

C. Inmates assigned to restrictive housing status will typically be assigned a cell with a cellmate(s) (“double bunked”) assigned to the same level.

1. Cell assignments will be in accordance with the inmate’s PREA score, AIMS code and other assessments results, as applicable and appropriate. Inmates identified as a direct threat to the safety of other inmates may be single-celled.

2. Special consideration will be given to inmates identified as having special needs or disabilities, while preserving the legitimate safety requirements necessary for the safe operation of the program.
D. An inmate’s level program may be modified or revised based on the individualized assessment (relying on current conduct, medical/mental health assessments and available objective evidence).

a. Before modifying or revising an inmate’s level program, the Level Review Committee must assess the (1) nature, duration and severity of the risk posed by the inmate, (2) the probability or potential for injury to occur to the inmate or others if the program is or is not modified and (3) whether reasonable modifications of the program practices or procedures will mitigate or eliminate the risk(s).

b. Inmates assessed as having a serious mental illness (SMI) or who are identified as having intellectual disabilities (ID) may be placed a revised level program only if such placement is approved by Behavioral Health staff and an acceptable “revised” program can be developed that is approved by Behavioral Health staff and the LRC.

9. Level Movement-Regression, Retention, Progression:

A. All inmates on restricted housing status, including those assigned to a individualized or modified/revised program, will receive a Restrictive Housing Status review a minimum of every 30 days. Movement between levels will generally occur following the review.

1. Behavioral Health staff will be included in all decisions to move an SMI inmate or inmate identified as having an intellectual disability (ID). This includes those SMI or ID inmates assigned a revised level program and those not assigned to a revised level program.

B. Inmates assigned to a level program may progress to the next level or be retained at their current level. Information regarding the inmate’s assigned level will be documented in the Alerts section within COMS.

1. An inmate may move from level 1 to 2, or level 2 to 1 with approval from the Restrictive Housing Manager and/or Unit A Unit Manager, a case manager and Unit A Sergeant or Corporal.

2. An inmate may move between levels 2 and 3 or be retained at level 2 with approval from the Restrictive Housing Manager and/or Unit A Unit Manager, a Case Manager and Unit A Sergeant or Corporal.

3. Progression from level 3 to 4 or retention at level 3 will occur with approval from Level Review Committee (LRC). The LRC will include an Associate Warden (preferably Jameson Associate Warden), the Restrictive Housing Manager, a Major (preferably Jameson Major), a Case Manager (preferably Unit A), the Unit A Sergeant or designated officer from Unit A and Behavioral Health staff, as deemed appropriate. If the inmate is identified as having mental health issue or is SMI or ID, Behavioral Health staff will be included in the LRC.

4. Progression from level 4 to 5 or retention at level 4 will occur with approval from LRC. The LRC will be composed of the staff members listed above in #3 AND the Deputy Warden.

5. Progression from level 5 to general population or retention at level 5 will occur with approval from LRC AND the Warden. If the inmate is being considered for placement in general population, the Warden will be included in the review by the LRC.

C. If an inmate is retained at a level (1-4 only) beyond the minimum duration set for the level, 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).
1. If the inmate is retained at level 5 beyond the set minimum duration (120 days), the inmate may appeal the decision to the Secretary of Corrections through the Administrative Remedy process (See DOC policy 1.3.E.2 Administrative Remedy for Inmates).

D. In addition to level progression or retention following a review, any time an inmate on level 3-5 commits a category H or M prohibited act, the LRC will conduct a review of the incident to determine if the inmate will be retained at their current level or moved to a lower level. The results of the review will be documented in the Care in Placement section in COMS.

1. If the LRC’s decision is to move the inmate, the inmate may appeal the move to the Warden through the Administrative Remedy process (See DOC policy 1.3.E.2 Administrative Remedy for Inmates).

E. If an inmate on Restrictive Housing status receives a disciplinary report, the level of action applied to an inmate in general population may be applied to the restrictive housing status inmate.

1. When a restrictive housing status inmate receives a disciplinary report that would not require a general population inmate to be placed in Disciplinary Restrictive Housing, the restrictive housing status inmate will not be moved to Disciplinary Restrictive Housing and the inmate’s current level will not change.

2. When a restrictive housing status inmate receives a disciplinary report that would require an inmate in general population to be placed in Disciplinary Restrictive Housing, the restrictive housing status inmate may be transferred to Disciplinary Restrictive Housing, if placement in Disciplinary Housing is deemed the only effective way to correct the inmate’s behavior.

3. When a restrictive housing status inmate receives a disciplinary report that would require an inmate in general population to be placed in Disciplinary Restrictive Housing, and the behavior also meets the criteria for referral for placement in Restrictive Housing, the restrictive housing status inmate may be regressed to a lower level; or based on the severity of the disciplinary infraction, required to start the program over.

F. Any inmate placed on Restrictive Housing status with a release date sooner than the minimum recommended duration set for the level system (total days set in policy for levels 1-5) may have their program amended (See Section 14 of this policy).

G. Inmates may be assessed 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.

10. Restrictive Housing Status Review:

A. All inmates designated to Restrictive Housing status will receive a face-to-face review every seven (7) days for the first 60 days following initial placement in Restrictive Housing (See ACA #4-4253). The 7 day review will be documented in the case notes section in COMS with case note type “Restrictive Housing”.

1. Reviews at 7 days and 35 days will be completed by the Restrictive Housing Manager (RHM).
a. The RHM will review appropriateness of the inmate’s placement on Restrictive Housing status (meets criteria for placement, reasons for placement still exist) and follow up on any additional concerns or questions the inmate may have regarding the level program.

2. In addition to the initial in-person mental health assessment performed by Behavioral Health staff within 72 hours of the inmate’s placement on Restrictive Housing, Behavioral Health staff will complete a review of the inmate at 14 days and 42 days.

a. Behavioral Health staff will assess the inmate’s adjustment to placement in Restrictive Housing and note any concerns involving the inmate’s mental health. (ACA #4-4256). A summary of this assessment and any recommendations will be provided to the RHM.

3. Reviews at 21 days and 49 days will be completed by the Unit A Unit Manager. A summary of the review will be provided to the RHM.

a. The Unit A Manager will review appropriateness of the inmate’s placement on Restrictive Housing status and the inmate’s overall adjustment to the level program, daily routine, program compliance, etc. The inmate’s disciplinary record since placement in the level program as well as the mental health assessment/recommendations will be reviewed.

4. A 30 and 60 day review will be completed by the case manager in accordance with the details listed in letter “B” of this section.

B. Inmates on Restrictive Housing status will receive an out-of-cell (not cell front) review by a case manager or above a minimum of every thirty (30) days beginning thirty (30) days after placement on restricted housing status and continuing throughout the duration of their placement on Restrictive Housing status. This review will be documented on the Restrictive Housing Status Review form (See Attachment 6) and in COMS as a case note type “30 day” (See ACA #4-4253). If the inmate chooses not to attend their review, the Case Manager will document the inmate’s absence on the Restrictive Housing Status Review form.

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

a. Review of the inmate’s behavior logs;

b. Review of inmate’s rule compliance and disciplinary violations and punitive responses received, if any;

c. Review of inmate’s current program progress/compliance with programs required or offered at the inmate’s current level;

d. Note any additional programming that may be recommended; consider modification to 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.

e. Review of inmate’s compliance with mental health and medical recommendations (i.e. medication compliance, additional therapy recommendations) or any signs of deterioration in mental health or suicide attempts or self-injurious behavior;

f. Information on goals and objectives which will be necessary for the inmate to progress through the program/levels; and
g. The current level of threat the inmate poses to self, staff, other inmates and the security and the safe operation of the facility.

C. The RHM will review the Restrictive Housing Status Review form (See Attachment 6) any time there is a recommendation for retention of the inmate past the minimum duration for the level, or a recommendation for the inmate to regress to a lower level.

D. In the case an inmate’s Restrictive Housing status is extended beyond twenty-four months (24) months, the Director of Prison Operations (DPO) or the Secretary of Corrections (SOC), if the Director of Operations is the Warden at the facility, will review the inmate’s Restrictive Housing Status reviews and other pertinent information.

1. The DPO or SOC may approve, modify or deny the recommendation.

2. The DPO or SOC will review all inmates housed in Restrictive Housing beyond 24 months a minimum of one time each year and document the review in the Care in Placement section in COMS.

3. The DPO or SOC must approve, modify or deny continued placement of each inmate retained on Restrictive Housing status beyond 24 months. The decision will be documented in the Care and Placement section in COMS.

4. Prolonged periods of placement on Restricted Housing status should be avoided when possible, particularly with inmates identified as SMI or ID as this may increase the potential to subject the inmate to harm or an unreasonable risk of harm.

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

11. Mental Health and Health Assessments and Services:

A. DOC staff will notify DOH Health Services and DSS Behavioral Health Services staff when an inmate is placed on Restrictive Housing status.

B. All inmates will receive an in-person mental health assessment by trained personnel within 72 hours of placement on Restrictive Housing status and be informed of the practices and procedures to access mental health care while housed on Restricted Housing status.

C. A qualified health care professional will review the inmate’s health record upon placement on Restrictive Housing status to ensure the continuation of medical, dental or mental health services and programming to the inmate. The level of monitoring provided to the inmate will be determined by Health Services staff (See DOH Policy P-E-09 Segregated Inmates).

D. Inmates receiving basic mental health services while on Restrictive Housing status will receive periodic mental health assessments (not to exceed every 90 days) (ACA #4-4256). Those inmates with chronic mental illness will be seen as prescribed in their individual treatment plans. Placement on Restricted Housing status may not interfere with staff’s ability to provide the inmate adequate mental health care.

1. Behavioral Health staff may coordinate with unit staff to incorporate reasonable modifications to certain practices or procedures within the Restricted Housing program, i.e., adjust the minimum days a SMI or ID inmate spend on a level(s) (revised level program) (ACA Standard #4-4429).
2. If after assessment, Behavioral Health staff determine an inmate is showing signs of decompensation, this will be reported to the LRC. The LRC will promptly convene to discuss possible modifications to the program and/or alternate housing placement options for the inmate, including possible removal of the inmate from Restrictive Housing status.

E. All inmates placed on Restrictive Housing status will have access to necessary health and mental health services through daily sick-call rounds or by filling out a written request. All inmate requests for services will be forwarded to Behavioral Health Services or DOH staff (See DOH Policy P-G-04 Basic Mental Health Services and ACA Standard #1-HC-3A-07).

F. Staff may refer inmates to Behavioral Health Service staff by completing a Mental Health Referral form (See Attachment 5). Each staff member assigned to the unit is responsible for ensuring that inmates have adequate access to mental health treatment.

12. General Conditions of Confinement in Administrative Restrictive Housing:

A. All inmates on Restrictive Housing status will receive laundry, barbering/hair care services and permitted to maintain acceptable personal hygiene (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. Exceptions may be applied by staff for safety and security reasons, i.e. the inmate is destroying property, has engaged in self harm or harmed others. All exceptions will be approved by the unit manager, documented and justified in writing (ACA #4-4263)

B. All inmates on Restrictive Housing status levels 2-5 will be allowed telephone privileges (See DOC policy 1.5.D.4 Inmate Access to Telephones and ACA #4-4271).

C. All inmates on Restrictive Housing status will have access to programs and services; to include, education, library, mental health, health services, religious, recreation (outside their cell) and commissary (ACA #4-4273).

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 on a prescribed special medical diet or religious diet (See DOC policy 1.5.F.2 Religious Diet), will be offered the same meals as 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. If an inmate in Restrictive Housing inmate refuses a meal, staff will document the refusal in the shift log.

2. Alternative meal service 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. Alternative meals are issued on an individual basis and are based on health and safety considerations only. All meals will meet the basic nutritional requirements. Alternative meal service 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 visits. 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 of record. Attorney visits will not be counted against the number of allowable social visits granted (level 2-5 inmates). (See DOC policy 1.3.E.1 Inmate Legal Assistance and ACA #4-4275).

F. Inmates on Restrictive Housing status may write and receive letters on the same basis as inmates in general population, as described in DOC policy 1.5.D.3 Offender 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 Legal Assistance 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 or safety reasons.

I. Inmates on Restrictive Housing status levels 2-5 will have access to appropriate programs that support transition back to general population or to the community, to include General Education Development (GED), chemical dependency (CD) and mental health (MH). Method of receipt may include in cells, via television, or cell front (ACA #4-4273).

1. Individual and group programming may be offered to inmates on levels 2-5.

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 and as required by DOC policy 1.3.A Inmate Transport & Escort.

13. Response to Violations and Inmate Personal Property:

A. Restrictive Housing status inmates may be granted access to certain property items that are approved for the program level which they are assigned, as noted in the Restrictive Housing Property List by Level form (See Attachment 7) or as deemed appropriate by Behavioral Health staff, in the case a SMI or ID inmate is not assigned to the level program.

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

C. Inmates who move up from one level to another 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 (level 2 property will be removed when an 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. 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 property should be proportional to the offense/behavior, taking into the consideration the inmate’s prior conduct. For a list of personal property items which may temporarily suspended, refer to the Restrictive Housing Property List by Level form (See Attachment 7). Removal of property from an SMI or ID inmate requires approval from Behavioral Health staff.

1. Any staff member may make a recommendation for 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, who has authority to temporarily remove the property item.

2. The removal of a property item by staff will be documented on the Temporary Removal of Property form (See Attachment 9) and forwarded to the RHM.

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

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 release date.

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.5 System Risk Classification.

C. Inmates placed on level 5 are 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 who are within 180 days of their possible release date will be reviewed by the Unit Manager, Case Manager, Transition Case Manager, Parole Agent (if assigned), Restrictive Housing Manager, Behavioral Health staff and designated security staff. 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 Transition Programs and Services), the multi-disciplinary team will consider the following:

1. The inmate’s physical and/or mental health needs and recommendations from health services staff based on assessments of the inmate;

2. The inmate’s current programmatic needs and recent Review Hearings;

3. Any recent violent behaviors or threats to the safety and security of staff, inmates and facility;

4. Recent interventions/attempts to transition the inmate into general population;

5. The inmate’s current level; and

6. Any case planning recommendations to “fast-track” the inmate through the levels to level 5.
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 multi-disciplinary team 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. If the Warden disagrees with the team’s recommendation/determination, the inmate will be reviewed by the multi-disciplinary team for appropriate placement.

2. The inmate may appeal the Warden’s 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 his projected completion of the program, given the minimum recommended durations set for the level system (total days set in policy for levels 1-5), may have his program, including the number of days spent in each level, amended with approval from the LRC and Warden.

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. Participation in programming and services is contingent on the inmate not posing a significant threat to himself, staff or other inmates. The minimum durations for some or all of the programs may be modified or adjusted as deemed appropriate by program staff.

J. All pre-release/discharge procedures contained in DOC policy 1.4.G.6 System Risk Classification apply to inmates on Restrictive Housing status.

15. Performance Measures:

A. Designated staff will document Restrictive Housing statistics and performance measures to track the progress of individual 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 to the community from Restrictive Housing.

4. Returns to Restrictive Housing. This will track the number of inmates released from Restrictive Housing to general population who are returned to Restrictive Housing.
16. Staff Selection and Training:

A. Staff working in the Restrictive Housing unit will have completed their employment probationary period and be selected after completing an application, interview and supervisor review.

1. Interviews will be conducted by the Unit A manager, Restrictive Housing Manager and the Jameson Major, or their designee.

2. Supervisor review will include recommendations from Lieutenants, Captains and Majors.

B. In addition to receiving all required DOC training through 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 that is specific to the job duties and positions they are assigned within the unit.

1. The Warden and/or Director of Prison Operations 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 Training Officer 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 Administrative Restrictive Housing training as deemed necessary by the Warden.

3. Restrictive Housing training will include at a minimum;

   a. Restrictive Housing Level System, and
   
   b. Restrictive Housing Unit daily operations and relevant policies/procedures, and
   
   c. De-Escalation skills, and
   
   d. Working with Mentally Ill inmates, and
   
   e. Programming provided to inmates in Restrictive Housing, and
   
   f. Documentation and communication requirements, and
   
   g. Skills necessary to protect inmates from suicide, suicide attempts and self-harm and to respond to such actions, and
   
   h. Providing meaningful observation of a inmate’s condition; signs of decompensation, risk of self-harm or suicidal ideations and the proper immediate response to such conditions or behaviors.

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 -- Transport & Escort of Inmates
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 Restrictive Housing Housing
DOC policy 1.3.E.1 -- Inmate Legal Assistance
VI Revision Log:

- **August 2004**: New policy, written from SDSP and SDWP OM’s.
- **August 2005**: Clarified that the staff representative (case manager) will normally be present at the administrative segregation hearing. Added reference to DOC policies 1.5.D.3 and 1.5.D.4. Changed the policy name on 1.3.D.1.
- **July 2006**: No changes made.
- **July 2007**: Added additional language regarding the Department of Human Services Correctional Mental Health Services providing a summary of the inmate’s current mental health status and needs. Added attachments 3 and 4. Revised the language on escort/restraint requirements for Administrative Restrictive Housing inmates.
- **July 2008**: Revised formatting of policy and attachments in accordance with 1.1.A.2. Deleted the “/” between Administrative and Restrictive Housing in ss (E) of the Hearing and Decision Process section. Revised “Administrative Restrictive Housing Inmates” to read “inmates on Administrative Restrictive Housing” throughout policy. Revised Attachments 3 and 4 with related policies.
- **July 2009**: Revised title of DOC policy 1.5.D.3 to be consistent with actual title of policy and as saved on the M drive. Added reference to Warden selecting the Chair within ss (B of Administrative Restrictive Housing Hearing Board). Revised minor wording throughout policy. Updated formatting of Attachment headers.
- **July 2010**: Revised formatting of Section 1. Revised title of DOC policy 1.4.B.2 and added reference to 1.4.B.14.
- **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 Warden’s decision to the SOC in Section 5 A. 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

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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.
Attachment 1: Restrictive Housing Referral for Hearing

The Restrictive Housing Referral for Hearing form is located on the state’s WAN.

A copy may be printed using Microsoft Word as follows:

1. Click here to access the Restrictive Housing Referral for Hearing by:
   a. Placing mouse on the word “here” above
   b. Press and hold the “Ctrl” key on the keyboard
   c. Click the left button of mouse.

2. Or Select File/New from the Menu Bar / Select the DOC tab / Select Restrictive Housing Referral for Hearing.

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![Restrictive Housing Referral for Hearing form image]
Attachment 2: Restrictive Housing Notice of Initial Hearing

The *Restrictive Housing Notice of Initial Hearing* form is located on the state’s WAN.

A copy may be printed using *Microsoft Word* as follows:

1. Click [here](#) to access the *Restrictive Housing Notice of Initial Hearing* by:
   a. Placing mouse on the word “here” above
   b. Press and hold the “Ctrl” key on the keyboard
   c. Click the left button of mouse.

2. Or Select *File/New* from the Menu Bar / Select the *DOC* tab / Select *Restrictive Housing Notice of Initial Hearing.*
Attachment 3: Restrictive Housing Status Findings and Disposition

The Restrictive Housing Status Findings and Disposition form is located on the state’s WAN.

A copy may be printed using Microsoft Word as follows:

1. Click here to access the Restrictive Housing Status Findings and Disposition by:
   a. Placing mouse on the word “here” above
   b. Press and hold the “Ctrl” key on the keyboard
   c. Click the left button of mouse.

2. Or Select File/New from the Menu Bar / Select the DOC tab / Select Restrictive Housing Status Findings and Disposition.

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

The *Inmate Mental Health Status* form is available in COMS and located on the state’s WAN.

A copy may be printed using *Microsoft Word* as follows:

1. Click [here](#) to access the *Inmate Mental Health Status* by:
   a. Placing mouse on the word “here” above
   b. Press and hold the “Ctrl” key on the keyboard
   c. Click the left button of mouse.

2. Or Select *File/New* from the Menu Bar / Select the *DOC* tab / Select *Inmate Mental Health Status*.

The gray areas indicate the information that is to be entered.
**Attachment 5: Mental Health Referral**

The *Mental Health Referral* form is located on the state’s WAN.

A copy may be printed using *Microsoft Word* as follows:

1. Click [here](#) to access the *Mental Health Referral* by:
   a. Placing mouse on the word "here" above
   b. Press and hold the “Ctrl” key on the keyboard
   c. Click the left button of mouse.

2. Or Select *File/New* from the Menu Bar / Select the *DOC* tab / Select *Mental Health Referral*.

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

![Mental Health Referral Form](image)

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**Mental Health Referral Form**

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bar:</td>
<td></td>
</tr>
<tr>
<td>Inmate:</td>
<td></td>
</tr>
<tr>
<td>DOC #:</td>
<td></td>
</tr>
<tr>
<td>Location:</td>
<td></td>
</tr>
<tr>
<td>Staff Name:</td>
<td></td>
</tr>
<tr>
<td>Phone Number:</td>
<td></td>
</tr>
<tr>
<td>Approved by:</td>
<td></td>
</tr>
<tr>
<td>Phone Number:</td>
<td></td>
</tr>
</tbody>
</table>

This inmate is being referred to Mental Health Services for the following reasons:

- [ ] withdrawn
- [ ] violent behavior
- [ ] thought to commit crime
- [ ]uite
- [ ] unable to care for self
- [ ] threatens/abuses/encourages
to
- [ ] want to hurt
- [ ] make self
- [ ] other please specify: ____________________________

Specific behavioral observations / Inmate identified: Add the completed

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Attachment 6: Restrictive Housing Status Review

The **Restrictive Housing Status Review** form is located on the state’s WAN.

A copy may be printed using Microsoft Word as follows:

1. Click [here](#) to access the **Restrictive Housing Status Review** by:
   a. Placing mouse on the word “here” above
   b. Press and hold the “Ctrl” key on the keyboard
   c. Click the left button of mouse.

2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Restrictive Housing Status Review**.
Attachment 7: Restrictive Housing Property List by Level

The *Restrictive Housing Property List by Level* form is located on the state’s WAN.

A copy may be printed using *Microsoft Word* as follows:

1. Click here to access the *Restrictive Housing Property List by Level* by:
   a. Placing mouse on the word “here” above
   b. Press and hold the “Ctrl” key on the keyboard
   c. Click the left button of mouse.

2. Or Select *File/New* from the Menu Bar / Select the *DOC* tab / Select *Restrictive Housing Property List by Level*.

![Restrictive Housing Property List by Level](image)
Attachment 8: Restrictive Housing Level and Privileges Table

The *Restrictive Housing Level and Privileges Table* form is located on the state’s WAN.

A copy may be printed using *Microsoft Word* as follows:

1. Click [here](#) to access the *Restrictive Housing Level and Privileges Table* by:
   a. Placing mouse on the word “here” above
   b. Press and hold the “Ctrl” key on the keyboard
   c. Click the left button of mouse.

3. Or Select *File/New* from the Menu Bar / Select the *DOC* tab / Select *Restrictive Housing Level and Privileges Table*.

<table>
<thead>
<tr>
<th>Level</th>
<th>Duration</th>
<th>Location</th>
<th>Recreation</th>
<th>Meals</th>
<th>Commissary</th>
<th>Visits</th>
<th>Television</th>
<th>Restraints</th>
<th>Work Assignments</th>
<th>Programming</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>15 days maximum</td>
<td>Unit A (section 5)</td>
<td>5 days/week *recreation enclosure</td>
<td>In-cell</td>
<td>Hygiene/mall items only</td>
<td>None</td>
<td>No television in cell (television are in section)</td>
<td>Full restraints affixed</td>
<td>None</td>
<td><em>GED, CD, MH programming offered at all levels</em></td>
</tr>
<tr>
<td>2</td>
<td>90 days minimum</td>
<td>Unit A (section 5)</td>
<td>5 days/week *recreation enclosure</td>
<td>In-cell</td>
<td>$10 weekly limit</td>
<td>1 visit/week (Class I), maximum of 3 visitors</td>
<td>No television in cell (television are in section)</td>
<td>Full restraints affixed</td>
<td>None</td>
<td>In-cell only/individual electives</td>
</tr>
<tr>
<td>3</td>
<td>90 days minimum</td>
<td>Unit A (section 4)</td>
<td>5 days/week *recreation enclosure</td>
<td>In-cell</td>
<td>$15 weekly limit</td>
<td>2 visits/week, maximum of 3 visitors</td>
<td>1 state issued television per cell (no personal)</td>
<td>Full restraints affixed</td>
<td>None</td>
<td>In-cell only/pre-MRT manual “Thinking for Good” and individual electives</td>
</tr>
<tr>
<td>4</td>
<td>120 days minimum</td>
<td>Unit A (section 5)</td>
<td>7 days/week *recreation enclosure</td>
<td>In-cell</td>
<td>$20 weekly limit</td>
<td>2 visits/week/visitor (Class II, <em>potential for Class I</em>)</td>
<td>1 state issued television per cell (no personal)</td>
<td>Unrestrained movement to recreation enclosure and shower inside the section. Handcuffs only off unit (unless leasing facility)</td>
<td>Rotating non-paid work assignments for unit</td>
<td>Group programming: MRT Steps 1-3</td>
</tr>
<tr>
<td>5</td>
<td>120 days minimum</td>
<td>Unit D (section 8)</td>
<td>7 days/week *recreation enclosure</td>
<td>Dayroom (EOQ)</td>
<td>$30 weekly limit</td>
<td>2 visits/week/visitor (Class II, <em>potential for Class I</em>)</td>
<td>1 personal TV per minute (potential for 2 TVs in each cell)</td>
<td>-No restraints when out of cell; maximum 6 inmates out of cell at one time.</td>
<td>Rotating non-paid work assignments for unit</td>
<td>Group programming: MRT Steps 4-12</td>
</tr>
</tbody>
</table>
Attachment 9: Restrictive Housing Temporary Removal of Property form is a duplicate form available through the print shop.

![Restrictive Housing Temporary Removal of Property form](image-url)