

## Statewide Protective Custody (SCDC Policy OP-22.23)

Included in the Department of Corrections' (SCDC) May 24, 2019 letter to the House Legislative Oversight Committee (LOC). This information was provided in response to the following questions in LOC's May 16, 2019 letter to the Department of Corrections:

***30. Please describe different types of housing units within SCDC that incorporate programs into the day to day living, including the requirements for an inmate to qualify for placement in the unit.***

In addition to providing the information in this document, SCDC provided the following response:

- Structured Living Unit – policy is in draft form.
- Transition Unit – General Population - criteria: behavior compliant, waiting on job, education, vocational assignment.
- Work/Program Unit – General Population – criteria: behavior compliant, assigned a job, education, vocational, etc.
- Character Unit – General Population – Criteria can be reviewed in PS.10-17, Attachment A, Item 3, please see attached.
- Re-Entry Unit (Kershaw/Manning) – Criteria: can be reviewed in PS-10.14, please see attached.
- Addictions Treatment Unit YOA (Turbeville)– General Population – Criteria can be reviewed in OP-22.39, Section 2 and see definition of young offender.
- Addictions Treatment Unit Adult (Turbeville)– General Population – Criteria: approved/assigned by Mental Health.
- Shock Unit (Turbeville/Camille) – General Population – Criteria can be reviewed in PS-10.12, Section 1.2, please see attached.
- Restoring Promise (Lee/Turbeville) – General Population – Criteria is being developed by Young Offender Parole and Reentry Services.
- Restrictive Housing Unit – Restricted Population – Criteria can be reviewed in OP.22.38, please see attached.
- Death Row – Restricted Population/Managed as General Population – Criteria must be sentenced to death.
- Diversionary Housing Unit – Restricted Population – Criteria: Inmates assigned to Security Detention with a Mental Health classification of 3, awaiting assignment to a Behavior Management Program or Step-Down Program, for further information see HS-19.10, Section 3 will amended, please see attached.
- HLBMU – Restricted Population – Criteria can be reviewed in HS-19.10, Section 2, please see attached.
- LLBMU – Restricted Population – Criteria can be reviewed in HS-19.10, Section 3, please see attached.
- ICS – Restricted Population – Criteria can be reviewed in HS-19.04, Section 16, please see attached.
- Choices – Restricted Population – Criteria is - pending addition to policy HS-19.04 & HS- 19.12, please see attached.
- Crisis Stabilization Unit – Restricted Population – Criteria can be reviewed in HS-19.04, Section 6 &7, please see attached.
- Step Down – Restricted Population – Criteria can be reviewed in OP-22.38B, please see attached.
- Adjustment Unit – General Population – Criteria: SP inmates with unsubstantiated protective concerns refusing to live in General Population.
- Restorative Unit – General Population - Criteria: SP inmates (majority with Mental Health designation) with unsubstantiated protective concerns refusing to live in General Population.

- Special Concerns Unit - General Population – Criteria: SP inmates with unsubstantiated protective concerns refusing to live in General Population.
- Statewide Protective Custody – Restricted Population/Managed as General Population – Criteria can be reviewed in OP-22.23, please see attached.
- Mental Health Units (BRCI-Murray, Lee F1A,) – General Population – Criteria: Inmates with Mental Health designation.
- Infirmary – Medical – Criteria: Medical.

***31. What options does an inmate have for reporting that they feel they are in danger?***

In addition to providing the information in this document, SCDC provided the following response:

- They can report their concerns to the Unit Officer, Classification Caseworker, or other institutional staff. Inmates can also submit a Request to Staff through our Automated Request to Staff System or call \*22. Police Services generally sends these requests to the institution for handling as this is normally an operational issue.
- Please see attached SCDC Policy OP-22.23 “Statewide Protective Custody” or OP-21.04 “Inmate Classification Plan” sections 17 & 18 regarding Protective Custody and Separations.

***32. Once an inmate reports that they feel they are in danger, what is the process and different options for addressing it?***

In addition to providing the information in this document, SCDC provided the following response:

- These concerns are usually handled by institutional staff as this is an operational issue. If the threat rises to the seriousness of an investigation being requested by the institution or other area, Police Services will review and provide findings of our review to the appropriate staff to address the inmate’s safety concerns.
- Please see attached SCDC Policy OP-22.23 “Statewide Protective Custody” or OP-21.04 “Inmate Classification Plan” sections 17 & 18 regarding Protective Custody and Separations.



## SCDC POLICY

NUMBER: OP-22.23

TITLE: STATEWIDE PROTECTIVE CUSTODY

ISSUE DATE: *November 9, 2016*

RESPONSIBLE AUTHORITY: DIVISION OF OPERATIONS

OPERATIONS MANUAL: OPERATIONS

SUPERSEDES: OP-22.23 (August 1, 2008); (November 1, 2006)

RELEVANT SCDC FORMS/SUPPLIES: 19-10, 19-20, 19-30, 19-32, 19-47, 19-52, 19-67, 19-69, 19-85, 19-87

ACA/CAC STANDARDS: 4-4249, 4-4251, 4-4253, 4-4254, 4-4257, 4-4258, 4-4259, 4-4260, 4-4262, 4-4264, 4-4267, 4-4268, 4-4271, 4-4273

STATE/FEDERAL STATUTES: SC Code 24-1-130 and SC Code 24-1-140

**PURPOSE:** To outline management and administrative requirements related to the operation of a *Restrictive Housing Unit (RHU)* within SCDC for the housing of inmates who have been identified as requiring Statewide Protective Custody (PC) or have protective concerns (SP).

**POLICY STATEMENT:** In order to maintain the safety and security of certain inmates who have been identified as requiring protection from the general inmate population, SCDC will house those inmates designated as Statewide Protective Custody in a *Restrictive Housing Unit (RHU)* apart from the general population. To promote good behavior and conformance with Agency rules and regulations, Statewide Protective Custody inmates will be provided privileges consistent with their assignment within the *RHU*. (4-4249)

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**1. PLACEMENT IN PRE-HEARING DETENTION WITH PROTECTIVE CONCERNS (SP):** An inmate may be initially placed in SP for up to seven (7) days by the Warden/Duty Warden or an approved designee if:

- The inmate has requested protective custody; or
- The Warden/Duty Warden or approved designee has determined that the inmate is at risk and may require a higher degree of safety and security, and an investigation must be conducted to substantiate the inmate's need for protective custody. **(4-4251)**

## **2. INMATE REQUEST FOR PROTECTIVE CUSTODY:**

**2.1** When the inmate requests protective custody s/he will be interviewed by the highest supervisor on duty to determine the nature of the concern. The information will be documented in Section I of SCDC Form 19-47, "Evaluation of Protective Concerns."

**2.2** If the inmate refuses to provide specific names and other pertinent information during this interview, this lack of information will be documented on SCDC Form 19-47, "Evaluation of Protective Concerns," and the inmate may be returned to general population. If the inmate refuses to return to general population, then SCDC policies pertaining to the use of physical force may be implemented. Inmates who do not comply will be managed by procedures set forth in SCDC Policy OP-22.14, "Inmate Disciplinary System." (NOTE: Refer to **section** 6.2 for further options with regards to refusal to return to general population.)

**2.3** The interviewing official will be responsible for making a recommendation on the form as to his/her assessment of the inmate's reason(s) for requesting protective custody housing. The interviewing official may either recommend that the inmate be returned to the general population or placed in "Pre-Hearing Detention with Protective Custody Concerns" (herein referred to as SP) for further investigation. SCDC Form 19-47 will then be immediately forwarded to the Warden (or in his/her absence the Duty Warden or approved designee) for approval.

**2.4** If placement in SP is approved by the Warden/Duty Warden or approved designee the inmate will be transferred to available **Short Term (ST)** bed space for a period of up to seven (7) calendar days for further investigation, and SCDC Form 19-67, "Pre-Hearing Detention Placement/Extension," will be completed. The box labeled "Protective Concerns" will be checked. SCDC Forms 19-47 and 19-67, will be forwarded to the Institutional Protective Custody Committee (IPCC) so that a review can be held within seven (7) working days of the inmate's placement in SP to assess the inmate's continued need to be separated from general population inmates at his/her institution. **(4-4251)**

## **3. WARDEN/DUTY WARDEN DETERMINES INMATE MAY BE AT RISK:**

**3.1** When the Warden/Duty Warden or approved designee has determined that the inmate is at risk and may require a higher degree of safety and security, an investigation must be conducted to substantiate the inmate's need for Statewide Protective Custody. SCDC Form 19-47 will be completed by the Warden/Duty Warden or approved designee, and the bottom portion of SCDC Form 19-67, "Pre-Hearing Detention Placement/Extension," will be used for involuntary placement of the inmate in SP. The box labeled "Protective Concerns" will be checked.

**3.2** In some cases placement in Statewide Protective Custody may be approved by the Agency Director or the **Deputy** Director of Operations. The IPCC will convene for informational purposes to inform the inmate of his/her status.

**Note:** Should an inmate with protective custody concerns commit a disciplinary infraction while in SP, Agency inmate disciplinary system procedures will be followed. See SCDC Policy OP-22.14, "Inmate Disciplinary System," for additional information. The inmate will continue in SP **for a period of time** not to exceed seven (7) calendar days while the IPCC considers his protective custody concerns. Security staff will ensure that special safety considerations, such as separation/segregation from other inmates, are afforded the inmate when recreating, when showering, and when participating in other out-of-cell activities.

**4. PROPERTY:** Inmates placed in SP will be afforded the same property and privileges as Security Detention **Behavioral** Level III inmates. See SCDC **Policy OP-22.38, "Restrictive Housing Unit,"** for information on property and privileges for Security Detention **Behavioral** Level III inmates.

**4.1** Inmates deemed invalid PC will maintain the same property and privileges as Security Detention Level III inmates, with the exception of one (1) Walkman radio. No personal telephone calls or visitation will be allowed.

## **5. SEVEN (7) DAY REVIEW:**

**5.1** Inmates must be provided with a review within seven (7) calendar days of their initial placement in SP. The inmate will appear before the IPCC to justify or discuss his/her placement into Statewide Protective Custody housing. If placement in statewide protective

custody is recommended, at least one (1) of the following elements must be established by the IPCC in order for the inmate's request to be considered valid:

- record of having been assaulted;
- reputation among the population, attested to in writing by staff, as an informant or trial witness;
- verified threats, verbal abuse, or harassment;
- former police or criminal justice activity resulting in verified threats, verbal abuse, or harassment;
- conviction of crime repugnant to the inmate population; or
- reliable confirmed evidence of sexual assault. **(4-4251)**

## 6. IPCC ACTIONS:

**6.1 Invalid Determination:** An invalid determination is appropriate when the elements listed in **section 5.**, above, are not validated by available evidence and/or testimony. If the IPCC believes that no further evidence may be found to support these elements, the IPCC will document their decision in Section II of SCDC Form 19-47, "Evaluation of Protective Concerns," and the inmate will be immediately returned to the general population. The inmate will be provided a copy of this form to document the disposition of the IPCC. **(4-4251)**

**6.2** If the IPCC deems the inmate is invalid for PC placement and the inmate refuses to return to the general population, the following options may be considered:

- Charge the inmate with 825, "Refusing or Failing to Obey Orders" (Confer with the Hearing Officer to classify as a major charge);
- Double celling of invalid PC inmates (allows invalid PC inmates to be housed together after cell assignment form has been completed and inmates are deemed compatible);
- Take their mattress daily; **and/or**
- Recreate invalid PC inmates in the same area together.

**6.3 Further Investigation:** A finding of further investigation is appropriate when the IPCC believes that additional evidence or testimony may be necessary to determine whether or not the elements listed in **section 5.**, above, are supported. If the IPCC deems that further investigation is required to make a determination as to the inmate's request, the IPCC Chairperson will designate a Captain or higher authority to investigate the reasons given for protective custody. The investigating official will document his/her findings, and provide a written report back to the IPCC Chairperson within seven (7) working days. The investigative report (memorandum) will consist of:

**6.3.1** An interview with the inmate requesting protective custody for the purpose of establishing the reason(s) for and the circumstances surrounding the request. At this time, a subjective assessment will also be made of any significant characteristics such as physical size, alleged threats, enemies, etc.

**6.3.2** A review of the inmate's record to identify factors which may support placement in **statewide** protective custody, such as age, developmental impairment, enemies, evidence of threat, etc.

**6.3.3** Interviews with other inmates or staff, if appropriate and necessary, to identify additional factors or validate any information.

**6.3.4** The investigative report will be attached to SCDC Form 19-47, "Evaluation of Protective Concerns" and forwarded to the IPCC and a copy filed in the inmate's institutional record.

**6.3.5** Upon completion of the investigation, the IPCC will reconvene to further evaluate all facts found in the investigation. A decision as to the validity of the request will then be made by the IPCC and processed as described in Procedure 6.1, above, or **Procedure 6.3.**

**6.4 Valid Determination:** If the elements listed in Paragraph 5., above, are present and are supported by available evidence and testimony, a valid determination is appropriate. If the IPCC finds the inmate's protective custody concerns are valid, the Case Manager/Caseworker for the IPCC will create a Custody Review to notify **Central** Classification officials of their recommendation. In addition, the IPCC will document their decision on SCDC Form 19-47, "Evaluation of Protective Concerns" and will fax a copy of this form (along with the investigative report memorandum, if available) to **Central Classification**. The **Central Classification Program Coordinator and the Statewide Protective Custody (SWPC) Board** will be responsible for final disposition of the request as described in Procedure 7., below. **(4-4251)**

## 7. **CENTRAL CLASSIFICATION AND STATEWIDE PROTECTIVE CUSTODY (SWPC) BOARD ACTIONS:**

**7.1** The **SWPC Board** will review the recommendation made by the IPCC, SCDC Form 19-47, "Evaluation of Protective Concerns," and the investigative report and will either approve or disapprove the recommendation. Approvals/disapprovals will be processed as follows:

**7.1.1 Invalid:** The **Central Classification Program Coordinator** will complete the Custody Review to notify the appropriate Case Manager/Worker of the disapproval. **The Central Classification Program Coordinator** will also be required to document **the SWPC Board's** disapproval in Section III of SCDC Form 19-47, "Evaluation of Protective Concerns," and will fax a copy of this form to the appropriate Case Manager/Worker. A copy of SCDC Form 19-47 will be provided to the inmate. The inmate will then be immediately ordered to return to the general population. Should the inmate refuse to return to the general population, the same procedures outlined in Paragraph 6.1, above, will be followed.

**7.1.2 Valid:** The **Central Classification Program Coordinator** will complete the Custody Review to notify the appropriate Case Manager/Worker of their approval and of appropriate transfer instructions concerning the inmate. The **SWPC Board** may either indicate that:

- The inmate's protective custody concerns are alleviated through transfer of the inmate to another institution's general population; or
- The inmate be assigned and transferred to the **Restrictive Housing Unit (RHU)** which has been designated by the Agency as the Statewide Protective Custody Housing Unit. (4-4251)
- Recommendations for assignment and transfer to the Agency's Statewide Protective Custody Housing Unit will be approved by the **Statewide Protective Custody Board and the Deputy Director of Operations** by memorandum.

**NOTE:** At the discretion of SCDC officials, an inmate may be placed in **RHU** due to protective concerns even if the inmate signs a refusal of the same.

**7.2** The **Central Classification Program Coordinator** will be required to document **the decision of the SWPC Board** in Section III of SCDC Form 19-47, "Evaluation of Protective Concerns" and **e-mail the form back to the Case manager/designee.**

**8. NOTIFICATION TO THE INMATE OF PLACEMENT IN STATEWIDE PROTECTIVE CUSTODY:** A copy of the completed SCDC Form 19-47 will be provided to the inmate.

**9. APPEAL OF PLACEMENT IN PC:** Inmates may appeal the decision of the **SWPC Board** through the inmate grievance system. See SCDC Policy GA-01.12, "Inmate Grievance System," for further information.

**10. DOCUMENTATION:** All mental health and medical review/screening notes will be maintained in the inmate's medical record. All documents described below, and any other documentation kept on each inmate approved for placement in Statewide Protective Custody, will be maintained in the inmate's institutional record. These records will be maintained in a secured area outside of the **RHU**:

- A copy of SCDC Form 19-67, "Pre-Hearing Detention Placement/Extension," and/or SCDC Form 19-47, "Evaluation of Protective Concerns," to document the reasons for the inmate's initial placement in SP;
- Any disciplinary report and/or disciplinary hearing records (SCDC Form 19-67, "Pre-Hearing Detention Placement/Extension," and SCDC Form 19-69, "Disciplinary Report and Hearing Record");
- Staff notes and comments, to include copies of SCDC Form 19-32, "Security Detention Daily Evaluation Sheet," and, if necessary, SCDC Form 19-85, "Alternative Meal Service," and SCDC Form 19-20, "Special Management Confiscation Report"; and
- Results of all IPCC reviews and **Statewide Protective Custody Board** approvals (SCDC Forms 19-30, 19-87, and 19-10).

**11. IPCC REVIEW:** For those inmates who have been approved for placement in Statewide Protective Custody housing, the following reviews will be applicable:

**11.1 Ninety (90) day Reviews:** The **SWPC Board** will be required to review each inmate every **90** days. Inmates in Statewide Protective Custody will be reviewed in accordance with **sections** 12.1 and 22 of this policy.

## **12. STATEWIDE PROTECTIVE CUSTODY BOARD SCHEDULED REVIEWS:**

**12.1** Within **ninety (90) days** of an inmate's placement in Statewide Protective Custody, and every **90 - 180** days thereafter, **the SWPC Board will conduct an** evaluation and review of each inmate housed in Statewide Protective Custody. The purpose will be to review the inmate and to determine whether s/he should be released and returned to general population housing. The **SWPC Board** will be required to review the inmate's **manual and automated** record and to confer with unit staff, the inmate, and **mental health** representatives when formulating their decision to release the inmate.

## **13. REVIEW FOR RELEASE FROM STATEWIDE PC:**

**13.1** If, after any scheduled Statewide Protective Custody **90 - 180 day review** of the inmate, it is determined that the inmate is no longer at risk, the IPCC may **recommend** an inmate for release from Statewide Protective Custody. The Case Manager/Worker will create a Custody Review to notify **Central Classification** officials of the recommendation. Upon receipt of the Custody Review and appropriate documentation the **SWPC Board** will review the **IPCC's** recommendation. (4-4254) Appropriate documentation is as follows:

- A copy of the completed committee docket;
- a copy of the SCDC Form 19-30, "**RHU** Institutional Classification Committee Review;"
- written request from inmate requesting release from Statewide Protective Custody and;
- any and all other pertinent documentation, (i.e. investigative reports, summations), supporting release from Statewide Protective Custody.

**13.2 SWPC Board Disapproval:** If the **SWPC Board** disagrees with the **IPCC's** recommendation for release from Statewide Protective Custody, the custody review will be closed **by the Central Classification Program Coordinator** and the completed Form 19-47 will be forwarded to the Case Manager/Caseworker for distribution to the inmate.



**13.3 SWPC Board Approval:** If the **SWPC Board** agrees with the **IPCC's** recommendation for release from Statewide Protective Custody, a memorandum recommending release will be forwarded **to** the Division of Operations for concurrence.

**13.4 Disposition of Review:** Final disposition will be provided to the appropriate Case Manager/Caseworker upon completion of the Custody Review and return of the completed Form 19-47. The Case Manager/Caseworker will be required to provide the inmate with a copy of the completed Form 19-47. Should the inmate be released from **SWPC** status, the **Central Classification Program Coordinator** will provide the Case Manager/Worker with appropriate general population housing instructions for the inmate. (NOTE: Inmates who refuse to return to the general population will be managed by procedures set forth in Agency Policy OP-22.14, "Inmate Disciplinary System.")

**14. HOUSING REQUIREMENTS:** Inmates placed in Statewide Protective Custody status will be housed together in a **RHU** dorm or on a wing segregated from all other inmates. SWPC inmates will be single celled, but may be double celled with other SWPC inmates with approval by the **Deputy** Director of Operations. The food flap or outer cell door will remain open from 6:00 a.m. until 9:00 p.m. unless, based on an inmate's behavior or security concerns, a Lieutenant or higher authority deems it necessary to be closed. No other inmates, including maintenance inmates, will be allowed on the **SWPC** wing. At no time will an **SWPC** inmate be in the area of other inmates. When it is necessary to escort a SWPC inmate to another area of the institution, it is imperative that extreme caution be used.

**14.1** If deemed necessary, an inmate in Statewide Protective Custody can be placed in **RHU (behavioral level Substantiated Security Risk--SSR)** as follows:

- 

If reduced to Security Detention resulting from a classification action; or

- 

If given disciplinary detention time through a Disciplinary Hearing.

Note: While in **SSR**, the inmate will be granted privileges and appropriate property commensurate with his Security/Disciplinary Detention status. Upon completion of the Disciplinary Detention, the inmate would be returned to the Statewide PC Unit. If in Security Detention advancement was recommended by the Institutional Classification Committee and approved by the Warden, the inmate would be returned to the Statewide PC Unit.

**15. RULES VIOLATIONS:** All statewide protective custody inmates found guilty of rules violations will be disciplined in accordance with SCDC Policy OP-22.14, "Inmate Disciplinary System." (Cell restriction, loss of privileges, etc., may be given by the institutional disciplinary hearing officer.) Statewide protective custody inmates who become a disciplinary problem and require placement on Security Detention (SD) status, or who receive Disciplinary Detention (DD) resulting from a conviction of a disciplinary hearing, may remain in the Statewide Protective Custody unit in his/her current cell. Both doors will be secured and privileges will be determined by the SD level in accordance with SCDC Policy **OP-22.38, "Restrictive Housing Unit."** If it is determined that the inmate cannot be safely managed in the PC unit, then, and only then, would this inmate be moved to or be considered as a candidate for the **Substantiated Security Risk Unit (SSR)**, as stated in Section 14.1.

## **16. SECURITY CHECKS:**

**16.1** Correctional officers assigned to Statewide Protective Custody housing in the respective **RHU** will be required to conduct security rounds and to periodically observe inmates at least every 30 minutes on an irregular schedule. Rounds will be recorded in either a Log Book, cell check log or, if utilized, by electronic security check system. (4-4257)

**16.2** At a minimum, the senior correctional officer supervisor in charge of the **RHU/Statewide Protective Custody** unit will be required to make daily visits and rounds of the **RHU/Statewide Protective Custody** unit to ensure the health and well-being of inmates assigned to the same. These visits will be recorded in the unit logbook. (4-4258)

## **17. RHU PERMANENT LOGBOOK:**

**17.1** The officers assigned to Statewide Protective Custody housing within a **RHU** will be responsible for recording in the **RHU** permanent logbook all routine and unusual events not documented on SCDC forms referenced in this policy. The log will also be used to record all visits by officials who inspect the unit or provide other program services. (4-4260)

## **18. DAILY INMATE EVALUATION SHEET:**

**18.1** Security staff assigned to Statewide Protective Custody will be responsible for conducting daily cell inspections and for completing SCDC Form 19-32, "**RHU** Detention Daily Evaluation Sheet," on each inmate assigned to the **RHU/statewide protective custody** unit. This form will be used to record information and evaluate the behavior of inmates assigned to the **RHU/statewide protective custody** unit. Staff will be required to complete the required sections of this form daily. The inmate will be given a check mark for appropriate behavior and a zero ("0") for any inappropriate behavior that is observed. (The only exception to these marks are to the areas for recreation and diet. See below [Procedures 18.1.8 and 18.1.9] for instructions on the marks that will be used.) At a minimum, the following behavior will be observed and evaluated:

**18.1.1 Bed:** Inmates will be required to keep the pillowcase on the pillow and the pillow on the bed. One (1) sheet will be used to completely cover the mattress and will be tucked under all sides of the mattress. The second sheet (and blanket if issued) will be spread on the bed or folded neatly and placed on the bed.

**18.1.2 Walls/Door/Floor:** Inmates will keep their cells clean. Inmates will not attach/affix any items to walls, door, bars, or ceilings. Outer cell doors and pass-through flaps will remain open from 6:00 A.M. to 9:00 P.M., unless security issues are involved. Inmates will keep their cell floors clean and free of trash. Inmates are expected to maintain the cell's cleanliness throughout the day. Cleaning supplies/tools will be provided to inmates as needed to clean their cells.

**18.1.3 Toilet:** Inmates will keep their toilet and lavatory clean and flushed at all times.

**18.1.4 Laundry:** Inmates will turn in their laundry (clothing, sheets, towels, and blankets) on schedule.

**18.1.5 Neatness:** Inmates will wear clean clothes and will dress as neatly as possible.

**18.1.6 Promptness:** Inmates are expected to comply with the schedule and orders in a prompt manner.

**18.1.7 Respectfulness:** Inmates are expected to conduct themselves in a respectful manner when addressing staff members.

**18.1.8 Recreation:** Inmates are expected to act appropriately during their recreation time. On those days that out-of-cell recreation privileges will be provided, security staff will contact each inmate to determine if s/he wishes to participate in recreation. The inmate's decision will be recorded on the SCDC Form 19-32, "**RHU** Detention Daily Evaluation Sheet." If the inmate declines, the form will be marked with the letter "D." If the inmate elects to participate, the form will be marked with a check mark. If the inmate is denied recreation due to inappropriate behavior, the form will be marked with a zero ("0") and a unit supervisor must initial by the check. If outdoor recreation is not afforded due to inclement weather, then the form will be marked with the letter "W." An inmate's decision to/not to participate is final and may not be changed at a later time.

**18.1.9 Diet:** Inmates are provided three (3) meals per day. Each inmate's consumption of food will be monitored by placing an "A" for all food consumed, a "P" for partial food consumed, and a zero (0) for no food consumed each day.

**18.1.10 Grooming/Showers:** Inmates in an **RHU**/statewide protective custody unit will be afforded a haircut and will be expected to maintain compliance with SCDC Policy OP-22.13, "Inmate Grooming Standards." Inmates will be expected to shower when scheduled and to remain clean.

**18.1.11** A copy of the SCDC Form 19-32, "**RHU** Detention Daily Evaluation Sheet," will be filed in the inmate's institutional record for at least six (6) months or until the next scheduled review by the SCC, whichever comes first. The original SCDC Form 19-32 will be maintained in the **RHU**.

**19. RESTRAINTS:** Statewide protective custody inmates will not normally be restrained; however, they may be restrained for a bona fide reason authorized by a Shift Lieutenant or above, i.e., transportation. Statewide protective custody inmates who are placed in Security Detention (SD) or Disciplinary Detention (DD) status will be restrained in accordance with SD requirements.

**20. TRANSPORTATION OUTSIDE THE INSTITUTION:** Inmates assigned to Statewide Protective Custody are not to be transported by SCDC Central Bus System. Rather, all such inmates are to be transported via SCDC van or vehicle. (Refer to SCDC Policy OP-22.10, "Transportation of Inmates Outside the Institution.")

**21. SELECTION/TRAINING OF STAFF MEMBERS:** Only highly motivated and dedicated security personnel will be selected to work within Statewide Protective Custody. The selected security personnel will be trained in the essential skills needed to work in and cope with the pressure and stress associated with a segregation unit. **RHU** personnel will normally serve 18 months in the **RHU**, but may not exceed a maximum of 24 months. Any tour in the **RHU** that will exceed 18 months must be approved in writing by the **Deputy** Director of Operations. Each Warden will be required to maintain a roster of **RHU** employees showing their length of service in Statewide Protective Custody. This roster must be forwarded to the **Deputy** Director of Operations on a quarterly basis (January, April, July, and October).

**22. CLASSIFICATION CASEWORKER:** Classification Services: Caseworkers assigned to **RHU** will be responsible for making at least one monthly visit to inmates assigned to Statewide protective custody in order to talk with inmates and respond to questions they may have regarding time and sentence calculations, etc. Annual reviews by the ICC of the inmate's status will also be conducted. (4-4261)

**23. EARNED WORK CREDITS (EWCS)/INCENTIVE PAY/EARNED EDUCATIONAL CREDITS (EECS):** Every effort will be made for inmates on statewide protective custody to be given meaningful work while housed in the statewide protective custody housing unit. Those who work will be given Earned Work Credits at Level 7/5 days per week and in accordance with SCDC Policy OP-21.07, "Earned Work Credits."

**24. PROGRAMS:** Inmates in statewide protective custody will be allowed access to meaningful programs and services. Statewide protective custody inmates will, to the extent possible consistent with safety and security limitations, be afforded programs comparable to those afforded general population inmates. Members of the programs staff will be available upon the inmate's request. (4-4258, 4-4273)

**25. RELIGIOUS PROGRAMMING:** Individual requests to see a Chaplain will receive prompt response. All religious programming will be in-cell. (4-4258, 4-4273)

**26. MEDICAL CARE:** Qualified health care personnel will be required to visit the Statewide Protective Custody Unit daily, unless medical attention is needed more frequently. Dental Services will be available to statewide protective custody inmates as needed. Inmates should submit an SCDC **Form** 19-11, "Inmate Request to Staff Member," indicating that dental services are needed, and an appointment will be scheduled. Dental emergencies occurring after regular hours will be handled in accordance with



**institutional procedures. All statewide protective custody inmates will receive medical attention and/or medication as needed in accordance with Agency health services policies and procedures. (4-4259)**

## **27. MENTAL HEALTH:**

**27.1 All inmates who have been housed in Statewide Protective Custody for more than 30 days will be assessed by a qualified mental health care professional. This assessment will be documented in the inmate's medical record (in the "Sick Call" Notes section). By the 25<sup>th</sup> of each month, the Institutional Classification Caseworker will be required to provide mental health professionals with a list of all inmates requiring review during the next month.**

**27.2 Inmates remaining on Statewide Protective Custody past one (1) month will be required to be assessed every three (3) months by a qualified mental health care professional. This assessment will be documented in the inmate's medical record (in the "Sick Call" Notes section).**

**27.3 Mental health care professionals will immediately notify medical staff of the need for any mental health treatment for assessed inmates and a treatment plan will be developed and implemented by medical/mental health care staff for the inmate, if necessary. (4-4256)**

**28. ACCESS TO LEGAL MATERIALS:** Inmates will have access to legal materials and to available legal reference materials. (Refer to SCDC policies regarding access to the courts for more detailed information.) **(4-4268)**

**29. RECREATION:** Inmates will be afforded out-of-cell recreation privileges five (5) days per week, a minimum of two (2) hours per day, weather permitting or unless safety and security reasons dictate otherwise. Recreation hours may be extended beyond two (2) hours, with the approval of the Warden. If an inmate chooses not to participate in recreation, it will be documented in the unit's logbook. An inmate's decision is final and may not be changed at a later time. Statewide protective custody inmates will be recreated as a group unless there is a need to recreate certain inmates individually. **(4-4273)**

**30. VISITATION:** Inmates will be allowed at least four (4) contact visits per month, up to two (2) hours in length each visit. Refer to SCDC Policy OP-22.09, "Inmate Visitation," for specific procedures related to statewide protective custody visitation. **(4-4267)**

**31. CORRESPONDENCE PRIVILEGES:** Statewide protective custody inmates will be allowed to send and receive mail daily in accordance with SCDC Policy PS-10.08, "Inmate Correspondence Privileges."

**32. PERSONAL TELEPHONE CALLS:** One (1) personal call will be afforded inmates each day. **(4-4271)**

**33. LEGAL TELEPHONE CALLS:** Verified calls to attorneys will be allowed as needed.

**34. CANTEEN PURCHASES:** All inmates in statewide protective custody will be allowed to have canteen privileges, and expenditures will be limited to \$75.00 per week. Only authorized items, approved by the Warden, will be allowed for purchase. Should canteen privileges be abused or the inmate is found guilty of a rules violation, these privileges can be suspended.

**35. E. H. COOPER TRUST FUND:** Inmates will be allowed access to their E.H. Cooper Trust Fund to send monies to a legitimate church for the purpose of tithing or to send to an approved visitor included on the inmate's visiting list. Refer to SCDC Policy OP-22.09, "Inmate Visitation," for information regarding approved visitors and existing SCDC policies as it relates to E.H. Cooper Trust Fund for additional information.

**36. AUTHORIZED PROPERTY:** In order to assist correctional personnel working in the statewide protective custody housing unit, an SCDC Form 19-52, "Statewide Protective Custody Cell Card," will be completed for each inmate and affixed to the cell door or cell front. The color-coded card will indicate the inmate's Statewide Protective Custody status and any pertinent information. The following property items will be authorized for inmates housed in Statewide Protective Custody status:

AMOUNT	ITEM
three (3)	clean uniforms (exchanged on laundry days)
three (3)	pairs of socks
three (3)	pair of under shorts (females will be allowed three (3) bras and three (3) pairs of underpants)
three (3)	t-shirts
one (1)	toothbrush
one (1)	tube of toothpaste
one (1)	small comb (females may also have one brush)
one (1)	bar of soap
one (1)	deodorant

two (2)	sheets
one (1)	blanket (during winter months)
one (1)	pillow
one (1)	mattress
one (1)	roll of toilet tissue
four (4)	books or magazines (can be from Library Services or personal - must come from publisher and be received in the mail in accordance with SCDC Policy PS-10.08, "Inmate Correspondence Privileges")
one (1) at a time (after first newspaper - must turn in one [1] to receive one [1])	newspaper (must come from publisher and be received in mail in accordance with SCDC Policy PS-10.08, " Inmate Correspondence Privileges")
one (1)	religious books (Bible or Qur'an) and materials necessary for the practice of the inmate's religion that do not violate the security of the institution (See SCDC Policy PS-10.05, "Inmate Religion.")
twenty (20)	personal letters
three (3)	photographs (up to 8" by 10" in size)
two (2)	towels
two (2)	washcloths
one (1)	radio (Walkman type) and one (1) set of batteries (to be exchanged on a one-for-one basis)
one (1)	pair of shower shoes
one (1)	pair of tennis shoes (state-issued)
one (1)	fan (at non-air-conditioned institutions only)
as appropriate	females in statewide protective custody will be issued feminine hygiene products as required

**Note:** If an inmate refuses personal mail or refuses to turn in one book/magazine to get another book/magazine that has arrived, a correctional officer will document this refusal in the **RHU** permanent logbook and will ensure that another employee witnesses the refusal by signing his/her name by the entry in the **RHU permanent logbook**. **The refused item will be processed pursuant to SCDC Policy OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property."**

**37. UNAUTHORIZED PROPERTY:** Inmates will NOT have metal fasteners of any type, i.e., paper clips, etc. Inmates will NOT have typewriters, televisions, ice chests, personal coffee pots, cosmetics, lamps, single outlet drop cords, **or** instruments (of any type). No property other than that which is authorized in Procedure 36., above, will be allowed unless approved in writing by the Warden.

**39.8. GROOMING STANDARDS:** Inmates will be required to comply with agency grooming standards. Barbering services will be provided twice a month. Inmates will not be allowed to grow or style their hair in any manner other than that authorized in **SCDC Policy OP-22.13, "Inmate Grooming Standards."** Inmates may be given forced haircuts or shaves if they refuse to comply with the haircut and shave policy. Forced haircuts or shaves are considered a use of force and must be videotaped pursuant to SCDC Policy OP-22.01, "Use of Force." Statewide protective custody inmates may purchase hygiene supplies from the canteen. However, for those inmates without funds, necessary hygiene supplies will be provided by SCDC. Inmates will be afforded the opportunity to shower five (5) times per week. Inmates will be provided laundry services at least two (2) times per week. **(4-4262, 4-4263)**

**39. MEALS:** All inmates in statewide protective custody status will receive normal institutional meals (full regular diets) unless a physician/dentist prescribes otherwise. The preparation and serving of food will be closely supervised. Coffee will be allowed and will be served with breakfast meal only.

**41.0. ALTERNATIVE MEAL SERVICE:** The alternative meal service will be imposed upon the inmate for the following violations:

- refusing to return food tray, cup, or utensils;
- throwing food, food tray, cup, or utensils;
- collecting or throwing human waste or any unidentified substances by way of tray, cup, or utensils;
- refusing to return uneaten food;

- interfering with the feeding of any meal; or,
- collecting, smearing, throwing, or otherwise exposing an employee to feces, urine, blood, or any other bodily fluid in any manner.

In such cases, the inmate will be charged with a disciplinary per SCDC Policy OP-22.14, "Inmate Disciplinary System," and may be served Nutri-loaf. See SCDC Policy OP-22.12 **OP-22.38," Restrictive Housing Unit,"** for additional information on use of the Alternative Meal Service. (4-4264)

**41. DAMAGE, DESTRUCTION, AND/OR MISUSES OF PROPERTY:** In such cases, the inmate will be charged with a disciplinary per SCDC Policy OP-22.14, "Inmate Disciplinary System." In addition, inmates may be required to make restitution for the damaged/destroyed item pursuant to SCDC Policy ADM-15.01, "Repayment of Costs by Inmates."

**42. USE OF CONTROL CELLS:** Inmates in Statewide Protective Custody who are a threat to self should be referred to the Mental Health Provider (MHP) (if on duty) or to Medical Staff (if the MHP is not on duty) in accordance with **SCDC Policy HS-19.03, Inmate Suicide Prevention and Crisis Intervention."**

**42.1 The Warden, Duty Warden, or Major may place an inmate in a control cell for up to 72 hours when the inmate:**

- is a threat to others by his/her actions;
- is deliberately causing damage to the cell;
- is using items in the cell to cause damage to the cell or any part of the cell's facilities; and/or
- is using items in the cell to disrupt operations in any manner.

**42.2 The RHU Supervisor will ensure that regular checks are conducted as required by Paragraph 16.1, above, of this policy. The Shift Captain will ensure that the inmate is reviewed at 24 and 48 hours for possible release from the control cell. The only items that the inmate will be allowed to have in the control cell will be:**

- one (1) pair of underwear;
- one (1) security blanket.

**42.3 All other property will be placed in a duffel bag, inventoried, and secured in accordance with SCDC Policy OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property."**

**42.4 The inmate will be released from the control cell when the Warden, Duty Warden, or Major determines the inmate is demonstrating compliance with institutional rules.**

**42.5 Additionally, the Warden, Duty Warden, or Major may keep any and all property as necessary to protect against further damage to state property for an additional 72 hour period.**

#### **43. PERRY ADJUSTMENT UNIT (PAU):**

*43.1 The Perry Adjustment Unit was created in order to maintain the safety and security of inmates who refuse to return to general population from the Restrictive Housing Unit. Designated inmates are managed in a closed unit under more restrictive guidelines than other general population inmates. Inmates are housed in the Adjustment Unit until they can become acclimated to transfer to the regular general population. The unit's purpose is to promote good behavior and conformance with Agency rules and regulations. Inmates housed in the Adjustment Unit will be provided privileges as outlined by the administration of Perry Correctional Institution. The Adjustment Unit will house designated inmates in the general population of Perry Correctional Institution. Inmate movement, daily schedule, work assignments, escort requirements, programs, recreation, and other privileges will be based on the rules and regulations as determined by the Warden/designee and Unit Case Management Team. Inmates assigned to the Adjustment Unit will only be allowed to leave the unit for specific activities. Movement of inmates will require security staff escort.*

#### **44. DEFINITIONS:**

Administrative Segregation refers to a form of separation from the general population administered by the Classification Committee or other authorized group when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff, or other inmates or to the security or orderly operation of the institution. Inmates pending investigation for trial on a criminal act or pending transfer may also be included. SCDC uses **Restrictive Housing Units** for Administrative Segregation.

Alternative Meal Service (Nutri-loaf) refers to a food product (in the form of a loaf) which provides and meets requisite dietary needs and requirements and is provided to inmates in place of regular meals under limited circumstances approved by the Warden/designee and qualified medical officials.

Disciplinary Detention (**DD**) refers to a form of separation from the general population in which inmates committing serious violations of conduct regulations are confined pursuant to **SCDC Policy OP-22.14, "Inmate Disciplinary System."**

Institutional Classification Committee (ICC) refers to the decision-making body for institutional custody decision. The ICC at the Agency's Statewide Protective Custody Unit is responsible for subsequent scheduled reviews and recommendations regarding the inmates' Statewide Protective Custody status. They can recommend release of an inmate from Statewide Protective Custody. **The Clinic Counselor is a required member of the Committee if the inmate has a mental health designation.**

The ICC will be composed of the following:

- **Classification representative (one [1] Classification Case Manager or Caseworker assigned to the unit);**
- **Other security staff member within the *RHU*; and/or**
- **Qualified medical or mental health care professional (available to the ICC as needed/required).**

**Institutional Protective Custody Committee (IPCC)** refers to the decision making body for all reviews for initial placement in pre-hearing detention due to protective concerns (SP). The committee will be responsible for gathering all relevant information regarding the inmate's placement in SP, to include a documented investigative report to substantiate the inmate's protective concerns. Upon compilation of all necessary data, the IPCC will submit their findings to the Warden. The IPCC will be chaired by an Associate Warden or Major. In addition to the Chair, the IPCC at a minimum will consist of a one Classification Case Manager or Caseworker assigned to the Unit, and a qualified medical or mental health professional (optional). *The Clinical Counselor is a required member of the Committee if the inmate has a mental health designation.*

**Meaningful Programs** refers to organized supervised programs, including but not limited to, exercise, educational courses, and certain work programs.

**Qualified Medical Professional**, for the purpose of this policy, refers to a physician, physician's assistant, LPN, RN, nurse practitioner, or mental health care professional.

**Qualified Mental Health Professional** refers to staff assigned to the Division of Mental Health Services who provide mental health services to inmates housed in SCDC institutions. Mental Health Professionals are normally referred to as Clinical Correctional Counselors within the institution (as well as psychologists in designated areas), but may also be referred to by their official State Classification System title, i.e., Human Services Specialist II, Human Service Coordinator I and II, or Licensed Psychologist.

**Restrictive Housing Unit (RHU)** refers to the separation of an inmate from the general inmate population in a structured environment for the purpose of maintaining the safety of staff and inmates; ensuring the security and order of the facility; maintaining the integrity of an investigation; or ensuring an inmate's safety through protective custody measures. Generally, *Restrictive Housing Units* will house Disciplinary Detention, Pre-Hearing Detention, and Security Detention inmates. (NOTE: Other categories may be included as they are phased-in and made operational.)

**Security Detention** refers to the placement of an inmate who meets approved criteria in a *Restrictive Housing Unit (RHU)* for an indeterminate time period.

**Security Detention (SD) Behavioral Levels** refers to a series of *five (5)* degrees of control applied to the management of inmates housed in *RHU*, as follows:

- *Behavioral Level I refers to the strictest degree of custody and control. Assignment to Behavioral Level I status comes as a result of a demonstrated propensity for violence and/or unwillingness to conform to standards for behavior in Behavioral Level II. Additionally, inmates involved in an assault on any staff member or inmate, escape with force, or any escape from a Level III institution will be initially assigned to this Behavioral Level. While in this status, inmates will be managed with extreme caution and afforded only essential accommodations.*
- *Behavioral Level II refers to a broadened status in security detention intended for inmates who have demonstrated cooperative behavior and gained a broader range of privileges. Advancement to this behavioral level is based on acceptable behavior demonstrated in Behavioral Level I. The minimum amount of time in this behavioral level is 90 days.*
- *Behavioral Level III refers to the broadest status intended for inmates in the step-down incentive program who have demonstrated a continued willingness to comply with the rules and regulations of the Restrictive Housing Unit and gained the highest level of privileges. Advancement to this behavioral level is based on acceptable behavior demonstrated in Behavioral Level II. The minimum amount of time in this behavioral level is 90 days.*
- *Behavior Level IV refers to a broadened status in security detention intended for inmates who have demonstrated cooperative behavior and gained a higher range of privileges. Advancement to this behavioral level is based on continued acceptable behavior demonstrated in Behavioral Level III. The minimum amount of time in this behavioral level is 90 days.*
- *Behavioral Level V refers to the broadest range of privileges in RHU. Advancement to this behavioral level is based on continued acceptable behavior in behavioral level IV. The minimum amount of time in this behavioral level is 90 days.*

**Short-Term Detention (ST)** refers to the temporary placement of an inmate charged with, or suspected of, a disciplinary violation in designated cells of a *Restrictive Housing Unit* by the Warden/Duty Warden or an approved designee if the inmate falls into one of the following categories:

- *The inmate has behaved violently and aggressively while incarcerated and is a threat to the physical safety of other inmates or staff. This behavior includes possession of major contraband but is not limited to: Weapons that are capable of inflicting death; escape instruments or articles designed to specifically adopt for criminal use in escape attempt;*
- *Actively involved in disruptive gang activity and is a confirmed leader, enforcer, disruptive core member or recruiter of a security threat group;*
- *The inmate has escaped or attempted to escape from within a security perimeter and/or custody of direct supervision;*
- *The Director or designee determines, based on specific objective criteria set forth in writing, that there is a significant risk that the inmate will cause physical injury to staff, other inmates, or members of the public if he is housed in general population, even at the highest security level;*

- *There are protective concerns for the inmate (refer to sections 1 through 3 of this policy for additional information) or the inmate's presence in the general population would create a threat to the safety, security, and/or order of the institution; or*
- *It is necessary to maintain the integrity of an investigation, i.e., to preserve the integrity of information either in the inmate's possession or another inmate's possession.*

**Central Classification** refers to those officials assigned to the SCDC **Classification** Central Office responsible for the statewide management of bed space *and approval for release and admission to Restrictive Housing Units (RHU).*

*Statewide Protective Custody (SWPC) Board refers to the decision-making body for placement and release of inmates from the protective custody unit. The Statewide Protective Custody Committee is responsible for reviewing all pertinent documentation provided by the IPCC when evaluating requests for protective custody unit placement by the inmates in SP. Recommendations from this Committee will be referred to the Deputy Director of Operations for a final disposition.*

*Substantiated Security Risk (SSR) refers to a specialized unit which houses inmates who have demonstrated an unwillingness to conform to the rules and regulations of a Restrictive Housing Unit, who have been charged with violent criminal behavior committed while in the general population, and/or for whom emergency placement has been ordered by the Agency Director/Deputy Director of Operations. Because of the admission criteria and the rigid controls on behavior, inmates will not be eligible to receive Earned Work Credits, Earned Educational Credits, or inmate pay while assigned to SSR. The propensity for violent behavior represented by the SSR population requires extraordinary precautions. For that reason, the procedures contained herein are unique to SRR and on some issues will supersede SCDC policies intended for the general population.*

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s/Bryan P. Stirling, Director

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Date of Signature

ORIGINAL SIGNED COPY MAINTAINED IN THE OFFICE OF POLICY DEVELOPMENT.