

DEPARTMENT OF PUBLIC SAFETY

CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES

EFFECTIVE DATE: 11/28/2014

POLICY NO.: COR.11.01

SUPERSEDES (Policy No. & Date): COR.11.01, 12/12/09

SUBJECT:

ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION

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1.0 PURPOSE

To establish a statewide policy and procedure for the segregation of inmates from the general population based on supervision requirements, offender status, medical and mental health considerations and other conditions of confinement at a Department of Public Safety (PSD) Correctional Facility.

2.0 REFERENCE AND DEFINITIONS

.1 REFERENCES:

- a. Hawaii Revised Statues (HRS), Section 353-C-2, Public Safety, Powers and Duties.
- b. Departmental Directive from Director Ted Sakai dated May 7, 2013, Placement of Inmates in Segregation is hereby superseded by this policy.
- c. Departmental Policy & Procedure (P&P), COR 13.02, Adjustment Committee Composition.
- Departmental Policy & Procedure, COR 13.03, Adjustment Procedures Governing Serious Misconduct Violations and the Adjustment of Minor Misconduct Violations.
- e. Department Policy & Procedure, COR.10.1A.01, Health Care Section, Access to Care.
- f. Department Policy & Procedure, COR.10.1E.09, Health Care Section Segregated Inmates.

.2 DEFINITIONS:

a. Adjustment Committee Hearing – An administrative due process hearing to determine if there is a preponderance of evidence to find an inmate guilty of a misconduct violation as defined in COR.13.03.

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- b. Administrative Segregation Inmates may be segregated on a temporary basis from the general inmate population on the order of a watch commander or higher authority, when their continued presence in general population presents an immediate threat to the safety of self or others, jeopardizes the integrity of an investigation of alleged serious misconduct or criminal activity, or endangers institutional security. The terminology "administrative segregation" is not applicable to general population maximum custody or general population protective custody inmates housed in a segregation unit.
- c. <u>Disciplinary Segregation</u> Placement of an inmate in a designated segregation housing unit in a cell separated from the general population, after being found guilty of a misconduct violation and issued a sanction by a formal adjustment committee hearing. Disciplinary segregation includes the loss of certain privileges consistent with PSD policy and as authorized by the Warden or designee.
- d. <u>Program Committee</u> The Warden or designee shall assign more than one staff member from the following programs/sections: case. management, medical/mental health professionals, and/or security staff to conduct this hearing. The Program Committee hearing may be conducted by utilizing video technology.
- e. <u>Segregation</u> Confinement of an inmate in a cell that is separated from the general inmate population.
- f. <u>Serious Misconduct</u> A greatest (6), high (7), or moderate category (8) misconduct, all of which are considered to pose a serious threat to the safety, security or welfare of the staff, other inmates, the community, or the institution, and subjects the inmate to the imposition of serious penalties such as segregation for longer than four hours.
- g. <u>Serious Misconduct Adjustment</u> -- A serious misconduct shall be addressed through the formal adjustment committee hearing process.
- h. <u>Warden or Designee</u> The facility administrator or next supervisory level in the chain of command at a correctional center or correctional institution (i.e. Deputy Warden or Chief of Security or Correctional Supervisor), who may be authorized temporary assignment into the Warden's position.

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.3 ADMINISTRATIVE SEGREGATION FORMS

- a. Administrative Segregation Form (PSD 8226), Parts A, B, C, D.
- b. Weekly Administrative Segregation Unit Log (PSD 8316).
- c. Administrative Segregation Facility Report for the Institutions Division Administrator.

3.0 POLICY

It is the policy of PSD, Corrections Division, to develop procedures to ensure that an inmate is treated fairly and receives due process, through a multi-disciplinary approach when being assessed and placed in segregation. Placement in segregation is intended to support the rehabilitative process while maintaining security, the orderly running and the good governance of the facility, and as a means to promote an environment of rehabilitation and safety.

4.0 PROCEDURES

.1 ADMINISTRATIVE SEGREGATION

- a. Inmates may be segregated from the general inmate population according to PSD policy by the Watch Commander or higher authority, when the continued presence of the inmate in the general inmate population presents an immediate threat to the safety of self or others, jeopardizes the integrity of an investigation of an alleged serious misconduct or criminal activity or endangers institutional security.
- b. This placement is subject to the review of the Warden or designee within twenty-four (24) hours or as soon as is practicable on the next business day following a weekend or holiday (i.e. If placed on Saturday and Monday is a holiday, then the Warden will review on Tuesday) of the inmate's placement at which time a decision shall be made to continue administrative segregation or to release the inmate back to the general inmate population.
- c. All inmates have the right to seek administrative review of their placement in administrative segregation through the inmate grievance process.

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d. Placement

1. The Watch Commander or higher authority is authorized to place an inmate in administrative segregation, and is required to document that placement as described below.

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- 2. The Warden or designee shall consider whether an inmate's continued presence in the general inmate population presents an immediate threat to the safety of self or others, jeopardizes the integrity of an investigation related to an alleged serious misconduct or criminal activity, or endangers the institutional security as determining factors for placement of an inmate in administrative segregation.
- 3. The Warden or designee may consider reliable sources of information, including confidential information, to substantiate that the inmate's continued presence in the general inmate population poses a threat to the community, property, self, staff, other inmates, security, or the orderly running and good government of the facility and thereby warrants placement in administrative segregation.

e. Required Documentation

- The inmate's conduct along with any confidential or other reliable information shall be documented on an Incident Report, PSD 8214 (Attachment A) or in an Inter-Office Memorandum (IOM) to substantiate the facts that warrant administrative segregation.
- This report must be completed and forwarded to the person who authorizes placement of the inmate in administrative segregation prior to the end of their shift.
- 3. The Watch Commander or higher authority who authorizes placement shall complete the Administrative Segregation Form, Part A (PSD 8226), which functions as the "written authorization" for placement in administrative segregation and is subject to the Warden's review by the next business day following a weekend or holiday.
- 4. A copy of "PSD 8226, Part A" shall be provided to the inmate within twenty-four (24) hours of placement in administrative segregation.

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- 5. The "PSD 8226, Part A" shall include the following information:
 - a) Reason for the inmate's placement in administrative segregation; and
 - b) The approximate length of segregation and/or the date of the next scheduled review.

f. Notification

- 1. The Watch Commander or higher authority shall immediately notify health care staff of the placement of an inmate in administrative segregation.
- 2. At any facility without twenty-four (24) hour on site health care, the inmate's placement in administrative segregation shall be reviewed immediately when health care staff next reports for duty. The facility shall ensure the inmate has more frequent observations (15 minute checks or constant observation) until the inmate is reviewed by health care staff and/or mental health staff.
- 3. The designated health care staff shall assess the inmate's placement in administrative segregation prior to admission into the segregation unit or as indicated above for facilities without twenty-four (24) hour on site health care. The health care staff shall determine whether physical health or mental health issues exist that contraindicate the inmate's placement in administrative segregation. The health care staff shall immediately notify a mental health professional if there are any indications that the inmate has mental health issues.
- 4. Mental health staff shall conduct a mental health review within twenty-four (24) hours of an inmate's placement in administrative segregation. This review applies to all inmates, and is not limited to those inmates with known or suspected mental health issues or inmates who exhibit behaviors that impact their ability to be safely placed in administrative segregation. If an inmate is placed in administrative segregation during a weekend in a facility without seven-day mental health coverage, mental health staff shall conduct a review immediately upon next reporting to duty.

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5. If there are compelling security reasons for the continued placement of an inmate in administrative segregation, despite health care concerns, the Warden shall be immediately notified by the Watch Commander or higher authority.

The Warden shall review the findings of the Watch Commander and health care staff. Based on these findings, the Warden shall determine the most appropriate placement for the inmate, and notify in writing the Institutions Division Administrator (IDA) of the placement and reasons for the inmate's placement.

g. Review of Inmate's Status In Administrative Segregation

- The Warden or designee shall review the documentation related to the inmate's placement in administrative segregation within twenty-four (24) hours of placement or as soon as is practicable on the next business day following a weekend or holiday. This is when the Warden or designee shall make the initial decision as to whether the inmate is to be placed on administrative segregation or released back to the general inmate population.
- 2. The Warden or designee shall conduct a personal interview with the inmate no later than seventy-two (72) hours from the date of the placement in administrative segregation to determine if administrative segregation is still warranted.
- 3. The Warden or designee shall prepare a written record to document the interview, the decision whether to continue placement, and the justification for the recommended action. A copy of the decision and justification shall be provided to the inmate on PSD 8226, Part B.
- 4. By the fifteenth (15th) day after an inmate's initial placement in administrative segregation, the Facility Program Committee shall hold a due process hearing to assess the need to continue an inmate's placement in administrative segregation. This shall be the inmate's formal due process opportunity to contest his/her placement in administrative segregation.

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- 5. The Facility Program Committee shall formulate a case management action plan for the inmate's "progression out" of administrative segregation and include a written record of their decision to confirm the administrative segregation placement or to release the inmate back to the general inmate population. A copy of the decision shall be provided to the inmate on PSD 8226, Part C.
- 6. Thirty (30) days after an inmate's initial placement in administrative segregation and every thirty (30) days thereafter, the Warden or designee shall personally interview the inmate, reassess the case management action plan, and make a written record of his/her decision to either confirm the continued administrative segregation housing or to release the inmate back to the general inmate population. A copy of the decision shall be provided to the inmate on PSD 8226, Part D.
- 7. The Warden shall notify the IDA every thirty (30) days of an inmate's continued placement in administrative segregation and the status of the inmate's compliance with the case management action plan.
- 8. The IDA shall conduct monthly reviews of all inmates who have been in administrative segregation for thirty (30) days or more. This shall include a review of all documentation relevant to the inmate's placement including, but not limited to: Incident reports or IOMs generated as part of the initial placement; case management action plan; documentation justifying continued placement; grievance appeals; and medical/mental health assessments.
- The IDA shall consider whether a transfer of the inmate to a facility where he/she may be placed in the general inmate population would be appropriate or if continued placement in administrative segregation is warranted.
- 10. The IDA shall submit a written report of the results of each thirty (30) day review to the Deputy Director of Corrections (DEP-C).
- 11. The DEP-C shall consider whether a transfer of the inmate to a facility where he/she may be placed in the general inmate population would be appropriate or if continued placement in administrative segregation is warranted.

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.2 DISCIPLINARY SEGREGATION

- Inmates may be required to serve a period of disciplinary segregation as a consequence of a guilty finding for a violation of a serious misconduct.
 Disciplinary segregation includes the loss of certain privileges as dictated by facility policy.
- All inmates have the right to seek administrative review of an adjustment committee's decision of placement in disciplinary segregation through the grievance process.

c. Placement

- 1. The Watch Commander or higher authority is authorized to place an inmate in disciplinary segregation based on an adjustment committee hearing and finding of guilt based on a preponderance of the evidence for violating a serious misconduct (COR.13.03).
- 2. If an adjustment committee issues a sanction of disciplinary segregation exceeding a period of sixty (60) days, the expressed written approval of the IDA is required.
- 3. Any disciplinary segregation sanction shall consider an inmate's medical and mental health needs, the gravity of the facts, and the severity of the serious misconduct violation.
- 4. The Warden or his/her designee may modify any adjustment committee's sanction in accordance with COR.13.03.

d. Required Documentation

- 1. The Adjustment Committee shall document their findings and disposition on the Notice of Report of Misconduct and Hearing form (PSD 8210A).
- 2. A copy of the Notice of Report of Misconduct and Hearing form (PSD 8210A) shall be signed by the inmate and a copy shall be provided to the inmate. The inmate's refusal to sign shall be documented.

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- 3. The Notice of Report of Misconduct and Hearing form shall include, but not be limited to the following information:
 - a) A listing of the misconducts violated;
 - b) Findings of the adjustment committee:
 - c) The evidence relied upon;
 - d) The denial of witnesses;
 - e) Listing of any privileges revoked and the justification;
 - f) Length of the disciplinary segregation.

e. Notification

- 1. The Watch Commander/Correctional Supervisor or higher authority shall immediately notify health care staff of the placement of an inmate in disciplinary segregation.
- 2. At any facility without twenty-four (24) hour on site health care, the inmate's placement in disciplinary segregation shall be reviewed immediately when health care next reports for duty. The facility shall ensure that the inmate has more frequent observations (15 minute checks or constant observation), until reviewed by health care staff and/or mental health staff. It should be noted that a facility is able to schedule placement when health care staff is on duty.
- 3. The designated health care staff shall assess the inmate's placement in disciplinary segregation prior to his/her assignment to the segregation unit. At any facility without twenty-four (24) on site health care the assessment shall occur when health care staff next reports for duty to determine whether physical health or mental health issues exist that contraindicate the inmate's placement in disciplinary segregation. The health care staff must immediately notify a mental health professional if there are any indications that the inmate has mental health issues.
- 4. Mental health staff shall conduct a mental health review within twenty-four (24) hours of an inmate's placement in disciplinary segregation. This review applies to all inmates, and is not limited to those inmates with known or suspected mental health issues or inmates who exhibit behaviors that impact their ability to be safely placed in disciplinary segregation. If an inmate is placed in disciplinary segregation during a

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weekend in a facility without seven-day mental health coverage, mental health staff shall conduct a review immediately upon next reporting to duty.

- If there are compelling security reasons for the continued placement of an inmate in disciplinary segregation despite health care concerns, the Warden shall be immediately notified by the Watch Commander or higher authority.
- 6. The Warden shall review the written findings of both the Watch Commander and the health care staff. Based on these findings, the Warden shall determine the most appropriate placement for the inmate, and notify in writing the Institutions Division Administrator of the placement and reasons for the inmate's placement. The IDA will discuss the matter or any conflict with the Deputy Director of Corrections, who will make the final decision on the inmate's placement.

f. Review of Inmate's Status In Disciplinary Segregation

- 1. The Warden shall review the adjustment hearing documentation (PSD 8210A) related to an inmate's placement in disciplinary segregation within twenty-four (24) hours, or on the next official business day if placement was effectuated on a weekend or holiday.
- 2. The IDA shall be notified in writing prior to day sixty (60) of an inmate's disciplinary segregation to seek authorization for any consecutive sanction.

g. <u>Inmate Monitoring in Administrative Segregation and Disciplinary</u> Segregation

- A health care professional shall tour each segregation housing unit by observing each inmate at cell front once per day. The health care professional shall communicate with the staff on duty in the segregation unit to identify any inmate with medical or mental health concerns.
- 2. Each segregation unit shall have a locked inmate medical request collection box located in an area accessible to inmates during out of

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cell time (i.e. showers, recreation, phone calls). Only health care staff shall have access to the contents of these boxes. Health care staff shall retrieve the contents of these boxes daily, review and address any inmate request slips located within the box or make a referral to the appropriate health care professional.

- 3. The health care professional shall review any inmate request slips deposited in the units' medical request collection boxes to ascertain any other health related issues or concerns. Any action taken shall be documented in the inmate's official medical record file. The health care professional's tours shall be documented in the segregation unit logbook.
- 4. A mental health professional shall tour each segregation housing unit(s) not less than five (5) times per week. The mental health professional shall communicate with the staff on duty in the segregation unit to identify any inmate with mental health or well-being concerns. Any action taken shall be documented in the inmate's official medical record file. The mental health care professional's tours shall be documented in the segregation unit logbook.
- 5. The Adult Correctional Officer (ACO) in the segregation unit shall personally observe each inmate in segregation once every thirty (30) minutes at irregular intervals, unless an inmate's behavior requires more frequent observations (15 minute checks or constant observations), based on a recommendation from a health care professional or as required by Section 4.1.f.2. The ACO shall document his/her observations in the unit logbook.
- 6. The ACO shall document in real time the following: meals, showers, hygiene, cell inspections, recreation, visits, telephone calls, and interaction with medical, mental health, facility administration, watch supervisors, case managers, grievance specialist, and other program staff on the Weekly Segregation Activity form (PSD 8316). The ACO shall maintain the unit logbook in accordance with COR.05.08: Post and Area Logbooks. This shall be maintained for the purpose of review and a formal record.

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- 7. The Segregation Unit Sergeant, Security Lieutenant, and Watch Commander shall observe every inmate in the segregation unit at least once on each shift, inclusive of weekends and holidays. These individual's observations shall be documented in the unit logbook and the visit shall be documented on PSD 8316.
- 8. The Warden, Deputy Warden, and COS shall tour each segregation unit once each week to observe each inmate, review PSD 8316, and sign the unit logbook. This is to assure that an inmate's visits, activities, privileges, recreation, observations by staff, and reviews are being conducted as required by this policy.
- The IDA shall tour each segregation unit once every ninety (90) days for compliance and observation of each inmate, review PSD 8316, and sign the unit logbook.
- h. <u>Basic Living Conditions for Administrative Segregation and Disciplinary Segregation</u>
 - 1. Inmates in segregation shall receive privileges consistent with a facility's available resources and security consideration.
 - Disciplinary segregation is a punitive action for an inmate found guilty of serious rule misconduct. An Adjustment Committee may deny the inmate any number of privileges as set forth in the misconduct policy and disciplinary record.
 - 3. Inmates in segregation shall have non-contact personal visits in accordance with the facility visit policy. All official visits shall be non-contact, except at the discretion of the Warden a contact official visit may be afforded. It is important to note that the presence of a security concern will always warrant non-contact official visits.
 - 4. Inmates in segregation shall be allowed non-official telephone calls in accordance with the facility's telephone policy. All official or legal phone calls, such as attorney (if a docketed case exists), ombudsman, and other official State and Federal agencies shall not be restricted.
 - 5. All inmates in segregation based on their status as administrative segregation or disciplinary segregation shall have the opportunity to

SUBJECT: POLICY NO.: COR.11.01 **EFFECTIVE DATE:** ADMINISTRATIVE SEGREGATION COR AND 11/28/2014 DISCIPLINARY SEGREGATION P & P Page 13 of 13 maintain basic hygiene and shall have access to courts, health care. social workers, spiritual advisors, reading materials, and recreation. i. Documentation for Administrative Segregation and Disciplinary Segregation 1. All completed administrative segregation documentation and adjustment hearing documentation shall be distributed as dictated on the relevant form(s). 2. The original documents for administrative segregation and disciplinary segregation shall be filed in the inmate's institutional file or jail file. 3. Each Warden shall submit the Administrative Segregation Facility Report to the IDA by Wednesday of the following week. 4. It is important to retain all information as dictated by the State of Hawaii, Department of Accounting and General Services' (DAGS) records retention schedule. 5.0 SCOPE: This policy shall apply to all Departmental Facilities of the Corrections Division. and it is applicable to all staff, contractors, volunteers, and inmates. APPROVAL RECOMMENDED: 11/28/2014 DEPUTY DIRECTOR OF CORRECTIONS APPROVED:

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DATE/TIME:

DEPARTMENT OF PUBLIC SAFETY WEEKLY ADMINISTRATIVE SEGREGATION LOG

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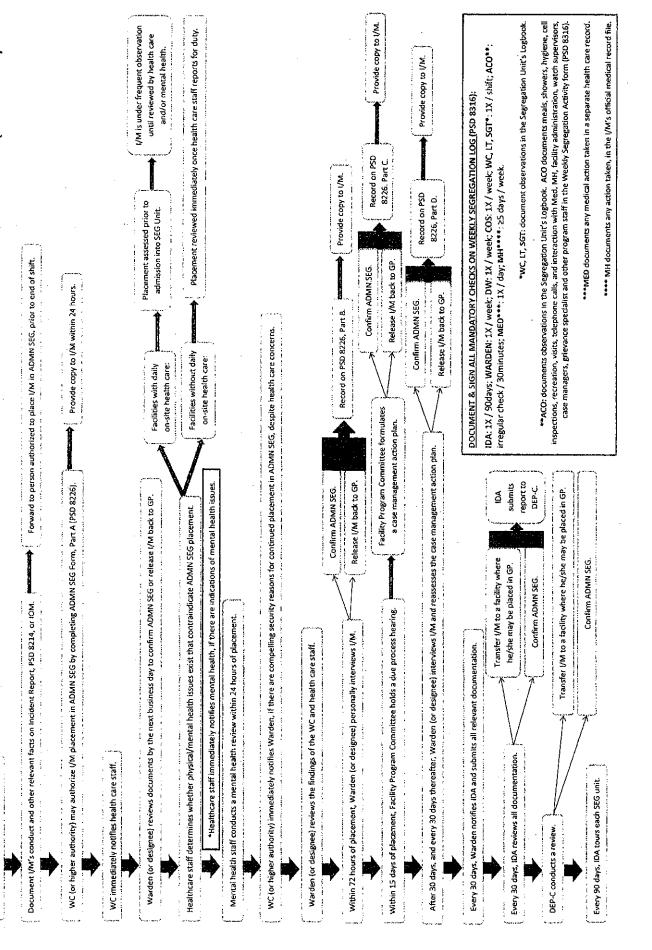
SCHEDULE OF MANDATORY CHECKS: WARDEN - 1X every week; DW - 1X every week; COS - 1X every week; WC - 1X every shift.

UNIT LOGBOOK: SEG UNIT LT/SGT - 1X every shift; SEG UNIT ACO - Irregular checks every 30 min.; MEDICAL - 1x per day; MH - ≥5x per week.

TURN IN COMPLETED FORM TO COS AT THE END OF THIRD WATCH (SATURDAY).

REVIEWED BY ADMIN CAPT/LT/WC

incident occurs, or information received.



FACILITY ADMINISTRATIVE SEGREGATION LOG REPORT TO IDA WEEK OF

COMMENTS				
DATE RELEASED OR TRANFERRED				
NEXT 30 DAY REVIEW			-	
NEXT 30 DAY REVIEW				
30 DAY REVIEW				
15 DAY PROGRAM COMMITTEE REVIEW				
72 HR FACE TO FACE REVIEW				
24 HR DOCUMENT REVIEW				
DATE OF PLACEMENT				
CHARGE OR REASON				
SID				
INMATE				

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KULANI CORRECTIONAL FACILITY ATTACHMENT 1

SPRING 2018								TOTAL LBS.	Average \$	perlbs
	July	Aug	3 5	ept O	t N	Vov	Dec.		per lb.	Value
LETTUCE		314	264	325	163	332	318	1716	\$1.75	\$3,003.0
HEAD CABBAGE		235	105	213	164	6	36	759	\$0.75	\$569.2
ASIAN CABBAGE		53	42 s	topped pro	duction			95	\$0.75	\$71.2
MIXED GREENS		57	29	0	42	0	40	168	\$0.85	\$142.8
ROOT CROPS (carrots, beets. raddish etc) ROW CROPPING IN HOOP HOUSES		25	17	31	10	56.5	53	192.5	\$0.99	\$190.5
Brocolli, Eggplant, Bell Peppers		87	1	3	30	18	12	151	\$1.49	\$224.9
Cucumbers and Squash		102	301	401	301	43	154	1302	\$1.44	\$1,874.8
GREEN ONION		13	6	6	10.5	0	14	49.5	\$0.32	\$15.8
LEGUMES ROW CROPPING IN HOOP HOUSES		24	146	119	136	59	99	583	\$1.75	\$1,020.2
TOMATOES	****	21	0	8.5	38	67	20	154.5	\$2.52	\$389.3
EGGS (by Dozens of Eggs)	8	7.75	68.33	83.50	12.42 complete		105	357	\$2.53	\$903.2

KULANI CORRECTIONAL FACILITY ATTACHMENT 2

Chart 1

Attendance Summary July 2017 to June 2018	Enrol	Pass	# Drop/Fail	
Basic Automotive (Kulani)	12	6	6	
Ke Ala Hou (The New Path) - Transitional Skills (Kulani)	12	7	5	
Sustainable Food Production (Kulani)	21	7	14	
Facilities Maintenance Program (Kulani)	31	17	14	
Sustainable Food Production (Kulani)	18	13	5	
Ke Ala Hou (The New Path) - Transitional Skills (Kulani)	11	4	7	
Introduction to Ho'oponopono (Kulani)	9	4	5	
Computer Basics (Kulani)	9	6	3	
Small Engine Repair and Maintenance (Kulani)	12	9	3	
Facilities Maintenance Program (Kulani)	20	16	4	
Ke Ala Hou (The New Path) - Transitional Skills (Kulani)	17	11	6	
Sustainable Food Production (Kulani)	10	8	2	
Fundamentals of IT (Kulani)	11	8	3	
Good Agricultural Practices (GAP) Program (Kulani)	10	8	2	
Greenhouse Construction (Kulani)	15	13	2	
Small Engine Repair and Maintenance (Kulani)	10	10	0	
Computer Basics (Kulani)	15	11	4	
Sustainable Food Production (Kulani)	11	7	4	
Ke Ala Hou (The New Path) - Transitional Skills (Kulani)	16	13	3	
Introduction to Ho'oponopono (Kulani)	10	7	3	
Small Engine Repair and Maintenance (Kulani)	12	12	0	
Greenhouse Construction (Kulani)	14	7	7	
Basic Automotive (Kulani)	13	9	4	
Small Engine Repair and Maintenance (Kulani)	11	11	0	
	Total	22	106	

Chart 2

Section Attendance Summary

Course Start Date Range: 01/Jul/2018 - 29/Jan/2019

Program Office: Hawaii Community College - EDvance - PO0001

Costing Unit: Hawaii CC - CU0001

Course No.	Section Title	Enrol	Pass	Fail
AGR1208-005	Sustainable Crop Production (Kulani)	10	10	0
AGR1209-002	Poultry Production for Small Farmers Program (Kulani)	8	7	1
COM1032-008	Computer Basics (Kulani)	9	7	2
COM1033-003	Fundamentals of IT (Kulani)	12	11	1
ENR1210-015	Ke Ala Hou (The New Path) - Transitional Skills (Kulani)	15	14	1
TRAD1003-007	Small Engine Repair and Maintenance (Kulani)	10	10	0
TRAD1201-007	Facilities Maintenance Program (Carpentry)	11	9	2
TRAD1201-007	Facilities Maintenance Program (Plumbing)	10	8	2
TRAD1402-001	Introduction to Shielded Metal Arc Welding (SMAW) Program (Kulani)	11	11	0
	Totals	96	87	9
Unduplicated		69		