

DEPARTMENT OF CORRECTIONS AND REHABILITATION CORRECTION ADMINISTRATION

CORRECTION ADMINISTRATION POLICY AND PROCEDURES

EFFECTIVE DATE: January 1, 2024

POLICY NO.: COR.11.01

SUPERSEDES (Policy No. & Date): COR.11.01 of November 28, 2014

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 Corrections and Rehabilitation (DCR) Correctional Facility.

2.0 SCOPE

This policy shall apply to all Departmental Facilities of the Corrections Division, and it is applicable to all staff, contractors, volunteers, and inmates.

3.0 REFERENCES, DEFINITIONS & FORMS

.1 References:

- a. Hawaii Revised Statutes (HRS), Section 353-A, Director of Corrections and Rehabilitation, Powers and Duties.
- b. Department Directives from Director Ted Sakai dated May 7, 2013, Placement of Inmates in Segregation is hereby superseded by this policy.
- c. Department Policy and Procedure (P&P), COR 13.02, Adjustment Committee Composition.
- d. Department 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:

 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 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 DCR 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 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. Wardens or Designees The facility administrator or next supervisory level in chain of command at a correctional center or correctional institution (i.e. Deputy Warde or Chief of Security or Correctional Supervisor), who may be authorized temporary assignment into the Warden's position.

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.3 Forms

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

4.0 POLICY

It is the policy of DCR, 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.

5.0 PROCEDURES

.1 ADMINISTRATIVE SEGREGATION

- a. Inmates may be segregated from the general inmate population according to DCR policy by the Watch Commander or higher authority, when the continue 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.
- 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, DCR 8214 (Attachment A) or in an Inter-Office Memorandum (IOM) to substantiate the facts that warrant administrative segregation.
- 2. 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 (DCR 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 "DCR 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 "DCR 8226, Part A" shall include the following information:
 - a) Reason for the inmate's placement in administrative segregation;
 - 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 the 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 inmate who exhibit behaviors that impact their ability to be safety place 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.
- 5. If there are compelling security reasons for the continued placement of an inmate in administrative segregation, despite health care

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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 twentyfour (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 DCR 8226, Part B.
- 4. By the fifteenth (15th) day after an inmate's initial placement in administering 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 placement.
- 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 DCR 8226, Part C.

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- 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 administrated 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 DCR 8226, Part D.
- 7. The Warden shall notify the IDA every thirty (3) 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.
- 9. 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.

.2 <u>DISCIPLINARY SEGREGATION</u>

 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.

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 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, he 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 (DCR 8210A).
- A copy of the Notice of Report of Misconduct and Hearing form (DCR 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.
- 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 misconduct 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.

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e. Notification

- 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. As any facility without twenty-four (24) on site health care to 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 place in disciplinary segregation during a weekend in a facility without seven-day mental health coverage, mental health staff shall conduct a review immediately upon next reporting day.
- 5. 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 that most appropriate placement for the

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inmate, and notify in writing the Institutions Division Administrator of he 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 (DCR 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.
- 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 cell timer (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 elated 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.

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- 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 Office (ACO) in the segregation unit shall personally observe each inmate in segregation once every thirty (3) 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 (DCR 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.
- 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 DCR 8316.
- 8. The Warden, Deputy Warde, and COS shall tour each segregation unit once each week to observe each inmate, review DCR 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 DCR 8316, and sign the unit logbook.

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- 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.
 - 2. 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.
 - Inmates in segregation shall have non-contact personal visits in accordance with the facility visit policy. All official visits shall be noncontact, 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 maintain basic hygiene and shall have access to courts, health care, social workers, spiritual advisors, reading materials, and recreation.
- i. <u>Documentation for Administrative Segregation and Disciplinary</u> 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.

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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.

APPROVAL RECOMMENDED:

JAN 0 1 2024

Deputy Director for Corrections

Date

APPROVED:

JAN 0 1 2024

DIRECTOR

Date

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DEPARTMENT OF CORRECTIONS AND REHABILITATION ADMINISTRATIVE SEGREGATION FORM PART A

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DEPARTMENT OF CORRECTIONS REHABILITATION ADMINISTRATIVE SEGREGAT FORM PART C	CURRENT HOUSING:	
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DEPARTMENT OF PUBLIC CORRECTIONS AND REHABILITATION **WEEKLY ADMINISTRATIVE SEGREGATION LOG**

WEEK	OF		
WEEK	OF	 	

INMATE NAME:						SID#:				LOC OF UNIT:			
DATE AND TIME ADMITTED:					TENTATIVE RELEASE DATE:								
DATE AND TIME RELEASED:				MH CASELOAD: Y / N			MEDICATION: Y / N						
DATE		i dia	AN ESTON	Aldri Heletata	A LEASE SELLY	ECON REGIS	JESTS PRO	RE (P.) REHER	ALTH MEDI	ge Japanes at	Sept Co.	AREA CAN FER	N VOV
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CHOW, SHOWER, CELL INSPECTION, RECREATION: (Y) for YES; (N) for NO; (R) for REFUSED, PRINT INITIALS AND THE TIME. 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).

Incident occurs, or information received.

FACILITY ADMINISTRATIVE SEGREGATION LOG REPORT TO IDA WEEK OF

STABAMOO				
DATE RELEASED OR TRANCERPRED	INAMI ERNED			
NEXT 30 DAY BEVIEW	WEVIEW			
NEXT 30 DAY BEVIEW	NEVIEW			
30 DAY	NEW EVEN			
15 DAY PROGRAM COMMITTEE	NEVIEW			
72 HR FACE TO FACE	NEVIEW			,
24 HR DOCUMENT PEVIEW	KEVIEW			
DATE OF	L'ACEMEN I			
CHARGE OR	KEASON			
Cio	ale l			
ii.	INMAIE			

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STATE OF HAWAII DEPARTMENT OF CORRECTIONS AND REHABILITATION

INCIDENT REPORT

		IN	CIDENT RE	PORT	Facility: Prepared on:				
TO:			THRU:						
	(Adm	inistrator/Section Superviso	or)	(Watch Supe	rvisor)				
DATE	TIME NARRATIVE (Specify inmate name & ID and location if related to misconduct)								
			Bv:						

Reporting Officer/Employee

Title

ORIG - FACILITY ADMINISTRATOR CANARY - CONTROL OFFICER PINK - ATTACH TO MISCONDUCT REPORT

STATE OF HAWAII DEPARTMENT OF CORRECTIONS AND REHABILITATION CORRECTIONS DIVISION

	Dues and One	Facility:			
	Prepared On: Date:	Time:			
NOTICE OF REPORT OF MISCONE	DUCT AND HEARING				
TO:					
NAME	SID NO.	HOUSING UNIT			
You are herein notified that a written a A copy of the charge(s) is listed below		gainst you on	··································		
A hearing on the charge(s) has been so	cheduled and you are to be presen	nt at(LOCATION)	<u></u>		
(TIME) , on(DATE	•				
As required by Department of Correct scheduled to determine the facts and a any charge explained to you; 2) Expla charge(s):	dminister just corrective action.	You have the right to: 1) Have			
	· · · · · · · · · · · · · · · · · · ·	CHAIRMAN	-		
Received notice of charges and rights:					
I knowledge receipt of the Notice of R substitute. The Adjustment Committe reasonable time, not less than 12 hours	e must be notified as to who you		sel		
I do I do not waive my righ	at to 24 hour prior notice.				
Da	ate; Signatu	re:RESIDENT	*		
		NOODDIT!			
Findings and Disposition of Corrective	Action with evidence relied up	on for decision:			
	COMMITTEE CHA	IRPERSON DATE			
пряющираниники и и и и и и и и и и и	COMMITTEE CHA		,		
Findings and disposition:					
	INMATE	DATE	2		

ORIGINAL: Inmate Active File COPY: Committee Chairperson; Inmate