State of Iowa Department of Corrections

Policy and Procedures

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1. PURPOSE

To provide specific guidelines regarding Protective Custody (PC) placement, housing and review in Iowa Department of Corrections (IDOC) institutions.

2. POLICY

It is the policy of the IDOC to separate those incarcerated individuals who are not physically safe in General Population (GP) due to the real or perceived threat of harm to the incarcerated individual from other incarcerated individuals. PC shall only be used as warranted and when no other reasonable housing alternatives are available.

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3. DEFINITIONS – As used in this document:

A. Statewide Utilization Review Committee (SURC) – A system wide committee chaired by the Deputy Director of Institution Operations/Designee that considers appropriate utilization of restrictive/special housing beds.

B. Protective Custody Review Committee (PCRC) - As used in this document, PCRC refers to those established by the institutional procedures as being responsible for review of individuals in PC. The Protective Custody Review committee will consist of the Deputy Warden, Associate Warden of Security and Associate Warden of Treatment or designees.

C. Unit Team - Each Unit shall be staffed by a Unit Team that includes a Unit Manager, security staff, and treatment staff who work primarily in the Unit and who are directly responsible for the incarcerated individuals living in that Unit. Unit staff offices shall be located in the Unit where feasible, to facilitate staff and incarcerated individual accessibility to one another. Unit Team members may have responsibilities in more than one Unit. The Unit Team may also include Mental Health or STG staff as needed.

4. PROCEDURES

A. Housing Assignment

1. PC is not a punitive status.

2. A Shift Supervisor, the PCRC, or the Warden, as designated by institutional procedure, shall authorize admission into PC under these circumstances:

    a. There is credible evidence that the incarcerated individual may be in physical danger from other incarcerated individuals.

    b. An individual requests placement in PC.

        1) When the request for PC is made verbally, an attempt will be made to obtain a written request for PC placement from the incarcerated individual during the 72 hour review period.

        2) If the incarcerated individual refuses to make a written request, the fact shall be documented in ICON generic notes.

        3) Written requests for PC shall be scanned into ICON as a CONFIDENTIAL attachment.

3. The circumstances concerning the incarcerated individual's need for PC shall be investigated and documented as outlined by institutional procedures. The investigation shall be completed within 14 days and results of the investigation provided to the PCRC to determine if continued placement is warranted.

    a. Incarcerated individual shall be notified of the PCRC decision regarding further placement in this status within seven days of the investigation completion.

    b. Incarcerated individual may appeal this decision and include any relevant supporting evidence within 24 hours of notification.

    c. Appeals are to be answered by the Warden or designee within in seven working days of receipt.

4. ICON Segregation Notice Record

    The Shift Supervisor shall ensure that the reasons for placement are documented on the ICON Segregation Notice. A copy of the

Segregation Notice short form shall be provided to the incarcerated individual within 24 hours of placement. The staff member serving the notice shall document the date and time the notice is served in the ICON Segregation Notice record.

5. The Shift Supervisor shall advise Health Services Staff of the admission of an incarcerated individual to PC. Qualified Health Services Staff shall visit units that house PC incarcerated individuals at least once every 24 hours.

6. ICON Segregation Notice

   Unless the PCRC authorizes placement in PC, the Warden or designee shall, within 72 hours, make a determination regarding the need for continued placement and conformity with policy and procedures, and document the review on the ICON Segregation Notice.

7. Within seven days of placement, the PCRC shall conduct a PC review to determine the need for continued placement in PC. The status of all incarcerated individuals placed in PC shall be reviewed every seven days for the first two months and every 30 days thereafter to determine whether the reasons for placement still exist.

8. Incarcerated individuals in PC may request a review by the PCRC at any time. Reviews more frequent than every 30 days are at the sole discretion of the PCRC.

9. Segregation Review

   The incarcerated individual shall be afforded the opportunity to be present at the two month review, and each subsequent 30-day review, unless behavior at the time of the review warrants otherwise. The PCRC may accept the incarcerated individual's comments in writing, call him/her to appear, and/or accept comments made on behalf of the incarcerated individual by a staff member. An incarcerated individual may waive his/her right to attend the in-person review, which shall be documented on the Segregation Review Form. The review shall then be held in absentia.

10. ICON Segregation Review

    For each review, the PCRC shall determine whether the need for continued placement in PC is still valid and shall document the reasons for their decision on the ICON Segregation Review Form.

11. Where continued placement in PC is warranted, the PCRC shall review the potential for alternative placement. This review, and the alternatives considered or recommended, shall be documented in ICON generic notes.

12. PC placement beyond 60 days shall be considered for housing at a Long-Term PC facility. Recommendations by the PCRC committee shall be documented, reviewed by the Statewide Utilization Review PCRC and forwarded to the Deputy Director of Institution Operations/Designee where a final housing determination shall be made.

13. Any long-term PC status which continues beyond one year shall be reviewed annually by Statewide Utilization Review PCRC for approval of continued placement.

14. A qualified Mental Health professional shall personally interview and prepare a written report on any incarcerated individual who remains in PC for more than 30 days. If confinement continues for an extended period, a mental health assessment shall be made at least every 90 days. Summaries of these interviews/assessments shall be made available to the PCRC prior to the time of the incarcerated individual's review so that this information can be taken into consideration at the time of the review.

B. High Risk Incarcerated Individuals

Incarcerated individuals at high risk for sexual victimization shall not be placed in involuntary PC housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the incarcerated individual in involuntary PC housing for less than 24 hours while completing the assessment.

C. Housing/Living Unit Orientation

1. Each institution shall prepare written orientation for the incarcerated individuals in PC. Orientation shall include, at a minimum:

    a. Unit schedule

b. Unit rules/regulations

c. Unit activities

d. Incarcerated individual accountability

e. Incarcerated individual expectations – conduct rules, property, dress, etc.

f. Access to programs and services

g. Avenues for resolving conflict and grievances

2. Unit Officers shall provide an orientation to the incarcerated individuals in PC status within 24 hours of admission to the unit. The incarcerated individual shall be afforded the opportunity to ask clarifying questions.

D. Operations – Security

1. Institutions shall establish search procedures governing the types and frequency of area searches within the unit, and documentation of such. Consistent with **IO-SC-18**, *Searches*, institutions shall establish procedures governing personal searches to include at a minimum:

   a. Entry/exit to/from the cell/room

   b. Entry/exit to/from the living unit

   c. Entry/exit to/from the housing unit

   d. Type of searches

   e. Documentation of searches

2. Institutions shall establish procedures to prevent unauthorized access to housing and living units that house PC incarcerated individuals.

3. Institutional procedures shall outline security measures directly affecting unit operations for the following security topics:

a. Housing Unit Control Center operations

b. Incarcerated individual counts

c. Security inspections

d. Searches

e. Key control

f. Tool control

g. Use of restraints

4. In lieu of including these institutional procedures within this policy Institutions may elect to provide the required information in a separate policy and/or within this policy. At a minimum, the corresponding policy and procedure shall be identified.

E. Operations – Out of Cell/Room Time

1. Staff shall ensure that PC incarcerated individuals have no physical contact with incarcerated individuals of any other status unless specifically authorized by the Unit Team or other designated authority.

2. Staff shall ensure that PC incarcerated individuals on keep separate status with other PC incarcerated individuals do not have physical contact with each other.

3. Out-of-cell time shall include both formal opportunities such as programs, work assignments and yard time, as well as housing unit- or living unit-based activities such as dayroom time, access to exercise yards, and access to unit services.

4. Institutional procedures shall address out-of-cell time, quiet hours, lights-out, unit schedule, etc.

5. The Unit Team or other designated authority shall determine an incarcerated individual's access out of their cells/rooms, and the circumstances under which more than one incarcerated individual can be out of their cell/room at one time. Considerations regarding

the number of incarcerated individuals out of cell at one time may include the circumstances of each incarcerated individual's placement in PC, staff availability to respond in case of an emergency, and an incarcerated individual's current behavior.

F. Operations – Movement

1. All movement outside the living unit for incarcerated individuals in PC shall be under escort by staff. The ratio of staff to incarcerated individual escort and use of restraints shall be in accordance with applicable policies, institutional procedures, and any special directives regarding specific incarcerated individuals.

2. Restraints shall not routinely be used for movement of PC incarcerated individuals unless they are: a) in a concurrent Short/Long Term Restrict Housing status, or; b) housed in a Disciplinary Detention unit in which institutional procedures require all incarcerated individuals to be restrained.

G. Operations – Managing Incarcerated Individual Behavior

1. Supervisory staff shall ensure that staff assigned to PC housing have appropriate levels of experience, training and supervision.

2. Staff shall encourage positive behavioral changes. Additional privileges may be afforded to incarcerated individuals whose behavior continually improves.

3. Staff shall develop a transition incentive program approved by the Deputy Director of Institution Operations/Designee.

4. Incarcerated individuals in PC status shall be personally observed by a correctional officer on an irregular basis, at least every 30 minutes. Incarcerated individuals who are exhibiting violent or mentally unstable or unusual behaviors shall receive more frequent observation. Incarcerated individuals exhibiting ongoing mental health issues shall be referred to Health Services for assessment.

5. An assigned Supervisor shall visit and inspect PC housing areas at least once per shift.

6. Daily walk-throughs are required by Health Services staff. All such visits shall be documented in the Area Log Book.

7. Institutional procedures shall ensure routine visitation of Correctional Counselor(s) to the unit that houses PC incarcerated individuals. Clergy and other program staff shall be available upon request, as appropriate, per institution procedures and schedules.

H. Operations – Leisure Activities

1. Incarcerated individuals' leisure activities are limited solely on the basis of maximizing the security of the living unit and the safety of the incarcerated individuals and others.

2. The degree to which activities are offered shall be guided by the institution's transition incentive program, physical plant, staffing levels, incarcerated individuals' custody status, etc.

3. Incarcerated individuals shall receive leisure activities including out of cell and yard time that are consistent with General Population.

I. Operations – Programs and Services

1. The Unit Team or other designated authority shall determine the programs and services available to incarcerated individuals in PC both in terms of the operation of the living unit and individual restrictions.

2. Programs and services shall include, at a minimum:

    a. Commissary – Commissary access is determined by institutional procedures and consistent with status.

    b. Counseling/Mental Health/Case Management – Access to counseling staff shall be provided on a regular basis. Mental health counseling and other professional services shall be provided consistent with the incarcerated individual's treatment plan.

    c. Food - The quality and quantity of food provided incarcerated individuals in PC shall be substantially the same as provided incarcerated individuals in the General Population. Disposable

utensils may be used. Meals may be served in incarcerated individual living units, and depending on security and safety issues, may be served in their cell/room.

d. Education – Access to educational materials and programming shall be provided based on institutional procedures.

e. Interventions -shall be afforded basic intervention and programming options. This may initially include in cell course work. As out of cell time is allowed, this would be expanded to include groups with other PC incarcerated individuals.

f. Hygiene

    1) Incarcerated individuals shall be provided with the opportunity to shave and shower similar to General Population incarcerated individuals.

    2) The frequency of hair care services shall be consistent with the General Population guidelines, however hair care may be provided in the housing/living unit.

g. Clothing/Property

    1) Incarcerated individuals in PC are provided clothing that is not degrading.

    2) Property allowances shall be in accordance with institutional procedures and transition incentive program.

    3) Any property removed from the incarcerated individual shall be inventoried and stored in an area designated for that purpose.

h. Laundry - Institutions shall develop procedures to ensure that the frequency of laundry issue/exchange, including clothing, bedding, and linen, is consistent with General Population.

i. Legal Access

    1) PC incarcerated individuals shall have access to their personal attorney, or electronic law library (ELL) similar to GP incarcerated individuals.

2) Personal legal materials are permitted in the cell. Limitations may be imposed on quantity of legal materials due to security or life safety issues, however, when those limitations are imposed, procedures shall provide for reasonable exchange of materials.

j. Library – Institutional procedures shall outline access to library materials, including the opportunity for regular exchange of materials. Library materials shall be updated on a regular basis.

k. Mail/Omail - Mail is permitted as per institutional mail procedures.

l. Health Care – Access to health services staff shall be provided on a daily basis. Visits of health services staff to the living unit shall be announced and recorded in the Post Logbook.

1) Prescription medication shall be provided. Self-medication programs may be permitted as outlined in institutional procedures.

2) Medically prescribed items shall be provided unless there is imminent danger that an incarcerated individual will destroy the item or induce self-injury.

m. Recreation – PC incarcerated individuals shall be afforded recreational privileges and shall be a minimum of 5 days per week for a period of one hour each day, excluding holidays. Recreational privileges of Long-Term PC incarcerated individuals shall be expanded to provide a more normalized correctional environment.

n. Exercise – Institutions are not required to make up exercise time lost due to a holiday or severely inclement weather. If the institution facility design permits, incarcerated individual shall be permitted to exercise in an area with direct or indirect access to sunlight. PC incarcerated individuals may exercise together based on institutional procedures.

o. Religious Programs and Materials – Incarcerated individuals in PC may have access to religious materials and the Chaplain

and/or approved clergy consistent with institutional procedures.

p. Telephone

1) Incarcerated individuals shall be allowed telephone privileges, both personal and legal, consistent with institutional procedures and transition incentive program.

2) Legal telephone calls shall take precedence over personal calls when scheduling requests.

q. Visitation

1) Incarcerated individuals shall have opportunities consistent with transition incentive program for visitation unless there are substantial reasons for withholding such privileges as approved by the Associate Warden of Security or other person designated in institutional procedures.

2) The Associate Warden of Security or other person designated in institutional procedures shall review and determine an incarcerated individual's contact or non-contact visitation status, and shall notify the incarcerated individual.

3) The incarcerated individual is responsible for notifying approved visitors of any restriction on visitation.

r. Work - An incarcerated individual in PC may be assigned available work consistent with the transition incentive program. The incarcerated individual may be permitted to work outside of the living unit with direct supervision of staff.

3. Privileges of incarcerated individuals may be further restricted when abusive, disruptive, or violent behavior warrant further restriction for reasons of safety and security. All such restrictions, including the authorizing official, shall be logged into the Area Log Book. A record of the restriction shall be provided to the Associate Warden of Security or other person designated in institutional procedures and documented in ICON Generic Notes: Behavior Logs, or other permanent record.

J. Operations – Housekeeping

1. Each institution shall develop a housekeeping plan for living units that house PC incarcerated individuals. Housekeeping plans shall require, at a minimum:

    a. Daily cleaning and routine sanitizing of occupied cells/rooms

    b. Daily cleaning and sanitizing of dayrooms and common areas

    c. Routine cleaning and sanitizing of unoccupied cells/rooms

    d. Routine cleaning and sanitizing of unoccupied areas

    e. Distribution, handling and storage of cleaning supplies/materials

    f. Handling and disposal of hazardous materials

    g. Sanitation inspections on a daily, weekly, monthly and annual basis

2. GP incarcerated individual workers may be assigned to provide housekeeping services in living unit dayrooms or other areas adjacent to cells/rooms that house PC incarcerated individuals. Staff shall be vigilant to provide supervision of incarcerated individual workers to ensure they do not have direct physical access to incarcerated individuals in PC status.

3. Job eligible incarcerated individuals may be offered on the unit jobs including housekeeping duties or off unit jobs if determined by institutional procedures.

K. Unit Documentation

1. A Post Logbook for detailed recording of unit activities, including rounds, routine information, emergency situations and unusual incidents shall be maintained for each living unit that houses PC incarcerated individuals.

2. The methods used to record unit activities must be readily available to the staff of the unit.

3. Documentation requirements shall include at a minimum: cell inspection including cleanliness, shower, exercise, meals, phone calls, general behavior comments. The document may record the activity of an individual incarcerated individual or may be an aggregate document for specific activities.

4. Institutional procedures shall outline staff who review required documentation on a routine, regular basis to determine whether the required information is being properly documented, whether formal rounds are being performed in accordance with established procedure, if there are gaps in scheduled activities/services, trends in unit activity, etc. The designated supervisor shall take the necessary steps to resolve any identified discrepancies or deficiencies in documentation.