



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: Administrative Custody Procedures		Policy Number: DC-ADM 802
Date of Issue: April 11, 2022	Authority: Signature on File George M. Little	Effective Date: April 18, 2022

I. AUTHORITY

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. APPLICABILITY

This policy is applicable to all facilities operated under the jurisdiction of, or conducting business with the Department of Corrections, Department employees, volunteers, contract personnel, visitors, and inmates.

III. POLICY

It is the policy of the Department to place an inmate in Administrative Custody (AC) status whose presence in general population would constitute a threat to life, property, himself/herself, staff, other inmates, the public, or the secure or orderly running of the facility.¹

IV. PROCEDURES

All applicable procedures are contained in the procedures manual that accompanies this policy document.

¹ 5-ACI-4A-04

V. SUSPENSION DURING AN EMERGENCY

In an emergency or extended disruption of normal facility operation, the Secretary/designee may suspend any provision or section of this policy for a specific period.

VI. RIGHTS UNDER THIS POLICY

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department of Corrections.

VII. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY

A. Release of Information

1. Policy

This policy document is public information and may be released upon request.

2. Confidential Procedures (if applicable)

Confidential procedures for this document, if any, are not public information and may not be released in its entirety or in part, without the approval of the Secretary of Corrections/designee. Confidential procedures may be released to any Department of Corrections employee on an as-needed basis.

B. Distribution of Policy

1. General Distribution

The Department of Corrections policy and procedures shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, and Community Corrections Regional Directors on a routine basis. Distribution of confidential procedures to other individuals and/or agencies is subject to the approval of the Secretary of Corrections/designee.

2. Distribution to Staff

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy of the policy and procedures either in hard copy or via email, whichever is most appropriate.

VIII. SUPERSEDED POLICY AND CROSS REFERENCE

A. Superseded Policy

1. Department Policy

DC-ADM 802, Administrative Custody Procedures Policy, issued October 31, 2016, by former Secretary John E. Wetzel.

2. Facility Policy and Procedures

This document supersedes all facility policy and procedures on this subject.

B. Cross Reference(s)

1. Administrative Manuals

- a. DC-ADM 007, Access to Provided Legal Services
- b. DC-ADM 008, Prison Rape Elimination Act (PREA)
- c. DC-ADM 801, Inmate Discipline
- d. DC-ADM 803, Inmate Mail and Incoming Publications
- e. DC-ADM 804, Inmate Grievance System
- f. DC-ADM 812, Inmate Visiting Privileges
- g. DC-ADM 815, Personal Property, Basic/State Issued Items, and Commissary/Outside Purchases
- h. DC-ADM 816, Inmate Compensation
- i. DC-ADM 818, Automated Inmate Telephone System
- j. DC-ADM 819, Religious Activities
- k. 6.5.1, Administration of Security Level 5 Housing Units
- l. 6.5.8, Capital Case Administration
- m. 11.2.1, Reception and Classification
- n. 13.8.1, Access to Mental Health Care

2. ACA Standards

a. Adult Correctional Institutions: 5-ACI-3D-08, 5-ACI-4A-02, 5-ACI-4A-04, 5-ACI-4A-07, 5-ACI-4A-08, 5-ACI-4A-10, 5-ACI-4A-22, 5-ACI-4A-23, 5-ACI-4A-24, 5-ACI-4A-27, 5-ACI-4B-01, 5-ACI-4B-02, 5-ACI-4B-09, 5-ACI-4B-25, 5-ACI-4B-26, 5-ACI-4B-31, 5-ACI-4B-32, 5-ACI-4B-33, 5-ACI-6C-12

b. Adult Community Residential Services: None

c. Correctional Training Academies: None

3. PREA Standards, 28 Code of Federal Regulations (C.F.R.)

115.42, 115.43



PROCEDURES MANUAL
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject:

Administrative Custody Procedures

Policy Number:

DC-ADM 802

Date of Issue:

April 11, 2022

Authority:

**Signature on File
George M. Little**

Effective Date:

April 18, 2022

Release of Information:

Policy Document: This policy document is public information and may be released upon request.

Procedures Manual: The procedures manual for this policy may be released in its entirety or in part, with the prior approval of the Secretary/designee. Unless prior approval of the Secretary/designee has been obtained, this manual or parts thereof may be released to any Department employee on an as needed basis only.

**DC-ADM 802, Administrative Custody Procedures Manual
Table of Contents**

Section 1 – Placement in Administrative Custody Status

A. Involuntary Protective Custody (PC) 1-1
B. General Placement..... 1-2
C. Restricted Release List (RRL) Placement..... 1-5

RRL Placement/Annual RRL Review/Removal Request Form..... Attachment 1-A

Section 2 – Administrative Hearings

A. General 2-1
B. Waivers 2-3
C. Appeals 2-3
D. Periodic Review 2-4

Section 3 – Administrative Custody Housing Status

A. General 3-1
B. Program Considerations..... 3-4

Section 4 – Release from Administrative Custody Status

A. General 4-1
B. Restricted Release List (RRL)..... 4-2

DC-141, Part 3, Program Review Committee Action Attachment 4-A

Section 1 – Placement in Administrative Custody Status

A. Involuntary Protective Custody (PC)

Inmates at a high risk for sexual victimization, ***including those who may be vulnerable due to their professed or perceived gender identity, and*** inmates that have alleged abuse shall not be placed involuntarily in Administrative Custody (AC) as a means of protection unless an assessment of all available alternatives has been made by the Shift Commander. The Shift Commander in conjunction with the Prison Rape Elimination Act (PREA) Compliance Manager (PCM) and the on-call administration representative (e.g., Facility Manager, Deputy Superintendent for Facilities Management [DSFM], Deputy Superintendent for Centralized Services [DSCS]), will determine that there is no other available alternative means of separation from likely abusers. If the facility cannot conduct the assessment immediately, the facility may hold the inmate in involuntary AC for less than 24 hours while completing the assessment. **(28 C.F.R. §115.43[a])**

1. The staff must consider other alternative placements for an alleged victim and make the appropriate placement.
2. The staff should take into consideration the alleged victim's opinion regarding his/her own safety. Placement in AC is permissible when the victim requests or agrees to it. **(28 C.F.R. §115.42[c])**
3. Alternative placements can include, but are not limited to, any one, or combination of, the following temporary options:
 - a. moving to a different housing unit;
 - b. placement in a cell closer to the Corrections Officer's desk within the unit;
 - c. placement in a single cell (Z Code); and
 - d. placement in the Special Needs Unit (SNU).
4. If an involuntary AC housing assignment is made, the Shift Commander shall clearly document on the **DC-141, Part 1, Misconduct Report (Other)** in the **DC-15, Inmate Records Jacket** the following information:
 - a. the basis for the staff member's concern for the inmate's safety; **(28 C.F.R. §115.43[d][1])**
 - b. the other alternative means of separation that were explored; and
 - c. the reason why no alternative means of separation can be arranged. **(28 C.F.R. §115.43[d][2])**

5. If the Shift Commander assigns an inmate to involuntary AC for the purpose of protection from sexual victimization, access to programs, privileges, education, or work opportunities shall be afforded to that inmate to the extent possible. If the facility restricts access to these opportunities, the facility shall document in the **Involuntary Administrative Custody Services Access Restriction Form** in accordance with Department policy **DC-ADM 008, “Prison Rape Elimination Act (PREA),”** and in the **DC-15: (28 C.F.R. §115.43[b])**
 - a. the opportunities that have been limited; **(28 C.F.R. §115.43[b][1])**
 - b. the duration of the limitation; and **(28 C.F.R. §115.43[b][2])**
 - c. the reasons for such limitations. **(28 C.F.R. §115.43[b][3])**
6. The facility may assign inmates to involuntary AC only until an alternative means of separation from likely abusers can be arranged and such assignment shall not ordinarily exceed 30 days. **(28 C.F.R. §115.43[c])**
7. At least every 30 days, the Program Review Committee (PRC) shall ensure each such inmate is reviewed to determine whether there is a continuing need for separation from the general population. This review shall be documented on the **DC-141, Part 3, PRC Action (Other)**. PRC review of PREA-related cases shall include the PCM as a member of the reviewing committee. **(28 C.F.R. §115.43[e])**

B. General Placement

If placement consideration into AC does not involve ANY of the criteria listed in **Subsection A. above**, these general guidelines for AC placement shall be followed.

1. A general population inmate may be assigned AC status and placed in a Security Level (SL) 5 housing unit, including a Psychiatric Observation Cell (POC), by order of the Shift Commander and/or by order of a psychiatrist or a Certified Registered Nurse Practitioner – Psychiatric Services (PCRNP) for the following reason(s):¹
 - a. the inmate is in danger from some person(s) in the facility and cannot be protected by alternate measures, and/or the inmate is a danger to some person(s) in the facility and the person(s) cannot be protected by alternate measures;²
 - b. the inmate is a danger to himself/herself;³
 - c. the inmate is suspected of being involved in or is suspected of being the instigator of a disturbance;

¹ 5-ACI-6C-12

² 5-ACI-3D-08

³ 5-ACI-3D-08

- d. placement in general population would endanger the inmate’s safety or welfare when it is not possible to protect him/her by other means;⁴
 - e. the inmate would pose an escape risk in a less secure status;
 - f. the inmate has been charged with, or is under investigation for a violation of facility rules, and there is a need for increased control pending disposition of charges or completion of the investigation;
 - g. the inmate has requested and been granted self-confinement;
 - h. the inmate is being held temporarily for another authority. A Parole Violator (PV) or unclassified temporary transfer from another facility shall be released to general population in accordance with **Subsection B.2. below**;
 - i. no records and/or essential information are available to determine the inmate’s custody level or housing needs in accordance with **Subsection B.2. below**;
 - j. the inmate **is a capital case and has advanced to Phase 2**; and/or
 - k. the inmate has completed a Disciplinary Custody (DC) sanction but one or more of the above reasons exist, (or the facility has an operational need [e.g., appropriate bed space] to temporarily assign the inmate to AC status).
2. ***Out of state PVs shall not be confined in restrictive housing solely because of their out of state PV status. The placement of out of state PVs into restrictive housing shall require additional supporting rationale that indicates the inmate is a risk, or at a risk, to release to general population. The Regional Deputy Secretary shall review and approve the placement of out of state PVs into restrictive housing. Regular reviews shall be conducted by PRC to determine if moving the out of state PV from restrictive housing to general population is feasible. The PRC’s decision to continue placement in restrictive housing shall include the supporting rationale that indicates the out of state PV is a risk, or at a risk, to release to general population and this rationale shall be documented on the DC-141, Part 4, Facility Manager’s Review with a copy provided to the inmate. The DC-141, Part 4 shall indicate the corresponding misconduct “Other” report number for which the review is being conducted.***
3. Temporary transfers, **including a 5B**, shall not be confined in restricted housing solely on the basis of a temporary transfer status. There must be additional supporting rationale that indicates the inmate is a risk, or at a risk, to release to general population. Facilities shall place all temporary transfers in general population except when exigent circumstances exist (i.e., unsentenced, DC, **Sentence Complete [SC]**, hold for various authorities). The initial reception committee in conjunction with PRC, shall review DOCInfo for any such indicators to base their decision on placing the inmate in restricted

⁴ 5-ACI-3D-08

housing or releasing to general population when received. ***Out of state PVs shall be placed in general population absent the exigent circumstances as defined within Subsection B.2. above.***

NOTE: Active separations shall not be a rationale used to place an inmate in restricted housing. Separations shall be managed internally without the use of AC unless exigent circumstances exist.

4. The following factors shall be considered by the PRC when reviewing an inmate for AC status placement as self-confinement:
 - a. verifiable and documented justification exists for placement;
 - b. the inmate is an obvious target for other inmates, consistent with the definition of PC; and
 - c. staff have made every effort (documented) to keep the inmate safely housed in general population.
5. An inmate who has completed a DC sanction that was imposed in accordance with Department policy **DC-ADM 801, “Inmate Discipline”** may be placed in AC status by order of the PRC for any of the reasons identified in **Subsection B.4. above**; however, a hearing shall be held as described in **Section 2** of this procedures manual.
6. Whenever practical, written notice of the reasons for AC placement is given to the inmate prior to placement, but in all cases within 24 hours after placement. The written notice shall be prepared on the **DC-141, Part 1**, by indicating “Other.”⁵
7. ***The DC-141, Part 1, shall articulate the direct threat to the safety of persons or the clear threat to the safe and secure operations of the facility posed by the individual and shall include:***
 - a. ***the relationship between the threat the inmate poses and the behaviors observed; and***
 - b. ***a description of why alternatives to restrictive housing cannot safely manage the threat posed by the inmate.***⁶
8. If the inmate ***is pregnant,***⁷ ***under the age of 18,***⁸ has a mental illness⁹ ***or significant medical illness,*** the ***Shift Commander or PCRNP*** should explore the feasibility of placing him/her into a Secure Residential Treatment Unit (SRTU), Residential Treatment

⁵ 5-ACI-6C-12

⁶ 5-ACI-4B-01

⁷ 5-ACI-4B-32

⁸ 5-ACI-4B-33

⁹ 5-ACI-4B-31

Unit (RTU), SNU, **POC**, or **other specialized housing** as an alternative, as long as the inmate's safety, **the safety of others, or the safety of the facility** is not jeopardized. If safety cannot be reasonably assured in any status other than AC, then appropriate mental health or **medical** services must be provided while the inmate remains in AC status. **The Regional Deputy Secretary shall review and approve the AC placement of all inmates who are pregnant and/or under the age of 18. The facility shall ensure that pregnant females and youthful inmates are released from AC status within the Restricted Housing Unit (RHU) within 30 days of admission.**

9. When an inmate is placed in AC status, the Facility Manager/designee shall review the placement within **24** hours.¹⁰

C. Restricted Release List (RRL) Placement

1. The Facility Manager/designee may request that an inmate be placed on the RRL when he/she poses a threat to the secure operation of the facility and where a transfer to another facility or jurisdiction would not alleviate the security concern. The **Executive Deputy Secretary for Institutional Operations (EDSI)** must approve placing the inmate in this status.
2. Criteria for placing an inmate on the RRL includes, but is not limited to, the following:
 - a. assaultive history against staff;
 - b. assaultive history against inmate(s);
 - c. **perpetuated** sexual abuse history;
 - d. escape history, or serious escape attempt; and/or
 - e. threat to the orderly operation of a facility (i.e., attempting to organize inmates, demonstrated involvement in a Security Threat Group [STG] that poses a risk to the security of the facility, etc.).
3. **Specialized program referrals may be considered as an alternative to RRL (Security Threat Group Management Unit [STGMU], Behavior Management Unit [BMU], etc.). Such programs should not be included as part of a step-down from RRL.**
4. **The assigned counselor shall initiate the DC-46, Vote Sheet and provide all supporting documentation related to the justification for the recommended placement on the RRL. The packet, at a minimum, must include the Restricted Release List Placement/Annual RRL Review/Removal Request Form (Attachment 1-A), DC-46, and a psychological evaluation that was completed within six months of**

¹⁰ 5-ACI-4B-02

the annual review. All documentation shall be forwarded to the Unit Manager for review.

5. ***The Unit Manager shall initiate a Restricted Release List Placement/Annual RRL Review/Removal Request Form, provide a justification for their recommendation for placement on the RRL, and submit the form along with the entire packet for routing. Each reviewer will provide a written justification on the Restricted Release List Placement/Annual RRL Review/Removal Request Form supporting their approval/disapproval of the placement.***
6. ***The EDSI will interview each inmate recommended for RRL placement in person or via videoconference and will make the final determination regarding the inmate's placement on the RRL status and will complete the Restricted Release List Placement/Annual RRL Review/Removal Request Form.***
7. ***The completed Restricted Release List Placement/Annual RRL Review/Removal Request Form and written rationale shall be forwarded to the EDSI, Regional Deputy Secretary, facility staff, and the Office of Population Management (OPM).***

If the request is approved, OPM will ***assign*** the RRL.

8. If placement on the RRL is approved and an H Code has not been assigned, the counselor will initiate the **DC-46** for this purpose, in accordance with Department policy **11.2.1, "Reception and Classification," Section 3.**

Section 2 – Administrative Hearings

Adherence to the guidelines set forth in **Section 1, Subsection A.** of this procedures manual shall occur when inmates at a high risk for sexual victimization or inmates who have alleged sexual abuse are involuntarily placed into Protective Custody (PC) after a determination has been made that no other available alternative means of separation exist from likely abusers. **(28 C.F.R. §115.43)**

A. General

An administrative hearing shall be conducted as outlined below.

1. The hearing shall be conducted by the Program Review Committee (PRC).

When an inmate is placed into involuntary Administrative Custody (AC) due to high risk for sexual victimization or after allegedly suffering sexual abuse, the hearing shall take place within 24 hours of placement or the next business day.

2. The reason(s) for the inmate's AC confinement must be explained to the inmate *in* writing and the inmate must be provided with the **DC-141, Part 1, Other Report**.

When an inmate is placed into involuntary AC due to high risk for sexual victimization or after allegedly suffering sexual abuse, the **DC-141, Part 1**, must articulate: **(28 C.F.R. §115.43[d])**

- a. the basis for the staff member's concern for the inmate's safety; **(28 C.F.R. §115.43[d][1])**;
 - b. the other alternative means of separation that were explored; and
 - c. the reason why no alternative means of separation can be arranged. **(28 C.F.R. §115.43[d][2])**.
3. When the inmate is in AC status as pre-hearing confinement on a misconduct charge, an administrative hearing shall not be held, provided a hearing on the misconduct charge is held within seven working days, excluding weekends and State holidays, and the misconduct charge is disposed of at that hearing. An inmate request for a continuance of the disciplinary hearing is an automatic waiver of the hearing on the reason(s) for pre-hearing confinement. In all other cases, except as noted in **Subsection A.4. below**. The administrative hearing shall be scheduled within seven working days, excluding weekends and State holidays, after AC placement.
 4. Confinement in AC status for investigative purposes shall not exceed 15 calendar days. The Facility Manager/designee may approve one 15-calendar day continuation of confinement if the investigation has not been completed. The reason for the continuation shall be documented **on the DC-141, Part 4, Facility Manager's Review and entered into the Department's mainframe misconduct tracking system**. A copy

of the DC-141, Part 4 shall be provided to the inmate. Following the 30-calendar day period, if the inmate remains in AC status, he/she must be charged with a misconduct, and a hearing shall be held within seven working days excluding weekends and State holidays, **released from AC status or continued on AC status for another appropriate rationale**. If the investigation raises a security concern, as outlined in **Section 1** of this procedures manual, but the evidence is not sufficient for issuing a misconduct, the inmate may be scheduled for a hearing to determine if further AC placement is necessary, upon expiration of the 30 calendar days.

5. The rationale for the AC placement shall be read and explained to the inmate.
6. The inmate shall be permitted to respond to the rationale for AC placement. The inmate may submit his/her version orally or in writing. A PRC member shall write a summary of any relevant oral statement submitted by the inmate.
7. The PRC's decision shall be based on **clear** evidence **or credible information** as to whether a valid security reason exists to confine the inmate in AC as defined in **Section 1** of this procedures manual.
8. A written summary of the hearing shall be prepared by the PRC on the **DC-141, Part 3, PRC Action**. The summary shall include the reason(s) relied upon by the PRC to reach its decision. A copy of the written summary shall be provided to the inmate.
9. If, in the opinion of the PRC, the inmate is physically or mentally unable to attend or participate, the hearing shall be postponed until the inmate is able to attend and participate. The decision to postpone a hearing shall be documented on the **DC-141, Part 3** and shall be made close to the time the hearing would have been held.
10. If the hearing is postponed because of an inmate's physical ability, the facility medical staff shall evaluate the inmate prior to the next PRC review, based on the procedures set forth in **Subsection D. below**, to determine if the inmate is able to attend.
11. If the hearing is postponed because of an inmate's mental ability, the PRC shall forward a **DC-97, Mental Health Referral Form** to the facility psychology staff for input regarding the inmate's ability to attend the hearing.
12. At the next PRC review, as set forth in **Subsection D. below**, the PRC shall consider the input from the completed **DC-97** before determining if the inmate is unable to attend, or has refused to attend the hearing. An inmate may not appeal the decision to postpone the hearing. If the inmate is able to attend and refuses, the hearing will be held in absentia. If the inmate becomes disruptive in the hearing or refuses to follow instructions, he/she shall be removed, and the hearing conducted without the inmate being present.

B. Waivers

1. An inmate may voluntarily waive the hearing at any time prior to the hearing's completion. The inmate may also waive the written notice requirements and any time limitations relating to the hearing or the service of notice.
2. All voluntary waivers shall be in writing and shall be signed and dated by the inmate.
3. When an inmate requests self-confinement in AC status, such request shall be deemed a waiver of all procedures described in this manual except periodic PRC review. Only written notice of the reason for the AC placement is necessary.
4. A copy of the voluntary waiver for an inmate who was initially placed into involuntary AC due to high risk for sexual victimization or after allegedly suffering sexual abuse must be forwarded to the facility Prison Rape Elimination Act (PREA) Compliance Manager (PCM).
5. An inmate's refusal to attend a hearing shall be deemed a waiver of the inmate's appearance at the hearing. The refusal shall be documented on the **DC-141, Part 3**. The inmate may not appeal the results of a hearing he/she refused to attend.

C. Appeals

1. An inmate may appeal the decision of the PRC concerning his/her initial confinement in AC to the Facility Manager/designee within two working days of the completion of the hearing. **Every appeal shall be in writing and shall be signed by the inmate using his/her court commitment name and Department number. Presenting documents in some other fashion, including, but not limited to the use of "©" in connection with an appeal, may be a cause for rejection of the appeal. An inmate may seek assistance from a staff member, a Certified Peer Specialist (CPS), or an inmate in the same population status in the preparation of an appeal. Staff may deny the assistance request due to security concerns. The requested assistant may decline to provide assistance.** The appeal must be in writing. The decision of the Facility Manager/designee shall be forwarded to the inmate within ten calendar days of the receipt of the appeal.
2. An inmate may appeal the initial decision of the Facility Manager/designee to the Office of the Chief Hearing Examiner. **Every appeal shall be in writing and shall be signed by the inmate using his/her court commitment name and Department number. Presenting documents in some other fashion, including, but not limited to the use of "©" in connection with an appeal, may be a cause for rejection of the appeal. An inmate may seek assistance from a staff member, a CPS, or an inmate in the same population status in the preparation of an appeal. Staff may deny the assistance request due to security concerns. The requested assistant may decline to provide assistance.** The inmate may appeal the decision of the Facility Manager/designee within seven calendar days of the receipt of the Facility Manager's/designee's decision. The appeal must be addressed as follows:

The Chief Hearing Examiner's Office
Office of Chief Counsel
1920 Technology Parkway
Mechanicsburg, PA 17050

3. The Office of the Chief Hearing Examiner will review the record of the hearing and all other relevant documents and rule on the appeal within **ten** working days after its receipt. ***Obtaining the necessary documents for review or other exceptional circumstances may create a justifiable delay in response to the inmate's appeal and permit an extension of the time for ruling on the appeal accordingly.***
4. When the action of the PRC or the Facility Manager/designee is reversed, the Office of the Chief Hearing Examiner shall prepare a letter to the inmate and a memorandum to the Facility Manager/designee. The letter and memorandum will be forwarded to the appropriate Regional Deputy Secretary (RDS) for review and signature.

D. Periodic Review

1. The PRC shall review the status of each inmate in AC status every seven days for the first two months.¹
2. Each inmate in AC status shall be seen weekly by his/her counselor.
3. The Unit Management Team shall review the status of every inmate in AC after 30 days and every 30 days thereafter.²
4. The counselor's weekly interviews and the Unit Management Team's monthly reviews are documented in the **DC-14, Cumulative Adjustment Record/Inmate Cumulative Adjustment Record (ICAR)**.
5. After the first 60 days, the PRC shall interview every inmate in AC status every 90 days unless the Unit Management Team recommends an earlier review. The PRC's decision to continue the inmate in AC status or release him/her to population **shall** be documented on a **DC-141, Part 4** with a copy provided to the inmate. ***The DC 141, Part 4 shall indicate the corresponding misconduct "Other" report number for which the review is being conducted.***
6. Inmates placed into involuntary AC due to high risk for sexual victimization or after allegedly suffering sexual abuse must continue to be reviewed by the PRC every 30 days. **(28 C.F.R. §115.43[e])**

¹ 5-ACI-4A-07

² 5-ACI-4A-07

7. If the PRC decides to continue the inmate in AC following a 90-day review, the inmate may appeal his/her continuation using the same procedures as described in **Subsection C. above.**
8. When an inmate is being recommended for transfer to a **specialized** housing unit (Secure Residential Treatment Unit [SRTU], etc.), PRC shall **advise** the ***inmate of the recommendation when the Specialized Program Referral is submitted in the electronic system at the facility level. Notification to the inmate shall be made by PRC and the justification for the referral shall be documented on a DC-141, Part 4, with a copy provided to the inmate.*** The inmate may appeal the recommendation for **placement in a specialized** housing unit to the Facility Manager/designee and to the Office of the Chief Hearing Examiner, as outlined in **Subsection C. above.**
9. A qualified psychologist or psychiatrist shall personally interview and conduct an assessment of any inmate remaining in AC status for more than 30 calendar days. If the inmate's confinement continues for more than 30 calendar days, a mental health assessment shall be completed at least every 90 calendar days.³
10. A review of each inmate's status on the Restricted Release List (RRL) shall be conducted **at the annual review.** The assigned counselor shall initiate the **DC-46, Vote Sheet** for the purpose of the Annual RRL Review and ensure that an **ICAR** entry is completed to record the final outcome of the decision. The Unit Manager shall initiate a **Restricted Release List Placement/Annual RRL Review/Removal Request Form** indicating either a Request for Removal or Continuation on RRL. **The Unit Manager shall forward the packet, including the three previous Restricted Release List Placement/Annual RRL Review/Removal Request Forms, DC-46, and a psychological evaluation completed within six months of the annual review to the Corrections Classification Program Manager (CCPM), Major(s), Deputy Superintendent for Centralized Services (DSCS), Deputy Superintendent for Facilities Management (DSFM), Facility Manager, RDS, and the Executive Deputy Secretary for Institutional Operations (EDSI) for review and recommendation indicating approval/disapproval of the inmate's status on the RRL.**
 - a. **The EDSI will make the final decision regarding an inmate's status on RRL and document that decision on the Restricted Release List Placement/Annual RRL Review/Removal Request Form.**
 - b. The completed **Restricted Release List Placement/Annual RRL Review/Removal Request Form shall be forwarded to the EDSI, RDS, Office of Population Management (OPM), and facility staff.**
11. All issues concerning the reason for an inmate's placement in AC custody or the duration of his/her AC custody must be addressed through the procedures set forth in this procedures manual and may not be addressed through the procedures set forth in Department policies **DC-ADM 801, "Inmate Discipline"** or **DC-ADM 804, "Inmate**

³ 5-ACI-4A-10

Grievance System.” An inmate is required to raise any issue concerning the reason for or the duration of his/her AC custody during the regularly scheduled PRC review. The PRC’s decision may be appealed through the procedures set forth in **Subsection C. above**. Issues concerning the failure of the PRC to conduct a timely initial AC placement hearing or a regularly scheduled review may be appealed to the Facility Manager and then to the Chief Hearing Examiner under the procedures set forth in **Subsection C. above**. The granting or denial of privileges may not be appealed.

12. Conditions or other circumstances of the inmate’s AC status, other than reason or duration, must be addressed through the grievance process set forth in Department policy **DC-ADM 804**.

Section 3 – Administrative Custody Housing Status¹

Adherence to the guidelines set forth in **Section 1, Subsection A.** of this procedures manual shall occur when inmates at a high risk for sexual victimization or inmates who have alleged sexual abuse are involuntarily placed into Protective Custody (PC) after a determination has been made that no other available alternative means of separation exist from likely abusers. **(28 C.F.R. §115.43)**

A. General²

1. Administrative Custody (AC) is a status of confinement for non-disciplinary reasons that provides closer supervision, control, and protection than is provided in general population. An inmate confined in this status shall not have the same privileges available as in general population. An AC inmate who is assigned to a Special Housing Unit (Secure Residential Treatment Unit [SRTU], etc.) shall have privileges as defined within the unit's handbook and as permitted according to the inmate's program level.
2. The following conditions apply to an inmate in AC status in a regular Security Level 5 (SL5) Housing Unit:
 - a. no tobacco products;
 - b. initially, no radio, tablets/kiosk access, television, or telephone calls (except emergency or legal telephone calls) in accordance with Department policies **DC-ADM 818, "Automated Inmate Telephone System"** and **6.5.1, "Administration of Security Level 5 Housing Units,"**³
 - c. any combination of personal property that will fit into one standard-size records center box may be maintained in the cell. Personal property includes commissary, prescribed medication, and written materials in accordance with Department policy **DC-ADM 803, "Inmate Mail and Incoming Publications;"**⁴
 - d. all visits are non-contact/*virtual* in accordance with Department policies **DC-ADM 812, "Inmate Visiting Privileges"** and **6.5.1;** and
 - e. an inmate shall be permitted to exchange legal materials from his/her cell with stored legal materials once every 30 days. The Program Review Committee (PRC) may authorize more frequent exchanges based upon a demonstrated need for additional exchanges for active litigation. Such exchanges, however, may not exceed one per week.⁵

¹ 5-ACI-4A-04

² 5-ACI-4A-02

³ 5-ACI-4B-25

⁴ 5-ACI-4A-23

⁵ 5-ACI-4A-22

DC-ADM 802, Administrative Custody Procedures Manual
Section 3 – Administrative Custody Housing Status

3. An inmate shall be provided access to the facility law library in accordance with Department policy **DC-ADM 007, “Access to Provided Legal Services.”**⁶
4. Leisure reading material may be requested from the library on a weekly basis.⁷
5. A jumpsuit, footwear, and basic issue toilet articles shall be provided. **Three** sets of personal undergarments are permitted. Outerwear will be provided as needed. No other personal apparel is permitted.
6. Exercise shall be offered one hour per day, five days per week.⁸
7. The opportunity to shower and shave shall be offered three times per week.
8. For any inmate placed into involuntary AC due to high risk for sexual victimization or after allegedly suffering sexual abuse, the facility shall document the following information for limiting the privileges enumerated in **Subsection A. 2-7 above** on the **Involuntary Administrative Custody Services Access Restriction Form** (refer to Department policy **DC-ADM 008, “Prison Rape Elimination Act [PREA]”**) to specify:
 - a. the specific opportunities that have been limited; (**28 C.F.R. §115.43[b][1]**)
 - b. the duration of the limitation; and (**28 C.F.R. §115.43[b][2]**)
 - c. the reasons for such limitations. (**28 C.F.R. §115.43[b][3]**)
9. The PRC or SL5 Unit Management Team may approve additional privileges based on individual needs, safety and security, and the behavioral progress of the inmate. The approval of additional privileges shall be indicated on the **Inmate Cumulative Adjustment Record (ICAR)**.⁹
 - a. An inmate who has been approved for additional privileges at one facility shall retain such privileges if transferred, unless the receiving PRC or SL5 Unit Management Team provides a written justification outlining the rationale to reduce the additional privileges previously granted. An inmate placed in special programs, i.e., SRTU, Special Assessment Unit (SAU), **Intensive Management Unit (IMU)**, etc. shall follow specific program guidelines.
 - b. To standardize eligibility periods for additionally approved items, the periods listed in **Subsection A.10. below** shall be used. The PRC or SL5 Unit Management Team may deviate from the below-listed procedures. A written justification shall be provided outlining the rationale for the deviation. The rationale for the deviation is to be

⁶ 5-ACI-4A-22

⁷ 5-ACI-4B-26

⁸ 5-ACI-4A-24

⁹ 5-ACI-4B-26

recorded in the **DC-141, Part 3, Program Review Committee Action Form**, and notated in the **DC-17X, Adjustment Record for SL5 Inmates**, and the **ICAR**.

10. Privilege Timeframe Procedures

An inmate is considered eligible for additional privileges according to the progressive procedures identified below after the PRC or the SL5 Unit Management Team has reviewed the circumstance(s) for the AC placement. The inmate must have demonstrated positive behavior during the review period and be free of misconducts during the period leading up to consideration.

- a. Increased telephone calls – after 90 days on AC status.¹⁰
- b. Increased commissary – after 90 days on AC status.
- c. A radio and/or tablet and kiosk access – after 120 days on AC status.
- d. A television – after **180** days on AC status.
- e. An inmate in long term AC status may be eligible for the General Labor Pool (GLP) compensation after 180 days with the approval of the Unit Management Team and PRC (GLP should only be considered when the inmate’s long term AC confinement is based upon the facility’s need for increased control). An inmate who is granted PC should not be considered as eligible. This provision applies to PC that is because of the inmate’s actions, as opposed to a true need for protection (such as a sexual assault victim, a physical assault victim, former law enforcement officer, etc.). When an inmate who is receiving GLP compensation is transferred, he/she shall be reviewed for continued GLP compensation by PRC/designee upon arrival at the receiving facility.
 - (1) This section does not apply to an inmate housed in an SL5 specialized program. Compensation for an inmate housed in an SL5 specialized program shall be in accordance with Department policies **6.5.1 and 13.8.1, “Access to Mental Health Care.”**
 - (2) The inmate must comply with the GLP requirements in accordance with Department policy **DC-ADM 816, “Inmate Compensation.”** He/she must maintain an acceptable level of personal hygiene, keep the cleanliness of his/her living quarters, and accept work assignments within the housing unit. The inmate must follow all rules, participate in recommended programs, and be willing to accept any employment or school assignment offered.
 - (3) The GLP compensation rate for an AC status inmate shall be \$.50 a day. But, if he/she loses GLP status because of a misconduct or Unit Management Team

¹⁰ 5-ACI-4B-25

action, then he/she shall receive the \$.50 compensation rate when the PRC reinstates him/her to GLP status.

- (4) Any additional privilege(s), if permitted, may be revoked by the PRC or SL5 Unit Management Team based on a change in individual need, safety and security, or inappropriate behavior of the inmate. Revocations of a privilege(s) must be properly documented in a **DC-141, Part 3, DC-17X, and ICAR**. If the inmate receives a misconduct for a violation directly involving the granted privilege(s), the eligibility guidelines previously identified must be achieved prior to the privilege(s) being reinstated.
11. The PRC's denial and/or revocation of privileges shall not be subject to the appeal process set forth in **Section 2** of this procedures manual.

B. Program Considerations¹¹

An inmate housed in AC status should be provided access to programs and services that include, but are not limited to:

1. educational services;
2. commissary (in accordance with Department policy **DC-ADM 815, "Personal Property, State Issued Items, and Commissary/Outside Purchases"**);
3. library services;
4. casework, counseling, and diagnostic and classification services;
5. **behavioral health and treatment services**;¹²
6. religious guidance in accordance with Department policy **DC-ADM 819, "Religious Activities;"** and
7. recreational programs.

¹¹ 5-ACI-4A-27

¹² 5-ACI-4A-27, 5-ACI-4B-26

Section 4 – Release from Administrative Custody Status

Adherence to the guidelines set forth in **Section 1, Subsection A.** of this procedures manual shall occur when inmates at a high risk for sexual victimization or inmates who have alleged sexual abuse are involuntarily placed into Protective Custody (PC) after a determination has been made that no other available alternative means of separation exist from likely abusers. **(28 C.F.R. §115.43)**

A. General

1. The Unit Management Team may recommend that the Program Review Committee (PRC) release an inmate from Administrative Custody (AC) status.¹
2. With the exception of a Capital Case inmate ***who has advanced to Phase 2 and has been placed into AC for that specific reason***, or an inmate on the Restricted Release List (RRL), the Facility Manager/designee or the PRC may release an inmate from AC status to general population at any time.²
3. ***The facility shall ensure that pregnant females and youthful inmates are released from AC status within the Restricted Housing Unit (RHU) within 30 days of admission.***
4. The following factors shall be evaluated in making a decision to continue or release an inmate from AC status:³
 - a. length of time in the RHU;
 - b. number, type, and frequency of misconducts;
 - c. continued public or facility risk;
 - d. safety of the inmate, other inmates, and staff;
 - e. the inmate’s behavior while in AC status, including sanitation, personal hygiene/grooming, response to authority and other inmates, and to verbal and written orders; and
 - f. recommendations of the unit and treatment staff.
5. The PRC or the Facility Manager/designee may release an inmate from PC to general population at any time when the rationale used for placing the inmate in PC status is no longer valid. The PRC or the Facility Manager/designee shall document the reasons for

¹ 5-ACI-4A-08, 5-ACI-4B-09

² 5-ACI-4A-08, 5-ACI-4B-09

³ 5-ACI-4A-08, 5-ACI-4B-09

the release of the inmate from PC on a **DC-141, Part 3, Program Review Committee Action (Attachment 4-A)**.

6. Release from Psychiatric Observation Cell (POC), in accordance with Department policy **13.8.1, “Access to Mental Health Care,” Section 3**.
 - a. An inmate shall only be discharged from a POC upon being assessed face-to-face by the psychiatrist/Certified Registered Nurse Practitioner – Psychiatric Services (PCRNP) and only upon a written order by the psychiatrist/PCRNP. Verbal or telephone orders for discharge are not acceptable.
 - b. The nursing supervisor shall ensure that the PRC is notified of planned POC discharges so that PRC may arrange for appropriate housing.
7. If the inmate’s release from AC status involves a transfer from the facility, the following procedures are to be followed:
 - a. the Facility Manager/designee shall make such a recommendation to the Director of the Office of Population Management (OPM) or designee via a transfer petition. The transfer petition rationale should include a recommendation regarding which facility, or other jurisdiction, would be best suited to house the inmate. The rationale should also include programming needs, as well as continuing security concerns; and
 - b. OPM shall review the transfer petition and if approved, assign the inmate to an appropriate facility.

B. Restricted Release List (RRL)

1. An inmate identified on the RRL may not be released from a Security Level 5 (SL5) Housing Unit without the written approval of the **Executive Deputy Secretary for Institutional Operations (EDSI)**.
2. The PRC may make a recommendation to the Facility Manager/designee if it is believed that an inmate on the RRL could be safely released to general population or to a specialized housing unit.
3. ***The assigned counselor shall initiate the DC-46, Vote Sheet and provide all supporting documentation related to the justification for the removal of the inmate from the RRL. The counselor will ensure that an ICAR entry is completed to record the final outcome of the decision. The Unit Manager shall initiate a Restricted Release List Placement/Annual RRL Review/Removal Request Form (refer to Attachment 1-A of this procedures manual) indicating either approval/disapproval of the removal from RRL. The Unit Manager shall forward the packet, including the three previous Restricted Release List Placement/Annual RRL Review/Removal Request Forms, DC-46, and a psychological evaluation completed within six months to the Corrections Classification Program Manager (CCPM), Majors(s), Deputy Superintendent for Centralized Services (DSCS), Deputy Superintendent for***

Facilities Management (DSFM), Facility Manager, Regional Deputy Secretary, and the EDSI for review and recommendation indicating approval/disapproval of the inmate's status on the RRL. The EDSI will interview each inmate recommended for RRL removal in person or via videoconference and will make the final determination regarding the inmate's removal from the RRL. The EDSI will document the decision on the Restricted Release List Placement/Annual RRL Review/Removal Request Form.

- 4. The completed Restricted Release List Placement/Annual RRL Review/Removal Request Form shall be forwarded to the EDSI, Regional Deputy Secretary, facility staff, and OPM.**
- 5. If the request is approved, OPM will remove the RRL and make a notation in the Unit Management System under the "security concerns" section.**