



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: Administrative Custody Procedures		Policy Number: DC-ADM 802
Date of Issue: November 4, 2024	Authority: Signature on File Dr. Laurel R. Harry	Effective Date: December 2, 2024

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 **has access to** a copy of the policy and procedures.

VIII. SUPERSEDED POLICY AND CROSS REFERENCE

A. Superseded Policy

1. Department Policy

DC-ADM 802, Administrative Custody Procedures Policy, issued January 9, 2024, by Secretary Dr. Laurel R. Harry.

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. 11.2.1, Reception and Classification
- m. 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-05, 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-25, 5-ACI-4A-26, 5-ACI-4A-27, 5-ACI-4B-01, 5-ACI-4B-02, 5-ACI-4B-08, 5-ACI-4B-09, 5-ACI-4B-10, 5-ACI-4B-22, 5-ACI-4B-23, 5-ACI-4B-24, 5-ACI-4B-25, 5-ACI-4B-26, 5-ACI-4B-30, 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

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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.

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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]), **shall** 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 **their** own safety. Placement in AC is permissible when the victim requests or agrees to it. **(28 C.F.R. §115.43)**
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; and
 - c. placement in a single cell (Z Code).
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 (GP). 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 GP 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 **one or more of** the following reasons: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 **themselves, except as noted in Subsection B.5 below**;³
 - c. the inmate is suspected of being involved in or is suspected of being the instigator of a disturbance;
 - d. placement in GP would endanger the inmate’s safety or welfare when it is not possible to protect **them** by other means;⁴

¹ 5-ACI-4B-01, 5-ACI-6C-12

² 5-ACI-3D-08

³ 5-ACI-3D-08

⁴ 5-ACI-3D-08

- 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 has 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 GP 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 GP. The Regional Deputy Secretary (RDS) 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 GP 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 GP 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. Short Sentence Parole (SSP) inmates who are being released to a detainer should be housed in GP until the detaining agency picks them up. If concerns exist as outlined in **Subsection B.1. above**, notification must be provided to the RDS for placement in AC status.
4. 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 GP. Facilities shall place all temporary transfers in GP except when exigent circumstances exist. 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 housing or releasing to GP when received. Out of state PVs shall be placed in GP 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.

5. ***Inmates admitted to a POC from GP status, by order of a psychiatric provider for psychiatrically necessary crisis intervention, should not be housed under AC status absent other identified imminent threats to the safety of others, the facility, or the public, that would independently justify placement on AC status (i.e., exhibiting behaviors during a yet to be served misconduct for which prehearing confinement would otherwise have been imposed, homicidal threats, risk of escape, etc.).***

Restrictions imposed upon a GP inmate admitted to a POC for crisis intervention shall be at the discretion of the treating provider and based upon the psychiatric necessity of the restriction, as outlined in Department Policy 13.8.1, “Access to Mental Health Care,” Section 2.L.3., “Levels of Observation and Housing in POCs,” unless independent security justifications for AC status exist and the inmate is assigned AC status for those reasons.

NOTE: Inmates admitted to the POC from SL5 housing shall retain their AC or DC status, including all existing security restrictions dictated by their status and/or behavior, as outlined in 13.8.1, Section 2.L.3., “Levels of Observation and Housing in POCs.” An additional or separate DC-141 Other report is not required to continue this existing status to POC placement.

6. 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 GP.
7. 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.1. above**; however, a hearing shall be held as described in **Section 2** of this procedures manual.
8. Whenever practicable, written notice of the reasons for AC placement is given to the inmate prior to placement, but in all cases, written notice of the reasons for AC placement shall be given to the inmate within 24 hours after placement. The written notice shall be prepared on the **DC-141, Part 1**, by indicating “Other.”⁵

⁵ 5-ACI-6C-12

9. 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
10. If the inmate is pregnant,⁷ **eight weeks post-partum**, under the age of 18,⁸ has an Individualized Education Plan (IEP), has a mental illness⁹ or significant medical illness, the Shift Commander or PCRNP should explore the feasibility of placing **them** into a Secure Residential Treatment Unit (SRTU), Residential Treatment Unit (RTU), Special Needs Unit (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 RDS shall review and approve the AC placement of all inmates who are pregnant, eight weeks postpartum, and/or under the age of 18. The facility shall ensure that pregnant females and youthful inmates are released from AC status within 30 days of admission.
11. Youthful inmates (under the age of 18), pregnant inmates, inmates eight weeks post-partum, those with an IEP, and inmates with a Serious Mental Illness (SMI) may not be housed in the Restricted Housing Unit (RHU) and must serve AC assignments in the Diversionary Treatment Unit (DTU), with access to DTU programming. Youthful inmates shall be housed under DTU conditions within their designated housing units to maintain sight and sound separation from all adult inmates as required by **28 C.F.R. §115.14(a)**.
12. 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 **they** pose a threat to the secure operation of the facility and where a transfer to another facility or jurisdiction would not alleviate the security concern.
2. **RRL is a status where the authority to release an inmate from SL5 housing is removed from the facility's PRC and placed with the facility's Regional Deputy**

⁶ 5-ACI-4B-01

⁷ 5-ACI-4B-32

⁸ 5-ACI-4B-33

⁹ 5-ACI-4B-30

¹⁰ 5-ACI-4B-02

Secretary (RDS). *The RDS must approve placing and removing an inmate in/from this status.*

3. **RRL status is intended to be the final recourse for those inmates who have proven themselves to be an unmanageable threat to others, the facility, and/or the public, absent the controls afforded by SL5 housing.**
4. Criteria for placing an inmate on the RRL includes, but is not limited to, the following:
 - a. assaultive history against staff, **corroborated by the inflicting of death or serious injury, use of weapons during an assault, and/or multiple incidents of physical violence;**
 - b. assaultive history against inmate(s), **corroborated by the infliction of death or serious bodily injury, use of weapons during an assault, and/or multiple incidents of physical violence;**
 - c. perpetuated sexual abuse history, **corroborated by evidence, such as, but not limited to, a substantiated incident of engaging in or attempting to engage in forced oral, anal, or vaginal penetration, or forced sexual touching of the genitalia, involving a staff member or an inmate;**
 - 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.). **Placement under this provision shall be corroborated by actionable intelligence reports and/or other evidentiary sources that demonstrate the imminent risks associated with the inmate's continued housing in a general population setting.**
5. **Absent extraordinary events, including, but not limited to events resulting in death, serious bodily injury, escapes, and/or significant facility disturbances indicative of a need for greater level of control,** specialized program referrals **should** be considered as a **first-line** alternative to RRL.
6. **Under ordinary circumstances, the** assigned counselor shall initiate the **DC-46, Vote Sheet within 90 days of the precipitating act, regardless of AC or DC status,** 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 (Attachment 1-A), DC-46, Extraordinary Occurrence Reports (EORs) related to the predicating event(s), intelligence reports, misconduct reports,** and a **Special Psychological Assessment (SPA)** that was completed within **three** months of the review. All documentation shall be forwarded to the Unit Manager for review.

7. The Unit Manager shall initiate a **Restricted Release List Placement/Annual RRL Review/Removal Request**, provide a justification for their recommendation for placement on the RRL, and submit the form with the entire packet for routing. Each reviewer **shall** provide a written justification on the **Restricted Release List Placement/Annual RRL Review/Removal Request** supporting their approval/disapproval of the placement.
 - a. ***For initial placements, the written justification shall contain a description of the specific event(s)/behavior(s) that warrant placement on the RRL and why continued SL5 housing is necessary to manage the individual. The placement packet shall include general expectations for the inmate to begin working towards RRL removal, such as:***
 - (1) ***behaviors the inmate must eliminate;***
 - (2) ***behaviors the inmate must demonstrate;***
 - (3) ***recommendations for specialized programming; and/or***
 - (4) ***compliance with mental health treatment.***
 - b. ***For continuation reviews, the written justification shall include a summary of the specific event(s)/behavior(s) that led to placement and the inmate's progress towards reducing or eliminating such behaviors. The review should also include general expectations for the inmate to demonstrate progression towards RRL removal during the subsequent review period.***
 - c. ***For removal requests, the written justification shall include a summary of the specific event(s)/behavior(s) that led to placement, a summary of the inmate's progress at resolving placement criteria, achievement of expectations set during previous review periods, and applicable recommendations for future housing needs.***
8. The **RDS shall conduct an administrative hearing to review the evidence for placement, submitted through the Facility Manager, for each** inmate recommended for RRL placement in person or via videoconference. **The RDS shall** make the final determination regarding the inmate's placement on the RRL status and **shall** complete the **Restricted Release List Placement/Annual RRL Review/Removal Request**.
 - a. ***Each RRL hearing shall be documented in the Inmate's Cumulative Adjustment Record (ICAR). The hearing shall be audio and video recorded, either through the use of a handheld recording device or through video conferencing software. Recordings shall be retained for the duration of the inmate's RRL status, and for three years thereafter.***

- b. *Prior to the placement hearing, the RDS/designee shall provide the prospective RRL candidate with written notice of the reason(s) why the inmate is being considered for placement on the RRL, utilizing the Notice of Consideration for Restricted Release List (RRL) Placement/Continuation/Removal form (Attachment 1-B).*
 - c. *Inmates may provide a written response to the Notice of Consideration for Restricted Release Placement/Continuation/Removal within seven calendar days of receiving the notice. Responses shall be reviewed as part of the hearing process, and added to the RRL record. Responses may be sent directly to the RDS, or submitted through the facility's PRC.*
 - d. *If an inmate is subsequently placed on the RRL, the RDS/designee shall provide written notice of the placement to the inmate, utilizing the Notice of Restricted Release List (RRL) Placement/Continuation form (Attachment 1-C), which is communicated through the facility's PRC. This notice shall include applicable general expectations from the referring facility for progressing towards removal of RRL status.*
 - e. *If an inmate is disapproved for placement on the RRL, the inmate shall be notified of the denial through the facility's PRC. As soon as practicable and absent further acts of violent, dangerous, or other security threatening behavior, the facility's PRC shall endeavor to reintegrate the inmate to a general population setting through:*
 - (1) *referral to a specialized program for which the inmate is eligible;*
 - (2) *an individualized step-down plan that is approved by the RDS; or*
 - (3) *release to a modified general population setting, such as a Management Control Unit (MCU).*
 - (4) *expiration of applicable DC sanctions;*
 - (5) *facility transfer, or interstate transfer, and/or;*
 - (6) *other individualized behavioral management plan, developed by the facility's PRC.*
9. The completed **Restricted Release List Placement/Annual RRL Review/Removal Request** and written rationale shall be forwarded to the RDS, facility staff, and the Bureau of Population Management (BPM).
- a. If the request is approved, BPM **shall** assign the RRL **status** and add a note **within the designated database/application** with the placement date and reason for placement, **including a brief description of predicated event(s) associated with**

initial placement (excluding names or details deemed sensitive and/or confidential, such as sexual assault victims or details which may compromise security).

- b. If the request is disapproved, BPM ***shall*** file the request and add a note of the RRL placement denial ***in the designated database/application.***
10. If placement on the RRL is approved and an H Code has not been assigned, the counselor ***shall*** initiate the **DC-46** for this purpose, in accordance with Department policy **11.2.1, “Reception and Classification”, Section 3.**

Section 2 – Administrative Hearings

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 exists from likely abusers; ***the guidelines in Section 1 of this procedures manual, Subsection A apply.*** (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). ***The composition of the PRC shall conform to those requirements contained in Department Policy, DC-ADM 801's Glossary of Terms.***

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])**¹

- 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

¹ 5-ACI-4A-05

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, **they** 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 explained **orally** to the inmate. **The rationale shall include a description of the specific behaviors, security concerns, dangers, etc., that the inmate poses if held in a less restrictive setting. This description is not required to disclose sensitive details, such as, but not limited to, confidential or investigatory sources from which the rationale for placement became known.**
6. The inmate shall be permitted to respond to the rationale for AC placement. The inmate may submit **their** 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 **and shall include a specific description of behaviors, security concerns, dangers, etc. that the inmate poses if held in a less restrictive setting. This description is not required to disclose sensitive details, such as, but not limited to, confidential or investigatory sources from which the rationale became known.** 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 **shall** be held in absentia. If the inmate becomes disruptive in the hearing or refuses to follow instructions, **they** 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 **utilizing DC-141 Part 2(F), Waiver of Administrative Custody Procedures (Attachment 2-A)**.
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 **they** refused to attend.

C. Appeals

1. An inmate may appeal the decision of the PRC concerning **their** 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 **their** 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 **their** 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 **shall** 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 **shall** be forwarded to the appropriate Regional Deputy Secretary (RDS) for review and signature.
5. ***Inmates may not appeal their placement on Restricted Release List (RRL) status to the Facility Manager pursuant to the procedures specified in Subsection C.1. through C.4. Instead, inmates may submit a written appeal to the Executive Deputy Secretary for Institutional Operations (EDSI), within 15 working days of receipt of the Notice of Restricted Release List Placement/Continuation. Appeals must be submitted, utilizing a DC-141 Part 2E, Misconduct Hearing Appeal, and addressed to:***

***The Office of the Executive Deputy Secretary for Institutional Operations
RE: Restricted Release Appeal
1920 Technology Parkway
Mechanicsburg, PA 17050***

6. ***Appeal requests shall include the reasons why the inmate believes their assignment to RRL is disproportionate to the placement rationale and their behavior history.***

An appeal is not a means to relitigate misconducts associated with the placement event(s). Misconduct appeals shall be processed in accordance with DC-ADM 801, “Inmate Discipline.” Moreover, an appeal is not a means to dispute

conditions of confinement, such as, access to property, privileges, or commissary items.

- 7. Every appeal shall be in writing and shall be signed by the inmate using their 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 appeal must be in writing.**

- 8. For SMI inmates who desire to pursue an appeal of RRL status and who are housed in a specialized housing unit (Diversionary Treatment Unit [DTU], Secure Residential Treatment Unit [SRTU], Intensive Management Unit [IMU], etc.) or for whom PRC determines it is necessary, the PRC shall direct that a CPS or an inmate in the same population status, who is willing to assist, is assigned to assist the inmate in filing the appeal. Assistance shall consist of:**
 - a. meeting with the inmate and ensuring that the inmate has obtained the correct documents, policies, and forms to file the appeal;**
 - b. ensuring that the inmate has access to this procedures manual and understands the procedures and requirements for completing the appeal forms;**
 - c. assistance in preparing documents that are stylistically and grammatically suitable for submission;**
 - d. ensuring that the inmate understands who/where the appeal is to be submitted; and**
 - e. ensuring that the inmate understands the deadline for filing of the appeal.**

NOTE: Assistance shall not include providing legal advice or representation.

- 9. The EDSI shall review the appeal and respond in writing within 30 working days of receipt.**
 - a. The EDSI may review the original placement documentation and applicable records relative to information raised in the appeal;**
 - b. The EDSI may consult with facility staff who are currently working with, or who have worked with the inmate, other subject matter experts, and the Office of Chief Counsel when reviewing the appeal;**

- c. *The appeal response shall address the substantive elements relevant to the appeal or RRL status, but need not address issues outside the scope of the appeal of RRL status.*
 - d. *The EDSI shall render a disposition to the appeal, noting whether RRL placement is affirmed, rescinded, or modified.*
10. *The appeal shall include a brief statement of the facts relevant to the appeal and issues complained of on appeal. Appeals that are not brief or that are found to be an attempt to harass, intimidate, or burden the EDSI or to distract them from their duties by placing a hardship on them to determine the appeal points, may be rejected on that basis. Further, the text of any appeal shall be legible and presented in a courteous manner, free of vulgarity and profanity or language or symbols attempting to harass, intimidate, or extort the EDSI.*
- a. *When an appeal is rejected, the EDSI/designee shall notify the inmate in writing of the reason for the rejection.*
 - b. *Inmates are provided with one opportunity to resubmit their appeal to the EDSI within 10 working days of receipt of the rejection notice.*
 - c. *A resubmitted appeal shall be responded to within 30 working days of receipt of the appeal.*

D. Periodic Review

1. The PRC shall review the status of each inmate in AC status every seven days for the first two months.²
2. Each inmate in AC status shall be seen weekly by *their* counselor.
3. The Unit Management Team shall review the status of every inmate in AC after 30 days and every 30 days thereafter.³
4. The counselor's weekly interviews and the Unit Management Team's monthly reviews are documented in the **DC-14, Cumulative Adjustment Record or 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 *them* to population shall be documented on a **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.

² 5-ACI-4A-07, 5-ACI-4B-08

³ 5-ACI-4A-07, 5-ACI-4B-08

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])**
7. If the PRC decides to continue the inmate in AC following a 90-day review, the inmate may appeal ***their*** 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. **Psychology staff** 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 days⁴ for those without a behavioral health disorder, and every 30 days for those diagnosed with a behavioral health disorder.⁵ Assessments may be more frequent if clinically indicated. Behavioral health assessments shall be conducted in a manner that maximizes patient confidentiality.
10. A review of each inmate's status on the Restricted Release List (RRL) shall be conducted at the annual review. ***The EDSI, RDS, or Facility Manager may request that an inmate be reviewed at more frequent intervals or prior to an annual review.***
11. The assigned counselor shall initiate the **DC-46, Vote Sheet** for the purpose of the Annual RRL Review, ***or other specified review interval***, 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.
 - a. ***The Restricted Release List Placement/Annual RRL Review/Removal Request form shall include a summary of the specific event(s)/behavior(s) that led to placement on the RRL, a summary of the inmate's progress towards reducing or eliminating such behaviors, and general expectations to progress towards RRL removal during the subsequent review period; and***

⁴ 5-ACI-4A-10

⁵ 5-ACI-4B-10

- b. *shall include a summary of compliance with applicable specialized program phase requirements, Behavior Improvement Plans (BIPs), and/or Individual Recovery Plans (IRPs). This summary shall include any stated reasons an inmate provides for refusing to participate in assigned specialized programming for the RDS's consideration.*
12. 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 **Special Psychological Assessment (SPA)** completed within *three* 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, *and* RDS. for review and recommendation indicating approval/disapproval of the inmate's status on the RRL.
 - a. *Prior to an annual or other continuation on the RRL, the RDS/designee shall provide each RRL inmate with written notice of the reasons why the individual is being considered for continuation on the RRL, utilizing the Notice of Consideration for Restricted Release Placement/Continuation/Removal Form.*
 - b. *Consistent with Section 1.C.8.c., the inmate may submit a written version of their response to the notice for consideration.*
 - c. *At the discretion of the RDS, inmates may be interviewed either in-person or via video conference as part of the continuation process; however, an interview may not be required for each inmate.*
 - d. The **RDS shall** make the final decision regarding an inmate's *continued* status on RRL and document that decision on the **Restricted Release List Placement/Annual RRL Review/Removal Request** form. *This review decision may be appealed pursuant to the procedures in Subsection 2.C.5. above.*
 - e. The completed **Restricted Release List Placement/Annual RRL Review/Removal Request form** shall be forwarded to the RDS, **Bureau** of Population Management (BPM), and facility staff.
 - f. *Consistent with Section 1.C.8.d., when continuation is approved, the inmate shall be notified, utilizing Notice of RRL Placement/Continuation. The notice shall include the referring facility's general expectations for the inmate to attain before the subsequent review.*
 - g. *If an inmate is disapproved for RRL continuation, the inmate shall be notified through the facility's PRC. As soon as practicable and absent further acts of violent, dangerous, or other security threatening behavior, the facility's PRC shall endeavor to reintegrate the inmate to a general population setting, which may include or be contingent upon:*

- (1) ***placement into a modified general population setting, such as a Management Control Unit (MCU);***
 - (2) ***completion of an individualized step-down plan, developed by the facility and approved by the RDS;***
 - (3) ***completion of an applicable specialized program.***
 - (4) ***expiration of applicable DC sanctions;***
 - (5) ***facility transfer, or interstate transfer, and/or;***
 - (6) ***other individualized management plan, developed by the facility's PRC.***
13. **Challenges to** an inmate's placement in AC custody or **continuation of their** 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 Grievance System."** An inmate is required to raise any **challenge to the placement in or continuation of their** 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.
14. 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 (GP). An inmate confined in this status shall not have the same privileges available as in GP. 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 **or electronic cigarettes**;
 - 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 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

¹ 5-ACI-4A-04

² 5-ACI-4A-02

³ 5-ACI-4A-26, 5-ACI-4B-25

⁴ 5-ACI-4A-23, 5-ACI-4B-23

exchanges for active litigation. Such exchanges, however, may not exceed one per week.⁵

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 for the first 30 days of placement in restricted housing.**⁸ **Beyond 30 days of placement in restrictive housing, inmates shall be offered three hours of cumulative out-of-cell activity (one of these three hours shall be exercise) seven days per week, in accordance with Department policy 6.5.1, Section 1-Administration.**
7. **Facilities maintain latitude to develop out-of-cell activity schedules, according to their available resources, such as, but not limited to, yard, dayroom, unstructured, and structured activities. Those activities which occur infrequently, are unscheduled, or transpire on an individual basis, such as visits, phone calls, or medical appointments, shall not count towards the three hours of offered activity.**
8. The opportunity to shower and shave shall be offered three times per week.
9. 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])**

⁵ 5-ACI-4A-22, 5-ACI-4B-22

⁶ 5-ACI-4A-22, 5-ACI-4B-22

⁷ 5-ACI-4A-23, 5-ACI-4B-23, 5-ACI-4B-26

⁸ 5-ACI-4A-24, 5-ACI-4B-24

10. 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. **A Restricted Release List inmate identified for placement in the Intensive Management Unit (IMU) should not be provided with any privileges beyond Phase 6 of the IMU as outlined in Department policy 6.5.1, Section 3-Intensive Management Unit.** An inmate placed in special programs shall follow specific program guidelines.
 - b. To standardize eligibility periods for additionally approved items, the periods listed in **Subsection A.11. 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 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**.
11. Privilege Timeframe Procedures

An inmate **may be approved privileges after 90 days from the time he/she is placed in AC status. PRC shall grant privileges in accordance with Department policy 6.5.1, Section 1, L5 Privileges and Services Chart.** 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 – after **90** days on AC status.
- d. A tablet and kiosk access – after 120 days on AC status.
- e. A television – after 180 days on AC status.
- f. 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

⁹ 5-ACI-4A-27, 5-ACI-4B-26

¹⁰ 5-ACI-4A-25, 5-ACI-4B-25

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 in accordance with Department policy **DC-ADM 816**, "**Inmate Compensation.**" But, if he/she loses GLP status because of a misconduct or Unit Management Team action, then he/she shall receive the AC GLP 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.
12. 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:

¹¹ 5-ACI-4A-27, 5-ACI-4B-26

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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;
6. religious guidance in accordance with Department policy **DC-ADM 819, “Religious Activities;”** and
7. recreational programs.

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 (GP) at any time.²
3. The facility shall ensure that pregnant inmates, inmates eight weeks postpartum, inmates with an Individualized Education Plan (IEP), and youthful inmates are released from AC status within the Diversionary Treatment Unit (DTU) within 30 days of admission.³
4. The following factors shall be evaluated in making a decision to continue or release an inmate from AC status:⁴
 - a. length of time in the Restricted Housing Unit (RHU)/DTU;
 - 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 GP 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 the release of the

¹ 5-ACI-4A-08, 5-ACI-4B-09

² 5-ACI-4A-08, 5-ACI-4B-09

³ 5-ACI-4B-32, 5-ACI-4B-33

⁴ 5-ACI-4A-08, 5-ACI-4B-09

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

6. ***An individualized step-down program may be created to facilitate reintegration to GP. A need may be identified due to an inmate's length of time in restrictive housing or the reason for placement in restrictive housing. An individualized step-down program should gradually include increased out-of-cell time, privileges, work assignments, and reduction in restraints. An individualized step-down program shall include:***⁵
 - a. ***a pre-screening assessment of the individual's readiness for step-down from Security Level 5 (SL5) housing conducted by PRC. This review shall be discussed with the inmate and documented in the inmate's ICAR. This assessment should include a review of those factors that may indicate readiness for engaging in future prosocial behavior, such as:***
 - (1) ***a review of the inmate's participation in out-of-cell activities, to include structured and/or unstructured activities;***
 - (2) ***a review of the inmate's interactions with staff, including compliance with accepting staff direction;***
 - (3) ***a review of the inmate's interactions with peers;***
 - (4) ***a review of compliance with applicable Individual Recovery Plans or Behavior Improvement Plans, and/or;***
 - (5) ***a review of the inmate's progress in complying with facility rules.***
 - b. ***monthly review by the Unit Management Team. PRC reviews in accordance with an instance status and length of stay. Reviews should determine the inmate's compliance with the individualized step-down program;***
 - c. ***monthly evaluation to monitor the gradual increase in privileges;***
 - d. ***a step-down compliance review; and***
 - e. ***a post-screening evaluation by the Unit Management Team 30 days after release to GP. The Unit Management Team's evaluation shall document the individual's overall adjustment to GP conditions, including compliance with facility rules, interactions with staff, interactions with other inmates, participation in assigned programming and employment, and whether additional support services are necessary. This evaluation shall be documented in the individual's ICAR notes.***

⁵ 5-ACI-4B-31

7. 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.
8. 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 Bureau of Population Management (BPM) 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. BPM 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 SL5 Housing Unit without the written approval of the **Regional Deputy Secretary (RDS)**. ***Should the RDS elect to place an inmate on or continue an inmate’s RRL status during a review hearing, the Executive Deputy Secretary for Institutional Operations (EDSI) retains the authority to override the RDS’s decision through the appeal process described in Section 2 of this procedures manual, or when the decision is brought to their attention through other avenues, such as the Office of Chief Counsel.***
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 GP 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 ***shall*** 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.
4. 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 **Special Psychological Assessment (SPA)** completed within **three months of the**

review to the Corrections Classification Program Manager (CCPM), Majors(s), Deputy Superintendent for Centralized Services (DSCS), Deputy Superintendent for Facilities Management (DSFM), Facility Manager, **and** RDS, for review and recommendation indicating approval/disapproval of the inmate's status on the RRL.

5. The **RDS shall conduct an administrative hearing in person or via videoconference, when an inmate is recommended for RRL removal. Following the hearing, the RDS shall render a decision and document** the decision on the **Restricted Release List Placement/Annual RRL Review/Removal Request Form**.
 - a. **Prior to an RRL removal hearing, the RDS/designee shall provide the RRL inmate with written notice of the reasons why the individual is being considered for removal from the RRL, utilizing the Notice of Consideration for Restricted Release Placement/Continuation/Removal Form.**
 - b. **Consistent with Section 1.C.8.c., the inmate may submit a written version of their response to the Notice of Consideration for Restricted Release Placement/Continuation/Removal Form.**
6. The completed **Restricted Release List Placement/Annual RRL Review/Removal Request Form** shall be forwarded to the EDSI, RDS, facility staff, and BPM.
7. **If the removal request is denied and the RDS directs that the inmate remain on RRL status, the inmate shall be notified utilizing the Notice of RRL Placement/Continuation form.**
8. **If the removal request is approved, the inmate shall be notified of the decision through the facility's PRC, documented on a DC-141, Part 4, Facility Manager's Review. This notice shall include applicable recommendations from the RDS, such as, release to a modified general population setting (i.e. Management Control Unit), or individualized plans to reintegrate to a full general population setting, or other individualized behavioral management strategies.**
9. If the request is approved, BPM **shall** remove the RRL and make a notation in the Unit Management System under the "security concerns" section.