

 <p style="text-align: center;"><b>DIVISION OF ADULT INSTITUTIONS</b></p> <p style="text-align: center;"><b>POLICY AND PROCEDURES</b></p>	<b>DAI Policy #:</b> 308.00.01	<b>Page</b> 1 of 6
	<b>Original Effective Date:</b> 01/01/99	<b>New Effective Date:</b> 03/16/20
	<b>Supersedes:</b> 308.00.01	<b>Dated:</b> 03/01/17
	<b>Administrator's Approval:</b> Makda Fessahaye, Administrator	
<b>Required Posting or Restricted:</b>		
<input checked="" type="checkbox"/> <b>Inmate</b> <input checked="" type="checkbox"/> <b>All Staff</b> <input type="checkbox"/> <b>Restricted</b>		
<b>Chapter:</b> 308 Administrative Confinement		
<b>Subject:</b> Administrative Confinement/Restrictive Housing		
<b>Guidance Document</b>	<input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	<b>Posting date</b> 03/09/20

**POLICY**

The Division of Adult Institutions shall develop and maintain guidelines for placement of inmates in Administrative Confinement/Restrictive Housing to protect staff, other inmates and the public and to ensure the orderly operation of the facility.

**REFERENCES**

Wisconsin Administrative Code Ch. DOC 303 – Discipline

Wisconsin Administrative Code Ch. DOC 308 – Administrative Confinement

DAI Policy 303.00.02 – Restrictive Housing Programs and Review

DAI Policy 500.70.30 – Behavior Management Plans

**DEFINITIONS, ACRONYMS AND FORMS**

Administrative Confinement/Restrictive Housing (AC) – A non-punitive placement in Restrictive Housing for inmates whose continued presence in general population poses a serious threat to life, property, self, staff, other inmates or to the secure and orderly operation of a facility.

ACRHRC – Administrative Confinement/Restrictive Housing Review Committee

DAI – Division of Adult Institutions

DOC – Department of Corrections

DOC-30 – Review of Inmate in Restrictive Housing

DOC-30B – Risk Assessment Information Guide (WSPF)

DOC-121 – Recommendation for Administrative Confinement

DOC-122 – Notice of Review of Administrative Confinement

DOC-123 – Waiver of Time Limits for Review for Administrative Confinement

DOC-1875 – Administrative Confinement Hearing – Reasons for Decision and Evidence Relied On

DOC-1881 – Appeal of Administrative Confinement Review Committee Decision

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DOC-1882 – Review of Administrative Confinement Review Committee Decision

DOC-3509A – Psychology Input for Administrative Confinement Review

GP – General Population

ID – Intellectually disabled

PSU – Psychological Services Unit

Restrictive Housing (RH) - Secured housing unit where inmates are separated from the general population and privileges and property are limited.

RH Review Team – A multi-disciplinary group of staff that meets weekly to review the status of inmates in RH and make decisions as to programming, step movement, behavior management and other issues. The team may be comprised of: Corrections Program Supervisor or Security Supervisor assigned to RH, Health Service Manager, Psychiatrist, Psychologist Supervisor, Psychologist, Social Worker assigned to RH, Program Escort Officer, and security staff assigned to RH. The Warden shall designate one member to the group as chairperson. Complex cases, including those of great public interest, may involve Central Office representatives.

Serious Mental Illness (SMI) – MH-2A or MH-2B mental health codes.

STG – Security Threat Group

TLU – Temporary Lock-up

## **PROCEDURE**

### **I. Referral Criteria**

- A. The Security Director may refer an inmate to the ACRHRC when there is good cause to believe the ongoing presence of the inmate in the GP poses a serious risk to staff, other inmates, the public, state property, facility security or the orderly operation of the facility. This risk may be demonstrated by any threats, attempts, planning or behaviors related to:
1. Homicidal, assaultive or other violent behavior.
  2. Intimidation, threats, victimization, stalking or harassment of others.
  3. Activity that gives a staff member reason to believe the inmate's continued presence in GP may incite a disturbance, including involvement with STG activities.
  4. Any other behavior that leads staff to believe the ongoing presence of the inmate in the GP poses a serious risk to staff, other inmates, the public, state property, facility security or the orderly operation of the facility.

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- B. Use of disciplinary process and penalties has not been effective to correct the behavior or mitigate the risks.

## II. Referral Process

- A. The Security Director shall identify inmates who may be appropriate for referral to the ACRHRC for potential placement in AC.
- B. Prior to referral, the Security Director shall consider whether other options would provide the desired outcome of correcting behavior or minimizing risk to safety or security. Examples include involvement in programming, mental health treatment or placement in disciplinary separation for violation of rules.
- C. For inmates with SMI or ID codes, the Security Director shall obtain written input from PSU staff on DOC-3509A regarding the inmate's mental health condition and the availability of alternative treatment settings.
- D. For inmates who are considered appropriate for AC referral, the Security Director/designee shall complete the following:
1. Place the inmate in TLU status pending investigation, when appropriate.
  2. Assign an investigator to review the inmate's record and complete DOC-121.
  3. Assign a staff representative to perform duties per Wisconsin Administrative Code s. DOC 303.83 during the review and hearing process.
  4. Provide DOC-122 to the inmate.
  5. Serve the DOC-121 and informational packet to the inmate, staff representative and ACRHRC. The packet may include, but is not limited to:
    - a. DOC-123.
    - b. Conduct history.
    - c. Judgment of Conviction.
    - d. STG information.
    - e. Status reviews.
  6. Process witness request/statements.
  7. Assign ACRHRC to conduct a hearing and document its findings on DOC-1875 and provide a copy to the inmate.
  8. If the ACRHRC decision is not unanimous, the Warden shall complete DOC-1882 to determine whether AC is appropriate and provide a copy to the inmate.
  9. In cases where the inmate is in disciplinary separation status, refer the matter to the Warden for possible waiver of disciplinary separation time and referral to the ACRHRC.
- E. Appeal of Decision by ACRHRC
1. An inmate may appeal to the Warden within 10 days of the date of the decision by submitting a DOC-1881.

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2. An inmate may appeal to the DAI Administrator within 10 days of the date of the Warden's decision by submitting a DOC-1881.
3. In cases where the Warden makes the determination that AC is appropriate due to the decision not being unanimous, the appeal is submitted directly to the DAI Administrator's office.
4. Inmates who have been in AC status for 12 months or longer will automatically have a DOC -1882 generated for review by the Warden.

### **III. Scheduled Reviews**

- A. At a minimum of every 30 days, the RH Review Team shall review the inmate's progress per DAI Policy 303.00.02 and document on DOC-30 or DOC-30B.
- B. At a minimum of every six months, the ACRHRC shall conduct a full review and complete a DOC-1875. The full review shall be consistent with the procedures used in the hearing for initial placement.
- C. Considerations for all reviews of AC shall include:
  1. Risk to self, another person or facility security.
  2. Behavior and attitude.
  3. Interactions with staff and inmates.
  4. PSU staff input on DOC-3509A for any inmate with a SMI or ID code.
  5. Conduct history and severity of behavior that resulted in placement.
  6. Medical and mental health needs.
  7. Involvement in programming or other noteworthy activities or groups.
  8. Whether the inmate remains active in STG activities.
- D. Prior to a schedule ACRHRC review, inmates may request to review Legal and Social Service files from the Records Office.
  1. During this review, all AC packets shall be removed from the Social Service file.
  2. Requests for documents contained in the AC packets shall be processed under public records law.
- E. The Warden may release an inmate from AC at any time.

### **IV. Programming and Level System**

- A. Each facility shall have a structured and progressive level system that allows inmates to progress through privilege levels based on program participation, behavior and appropriate interactions with staff. Where space and resources allow, the program shall include opportunities for recreation and leisure time activities and out-of-cell time with other inmates (with or without restraints), consistent with level of risk.
- B. At the time of AC placement, inmates shall be informed of the behaviors and actions required to successfully transition to a less restrictive setting.

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- C. Property and privileges of AC shall be consistent with the highest level allowed in the RH area where they are housed.
- D. Additional property, privileges and programming may be initiated to assist in transition planning and preparation for release from this status.

**V. Mentally Ill Inmates**

Inmates placed in AC with SMI or ID codes:

- A. Facility staff shall complete a Behavior Management Plan in the health record as defined in DAI Policy 500.70.30 within 10 days of AC placement.
- B. PSU staff shall meet with the inmate at least once per week and document the clinical contacts in the health record.
- C. If the inmate is not already on a mental health treatment unit, staff shall regularly review options for placement on such unit.
- D. Each facility shall review their capabilities for additional out of cell activities for SMI inmates.
- E. Out of cell time for SMI – Where Resources Allow
  - 1. Four hours per week out of cell time for unstructured recreational/leisure activities per Wisconsin Administrative Code. 309.
  - 2. Five hours per week out of cell for structured activity.



**Administrator's Approval:** \_\_\_\_\_

**Date Signed:** 02/27/20

MARCO L. COBARRA, ADMINISTRATOR

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

<b>Facility:</b> Chippewa Valley Correctional Treatment Facility		
<b>Original Effective Date:</b> 08/31/12	<b>DAI Policy Number:</b> 308.00.01	<b>Page</b> 6 of 6
<b>New Effective Date:</b> 12/23/20	<b>Supersedes Number:</b> 308.00.01	<b>Dated:</b> 03/10/17
<b>Chapter:</b> 308 Administrative Confinement		
<b>Subject:</b> Administrative Confinement/Restrictive Housing		
<b>Will Implement</b> <input type="checkbox"/> As written <input checked="" type="checkbox"/> With below procedures for facility implementation		
<b>Warden's/Center Superintendent's Approval:</b> Timothy A. Nelson, Warden		

**FACILITY PROCEDURE**

The facility will house inmates in Administrative Confinement at nearby institutions.