

	<b>DEPARTMENT OF PUBLIC SAFETY</b>	<b>EFFECTIVE DATE:</b> DEC 12 2009	<b>POLICY NO.:</b> COR.11.01
	<b>CORRECTIONS ADMINISTRATION  POLICY AND PROCEDURES</b>	<b>SUPERSEDES (Policy No. &amp; Date):</b> 493.11.01 & 12/23/87	
	<b>SUBJECT:</b> <b>INMATE SEGREGATION</b>		Page 1 of 9

## 1.0 PURPOSE

To establish statewide policy and procedure for the segregation of inmates from the general population.

## 2.0 REFERENCES AND DEFINITIONS

### .1 References

- a. Standards for Adult Correctional Institutions, 4<sup>th</sup> Ed., January 2003, American Correctional Association (ACA).
- b. Standards for Adult Local Detention Facilities, 4th Ed., June 2004, ACA.
- c. Hawaii Revised Statutes (HRS), Section 353-C-2 Public Safety, Powers and Duties.
- d. Departmental Policy & Procedure (P&P) COR.13.03, Adjustment Committee Composition.
- e. Departmental P&P COR.10.1A.01, Access to Care.
- f. Departmental P&P COR.10E.09, Segregated Inmates.

### .2 Definitions

- a. Segregation – Confinement of an inmate to an individual cell that is separated from the general inmate population. There are four types of segregation:
  - 1) Disciplinary – Separation from the general population in which inmates committing violations of conduct regulations are confined by an adjustment committee or other authorized individual for short periods of time to an individual cell.
  - 2) Administrative – Non-punitive form of segregation from the general population administered by the facility Warden when the continued presence of the inmate in general population would pose a serious threat to the community, property, self, staff, other inmates, or the

COR  P & PM	<b>SUBJECT:</b>  <b>INMATE SEGREGATION</b>	<b>POLICY NO.:</b> <b>COR.11.01</b>
		<b>EFFECTIVE DATE:</b> DEC 12 2009
		<b>Page 2 of 9</b>

security or good government of the facility.

- 3) Pre-hearing Detention - a non-punitive form of segregation from the general population pending disciplinary action administered by the Watch Commander when the continued presence of the inmate in the general population would pose a serious threat to the community, property, self, staff, other inmates, the security or good government of the facility.
- 4) Protective Custody – Form of separation from the general population for inmates requesting or requiring protection from other inmates.
  - b. Adjustment Committee Hearing – An administrative hearing to determine if substantial evidence exists to find an inmate guilty of a rule violation.
  - c. Serious Rule Violation – An infraction which poses a serious threat to the safety, security or welfare of the staff, other inmates or the institution, and subjects the individual to the imposition of serious penalties such as segregation for longer than four hours.

### 3.0 POLICY

#### .1 Administrative Segregation.

- a. Placement – Conduct is the determining factor for placement in administrative segregation. The facility Warden or designated representative may impose administrative segregation on an inmate after considering all information available including confidential or reliable sources, and determines that there is reasonable cause to believe that the continued presence of an inmate in the general population poses a threat to the community, self, the security or good government of the facility, other inmates, staff or property.
- b. Documentation required – An Incident Report Form, PSD 8214 (see attached), should be utilized for documenting the circumstances warranting segregation. It must be submitted prior to end of the work shift and submitted to the facility Warden via the chain of command. If further clarification is necessary, a memorandum may accompany the report.

Within 24 hours after imposition of segregation, the inmate shall be given a written notice in memorandum form, which may include, but not be limited to the following:

COR  P & PM	<b>SUBJECT:</b>  <b>INMATE SEGREGATION</b>	<b>POLICY NO.:</b> <b>COR.11.01</b>
		<b>EFFECTIVE DATE:</b> <b>DEC 12 2009</b>
		<b>Page 3 of 9</b>

- 1) Reason(s) for the segregation,
- 2) Approximate length of segregation,
- 3) Any privileges revoked and reasons for revocation,
- 4) Notice will be signed and dated by the facility Warden or authorized representative.

Within five working days after imposition of administrative segregation the inmate shall be given an opportunity to meet with the facility Warden or authorized representative.

The inmate will be given the opportunity to present evidence before the facility Warden or authorized representative when permission to do so will not be hazardous to institutional safety or correctional goals.

The inmate will be advised of the right to seek administrative review of the decision through the grievance process (reference COR.12.03)

- c. Program Access – Inmates placed in administrative segregation as a result of behavioral problems, will be provided with programs conducive to their well being as determined by the facility Warden within the resources of the facility. However, access to such programs is not to be interpreted as an entitlement to all programs or privileges afforded the general population

Inmates will have the same opportunity to receive treatment from professionals, such as social workers, counselors, psychologists and psychiatrists.

- d. Length of stay – the inmate shall not remain in administrative segregation longer than necessary.
- e. Credit – when segregation is a result of behavior and alleged rule violations, inmates will receive credit for time while spent in administrative segregation.
- f. Visits – Inmates shall retain the right to have personal visits. However, visits will be limited to non-contact between parties; official visits will be contact.
- g. Legal Materials – Inmates in administrative segregation shall retain all rights to access to the courts. Upon verification and validation of requested legal materials, provisions will be made for access to legal

<b>COR</b>  <b>P &amp; PM</b>	<b>SUBJECT:</b>  <b>INMATE SEGREGATION</b>	<b>POLICY NO.:</b> <b>COR.11.01</b>
		<b>EFFECTIVE DATE:</b> <b>DEC 12 2009</b>
		<b>Page 4 of 9</b>

materials as requested by the inmate.

- h. Reading Materials – may be provided to inmates on a circulating basis or on request from the facility library.
- i. Telephone privileges – Inmates will be allowed nonofficial telephone privileges at the discretion of the facility Warden. Official phone calls, such as attorneys (if upcoming court case), ombudsman, and other official State and Federal agencies, shall not be restricted.
- j. Status review – the facility Warden or authorized representative will review the status of an inmate in administrative segregation every seven days.

**.2 Pre-hearing Detention**

- a. Placement– conduct is the determining factor for placement in pre-hearing detention. The Warden or his representative may impose segregation on an inmate after considering all information available, including confidential, or reliable sources, it is determined that there is reasonable cause to believe that:
  - 1) An inmate has committed a serious infraction of the rules;
  - 2) An inmate’s continued presence in the general population poses a threat to self, staff, other inmates, property, community or good government of the facility.
- b. Documentation required – Prior to end of the work shift, the circumstances or incident that warranted detention shall be documented and submitted to the Watch Commander on an Incident Report form PSD 8214 (see attached), and forwarded to the facility Warden via the Chief of Security. If further clarification is necessary, a memorandum may accompany the report.

Upon detention, the inmate shall sign a pre-hearing detention form PSD 8275 (see attached) which will include the following:

- 1) Alleged violation(s)
- 2) Approximate length of segregation
- 3) Notice will be signed and dated by the inmate (marked refused to sign and witnessed if inmate refuses to sign document)
- 4) Notice will be signed and dated by the Watch Commander or authorized representative.

<b>COR</b>  <b>P &amp; PM</b>	<b>SUBJECT:</b>  <b>INMATE SEGREGATION</b>	<b>POLICY NO.:</b> <b>COR.11.01</b>
		<b>EFFECTIVE DATE:</b> <b>DEC 12 2009</b>
		<b>Page 5 of 9</b>

If the disciplinary hearing is not conducted within five working days after imposition of detention, the inmate shall be released back to general population, unless behavior or other circumstances warrants administrative segregation.

The inmate will be given the opportunity to present evidence before the facility adjustment committee after an investigation of the incident has been completed.

The inmate will be advised of the right to seek administrative review of the decision through the grievance process (Policy COR.12.03)

- c. Program Access – inmates placed in pre-hearing detention will be provided with programs conducive to their well being as determined by the facility Warden within the resources of the facility. Access to such programs is not to be interpreted as an entitlement to all programs or privileges afforded the general population.

Inmates will have the same opportunity to receive treatment from professionals, such as social workers, counselors, psychologists and psychiatrists.

- d. Length of stay - The inmate shall not remain in pre-hearing detention longer than five days.
- e. Credit - Inmates in pre-hearing detention shall be credited with time spent in pre-hearing detention.
- f. Visits - Inmates in pre-hearing detention shall not have personal visits; official visits will be contact visits.
- g. Legal materials – Inmates in pre-hearing detention shall retain all rights of access to the courts. Upon verification and validation of requested legal materials, provisions will be made for access to legal materials as requested by the inmate.
- h. Reading Materials – Inmates are allowed a bible or equivalent religious material.
- i. Telephone privileges – Official phone calls attorney (if pending case), ombudsman, and other State and Federal agencies, shall not be restricted.

COR  P & PM	<b>SUBJECT:</b>  <b>INMATE SEGREGATION</b>	<b>POLICY NO.:</b> <b>COR.11.01</b>
		<b>EFFECTIVE DATE:</b> <b>DEC 12 2009</b>
		<b>Page 6 of 9</b>

.3 Disciplinary Segregation

- a. Placement – An adjustment committee or other authorized body may place an inmate with serious rule violations in disciplinary segregation. This may occur when an impartial hearing has been conducted and the segregation is applicable to the sanctions approved in COR.13.03.

The facility Warden shall be responsible for ensuring that the following steps are taken after the committee's decision:

- 1) A copy of the committee's decision documented on PSD 8229 (see attached) shall be given to the inmate and receipt witnessed. The notice shall include, but not be limited to the following information:
    - a) Findings of the committee, and rules violated;
    - b) Evidence relied upon briefly set forth;
    - c) List of privileges revoked and reason for revocation;
    - d) Length of time of segregation.
  - 2) The inmate will be advised of the right to seek administrative review of the decision through the grievance process (policy COR.12.03)
- b. Visits – Inmates may be denied personal visitors for up to the length of imposition as set forth by the adjustment committee. Official visits with attorneys and ombudsman shall not be denied.
- c. Reading materials – Inmates are allowed legal materials, bible or equivalent religious books.
- d. Telephone privileges – Inmates will only be allowed phone privileges when the facility Warden determines there are compelling reasons to do so and authorizes a special telephone call. Calls to attorneys, Ombudsman, or official State and Federal agencies shall not be denied.

.4 Protective Custody

- a. Placement – When an inmate consents to protective custody, it shall be fully documented with a consent signed by the individual. Use form PSD 8226 (see attached).

<b>COR</b>  <b>P &amp; PM</b>	<b>SUBJECT:</b>  <b>INMATE SEGREGATION</b>	<b>POLICY NO.:</b> <b>COR.11.01</b>
		<b>EFFECTIVE DATE:</b> <b>DEC 1 2 2009</b>
		<b>Page 7 of 9</b>

- b. Protective custody shall be used only for a period of time necessary as substantiated by documented facts.
  - c. The inmate may at any time request reassignment to the general population. Where an inmate consents to confinement, the individual may be reassigned to the general population within two weeks of such request unless there is a reason to believe that continued protective custody is necessary.
  - d. Program Access – Inmates may be allowed to participate in institutional programs to the same extent as the general population, providing their participation is consistent with the safety and security of the institution and community. They will also have the same opportunity to receive treatment from professionals such as social workers, counselors, psychologists and psychiatrists.
  - e. Visits – Inmates will be allowed the same visitation privileges as in general population.
  - f. Legal materials – Inmates shall retain all rights of access to the courts. Upon verification and validation of requested legal materials, provisions will be made for access to legal materials as requested by the inmate.
  - g. Reading materials – Inmates will be allowed the same reading privileges as the general population.
  - h. Telephone privileges – Inmates will be allowed the same telephone privileges as the general population.
  - i. Status review – The facility Warden or authorized representative shall review the status of an inmate in protective custody every seven days for the first two months and at least every thirty days thereafter to determine if the reason for initial placement still exists.
- .5 Policies common to all inmates in Administrative Segregation, Pre-hearing Detention, Disciplinary Segregation and Protective Custody.
- a. Exercise / recreation – all inmates in segregation will be allowed exercise / recreation.
  - b. Mail – All inmates in segregation will be provided the same opportunities for writing and receipt of letters available to general population. Reference

COR  P & PM	<b>SUBJECT:</b>  <b>INMATE SEGREGATION</b>	<b>POLICY NO.:</b> COR.11.01
		<b>EFFECTIVE DATE:</b> DEC 1 2 2009
		Page 8 of 9

COR. 15.02, Correspondence.

- c. Medical Services – All inmates in segregation will have access to the same medical services as the general population.
- d. Meals – All inmates in segregation will receive the same meals served to the general population except those on special medical or religious diets. Reference COR.09.01.
- e. Personal Hygiene -
  - 1) All inmates in segregation will be given an opportunity to shave and shower at least three times per week.
  - 2) All inmates in segregation will be given the same issue and exchange of clothing; bedding, linen, laundry, barbering and hair care services as those in the general population. Exceptions will be recorded in the Logbook and justified in writing.
- f. Legal Materials – inmates in segregation shall retain all rights and access to the courts. Upon verification and validation of requested legal materials, provisions will be made for access to legal materials as requested by the inmate.
- g. Loss of Privileges.
  - 1) Whenever an inmate in segregation is deprived of any authorized item or activity as defined in COR.13.03, a report of the action shall be made through the chain of command and forwarded to the Chief of Security by the end of the shift the action was taken. The report shall include:
    - a) Name of inmate
    - b) Item or activity taken away and the reason for the action
  - 2) If circumstances warrant loss of all privileges, approval for such action shall be obtained in advance from the Watch Commander.
- h. Psychological Assessment – When an inmate is in segregation, they shall be monitored once a week by psychiatric staff. Those in extreme isolation with little or no contact with other individuals will be monitored on a daily

COR  P & PM	<b>SUBJECT:</b>  <b>INMATE SEGREGATION</b>	<b>POLICY NO.:</b> COR.11.01
		<b>EFFECTIVE DATE:</b> DEC 12 2009
		Page 9 of 9

basis.

i. Records – staff members operating segregation units shall maintain a permanent log. This log shall contain at least the following information:

- 1) Inmate's name;
- 2) Housing location;
- 3) Date admitted;
- 4) Type of infraction or reason for admission;
- 5) Tentative release date;
- 6) Special medical or psychiatric problems or needs;
- 7) Visits by staff, facility officials or counselors;
- 8) Unusual behavior;
- 9) Date of release.

#### 4.0 SCOPE

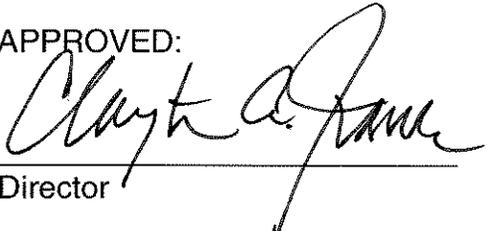
This policy applies to all Department facilities of the Corrections Division.

APPROVAL RECOMMENDED:

  
\_\_\_\_\_  
Deputy Director for Corrections

  
\_\_\_\_\_  
Date

APPROVED:

  
\_\_\_\_\_  
Director

  
\_\_\_\_\_  
Date

STATE OF HAWAII  
DEPARTMENT OF PUBLIC SAFETY

INCIDENT REPORT

Facility: \_\_\_\_\_

Prepared on: \_\_\_\_\_

TO: \_\_\_\_\_ THRU: \_\_\_\_\_  
(Administrator/Section Supervisor) (Watch Supervisor)

DATE	TIME	NARRATIVE (Specify inmate name & ID and location if related to misconduct)

By: \_\_\_\_\_  
Reporting Officer/Employee Title

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

**STATE OF HAWAII  
DEPARTMENT OF PUBLIC SAFETY**

**SPECIAL CASE**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Inmate/Ward: \_\_\_\_\_

Current Housing Unit: \_\_\_\_\_

Referred by: \_\_\_\_\_

Referred to Housing Unit: \_\_\_\_\_

Conditions which Promoted Segregation Action:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reasonable Cause/Threat to:

- 1) Life or Limb
- 2) Security or good government of facility
- 3) Community

Degree of Severity:

- First
- Second
- Third

**SPECIAL CASE**

**Inmate/Ward Written Consent for Segregation:**

I, \_\_\_\_\_, request and consent to assignment to protective custody segregation effective \_\_\_\_\_.

\_\_\_\_\_  
Watch Captain

\_\_\_\_\_  
Signature of Inmate

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Inmate/Ward Written Request for Suspension of Segregation:**

I, \_\_\_\_\_, request suspension of assignment to protective segregation effective \_\_\_\_\_.

\_\_\_\_\_  
Watch Captain

\_\_\_\_\_  
Signature of Inmate

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Statement of Action Taken:**

---

---

---

---

---

\_\_\_\_\_  
Facility Administrator

\_\_\_\_\_  
Date

**STATE OF HAWAII  
DEPARTMENT OF PUBLIC SAFETY  
CORRECTIONS DIVISION**

Facility \_\_\_\_\_

\_\_\_\_\_  
(Name)

NOTICE OF REPORT OF MISCONDUCT

Date \_\_\_\_\_ Time \_\_\_\_\_

- You are herein notified that a written report of misconduct was filed against you on \_\_\_\_\_.  
A copy of the charge(s) is listed below.
- A hearing on the charge(s) has been scheduled and you are to be present at \_\_\_\_\_.  
\_\_\_\_\_, on \_\_\_\_\_, (Location)  
(Time) (Date)

As required by Corrections Division procedure, this hearing has been scheduled to determine the facts and administer just corrective action. You have the right to: 1) Have any charge explained to you; 2) Question those who have made any charge against you and examine any written material concerning the charge; 3) Explain any charge brought against you; 4) Request an administrative review through the adjustment process.

Charge(s):

Facts supporting the charge(s) are as stated on the attached Misconduct Report.

\_\_\_\_\_  
Chairman

Receipt of notice of charges and rights:

I acknowledge receipt of the above charges. I understand that I: do \_\_\_ /do not \_\_\_ have the right to legal counsel present at the hearing. I also understand that I have \_\_\_\_\_ hours notice prior to the hearing.

I do \_\_\_ I do not \_\_\_ waive my right to legal counsel.

I do \_\_\_ I do not \_\_\_ waive my right to 24 hour prior notice.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
(Respondent)

Findings and Disposition of Corrective Action:

Evidence relied upon for decision:

\_\_\_\_\_  
Committee Chairman

\_\_\_\_\_  
Date

Receipt of findings and disposition:

\_\_\_\_\_  
Inmate

\_\_\_\_\_  
Date

Original - Inmate active file      Copy - Committee Chairman, Inmate

DEPARTMENT OF PUBLIC SAFETY  
PRE HEARING DETENTION  
Facility \_\_\_\_\_

TO: \_\_\_\_\_ SID: \_\_\_\_\_  
Name of Inmate

FROM: \_\_\_\_\_ DATE: \_\_\_\_\_  
Name of ACO / Staff member Title

**SUBJECT: PRE-HEARING DETENTION NOTICE**

This notice is to inform you that a report of misconduct has been processed on allegations that you may have violated rule(s) as defined in Policy COR.13.03, Adjustment Procedures Governing Serious Misconduct Violations and the Adjustment of Minor Misconduct Violations. The specific alleged misconduct(s) may be, but not limited to the following:

1) \_\_\_\_\_ : \_\_\_\_\_  
Violation # Violation

---

2) \_\_\_\_\_ : \_\_\_\_\_  
Violation # Violation

---

3) \_\_\_\_\_ : \_\_\_\_\_  
Violation # Violation

---

Date confined: \_\_\_\_\_ Time confined: \_\_\_\_\_

Location of confinement: \_\_\_\_\_

Date Released: \_\_\_\_\_ Time released: \_\_\_\_\_

Due to the seriousness of the violation(s) you are to be placed in Pre-hearing detention pending an investigation and possible Adjustment Committee Hearing.

APPROVED BY: \_\_\_\_\_  
Watch Commander Date

I hereby acknowledge receipt of this notice:

\_\_\_\_\_  
Signature of Inmate Date Time

\_\_\_\_\_  
Witness/Title (if inmates refused to sign) Date Time

After all parties have signed provide to: Original to investigator, 1 copy each to; Segregation Sgt., Operations, Watch Commander, Chief of Security, Gang Intelligence Officer, Mental Health Unit. Total 6 copies plus original