

	<b>State of Alaska</b> <b>Department of Corrections</b> <b>Policies and Procedures</b>	<b>Index #:</b> 804.01	<b>Page 1 of 7</b>	
		<b>Effective:</b> 04/14/14	<b>Reviewed:</b>	
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<b>Chapter:</b>	Special Management Prisoners			
<b>Subject:</b>	Administrative Segregation			

I. Authority

In accordance with 22 AAC 05.155, the Department will maintain a manual comprised of policies and procedures established by the Commissioner to interpret and implement relevant sections of the Alaska Statutes and 22 AAC.

II. References

Alaska Statutes

33.30.011

47.37.170

Alaska Administrative Codes

22 AAC 05.230

22 AAC 05.260

22 AAC 05.485

22 AAC 05.495

22 AAC 05.500

22 AAC 05.505

III. Purpose

This policy establishes uniform procedures within the Department to govern the assignment, operation, and supervision of inmates under administrative segregation.

IV. Application

All staff.

V. Definitions

A. Administrative Segregation: A form of separation from the general population imposed by the Superintendent or his/her designee when the continued presence of the inmate in the general population poses a serious threat to life, property, self, staff, or other inmates or to the security or orderly operation of the institution. Inmates pending investigation for trial on a criminal act or pending transfer also can be included.

B. Administrative Segregation Maximum: Indicates that an inmate requires the maximum level of supervision available within the facility due to being identified as an escape risk, the most assaultive, predatory, riotous, or seriously disruptive to the orderly administration of the facility. A segregation maximum inmate must be placed in secure housing, with very limited program activities, with maximum supervision within the secure perimeter of the facility.

C. Protective Custody: A form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health or safety. The inmate's status is reviewed periodically by the Superintendent or his/her designee.

- D. Punitive Segregation: A form of separation from the general population in which inmates who have committed serious violations of conduct regulations are confined by the disciplinary board and/or the Superintendent or his/her designee for short periods of time to individual cells separated from the general population. Placement in punitive segregation only may occur after a finding of a rule violation at an impartial hearing and when there is not an adequate alternative disposition to regulate the inmate's behavior.
- E. Security Threat Group: A group of two or more inmates who share a common identity and who generally engage in disruptive behavior.
- F. Segregation: The confinement of an inmate separated from the general population.

## VI. Policy

Each institution shall have an administrative segregation unit to securely house inmates who require special supervision. The Department shall not use administrative segregation as punishment.

## VII. Procedures

- A. Assignment to Administrative Segregation. The Department may assign an inmate to administrative segregation if the inmate:
1. has not been classified since initial admission to the institution, or has not yet had a physical examination under policy #807.14, Health Examinations;
  2. is incapacitated;
  3. is suffering or is suspected of suffering from a communicable disease;
  4. is prescribed segregation by a physician, physician's assistant, or mental health professional based upon his or her mental or physical condition;
  5. requests the segregation and demonstrates a valid security-related or medical reason for the segregation;
  6. is detained as a non-criminal hold under A.S. 47.30.705 or A.S. 47.37.170;
  7. is being held as a material witness under a court order;
  8. presents a substantial and immediate threat to the security of the facility or public safety;
  9. requires protective custody;
  10. requires the most restrictive housing based on the inmate's behavior which represents a severe threat to the safety and security of the facility. These inmates will be identified as Administrative Segregation Maximum and the criteria for placement are further defined below in Section B. 3.
- B. Placement in Administrative Segregation
1. Emergency Segregation Placement
    - a. A staff member may immediately place an inmate in segregation if he or she reasonably believes that the inmate presents a substantial immediate threat to him or herself, others, the security of the facility, or the public. The shift supervisor shall review the inmate's placement in segregation either at the time, or immediately after, the inmate is placed in segregation.
    - b. Staff shall complete the Administrative Segregation Admission form (804.01A) when placing an inmate in emergency segregation and the shift supervisor must sign and give a copy of this form to the Superintendent for review. The inmate
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shall be provided a copy of this form as soon as possible after the placement. The form shall include the reasons for segregation.

- c. Except for inmates described in sections A (1) and A (6) above, the Department shall not keep an inmate in administrative segregation for more than 24 hours unless the Superintendent determines in writing (on form 804.01A) that the inmate is a substantial and immediate threat to him or herself, others, or the security of the facility and sets out the facts that justify segregating the inmate until a hearing is held pursuant to section C below.
  - d. In instances of the segregation of an inmate believed to have a disability and the segregation is based upon the disability, the Superintendent shall consult with the Institutional Health Care Officer within 24 hours and determine whether the inmate's placement in segregation is necessary to avoid a direct threat under the Americans with Disabilities Act. A direct threat under the Americans with Disabilities Act means a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. In the absence of such a finding, staff shall immediately release the inmate from segregation.
    - (1) On a holiday or weekend when the Superintendent is not at the facility, the determination that an inmate is a direct threat shall be addressed by the Shift Supervisor and shall be reviewed by the Superintendent the next business day. The on-call Healthcare Provider shall be consulted in reference to any segregation placements involving inmates believed to have a disability. Staff shall note the specific nature of the direct threat on the Administrative Segregation Admission form (804.01A).
    - (2) The Superintendent or staff shall send the original form 804.01A to the Institutional Probation Officer for a hearing under section C below.
  - e. The institution shall hold a hearing within three (3) working days of an emergency segregation placement in accord with section C below. In exceptional circumstances and for good cause, the institution may have a 24 hour extension.
2. Non-Emergency Segregation Placement.
- a. Except for inmates described in sections A (1) and A (6) above, and except for the limited emergency placement described in B (1) above, the institution may not segregate an inmate without first notifying the inmate in writing on form 804.01 of the reasons for the intended placement and holding a hearing to determine if circumstances exist that justify placement in administrative segregation.
  - b. Staff shall complete the Administrative Segregation Admission form (804.01A) and the Shift Supervisor shall sign and give a copy of this form to the Superintendent for review. The inmate shall be provided a copy of this form. The form shall state the reasons for segregation.
  - c. In instances of the segregation of an inmate believed to have a disability and the segregation is based upon the disability, the Superintendent shall consult with the Institutional Health Care Officer and determine whether the inmate's placement in segregation is necessary to avoid a direct threat under the Americans with Disabilities Act. A direct threat under the Americans with Disabilities Act means a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.
  - d. The institution need not hold an initial Administration Segregation hearing if an inmate requests administrative segregation under section A(5) above.
3. Administrative Segregation Maximum.
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- a. In order to be placed in this restrictive housing status, an inmate's behavior must meet one or more of the following:
    - (1) The inmate has demonstrated physically or sexually assaultive and/or predatory behavior including but not limited to:
      - (a) Assaultive behavior towards staff or visitors;
      - (b) Assaulted an inmate resulting in serious physical harm;
      - (c) Assaulted or attempted to assault an inmate with a deadly weapon;
      - (d) Compelled or attempted to compel an inmate by force or threat of force to perform sexual acts; engage in sexual conduct or sexual contact; or to submit to sexual contact; or
      - (e) Compelled or coerced an inmate, by force or the threat of serious physical harm or death, to provide anything of value, to perform any act, or to violate any rule.
    - (2) The nature of the criminal offense committed prior to incarceration results in a severe threat to the security and orderly operation of the institution and the safety of staff, other inmates, or the public.
    - (3) The inmate has lead, organized, incited, or participated in a disturbance or riot that resulted in the taking of a hostage, significant property damage, physical harm, or the loss of life.
    - (4) The inmate has conspired or attempted to convey, introduce, or possess major contraband which poses a severe threat or danger to the security of the institution.
    - (5) The inmate functions as a leader, enforcer, or recruiter of a security threat group.
    - (6) The inmate has escaped, attempted to escape, or committed acts to facilitate an escape from a correctional facility.
    - (7) The inmate knowingly exposed others to the risk of contracting a dangerous disease including but not limited to HIV or Hepatitis.
    - (8) The inmate otherwise presents a severe threat to the security of the institution.
  - b. The institutional Probation Officer shall complete the Recommendation for Administrative Segregation Maximum form (804.01C) and shall sign and give a copy of this form to the Superintendent for review. The inmate shall be provided a copy of this form. The form shall state the reasons for segregation.
  - c. Sentenced offenders designated as Ad Seg 10 shall have the opportunity to participate in a program designed to facilitate their transition back to open population. This program shall be implemented by an Standard Operating Procedure which has been approved by the Director.
- C. Administration Segregation Hearing
1. The Department shall give the inmate 48 hours notice of the hearing and advise the inmate of his or her right to assistance from a hearing advisor. The inmate shall be advised of the right to counsel when segregation is in connection with an infraction that would constitute violation of a felony criminal statute. An inmate is entitled to a hearing advisor to investigate the facts and coordinate the inmate's presentation at the hearing.
  2. The inmate shall be given the opportunity to challenge the factual basis for the placement, to appear, present evidence, and examine witnesses, unless the hearing officer makes a written factual finding that to do so would subject another person to a substantial risk of harm. In that case, the Department shall provide the inmate with
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- the substance of the witness' testimony in a written or oral summary. The inmate must also be provided the opportunity to make a statement on his or her own behalf.
3. The institution shall demonstrate the inmate meets the criteria set forth in Sections A & B above in order to place the inmate in administrative segregation. Except as provided for in section F below, within five (5) working days after the hearing, the Institutional Probation Officer shall prepare an Administrative Segregation Hearing form (804.01B) for the Superintendent's review and action. The form must include written factual findings and the evidence that the hearing officer relied upon in sufficient detail to permit appellate review.
  4. If the inmate is being reviewed for the purpose of being housed as Administrative Segregation Maximum, the Institutional Probation Officer shall complete form 20-804.01C for the Superintendent's review, along with the Administration Segregation Hearing form and all supporting documentation. A review of the inmate's needs and status will then be completed every four (4) months thereafter to determine his or her continued need for this level of placement.
  5. Except as provided in section F below, the Superintendent has three (3) working days to make a final decision regarding the hearing officer's recommendation. The Superintendent may approve, disapprove, or modify the hearing officer's decision. If disapproved or modified, the Superintendent shall state the reasons on the Administration Segregation Hearing form. The inmate shall receive a copy of the decision.
  6. The completed Administrative Segregation Admission form (804.01A) and the Administration Segregation Hearing form shall be filed in the inmate's case record.
- D. The Institutional Probation Officer shall hold review hearings within 30 days after the first hearing and every 30 days thereafter for as long as the inmate remains in segregation, except for those inmates housed as Administrative Segregation Maximum, who shall be reviewed every 4 months after the first hearing. At this hearing, the institution shall demonstrate the inmate continues to meet the criteria for segregation. The Superintendent may authorize a hearing at any time to review an inmate's status in administrative segregation.
- E. An inmate may appeal the Superintendent's decision to the Director of Institutions using form 804.01D within five days of receiving the Superintendent's decision. The Director of Institutions has 15 days to approve, disapprove or modify the decision. The inmate will receive a copy of the final decision.
- F. Rights and Privileges. Segregated inmates must be afforded rights and privileges consistent with the security risks inherent in the reasons and justifications for the segregation.
1. Access to visitation, mail, telephone, recreation, law library, and programs can be restricted only if an individualized determination is made that an inmate's participation threatens the order and security of the facility.
  2. To make an individualize determination, the Superintendent or designee shall make written findings of fact showing that the inmate is an escape, smuggling, or security risk and, therefore, not entitled to the activity listed above. The Superintendent or designee shall notify the inmate of this decision as soon as practicable either before or upon making the individualized determination. The Superintendent or designee shall review an individualized determination every thirty (30) days. The inmate may appeal such a determination as provided in Section D above.
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- G. Supervision of Segregation Unit. The Superintendent shall develop specific procedures for the segregation unit and ensure that staff supervise and monitor segregated inmates consistent with these procedures.
1. Segregation unit staff shall be provided orientation concerning segregation policies and procedures, the needs of segregated inmates and post orders under Policy 1208.01.
  2. Inspection and Monitoring
    - a. The Superintendent shall inspect the segregation unit daily. The Superintendent may designate an Assistant Superintendent or Lieutenant to perform the daily inspection. The Superintendent shall personally inspect the unit at least once during each work week.
    - b. The segregation unit and the inmates housed therein shall be monitored and logged on a regular basis to facilitate the observation and evaluation of the conditions of segregation, and to maintain the appropriate degree of staff contact with inmates in segregation as follows:
      - (1) the Shift Supervisor or assigned Sergeant shall visit the unit at least once during each shift;
      - (2) health care personnel and mental health personnel shall visit or otherwise be available to inmates as needed, consistent with the Health Care Services policies and procedures in chapter 807;
      - (3) Probation Officers, program representatives, and staff counselors shall visit the unit as appropriate for the inmates' needs and requests; and
      - (4) religious faith representatives may visit the unit in response to inmates' authorized requests.
    - c. A segregation log must be maintained that contains the following information:
      - (1) date, time, name, and reasons for placing each inmate in segregation;
      - (2) names of professional visitors, such as mental health professional, probation officer, etc.;
      - (3) the Superintendent or designee's daily observation visits and the Superintendent's inspections;
      - (4) description of inmate behavior, including requests or complaints and staff response;
      - (5) inmates' conditions, e.g., obvious emotional and physical problems;
      - (6) start and finish times of any recreation, showers, phone calls, program activities, and exercise periods, including the notation of any refusals;
      - (7) bedding, linen, and clothing exchange;
      - (8) all items given to or taken from inmates;
      - (9) date, time, and initials of the officer making each entry; and
      - (10) release authority mechanism, including date, time, and name of the officer releasing the inmate from segregation.
    - d. The Department shall maintain an Observation Cumulative (form 602.01B) on each inmate who requires extraordinary monitoring such as "suicide watch." The record must have chronological record sheets with "Segregation Record" and the inmate's full name and offender number at the top of each sheet. Staff must file the form in the inmate's case record when the inmate is released or transferred from segregation. See Policy #602.01, Inmate Case Record. This record must include:
      - (1) a chronological and cumulative record of the entire period of extraordinary monitoring;

- (2) the date, time, and observing staff member's first initial and last name for each entry;
- (3) all prescribed activity records such as meals, bathing, medication, visits, program activities, materials or items provided or removed, exercise, recreation, religious activities, etc.; and
- (4) unusual occurrences or behavior of the inmate.

H. Release from Administrative Segregation: The Superintendent shall release an inmate from segregation under the following conditions:

- 1. after the Superintendent's review of placement per section B above and a determination that the inmate does not meet the requirements of section A above;
- 2. the inmate has been appropriately classified after initial admission to the institution in accordance with Chapter 700, Classification;
- 3. after the inmate completes the requisite health screening and physical examinations under Policy & Procedure 807.14 [Health Examinations]; or
- 4. after reviewing the Institutional Probation Officers' recommendations, the Superintendent determines that the inmate no longer meets the criteria set out in Section A above.

#### VIII. Implementation

This policy and procedure is effective the date signed by the Commissioner. Each Manager shall incorporate the contents of this document into local policy and procedure. All local policies and procedures must conform to the contents of this document.

4/14/2014

Date

SIGNATURE ON FILE

Joseph D. Schmidt, Commissioner  
Department of Corrections

#### Applicable Forms to this Policy:

Administrative Segregation Admission: form 804.01A

Administrative Segregation Hearing: form 804.01B

Recommendation for Administrative Segregation Maximum: form 804.01C

Administrative Segregation Appeal: Form 804.01D

Observation Cumulative (form 602.01B)

*Original: 3/16/1987*

*Revised: 7/9/1995*

*Revised: 3/19/2010*

*Revised: 6/1/2010*

*Revised: 6/15/2012*