

NEBRASKA

JAIL BULLETIN

NUMBER 100

AUGUST 1993

The Jail Bulletin is a monthly feature of the Crime Commission Update. The Bulletin may be used as a supplement to your jail in-service training program if officers study the material and complete the attached "open book" quiz. The Bulletin and quiz may be reproduced for use by your staff. We welcome any jail training material you would like to contribute to the Bulletin.

ADMINISTRATIVE SEGREGATION

Administrative segregation is a term that has many definitions. As used in most American Correctional Association Regulations, it refers to the potentially long-term, indeterminate separation of an inmate from the general population because the inmate presents a danger to himself or others, or a danger to the security of the institution. The decision to house an inmate in administrative segregation may be made on the basis of the inmate's recent conduct, medical or mental condition, charges pending, or from an inmate's entire record from which a person could reasonably conclude that a need for this classification exists. This differs from disciplinary segregation which is a transfer to a more restrictive confinement for the purpose of punishing an inmate for his or her violation of a jail rule.

Although the decision to administratively segregate an inmate from the general population may result from a disciplinary infraction, the process of separation is neither a disciplinary one nor a punitive one. Administrative segregation should be a classification decision based on examination of the individual's behavior and adjustment in the jail.

Administrative segregation may be used for a variety of reasons. The following list gives some examples:

1. Inmates who, through their threats or actions, are a clear danger to other inmates, staff, or the security of the jail.
2. Inmates who have communicable diseases or need to be isolated for other medical reasons.
3. Inmates who cannot function appropriately and safely in the general population due to mental health problems or developmental disabilities.

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4. Inmates who are resented by the other inmates due to the nature of their criminal charges.
5. Inmates who are unable to adjust to living with others and may be the target of assaults by other inmates.

Because of the serious consequences which generally accompany the use of administrative segregation, and the resulting loss of liberty and access to certain services and programs, the use of administrative segregation has been the target of many court cases.

The American Correctional Association (ACA) administrative segregation model rules advise that an individual should not be placed in administrative segregation unless the decision is reached by a classification committee as a result of a meeting which is conducted according to the following procedures:

1. That at least 24 hours notice is given prior to the hearing and that the inmate may present witnesses and written statements, may have the assistance of a staff member or counsel in preparing for the meeting, that he may have the right to remain silent, and that the notice indicates the specific reasons for which the meeting is conducted.
2. That if an inmate is judged to be an immediate danger to himself or others the jail manager may choose to invoke immediate administrative segregation prior to a meeting. In such an event, however, the meeting shall be held within three working days after the inmate is placed in segregation. Again, notification and representation are required for the hearing.
3. That the administrative segregation meeting should be conducted by a committee of not less than three members.
4. That the inmate is present at all stages of the meeting except for final deliberations or when excluded due to inappropriate or dangerous behavior.
5. The committee may require staff and/or inmates to appear at the meeting to present relevant information.

The ACA model rules allow the committee to consider information which is given to them anonymously. It also established guidelines for the use and verification of anonymous information.

All meetings of the committee and all decisions which result in the placement of an inmate in administrative segregation should be carefully documented.

The rules also provide for an appeal of the decision of the committee to the jail manager. The appeal should be filed within a few days after the decision has been handed down.

It is also important to review the status of all inmates in administrative segregation at least every thirty days. Such review should involve a meeting of the committee which made the recommendation, and might involve the direct presence of the inmate. If the committee decides to continue the segregation, this decision may again be appealed to the facility manager.

Much of the litigation concerning administrative segregation has to do with the conditions under which inmates are held. The ACA model rules provide that the following rights, privileges and amenities shall routinely be provided the inmates in administrative segregation:

1. Cells in administrative segregation should be equipped and furnished similar to those in the general population.
2. Each inmate shall be provided with the same opportunity for personal hygiene as inmates in the general population.
3. Inmates shall be provided with the same opportunity to exercise out of their cells at least 1 hour a day for 5 days each week.
4. Medical staff shall make daily rounds to the segregation unit.
5. Inmates in administrative segregation shall be allowed to possess the same types and amounts of personal property as other inmates.
6. Inmates shall retain all rights to correspondence and reading material as are available to other persons in the general population.
7. Inmates shall retain all rights of access to the courts.
8. The quality and quantity of food provided inmates in segregation shall be substantially the same as that provided inmates in the general population.
9. Inmates in segregation shall be provided the same bedding supplies as provided to the general population.
10. Inmates in segregation may request books from the library and possess the same number of books in their cells as the general population.
11. Inmates in segregation shall be afforded visiting privileges which are, as much as practical, equal to those in the general population.
12. Inmates in segregation shall continue to receive the services of the attorney, and may participate in such programs as possible within the security confines of the unit.
13. Inmates in segregation must be able to order items from the commissary as often as inmates in the general population.

14. Religious resources and personnel must be available to persons in segregation on a least a weekly basis.
15. Inmates in segregation shall have access to a telephone in the manner which is equivalent to the general population of the facility.

The model rules also indicate that you can restrict rights, privileges, and amenities only if such restrictions are necessary to prevent the destruction of property, to maintain the health and/or safety of any person. and/or otherwise to maintain the security of the unit.

Finally, the rules recommend that staff who are assigned to administrative segregation be carefully selected, trained, and supervised in their work.

If you choose to use administrative segregation as a management tool, do so carefully within the guidelines outlines above.

This issue of the Jail Bulletin was prepared by Dan Evans, Field Representative, Jail Standards Division, Nebraska Crime Commission. The material was adapted from Small Jail Resource Manual, Authors, CRS, Inc. Prepared Under a National Institute of Corrections Grant

QUIZ

Nebraska Jail Standards require that jail staff receive eighteen (18) hours of inservice training each year. The Jail Bulletin may be used to supplement inservice training if an officer studies the bulletin, completes the quiz, and this process is documented by the jail administrator for review during annual jail inspections.

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SUBJECT: Administrative Segregation **NAME** _____

DATE _____

1. Define "administrative segregation." _____

2. It is important to review the status of inmates in administrative segregation at least every _____ days.
3. According to the ACA guidelines, inmates in administrative segregation should generally receive the same rights, privileges and amenities as other inmates.
True _____ False _____
4. The ACA guidelines call for an inmate to receive _____ hours notice prior to an administrative segregation hearing.
5. Although the decision to administratively segregate an inmate from the general population may result from a disciplinary infraction, the process of separation is neither a _____ one nor a _____ one.

CREDIT: 1/2 HOUR CREDIT FOR JAIL INSERVICE TRAINING REQUIREMENT

ANSWER SHEET SHOULD BE RETAINED BY JAIL ADMINISTRATOR OR TRAINING OFFICER

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30

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True _____ XX _____ False _____

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24

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DISCIPLINARY PUNITIVE

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