

N E B R A S K A

JAIL BULLETIN

APRIL/MAY 1997

NUMBER 134

The *Jail 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, they may receive **one hour of credit**. The bulletin and quiz may be reproduced for staff use as necessary. *We welcome any material you would like to contribute to the "Jail Bulletin".*

INMATE CLASSIFICATION PROGRAM PART VI MODEL CLASSIFICATION SYSTEM

Administrative Housing Status is defined as:

"A form of separation from the general population administered by classification when the continued presence of the inmate in the general population would pose a threat to life, property, self, staff or other inmates, or to the security or orderly running of the institution."

This definition states that Administrative Housing is "administered by classification." In other words, the decision to place an inmate in Administrative Housing involves evaluating some of the same factors that are utilized in assigning custody levels: such things as past and current behavior, escape potential, risk of assaultive behavior, and institutional adjustment. This differentiates Administrative Housing from another type of specialized housing status, Disciplinary Segregation, which is administered through a completely different process.

The contents of the *Jail Bulletin* represent the views of the author(s) and do not necessarily reflect official views or policies of the Nebraska Crime Commission or the Nebraska Jail Standards Board.

I. TYPES OF ADMINISTRATIVE HOUSING

There are four types of Administrative Housing. Detailed official definitions should be given in policy, but brief descriptions might be useful here:

- c **Immediate Segregation:** The inmate is removed from general population and placed in segregation on an emergency basis. Since there is usually no time for normal disciplinary or classification procedures under these circumstances, special procedures are followed to preserve the inmate's rights to due process.
- c **Administrative Segregation:** High-security housing for inmates who pose an especially high risk of escape, or whose behavior is as too unmanageable or disruptive for the regular housing unit.
- c **Control Segregation:** A combination of special housing and special procedures for inmates who pose an imminent threat of danger to others, or who have demonstrated dangerous behavior. Special restraints and escort procedures are implemented whenever the inmate is out of the cell.
- c **Protective Custody:** Safe, secure housing for inmates who are at risk of being assaulted or attacked by other inmates.

II. DUE PROCESS

The right to due process is contained in the Fourteenth Amendment which states in part “. . . nor shall any State deprive any person of life, liberty or property without due process of law. . .” Inmates do not lose this right upon incarceration. It is of particular importance in matters regarding Administrative Housing due to the restrictive nature of this type of living unit.

Courts generally hold that, after an inmate is classified, he or she acquires what is known as a “liberty interest” in being housed in certain types of settings. This simply means that they have an interest in retaining the freedom of movement, property, activities or other aspects associated with a particular custody level or type of housing area once they have been assigned to it. Although they usually do not have a right to a particular housing unit, they may have a right to particular conditions. For example, an inmate does not have a right to live in Housing Area C instead of Housing Area D since the levels of restrictiveness of these units are the same. An inmate living in Housing Area C, however, may have a liberty interest in remaining there rather than being moved to Administrative Housing because the level of restrictiveness is greater and he would have fewer rights and privileges.

This does not mean that once an inmate is assigned to a particular housing area he/she cannot be moved. Liberty interests are created through, among other things, Departmental policies (the liberty

interests involved in housing, for instance, are created by the Classification policies which designate certain housing areas for certain custody levels), and these same policies set forth the conditions under which housing assignments can be changed. Policies defining Administrative Housing and Inmate Discipline, for instance, establish such conditions. But in all cases where an inmate is moved from a less restrictive setting to a more restrictive one, procedures must be followed which protect the inmate's right to due process. Furthermore, unless an emergency exists, due process must be satisfied before a change in status can be implemented.

The elements of due process which come into play here are:

- c the inmate must be notified of the reason for the change in housing, including the information staff are relying on in making the decision;
- c The inmate must have an opportunity to make a response;
- c the inmate should have the opportunity to appeal an unfavorable decision to higher authority;
- c the entire process must be adequately documented.

These elements have been incorporated into the notification, hearing, appeal and review procedures established for placing an inmate in Administrative Housing. All staff involved in any aspect of Administrative Housing decisions are responsible for conforming to these procedures.

III. IMMEDIATE SEGREGATION

Immediate Segregation is somewhat different from the other forms of Administrative Housing, but since it is the most common route by which inmates are placed in Administrative Housing, we will discuss it first.

Immediate Segregation differs from the other forms of Administrative Housing in three regards:

- c **Method of placement:** Inmates are placed on Immediate Segregation by the Shift Supervisor on duty when certain conditions specified in Policy are met. Generally, this is when the inmate's behavior is so problematic that they must be removed from the unit at once. Referrals and classifications are not a part of this placement process.
- c **Due Process:** Due process requirements must ordinarily be met prior to any action being taken. However, in the case of Immediate Segregation placements, there is no time to conduct prior hearings. Due process requirements are satisfied by providing the inmate with a written Notice of Immediate Segregation at the time of placement, followed by an

Immediate Segregation Review within 24 hours. These will be discussed in greater detail below.

- c **Duration:** Placements in other types of Administrative Housing may be indefinite in length. Placements in Immediate Segregation, however, may be for no longer than 96 hours, at the end of which some type of disposition must be made.

Immediate Segregation provides a means for supervisors to deal on an immediate basis with significant problems within the housing units, allowing them to restore order by removing problem inmates. This is clearly important in the case of fights, assaults, or other major rule violations.

But inmates may also be placed on I.S. pending the disposition of a referral for Administrative Segregation, Control Segregation, or Protective Custody. This can be done if leaving them on the unit after the referral has been made would lead to significant disruptions, or security or control problems. An inmate referred for Protective Custody, for instance, may be placed in Immediate Segregation if there is a danger of him or her being assaulted while the referral is being considered.

A placement to I.S. must be followed by a disciplinary hearing for a rules violation, or a classification action. A placement to Immediate Segregation cannot stand on its own.

NOTICE OF IMMEDIATE SEGREGATION

At the time an inmate is placed in Immediate Segregation, he or she must be served with a Notice of Immediate Segregation. This notice must contain, at a minimum, the following:

- c **the date and time of placement;**
- c **a written statement of the reason(s) for the placement.** This statement must contain sufficient detail to allow the inmate to prepare a response. Non-specific statements, such as “fighting” or “disrupting the unit” do not provide enough information. The statement should briefly give specific dates, times and/or events wherever possible.
- c **notification that a review of the placement will be held within 24 hours.** The review is necessary to insure that the placement conforms to policy and procedure. It is necessary to notify the inmate that the review will be held so that he/she can prepare for it.
- c **the name of the person authorizing the placement;**
- c **the date and time received by the inmate, and the inmate’s signature;**

- c **the signature of the staff member delivering the notice to the inmate.** (This may or may not be the person who authorized the placement.)

The parties to whom copies of the completed notice should be distributed are listed on the bottom of the form. It is particularly important that:

- c **a copy is placed in the inmate's file.** If this is not done, the required documentation will not be available at a later date, if needed, and we will have failed to adequately follow due process.
- c **a copy is placed in the Jail Supervisor's office.** It is the responsibility of the Jail Supervisor to keep track of all Notices of Immediate Segregation in order to insure that the follow-up Immediate Segregation Review is conducted within 24 hours.

IMMEDIATE SEGREGATION REVIEW

As discussed earlier, the purpose of the Immediate Segregation Review is to insure that the inmate's placement on Immediate Segregation conformed to policy and procedure.

Immediate Segregation Reviews should be conducted by a supervisor who was not involved in the original decision to place the inmate in Immediate Segregation, and who can release the inmate from segregation if the placement is found to be inappropriate. The review must be held within 24 hours of the placement and must include the following steps:

1. **A review of all documentation.** Documentation in the form of investigative and/or disciplinary reports, as well as referral forms, must support the decision to remove the inmate from general population for security or control reasons. The report numbers or other means of identifying the documents that were reviewed must be listed on the review form.
2. **A personal interview with the inmate.** During this interview, the supervisor must be sure to ask the inmate if he/she has had time to review the reasons he/she has been placed on Immediate Segregation, and must document the answer. The inmate must then be allowed to state a response to the placement, and this response will be briefly summarized on the Immediate Segregation Review Record.

If the inmate's behavior is so violent or disruptive that conducting this review in person

would be a risk to the security of the facility or safety of staff, or if the inmate refuses to take part, the review may be held in absentia. In this case, the reason the inmate did not appear must be thoroughly documented. Staff should make every attempt to conduct reviews with the inmate present, and reviews may be conducted through door hatches without removing the inmate from the room if necessary.

3. The review record should indicate whether or not there was sufficient reason to place the person on Immediate Segregation, along with a brief explanation of why such placement was appropriate.

IV. CLASSIFICATIONS FOR ADMINISTRATIVE HOUSING

Inmates may be classified directly to Administrative Segregation, Control Segregation and Protective Custody during either an Initial Classification or a Classification Review. The process involves the following steps:

1. Complete the classification instrument according to the instructions found in earlier Jail Bulletins as Initial Classifications and Classification Reviews.
2. Although placement in Administrative Housing is not in fact an over-ride issue (because it does not affect the inmate's custody level), the over-ride portion of the form is used to recommend placement.
3. Since the inmate is being referred for a restrictive living situation, due process requires that he/she be allowed to respond. This means that the Classification Specialist must meet personally with the inmate prior to turning in the recommendation. This applies to both Initial Classifications and Classification Reviews.
4. All relevant documentation, including copies of Investigative Reports, information from other agencies, etc. must be attached to the forms.
5. The classification forms and recommendation are forwarded to the Jail Manager for disposition. The Jail Manager is not bound by the recommendation of the Classification Officer.

V. REFERRALS FOR ADMINISTRATIVE HOUSING

An inmate's situation can change considerably during the period of time he/she is incarcerated, and sometimes after an inmate has been in the facility for a period of time, staff observe behavioral or other problems which were not at first apparent. Furthermore, staff occasionally become aware of information that was not initially available. This means that there are times when a need for

Administrative Housing may become known after the inmate has been classified. Referrals were designed as a means of meeting this need.

Referrals may be initiated by any staff member, utilizing the “Administrative Housing Referral Form.” The referral should clearly state the reason why the referring staff member feels that Administrative Housing is indicated, and must be accompanied by all available relevant documentation.

Referrals are sent to the Program Staff, who will screen them based on the reasons and documentation provided by the staff member. If the Program Staff feel that placement may be appropriate, they will assign a Classification Officer to perform a classification review. These reviews will be carried out in the same manner as those described in the Classifications for Administrative Housing section, including a personal interview with the inmate prior to the recommendation being made. However, the Classification Officer may recommend whatever housing status (including general population) they feel is appropriate based on their classification of the inmate. The referral form, classification instrument, and all documentation will then be forwarded to the Jail Manager for disposition.

The Jail Manager is not bound by the recommendation of the Classification Specialist or the referring staff member.

VI. INMATE REQUESTS FOR PROTECTIVE CUSTODY

The only type of Administrative Housing an inmate may be placed on at his or her own request is Protective Custody.

Inmate requests for Protective Custody must be made in writing and must be signed by the inmate. The written request must be filed in the inmate’s arrest file.

Written requests for Protective Custody will be processed in the following manner:

1. The Shift Supervisor will place the inmate on Immediate Segregation. The reason for placement should be listed as “pending disposition of inmate’s request for Protective Custody dated _____.”
2. The person to whom the request was addressed will prepare a referral for Protective Custody as discussed above.

Inmates who file written requests for Protective Custody are not guaranteed such placement.

VII. REVIEWS

Jail Standards requires that the status of all inmates on Administrative Housing status be reviewed every thirty days. The schedule and procedures for this review (called the Administrative Housing Status Review) are spelled out in Policy. However, confusion sometimes arises concerning the difference between the Administrative Housing Status Review and the regular Classification Review.

The purpose of a Classification Review is to determine if there has been any change in an inmate's custody level. Classification Reviews are conducted on Administrative Housing inmates according to the regular schedule found in Policy. These include both the periodic reviews and the special reviews.

Administrative Housing Status Reviews, however, are conducted to:

1. determine whether or not the need for Administrative Housing still exists.
2. insure that the inmate is receiving the required level of treatment and services (i.e., meals, medical care, mail, recreation, etc.), and that his/her physical, mental and emotional health is satisfactory.
3. allow the inmate an opportunity to voice any complaints or make any requests in person.

These reviews should be documented on the Administrative Housing Status Review form. The Classification Officer conducting the review should:

- c **prepare for the review** by first reviewing the original placement documents, and then checking for any new reports or documents which would have a bearing on the inmate's status.
- c **conduct a personal interview with the inmate**. As with any other interview, this may be held in absentia if the inmate will not participate or if a personal interview would create a safety or security hazard.
- c briefly but accurately **document the inmate's statements**.
- c **note any problems or discrepancies** that should be addressed, and any appropriate observations regarding the inmate's physical or mental health status.
- c **make a written recommendation**. The Classification Officer may recommend continuing the current form of Administrative Housing, transferring the inmate to another

form of Administrative Housing, or returning the inmate to general population.

The inmate and the Classification Officer should both sign the form before it is submitted to the Classification Officer's Review Committee for disposition. After the Committee has rendered a decision and recorded it on the Review form, the inmate is to receive a copy of the completed form.

VIII. RELEASE FROM ADMINISTRATIVE HOUSING

The Classification Review Committee is the body tasked with the responsibility for removing inmates from Administrative Housing status. Per policy this may be done when the Committee has determined that:

- c the conditions that resulted in the original placement in Administrative Housing no longer exist, or
- c it is determined that the behavior that necessitated the placement in Administrative Housing is unlikely to recur.

The Committee reviews all Administrative Housing Status Reviews and considers the recommendations made by the Classification Officers who conducted them.

CLASSIFICATION REVIEWS

Under certain circumstances the Committee may also consider release recommendations during Classification Reviews, and a special word of explanation about these may be in order. Classification review may be conducted because it is a scheduled review (i.e., a 30 or 60-day review) or because something has effected the original classification (such as additional charges.) Additionally, some inmates may serve Disciplinary Segregation sanctions while they are on some form of Administrative Housing, and policy requires that when this sanction is concluded a Classification Review is conducted. Policy allows Classification Officers to make recommendations regarding removal from Administrative Housing Status during these reviews.

IX. APPEALS

Inmates may appeal:

- c the initial placement on Administrative Housing, and
- c retention on Administrative Housing following any Administrative Housing Status Review.

They do not have a right to file an appeal of their Administrative Housing Status following a

Classification Review.

Appeal forms are provided to the inmate upon request, and must be filed by the inmate within 72 hours of his/her being informed of the decision being appealed.

Since initial placements of inmates on Administrative Housing Status are approved by the Sheriff or Jail Manager, appeals of initial placements are filed with the Classification Review Committee. If the inmate is dissatisfied with the decision of the Committee, he or she may refile the appeal with the Sheriff or Jail Manager.

However, since Administrative Housing Status reviews are conducted by the Classification Review Committee, filing an appeal of a review with the Committee itself is inappropriate. Therefore, all appeals of review decisions are to be filed directly with the Sheriff or Jail Manager.

SPECIAL NEEDS INMATES

A specific housing area should be designated as the Special Needs Housing Area. A Special Needs inmate should be defined in Policy as someone who is:

“ . . . deficient in the level of adaptive behavior, personal independence and/or social responsibility exhibited by others in their age group.”

In lay persons's terms, a Special Needs inmate is one who exhibits mental illness, retardation, major medical problems, or serious handicaps to the extent that he/she may not be able to successfully function in the general population. It is important to remember that, although the policy does discuss “deficient in . . . adaptive behavior” as criteria for special needs, this refers to a fundamental inability to employ successful coping behavior. It does not include inmates who do not adapt to facility rules and discipline, or those who may encounter difficulty due to endangerment. Special needs is not Administrative Segregation or Protective Custody.

Recommendations for Special Needs may be made at the time of the Initial Classification or during a Classification Review. If the Classification Specialist believes that a placement in Special Needs is indicated, a written recommendation (in memorandum form) is forwarded to the Program Staff. The program Staff are the only persons (other than the Sheriff or Jail Manager, who can permanently place a person in Special Needs. A supervisor may place a person in Special Needs temporarily, but this placement must be reviewed and approved by the Program Staff.

If Supervisors, Program Staff, Classification Officers, or other staff identify a possible Special Needs inmate after the initial classification or classification review has taken place, they may recommend placement in special needs through the preparation and submittal of a referral only. It is

important to remember that, unless the identification of Special Needs occurs during the initial classification or during a scheduled, routine review, a referral is the only other method of recommendation.

I. CLASSIFICATIONS FOR SPECIAL NEEDS

With all the above information in mind, how does one prepare the required classification documents for a recommendation to Special Needs?

1. Complete the classification instrument according to the instructions found in Initial Classifications and Classification Reviews of earlier Jail Bulletins.
2. Although placement in Special Needs is not in fact an over-ride issue (because it does not affect the inmate's custody level), the over-ride portion of the form is used to recommend placement.

Recommendations must clearly state the reason or rationale why the staff member believes Special Needs is indicated.

3. All relevant documentation, including copies of Investigative Reports, information from other agencies, etc. must be attached to the form.
4. The classification form and recommendation are forwarded to the Program Staff for disposition. The program Staff is not bound by the recommendation of the Classification Officer.

II. REFERRALS FOR SPECIAL NEEDS

Referrals for Special needs may be made by any staff member. Referrals should be made in memorandum form, addressed to the Program Staff.

Referrals should clearly state the rationale or reason the referring staff member feels Special Needs is indicated. It should also have attached to it all available documentation which would support a recommendation for Special Needs.

III. REMOVAL FROM SPECIAL NEEDS HOUSING

Removal from Special Needs should be determined by the Program Staff. Inmates who wish to be transferred out of this unit should be directed to place their request in writing on an "Inmate Request for Assistance" form and address it to the Program Staff.

In addition, staff can recommend removal from Special needs during the course of a Classification Review, or in a written referral for removal. The procedures are the same as those discussed in the above sections for placement on Special Needs.

IV. APPEALS

Since Special Needs is not a form of Administrative Housing and usually does not affect custody level, inmates may not appeal placement in or retention in the Special Needs housing unit.

However, those inmates who are over-ridden from Minimum Custody to a higher custody grade in order to facilitate such a placement retain the right to appeal the custody reclassification.

The "Inmate Classification program" was adapted from material contributed by the Lancaster County Department of Corrections, Lincoln, Nebraska. We gratefully acknowledge the contributions of Administrator Mike Thurber and his staff for this and other material. If you or your agency wish to contribute to the Jail Bulletin or have a special subject to be addressed through the bulletin, please contact: Jail Standards Division, P.O. Box 94946, Lincoln, Nebraska 68509-94946, Telephone 402-471-3710, FAX 402-471-2837.

QUIZ

Nebraska Jail Standards require that jail staff receive eighteen (18) hours of in service training each year. The Jail Bulletin may be used to supplement in service 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.

APRIL/MAY 1997

NUMBER 134

**SUBJECT: Inmate Classification Program
Part VI
Model Classification System**

NAME: _____

DATE: _____

1. List the four types of Administrative Housing.
 - 1) _____
 - 2) _____
 - 3) _____
 - 4) _____

2. Some Due Process is required to place an inmate into a more restrictive living unit.
 - a. True
 - b. False

3. For immediate segregation, Due Process requirements are satisfied when these two actions are taken.
 - 1) _____
 - 2) _____

4. Inmates can be classified directly to Administrative Segregation during initial classification or a Classification Review.
 - a. True
 - b. False

5. Only the Sheriff or Jail Manager can make a "referral" for an inmate to be placed in Administrative Housing.
 - a. True
 - b. False

6. The only type of Administrative Housing that can be requested by an inmate is Protective Custody.
- True
 - False
7. Jail Standards requires that the status of inmates in Administrative Housing be reviewed every _____.
- 7 days
 - 96 hours
 - 30 days
 - 90 days
 - None of the above
8. Administrative Housing status reviews are conducted to:
- Determine whether or not the need for Administrative Housing still exists.
 - Allow the inmate an opportunity to voice any complaints or make requests in person.
 - Insure that program staff or classification officers evaluate Protective Custody inmates.
 - Insure that inmates are receiving the required level of treatment and services.
 - All of the above
 - 1, 2, and 4 above.
9. An inmate can be released from Administrative Housing when.
- The conditions that resulted in placement in Administrative Housing no longer exist.
 - The sanction for disciplinary reasons has been completed.
 - More than 21 days of good time have been accumulated.
 - The behavior that necessitated placement in Administrative Housing is unlikely to reoccur.
 - All of the above.
 - a and d
 - b and c
10. An inmate that exhibits mental illness, retardation, major medical problems or serious handicaps should be classified as:
- Minimum custody
 - Disciplinary isolation
 - Special needs
 - General population

QUIZ

(Answers)

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

APRIL/MAY 1997

NUMBER 134

SUBJECT: Inmate Classification Program
Part VI
Model Classification System

NAME: _____

DATE: _____

1. List the four types of Administrative Housing.

- 1) Immediate Segregation
- 2) Administrative Segregation
- 3) Control Segregation
- 4) Protective Custody

2. Some Due Process is required to place an inmate into a more restrictive living unit.

- √ a. True
b. False

3. For immediate segregation, Due Process requirements are satisfied when these two actions are taken.

- 1) Written Notice of Immediate Segregation
- 2) Immediate Segregation Review within 24 hours

4. Inmates can be classified directly to Administrative Segregation during initial classification or a Classification Review.

- √ a. True
b. False

5. Only the Sheriff or Jail Manager can make a "referral" for an inmate to be placed in Administrative Housing.

- √ a. True
b. False

6. The only type of Administrative Housing that can be requested by an inmate is Protective Custody.
- √ a. **True**
b. False
7. Jail Standards requires that the status of inmates in Administrative Housing be reviewed every _____.
- a. 7 days
b. 96 hours
√ c. **30 days**
d. 90 days
e. None of the above
8. Administrative Housing status reviews are conducted to:
1. Determine whether or not the need for Administrative Housing still exists.
2. Allow the inmate an opportunity to voice any complaints or make requests in person.
3. Insure that program staff or classification officers evaluate Protective Custody inmates.
4. Insure that inmates are receiving the required level of treatment and services.
5. All of the above
√ 6. **1, 2, and 4 above.**
9. An inmate can be released from Administrative Housing when.
- a. The conditions that resulted in placement in Administrative Housing no longer exist.
b. The sanction for disciplinary reasons has been completed.
c. More than 21 days of good time have been accumulated.
d. The behavior that necessitated placement in Administrative Housing is unlikely to reoccur.
e. All of the above.
√ f. **a and d**
g. b and c
10. An inmate that exhibits mental illness, retardation, major medical problems or serious handicaps should be classified as:
- a. Minimum custody
b. Disciplinary isolation
√ c. **Special needs**
d. General population

CREDIT: One Hour credit for jail in service training requirement.

Answer sheet should be retained by the Jail Administrator.

NEBRASKA COUNTY JAIL

ADMINISTRATIVE HOUSING STATUS REVIEW

Inmate: _____
(Last) (First) (MI)

Review Date: _____ Time: _____

1. Inmate present for review? Y N (If "N", state reason:) _____

2. Summary of Review: _____

3. Review Officers recommendation (state rationale): _____

Inmate

Review Officer

Date: _____

4. Disposition: _____

Classification Review Board: _____

Dist: Inmate, Inmate file,

NEBRASKA COUNTY JAIL

NOTICE OF IMMEDIATE SEGREGATION

Inmate Name: _____
(Last) (First) (MI)

Date of Placement: _____ Time of Placement: _____

1. You are hereby notified that you are being placed on Immediate Segregation status for the following reason: _____

2. You are also notified that a review of this placement will be held within 24 hours. You will be entitled to appear at this review and make statements in your own behalf as long as your actions or behavior do not jeopardize the safety or security of the facility.

3. Emergency non-disciplinary restrictions imposed (if any): _____

4. Placement authorized by: _____

5. Date/Time received by inmate: _____

6. Inmate Signature: _____

7. Signature of delivering staff: _____

Dist: Inmate,
Program Administrator, Inmate File

Superintendent

NEBRASKA COUNTY JAIL

ADMINISTRATIVE HOUSING REFERRAL FORM

Date: _____ Inmate: _____

To: Program Director

From: _____

I am referring the above named inmate for consideration for :

- Administrative Segregation
- Control Segregation

Reason (be detailed and specific): _____

NOTE: You must attach copies of all reports and other documents which support this referral.

Signature of referring staff: _____

Action/Disposition: _____

Program Director: _____

Date: _____