

**CHAPTER: 800**

**Inmate Management**

**DEPARTMENT ORDER:**

**805 – Protective Custody**

**OFFICE OF PRIMARY  
RESPONSIBILITY:**

**OPS**

**Effective Date:**

**September 17, 2020**

**Amendment:**

**N/A**

**Supersedes:**

**DO 805 (5/11/14)**

**DI 368 (9/4/18)**

**Scheduled Review Date:**

**January 1, 2023**

**ACCESS**

**Contains Restricted Section(s)**

# Arizona Department of Corrections Rehabilitation and Reentry



**Department Order Manual**

A handwritten signature in black ink, appearing to read "David Shinn", is written over a horizontal line.

**David Shinn, Director**

## TABLE OF CONTENTS

<b>STANDARDS .....</b>	<b>1</b>
<b>PURPOSE .....</b>	<b>1</b>
<b>PROCEDURES .....</b>	<b>1</b>
<b>1.0 PROTECTIVE CUSTODY IDENTIFICATION PROCESS .....</b>	<b>1</b>
<b>2.0 INITIAL PROTECTIVE CUSTODY REVIEW PROCESS .....</b>	<b>3</b>
<b>3.0 INFORMAL REVIEW .....</b>	<b>3</b>
<b>4.0 FORMAL REVIEW .....</b>	<b>4</b>
<b>5.0 PROTECTIVE CUSTODY REVIEW PROCESS - RECOMMENDATION .....</b>	<b>6</b>
<b>6.0 PROTECTIVE CUSTODY UNIT REVIEW PROCESS .....</b>	<b>6</b>
<b>7.0 INITIAL PROTECTIVE CUSTODY REVIEW PROCESS - INMATE APPEAL.....</b>	<b>7</b>
<b>8.0 REMOVAL FROM PROTECTIVE CUSTODY .....</b>	<b>9</b>
<b>9.0 RE-INCARCERATED INMATES .....</b>	<b>11</b>
<b>10.0 SECURITY THREAT GROUP DEBRIEFED INMATES .....</b>	<b>12</b>
<b>11.0 CENTRAL CLASSIFICATION/MOVEMENT.....</b>	<b>12</b>
<b>12.0 DO NOT HOUSE WITH DOCUMENTATION.....</b>	<b>13</b>
<b>IMPLEMENTATION .....</b>	<b>15</b>
<b>DEFINITIONS/GLOSSARY .....</b>	<b>15</b>
<b>FORMS LIST .....</b>	<b>15</b>

## **STANDARDS**

**American Correctional Association (ACA) Standards: 5-ACI-4A-04, 5-ACI-4A-05, and 5-ACI-4A-08**

## **PURPOSE**

This Department Order establishes procedures for identifying and safeguarding inmates with legitimate protection needs. While careful classification, appropriate security measures, and preliminary screening for alternate management strategies can serve to reduce the number of such cases, some inmates still require **separation** from the general prison population. The methods for accomplishing this goal are comprehensive, professionally executed and legally sound. Public and institutional safety concerns are always the governing elements for staff as they manage these cases.

References to health care professional (i.e., **Medical Services**, and Mental Health Services) are referring to the **Medical Services Contractor** or their sub-contractors unless otherwise stated.

## **PROCEDURES**

### **1.0 PROTECTIVE CUSTODY IDENTIFICATION PROCESS {5-ACI-4A-04}**

- 1.1 All inmates approved for Protective Custody placement shall be identified by the Protective Custody code in **the banner of Arizona Correctional Information System (ACIS)**.
- 1.2 Any inmate may make a written or verbal request for Protective Custody, which staff shall use to initiate a documented review of the inmate's need for protection status.
- 1.3 Any staff member who receives a written or verbal request from an inmate for protection or who becomes aware of a threat to an inmate shall immediately isolate the inmate in a safe, reasonably secure area and notify the Shift Commander.
- 1.4 **Utilizing the Protective Custody Review Check-List, Form 805-9, staff shall determine if a Protective Custody review is required. At a minimum one of the below criteria shall be met in order to initiate a Protective Custody review:**
  - 1.4.1 **Inmate was in Protective Custody while in the county jail. Staff shall verify with the county jail or with the documentation provided by the inmate or courts.**
  - 1.4.2 **Inmate was assaulted while in the county jail or during transport to Arizona Department of Corrections Rehabilitation and Reentry (ADCRR). Staff shall verify with the county jail or with the documentation provided by the inmate or courts.**
  - 1.4.3 **Inmate testified or agreed to testify, in court against another individual. Inmate must provide documentation at reception only.**
  - 1.4.4 **Is there a valid Security Threat Group (STG) related threat against the inmate?**
    - 1.4.4.1 **The Special Security Unit (SSU) shall verify the STG related threats.**
  - 1.4.5 **Was the inmate's crime high profile that may jeopardize his/her safety? Staff shall verify via court documents and/or other sources.**
  - 1.4.6 **Was the inmate prior law enforcement?**

- 1.4.7 **Was the inmate threatened or assaulted while in ADCRR custody?**
- 1.5 **If one of the above criteria has not been met, staff shall not initiate a Protective Custody review unless they have additional information that may require a review. They shall document the rationale on the Protective Custody Review Check-List form and forward the form to the Warden or designee for approval.**
  - 1.5.1 **The Warden or designee shall review the rationale and approve or deny the request for Protective Custody.**
- 1.6 **Inmate and staff shall sign and date the Protective Custody Review Check-List form and proceed with the Protective Custody review.**
  - 1.6.1 **If the inmate does not meet the criteria for a Protective Custody review, they shall be returned to his/her assigned housing unit.**
    - 1.6.1.1 **If the inmate refuses to house, they shall be housed accordingly, and receive a disciplinary ticket.**
- 1.7 **Once the Protective Custody Review Checklist form has been approved, the Shift Commander shall:**
  - 1.7.1 **Complete an Information Report, Form 105-2, enter the event in ACIS and have the inmate complete a Protective Custody Inmate Statement, Form 805-1, to identify specifics for Protective Custody. The completed Information Report and Protective Custody Inmate Statement forms shall be uploaded into ACIS Documents using documents type Protective Custody. The original Protective Custody Inmate Statement form shall be sent to Protective Custody Unit for inclusion in the Protective Custody file.**
    - 1.7.1.1 **As part of this initial inquiry, the inmate shall be asked to provide written supporting facts on the Protective Custody Inmate Statement form.**
    - 1.7.1.2 **The inability or unwillingness to identify a specific attacker, or threatening individual, or other potential threat source may not be the sole reason for excluding an inmate from further consideration in initiating the formal protection review process.**
  - 1.7.2 **Make an effort to resolve the inmate's concerns. Changes to cell block or bed assignments, addition of a Do Not House With (DNHW) or mediation shall be considered as options. All attempts at mediation or movement within the unit shall be documented on the Information Report.**
    - 1.7.2.1 **If a resolution is made that allows for movement within the original unit, document circumstances and solutions in the appropriate ACIS screen.**
      - 1.7.2.1.1 **If issue is resolved, the Shift Commander or designee shall have the inmate complete another Protective Custody Inmate Statement form indicating they are safe to remain on the unit.**

1.7.2.2 If movement within the original unit is not an available resolution and it is determined the inmate requires a Protective Custody review, proceed with the Protective Custody review process as outlined in section 2.0 of this Department Order.

1.8 All staff shall be alert to signs that an inmate is in danger and may require protection. Staff shall take steps to protect an inmate even when the inmate does not acknowledge that a threat exists. When staff has information suggesting there may be a threat to that inmate's safety, the inmate shall be isolated as outlined in this section.

## 2.0 INITIAL PROTECTIVE CUSTODY REVIEW PROCESS - The Shift Commander shall:

2.1 Move the inmate to a Detention Unit or **watch cell**.

2.2 Ensure any inmate being considered for placement in the Protective Custody review process, be immediately referred to Mental Health Services.

2.2.1 Mental health staff shall respond **in accordance with Department Order #1101, Inmate Access to Health Care** to evaluate and determine the necessary action for these inmates.

2.3 Interview the inmate using the 805-4 Initial Interview **screen within ACIS, prior to the end of the shift**.

2.4 **Upload the completed Protective Custody Inmate Statement, Protective Custody Review Check-List, and Information Report into ACIS in Documents using document type Protective Custody.**

## 3.0 INFORMAL REVIEW {5-ACI-4A-05}

3.1 The Deputy Warden or designee shall review the initial information **in ACIS, generated** by the Shift Commander, and within one workday determine if movement to another general population **yard** would resolve the issue or if the Protective Custody review process needs to continue.

3.2 If the **Protective Custody Inmate Statement indicates movement to another general population yard will resolve the issue and the Deputy Warden agrees**, the Deputy Warden shall:

3.2.1 Complete the **Deputy Warden Review section in ACIS**, clearly indicating the inmate and Deputy Warden agree **that** movement to another general population unit would resolve the issue.

3.2.2 **Review and update the Inmate DNHWS List in ACIS, ensuring all inmates identified during the review are considered and documented appropriately in the Inmate DNHWS List.**

3.3 If the Deputy Warden determines a complete review is required, or the inmate is not willing to agree that movement to another general population yard would resolve the issue, the Deputy Warden shall document the reasons **in the Deputy Warden Review section in ACIS** the same day.

## 4.0 FORMAL REVIEW

- 4.1 Once an inmate is formally placed in the Protective Custody review process, mental health staff shall be immediately notified by email, **via the ACIS notification system**, to the designated Complex mental health email address.
  - 4.1.1 Mental health staff shall evaluate/interview every inmate placed in detention under the Protective Custody placement process within 24, but no more than 72 hours of that placement, in order to determine the risk of self-harm.
  - 4.1.2 All inmates placed in Protective Custody review process shall be contacted by mental health staff at least once of every 30 **calendar** days.
  - 4.1.3 More frequent contacts as prescribed by mental health staff shall be based upon factors such as; the results of the initial interview/evaluation, specific concerns of mental health staff, referral to Mental Health Services by security staff, the inmate's mental health score or new information.
- 4.2 The **Correctional Officer (CO) IV** and Special Security Unit (SSU) shall:
  - 4.2.1 Review the case, gather pertinent facts to determine if any of the following circumstances are present, **interview the inmate** and document the results in **ACIS** on the 805-5, Protective Custody **Security** Interview Assessment **screen**.
    - 4.2.1.1 Record of being physically assaulted
    - 4.2.1.2 Reputation among the inmate population of being an informant or trial witness
    - 4.2.1.3 Record of being threatened, verbally abused, or harassed
    - 4.2.1.4 Sexually assaulted, threatened, abused, or harassed
    - 4.2.1.5 Threats by verified STG's or other gang or group
    - 4.2.1.6 Former criminal justice official or been involved in activity directly supporting criminal justice actions resulting in threats, verbal abuse, or harassment
    - 4.2.1.7 Convicted of a crime repugnant to the inmate population resulting in threats, verbal abuse, or harassment
    - 4.2.1.8 Physical size, build or age producing a risk from the general population
    - 4.2.1.9 Identified as lesbian, gay, bisexual, transgender or intersex who may be at risk from the general population
    - 4.2.1.10 Unspecified or generalized threat or fear, or repeated Protective Custody request previously reviewed and denied containing no new, relevant information
    - 4.2.1.11 The incident that occurred that caused the request

- 4.2.1.12 The names of any inmate(s) who may have assaulted or threatened the inmate
- 4.2.1.13 Specific noticeable marks consistent with a physical altercation
- 4.2.1.14 Where and when any such act(s) occurred
- 4.2.1.15 Any medical treatment offered, and if the inmate was transported to medical for treatment
- 4.2.1.16 Photographs of the injury and assault or weapon
- 4.2.1.17 Any other relevant information
- 4.2.2 **Any documents obtained, provided or used in the review shall be uploaded in ACIS Documents using document type Protective Custody.**
- 4.3 The CO IV and SSU shall complete the review and submit it to the Deputy Warden or designee, **via ACIS**, within five workdays from the date the Deputy Warden completed the **Deputy Warden Review section**.
  - 4.3.1 Any additional supporting documentation to include **Disciplinary Reports**, Criminal Investigation Unit (CIU) reports, Information Reports and photographs **shall be uploaded into ACIS Document type Protective Custody** for the Deputy Warden or designee review and evaluation.
  - 4.3.2 It is the responsibility of the inmate to fully cooperate in the investigation process. If it is determined that an inmate has willingly withheld or falsified information, he/she shall be subject to disciplinary action. Additionally, although the lack of information provided by the inmate is not enough to preclude processing the Protective Custody review, the lack of information could be a factor in determining whether a threat exists.
  - 4.3.3 The SSU and/or CO IV can request an extension, not to exceed five workdays, through **ACIS**. The reason for the extension shall be documented on the appropriate **ACIS** comment screen.
  - 4.3.4 The Deputy Warden or designee shall review the initial information **in ACIS**. Within five workdays, the Deputy Warden or designee shall determine if the circumstances indicate that a protection issue exists and document those findings on the Protective Custody Decision Worksheet **in ACIS**.
- 4.4 The Deputy Warden or designee shall recommend the inmate for Protective Custody, alternative placement to another unit, or denial and annotate the appropriate **ACIS** screen.
  - 4.4.1 If the Deputy Warden or designee determines additional information is required and an immediate recommendation cannot be made, **he or she shall document the question on the 805-5, Protective Custody Security Interview Assessment screen and submit it back to the SSU Officer and CO IV.**

- 4.4.1.1 The SSU Officer and CO IV designated by the Deputy Warden or designee shall continue the investigation within one workday from the date and time the Deputy Warden or designee requests further review and document on the appropriate **ACIS** screen.
- 4.4.1.2 The investigation shall be completed within **five** workdays.
- 4.4.1.3 Any pertinent information gathered during the Deputy Warden or designee **review** shall be investigated and additional interviews conducted with the inmate as deemed necessary.
- 4.4.1.4 The CO IV may request a mental health assessment if the inmate exhibits or displays unusual or bizarre behavior. An Information Report shall be completed by the CO IV documenting this request.
- 4.4.1.5 Other individuals, such as staff, inmates, agencies, etc. may be interviewed as needed.
- 4.4.1.6 Any previous Protective Custody reviews conducted for the inmate shall be reviewed and considered.
- 4.4.1.7 An overview of the inmate's history of being a victim of assault, injuries sustained from it, and discipline record shall be reviewed and considered.
- 4.4.1.8 A summary of the inmate interview and investigation findings shall be documented in **ACIS** on the **805-5, Protective Custody Security Interview Assessment screen**. Attempts to identify potential witnesses, assailants, and the like shall be documented in the summary.

4.4.2 If it is determined that a criminal investigation is required, CIU will be notified to conduct an independent criminal investigation.

**5.0 PROTECTIVE CUSTODY REVIEW PROCESS – RECOMMENDATION** – The Deputy Warden or designee shall review the case documentation and make a recommendation using the Protective Custody Decision Worksheet in **ACIS** within five workdays.

5.1 **The Deputy Warden or designee** shall take into consideration **the criteria outlined in section 4.2.1.1 through 4.2.1.17** when making the final decision.

5.2 The lack of available alternate placement options shall not be considered as a reason for placement into Protective Custody.

## **6.0 PROTECTIVE CUSTODY UNIT REVIEW PROCESS**

6.1 Within ten workdays of receipt, the Central Office Protective Custody Unit staff shall review the case documentation to ensure the Protective Custody file is complete.

6.1.1 If the file is not complete, **staff shall identify the** required information and **send a request** via email to the Deputy Warden, **annotating the request on the appropriate ACIS comment screen that the review is held in abeyance until additional information is received from the institution.**

6.1.1.1 **The Deputy Warden shall have five workdays from date of the request to provide the information.**



- 6.1.2 If the file is complete, review case information, complete the Protective Custody **Summary Document in ACIS** and **submit** to the **Protective Custody Administrator** for Committee Review.
- 6.2 As designated, the Protective Custody Administrator or Protective Custody Committee shall:
  - 6.2.1 Review the documentation.
  - 6.2.2 Make a final decision within seven workdays as to whether a threat to the inmate exists.
  - 6.2.3 If additional information is required or needs to be provided, notify the institution of information required and document the request on the appropriate **ACIS** comment screen that the decision is held in abeyance until additional information is received from the institution. The institution shall have five workdays from date of the request to provide the requested information.
- 6.3 The Protective Custody Administrator shall ensure a written explanation as to the rationale for the Protective Custody Committee's decision is provided if it is different from the Deputy Warden's recommendation.
- 6.4 Protective Custody Committee - The Protective Custody Administrator or designee shall chair the Protective Custody Committee.
  - 6.4.1 The following staff members are required to participate in a Protective Custody Committee meeting:
    - 6.4.1.1 STG Investigator or designee
    - 6.4.1.2 An Offender Services CO IV

## 7.0 INITIAL PROTECTIVE CUSTODY REVIEW PROCESS - INMATE APPEAL

- 7.1 The Deputy Warden or designee shall:
  - 7.1.1 Within three workdays, notify the inmate of the Protective Custody Administrator or Protective Custody Committee's decision. This notification shall be annotated on the appropriate **ACIS** screen.
  - 7.1.2 Ensure the inmate is advised of the decision, signs, dates, and acknowledges being advised of the right to appeal using the Protective Custody Placement Review Request form.
    - 7.1.2.1 **The form shall be uploaded into ACIS Documents using document type Protective Custody. The original signed document shall be sent to the Protective Custody Unit for inclusion in the Protective Custody file.**
  - 7.1.3 Ensure the inmate is provided with **the Protective Custody Inmate Appeal, Form 805-10**, to appeal.

- 7.1.3.1 The inmate shall have three workdays to complete the appeal and submit it to a staff member in the Detention Unit, who shall promptly forward the appeal to the assigned CO IV for processing. The detention staff member receiving the appeal from the inmate shall sign (print) and date the appeal prior to forwarding to the CO IV. The appeal shall be limited to one page.
  - 7.1.4 Ensure the appeal time frames commence when the inmate signs the Protective Custody Placement Review Request form.
    - 7.1.4.1 If an appeal is not received within the designated time frames, the **Deputy Warden or designee shall ensure the ACIS Protective Custody module is updated indicating the inmate failed to submit an appeal and the process will continue as outlined in section 11.0 of this Department Order.**
  - 7.1.5 The inmate's decision to appeal or not appeal shall be documented on the appropriate **ACIS** screen. The date of the inmate's decision shall be listed to document the inmate's appeal timeframes.
    - 7.1.5.1 After obtaining the inmate's appeal, the CO IV shall **upload the document in ACIS Documents using document type Protective Custody, and update the Inmate Appeal section** within one workday of receipt. **The original signed document shall be sent to Protective Custody Unit for inclusion in the Protective Custody file.**
  - 7.1.6 If the inmate waives the right to appeal, ensure the process of making an institution assignment is continued as outlined in section 11.0 of this Department Order.
- 7.2 Within 15 workdays from receipt of the appeal, the Security Operations Administrator or designee shall review the appeal and case information (current and prior) and ensure a response **is completed and submitted in ACIS.**
  - 7.2.1 The decision from the Security Operations Administrator or designee is final.
- 7.3 The Deputy Warden of the location where the inmate is housed shall ensure the inmate is served the appeal decision within three workdays of receipt. The inmate shall sign and date the appeal decision. **The appeal response with the inmate's signature shall be uploaded to ACIS. The original signed document shall be sent to Protective Custody Unit for inclusion in the Protective Custody file.**
- 7.4 The Protective Custody Administrator shall determine what transfers or other actions are required and ensure the actions take place.
- 7.5 Once a Protective Custody decision has been completed and appeals exhausted, staff shall take appropriate disciplinary and classification actions if the inmate refuses to enter general population. These actions may eventually result in inmate placement in a more restrictive custody assignment. An inmate's unwillingness to enter general population following completion of the review and appeal process does not constitute evidence of a need for protection.

7.6 When inmates are denied Protective Custody, approved for alternate placement or approved for removal from Protective Custody, **the ACIS system** shall immediately notify the mental health staff by sending an email to the designated Complex mental health email address **and to the Regional Mental Health Director.**

7.6.1 Those inmates denied Protective Custody, approved for alternate placement or approved for removal from Protective Custody must be seen and evaluated by mental health staff within 24 to 72 hours of the notice of the decision to the inmate.

## 8.0 REMOVAL FROM PROTECTIVE CUSTODY {5-ACI-4A-08}

8.1 Voluntary Removal from Protective Custody - Any inmate may voluntarily request removal from Protective Custody by submitting a written request via Inmate Letter, **Form 916-1**, to the Deputy Warden or designee.

8.1.1 The CO IV and the SSU shall:

8.1.1.1 Interview the inmate within five workdays of receipt of the removal request.

8.1.1.2 Review the case and gather pertinent facts to determine if the inmate could safely be returned to general population.

8.1.1.3 Document the results **in ACIS in the Removal From Protective Custody Investigative Summary Report screen.**

8.1.1.4 **Upload** all supporting documentation **in ACIS Documents type Protective Custody** and **submit the action** to the Deputy Warden or designee within five workdays from receipt of the request.

8.1.2 The Deputy Warden or designee shall recommend approval or denial of the request **on the Removal From Protective Custody Investigative Summary Report screen**, after considering:

8.1.2.1 **Facts** presented by the inmate;

8.1.2.2 **Information** contained in the Protective Custody file;

8.1.2.3 **The** CO IV/SSU interview;

8.1.2.4 **And any** other supporting documentation **in the ACIS Protective Custody screen. The Deputy Warden or designee shall submit** the packet to the Warden or designee within five workdays of receipt.

8.1.3 The Warden or designee shall:

8.1.3.1 Review the **documentation** and the Deputy Warden or designee's recommendation.

8.1.3.2 Recommend approval or denial on the **Removal From Protective Custody Investigative Summary Report screen** within five workdays of receipt. If the Warden or designee determines:

- 8.1.3.2.1 On the basis of a review of all documentation and evidence that the inmate shall remain in Protective Custody, the process is complete.
    - 8.1.3.2.1.1 The Deputy Warden or designee shall **print from ACIS the completed 805-11 Removal From Protective Custody Investigative Summary Report screen** and ensure the inmate signs and dates the **document**, within three workdays. The inmate may not appeal. **The document with the inmate's signature shall be uploaded to ACIS. The original signed document shall be sent to Protective Custody Unit for check in the Protective Custody file.**
    - 8.1.3.2.2 There is reason to believe the inmate should be removed from Protective Custody status and could be housed in a general population unit, the **review** shall be **submitted** to the Protective Custody Administrator for a Protective Custody Committee review.
  - 8.1.4 The Protective Custody Committee shall, within ten workdays of receipt, review the removal **documentation** and determine based upon an assessment of all investigative information, and the recommendation from the Warden or designee, if the inmate is to be removed from Protective Custody status.
    - 8.1.4.1 The Deputy Warden or designee of the unit where the inmate is housed **will be notified via ACIS** of the decision.
    - 8.1.4.2 The decision of the Protective Custody Administrator is final and the inmate may not appeal.
  - 8.1.5 Within three workdays of the decision of the Protective Custody Administrator, the Deputy Warden or designee shall make the appropriate **entries in ACIS** indicating that the inmate was advised of the decision and **print the 805-11 Removal From Protective Custody Investigative Summary Report screen from ACIS and ensure the inmate signs and dates the document. The completed document shall be uploaded to ACIS. The original signed document shall be sent to Protective Custody Unit for inclusion in the Protective Custody file.**
  - 8.1.6 Mental Health Services shall be immediately notified **via ACIS** if the inmate is denied for removal by sending an email to the designated Complex mental health email address.
- 8.2 Administrative Removal from Protective Custody
- 8.2.1 The Warden or Deputy Warden may recommend an inmate be removed from Protective Custody based on information that Protective Custody Placement may no longer be warranted due to assaultive/predatory behavior.

- 8.2.2 Within five workdays from the Warden or Deputy Warden’s request, the CO IV and SSU shall **proceed with the removal process as outlined in section 8.1.1.1 through 8.1.3.2.2 above.**
- 8.2.3 The Protective Custody Committee shall, within ten workdays, determine based upon an assessment of all investigative information, and the detailed recommendations of the CO IV, SSU, Deputy Warden and Warden, if the inmate is to be removed from Protective Custody status.
- 8.2.3.1 The Protective Custody Committee shall document the approval or denial for removal from Protective Custody status on the **ACIS Removal From Protective Custody Investigative Summary Report screen.**
- 8.2.3.1.1 If the Protective Custody Committee determines on the basis of a review of all documentation and evidence that the inmate shall remain in Protective Custody, the process is complete. The inmate may not appeal.
- 8.2.3.1.2 The Deputy Warden or designee of the unit where the inmate is housed **will be notified via ACIS** of the decision.
- 8.2.3.2 The Deputy Warden or designee shall:
- 8.2.3.2.1 Within three workdays, **print from ACIS the 805-11 Removal From Protective Custody Investigative Summary Report screen and ensure the inmate signs and dates the document. The document with the inmate’s signature shall be uploaded to ACIS. The original signed document shall be sent to Protective Custody Unit for inclusion in the Protective Custody file.**
- 8.2.3.2.2 If the decision of the Protective Custody Unit was to remove the inmate from Protective Custody, follow the appeal process outlined in section 7.0 of this Department Order.
- 8.2.4 When inmates are approved for removal from Protective Custody, **ACIS will** notify the mental health staff by sending an email to the designated Complex mental health email address, **along with the Regional Mental Health Director.**
- 8.2.4.1 Those inmates being removed from Protective Custody must be seen and evaluated by mental health staff within 24 to 72 hours of the notice of the decision to the inmate.

## 9.0 RE-INCARCERATED INMATES

- 9.1 An inmate who was previously incarcerated in the Department and was released while in Protective Custody during the most recent incarceration shall be isolated from the general population pending review as outlined in this section.
- 9.1.1 Re-incarcerated inmates who, during their previous incarceration were denied Protective Custody or approved for “alternate placement” are not required to be reviewed by the Protective Custody review process.

- 9.1.2 The inmate may re-initiate the process by verbal or written request, as outlined in section 1.0 of this Department Order, providing the inmate relays new verifiable information regarding their perceived safety concern.
- 9.1.3 On a case-by-case basis, previously approved Protective Custody inmates, whose criminal activities while on release status may pose a significant risk to the safety and security of a Protective Custody Unit shall undergo a new full review to determine their appropriate custody level/security needs.
- 9.1.4 Staff processing re-incarcerated inmates at intake who identify a security concern shall notify the Protective Custody Administrator who shall determine whether a new full investigation is to be conducted.
- 9.1.5 Inmates who are re-incarcerated one year or less from the time of their release, and who were approved for Protective Custody status upon release, shall be considered Protective Custody status upon return.
- 9.1.6 Inmates who are re-incarcerated after more than **one** year from the time of their release, and who were approved Protective Custody status upon release shall be **reviewed for removal from Protective Custody as outlined in section 8.0** of this Department Order to determine if Protective Custody is still necessary.
- 9.1.7 STG debriefed inmates shall be **separated** from the general population pending a review of their activities while on release status and continued need for protection as outlined in section 10.0 of this Department Order.
- 9.2 Inmates who were released prior to the completion of the Protective Custody review shall have the process continued from the point of interruption and **separated** from other general population inmates until the process is completed.

## 10.0 SECURITY THREAT GROUP DEBRIEFED INMATES

- 10.1 Inmates who successfully debrief from a STG shall not require a formal review. The Protective Custody status will only require the Protective Custody – Security Threat Group Debrief Placement, Form 805-8, to be completed. This form shall be completed by the unit Deputy Warden and forwarded to the Protective Custody Administrator **via email** with the accompanying support documentation, for final disposition.
- 10.2 A STG debriefed inmate shall have a STG Unit report completed upon return to custody to verify non-involvement in gang activities while on release.
  - 10.2.1 The inmate may be returned to Protective Custody status pending the findings of **the** STG Unit.
  - 10.2.2 If the findings demonstrate verified STG gang activity, the inmate shall be considered for re-validation as outlined in Department Order #806, Security Threat Group (STGs).

## 11.0 CENTRAL CLASSIFICATION/MOVEMENT

- 11.1 The Protective Custody Unit staff shall determine appropriate placement based on the inmate's custody level and Protective Custody status, enter the travel order in **ACIS** and forward the travel order to Central Office Movement staff for scheduling.

- 11.2 The Central Office Movement staff shall schedule the inmate for movement based on the travel order initiated by Protective Custody Unit staff.
- 11.3 If the approved location needs to be changed, Central Office Movement shall staff the issue with the Protective Custody Administrator and/or Classification Manager to determine the most appropriate location.
- 11.4 When completed the file shall be scanned to the shared drive, maintained and secured by the Protective Custody Unit.

## 12.0 DO NOT HOUSE WITH DOCUMENTATION

- 12.1 Any recommendations regarding changes to the inmate's **ACIS** DNHW screens shall be completed **with approval or disapproval completed by the unit Deputy Warden.**
- 12.2 The following steps shall be completed **as part of the Protective Custody review.**
  - 12.2.1 **All inmates identified in the Protective Custody review shall be documented in the DNHW module in ACIS and either approved or disapproved by the unit Deputy Warden along with supporting documentation.**
  - 12.2.2 Documentation used to verify a DNHW and or the No Housing Restriction issues shall consist of any staff generated document that specifies the rationale as to who and why a DNHW is listed.
    - 12.2.2.1 For clarification, the following source documents may include, but are not limited to:
      - 12.2.2.1.1 **ACIS** comments
      - 12.2.2.1.2 CIU/SSU or other confidential reports
      - 12.2.2.1.3 Other/outside agency documents
      - 12.2.2.1.4 **805-5, Protective Custody Security Interview Assessment screen**
      - 12.2.2.1.5 Information Reports/Significant Incident Reports
      - 12.2.2.1.6 Memos and letters
      - 12.2.2.1.7 The inmate's Institutional and Master Record files
      - 12.2.2.1.8 Prior Protective Custody files and documents
  - 12.2.3 If the source document contains the "who" and "why" there does not need to be a corresponding Information Report documenting the required information. Prior Protective Custody source documents do not need to be duplicated within the same Protective Custody file(s) for subsequent reviews for the same inmate.
  - 12.2.4 A Confidential Informant Reliability Assessment Questionnaire is to be completed for each confidential informant.
  - 12.2.5 Compare the **ACIS** DNHW screens to the appropriate **ACIS** comment screens to ensure all inmates have been addressed.

- 12.2.6 Only in cases where no source documents can be located, as outlined in this section, does an interview need to be conducted with both inmates, to ascertain the possible issues. The interview shall be documented on an Information Report.
  - 12.2.6.1 In cases where one inmate is inactive, the interview will still be documented on the Information Report indicating the inmate is inactive, however, the inmate will remain listed on the **ACIS** DNHW screen as a DNHW until further verification can be obtained.
  - 12.2.6.2 In these cases, an **ACIS** DNHW comment is entered on the inmate indicating that the interview was not completed. If the inmate returns, an interview will be completed and documented on a DNHW memo. The memo shall indicate the determination on status of the DNHW issue.
- 12.3 The Deputy Warden shall **ensure** all source documentation used to establish the **ACIS** DNHW entry **is uploaded into ACIS Documents through the DNHW module**. The lack of or insufficient source documentation does not preclude the application of sound correctional practice as a rationale to continue a previously added DNHW. In this instance the rationale shall be documented on an Information Report reflecting the decision and signed by the Deputy Warden.
- 12.4 All instances where inmates are involved in assaults, fights or threats must be evaluated for the possible need for a DNHW addition.
- 12.5 Mediation Process - The mediation process shall be followed when the transfer of an inmate with a DNHW conflict listed on the **ACIS** DNHW screen to a unit appropriate for their custody is prevented due to the DNHW limitation. DNHW removals may be resolved through the mediation process.
  - 12.5.1 All inmates listed on the **ACIS** DNHW screen shall be reviewed at each Maximum Custody, Corrections Plan or Protective Custody review.
    - 12.5.1.1 Both the sending and receiving units shall confirm the approved DNHW reasons. If the documentation does not justify that the inmate should remain on DNHW **status**, the inmate shall be interviewed. Reason(s) for removal or retention on the **ACIS** DNHW screen shall be documented.
  - 12.5.2 If mediation is determined to be a viable option the CO IV shall:
    - 12.5.2.1 Conduct an interview and document that the inmates have no issues that would prevent them from being housed together. The inmates shall sign a written statement to this effect on the Inmate Letter form.
    - 12.5.2.2 If either inmate refuses to be housed with the other inmate, annotate the **ACIS** DNHW screen on both inmates, documenting the unsuccessful mediation. The movement shall not be scheduled.
  - 12.5.3 Successful Mediation - If both inmates agree to be housed together in the same unit and be removed from the **ACIS** DNHW screen, the sending unit shall contact Central Office Classification to schedule the movement. All documentation shall be sent with the inmate to the receiving unit.



- 12.5.3.1 Upon arrival at the receiving unit, the Deputy Warden or designee shall conduct a face to face mediation between the inmates within one workday. Until the mediation is completed, the inmate from the sending unit shall be placed in a detention bed.
- 12.5.3.2 If there are no issues presented, an Information Report shall be completed and the **ACIS** DNHW comment screen shall be annotated for both inmates, indicating successful mediation.
- 12.5.3.3 All supporting documentation shall be **uploaded into the DNHW module and the unit Deputy Warden will make the final decision to retain or remove the DNHW restriction** between the two inmates.
- 12.5.4 Unsuccessful Mediation - If mediation is unsuccessful, the inmate received shall remain in detention and Central Office Movement shall be notified **by the Deputy Warden or designee** via email requesting that the inmate be returned to the unit of origin.

## **IMPLEMENTATION**

The **Assistant** Director for Prison Operations **Division** shall:

- In coordination with the **Chief Learning Officer**, ensure the initial and in-service training is conducted as follows:
  - Includes the provisions of this Department Order.
  - Emphasizes professionalism in dealing with Protective Custody cases.
  - Instructs all correctional staff on how the process works (clear guidelines as what they should do), how they can positively impact protection related scenarios, and to make decisions based on sound correctional judgment.
  - Includes information on statutes and agency policies regulating the release of official information.
  - Is provided to all Wardens, Deputy Wardens, Administrators, Investigations staff, Classification staff, and to any other Department employees directly involved in the Protective Custody process, or in supervising or managing inmates requiring protection.
- Ensure inmates receive an orientation upon entering the Department that familiarizes them with the basic protections and procedures instituted and available under this Department Order.

The Inspector General shall ensure the appropriate content from the implementation of this Department Order is reviewed as part of the Department's regular inspection program as outlined in Department Order #606, Internal Inspections Program.

## **DEFINITIONS/GLOSSARY**

Refer to the Glossary of Terms

## **FORMS LIST**

- 805-1, Protective Custody Inmate Statement
- 805-8, Protective Custody Security Threat Group Debriefed Placement

**805-9, Protective Custody Review Check-List**

**805-10, Protective Custody Inmate Appeal**