

 <p style="text-align: center;"> <b>ADMINISTRATIVE POLICIES AND PROCEDURES</b>          State of Tennessee          Department of Correction       </p>	Index #: 404.10	Page 1 of 6
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Approved by: Tony Parker		
Subject: ADMINISTRATIVE SEGREGATION, PLACEMENT, REVIEW, AND RELEASE		

- I. AUTHORITY: TCA 4-3-603, TCA 4-3-606, and TCA 41-24-110.
- II. PURPOSE: To establish uniform procedures governing the placement, review, and release of inmates in administrative segregation.
- III. APPLICATION: To the Deputy Commissioner of Operations, Assistant Commissioner of Prisons, Correctional Administrators, Director of Offender Administration, Director of Classification, Wardens, employees, and inmates of the Tennessee Department of Correction (TDOC) and privately managed facilities
- IV. DEFINITIONS:
  - A. Administrative Segregation (AS): The non-punitive segregation of inmates, for control purposes, who are believed to be a threat to the security of the institution, the welfare of staff, or to other inmates and the community.
  - B. Contract Monitor (CM): TDOC employee(s) authorized by the Commissioner to monitor performance of vendors under contract for the provision of services to the Department. If the CM is unavailable by telephone, the Correctional Administrator (CA) shall be contacted for required authorizations or notifications.
- V. POLICY: Administrative segregation may be utilized in instances when it has been determined an inmate's presence in the general population poses a serious threat to the security/safety of the institution, staff, or other inmates and the community, and has been reviewed and/or approved by the Assistant Commissioner of Prisons/designee.
- VI. PROCEDURES:
  - A. Administrative Segregation Placement:
    1. Administrative segregation (maximum custody/security) is provided as a means of control and management. This level of segregation is for inmates who, because of conditions surrounding their incarceration, are believed to pose serious risks to the security and good order of the institution or to the safety of other inmates, staff, or the community and therefore require custody and security at the highest level. Inmates considered for this category shall include, but not be limited to, those who:
      - a. Have been returned to TDOC custody following an escape or attempted escape incident from a secure setting or from minimum security setting with actual or threatened violence
      - b. Have been involved in acts or attempts of homicide, hostage situations, or assault with serious injury, or an act which significantly threatens the order and control of a facility. (See Policy #502.05)

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- c. Are involved in activities of security threat groups (STG) to the extent that their presence in the general population carries the propensity for violence/harm, intimidation, or increased animosity between rival groups who are known to use violence
  - d. Are pending prosecution and disposition in criminal court for felony charges incurred during incarceration.
  - e. Are found to be in possession of deadly weapons when there is a history of assaultive or threatening conduct with a weapon.
  - f. TDOC inmates who have reached their sentence expiration dates and are being detained by TDOC for the U.S. Immigration and Naturalization Services (INS) under federal regulations (8CFR287.7) may be held in TDOC custody for a period of 48 hours beyond the sentence expiration date (excluding weekends and federal holidays). In such cases, the Memphis office of the INS usually takes custody; therefore, male and female inmates will be transferred to TDOC facilities in Henning, TN and detained.
  - g. Have a sentence of death set aside and their case remanded to a court (until the county assumes custody or obtains order for safekeeping). If inmate has other active sentences, please refer to Policy #401.05.
2. The Warden/designee shall have the authority to place an inmate in AS when it is believed that a condition exists requiring immediate placement in AS to maintain security of the institution or to protect the staff and/or other inmates and the community. At privately managed facilities, the prior approval of the CM is required. The inmate's status will be pending and procedures are to be followed in accordance with Policy #502.01, Section VI.(G). Placement must be reviewed by the Assistant Commissioner of Prisons. The Warden initiates the process in accordance to the following:
- a. At privately managed facilities, the CM shall approve sign the AS Placement or authorize by telephone the senior security officer to sign the form if not immediately available, as approving the placement or issue a signed memorandum denying the request. If the CM is not available, the CA shall be contacted immediately. [See VI. (A)(7) when denied].
  - b. Administration Segregation Placement Report, BI01D083, shall be initiated by the Warden or designee clearly stating the reason(s) for the recommendation (BI01D085 for privately managed facilities). This action shall be entered in Segregation (LIBD) as segregation type "INV", segregation reason "PHR". (At privately managed facilities, the form is to be forwarded to the Assistant Commissioner of Prisons for review and approval). A copy will be sent to the Director of Classification. A narrative of the details of the recommendation and approval/disapproval shall be entered on Offender Findings (LCLF).

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3. When the placement is recommended, (at privately managed facilities when the CM's approval has been granted and the placement is effected) a hearing by the disciplinary board shall occur within 72 hours. (See Policy #502.02) The inmate shall receive written notice of the reason(s) for the placement, including disciplinary charges, if any, and be afforded the opportunity to present a statement during the hearing.
4. In cases where specific disciplinary rule violations are involved, the disciplinary board should hear and dispose of such charges first.
5. The Warden or designee may personally appear before the board or provide a written summary of the information pertaining to the case. The testimony of the Warden or any other witness may be taken in a closed session, in whole or part, when the witness's testimony could reasonably reveal the source of confidential information.
6. If the board finds that the Warden has substantial (even if subjective) reasons to believe that the inmate's continued presence in the general population presents a threat to the security of the institution, staff, or to other inmates, it shall approve the recommendation for placement. The board shall provide reason(s) for the approval. Segregation (LIBD) type "INV" shall be terminated and a new Segregation (LIBD) type "ASE" shall be entered, adding the most appropriate reason in the segregation reason field.
7. If the board does not concur with the Warden's recommendation for placement, the chairperson will immediately notify the Warden and submit a written memorandum stating the reasons. (At privately managed facilities the board will follow this policy requirement in reporting reasons for non-concurrence to the Warden and CM) In the meantime, the inmate will be returned to the general population unless the Warden disagrees. If the Warden disagrees with the board's recommendation, he/she shall provide the inmate with a detailed written explanation of the reasons he/she has determined that the board's recommendations should not be followed. The Warden/designee shall ensure that the Assistant Commissioner of Prisons receives a copy of the BI01D083 (state facilities) BI01D085 (private facilities) report within 24 hours for review.

B. Initiated by Board

1. After hearing and disposing of a charge for a disciplinary rule infraction, the board may recommend that an inmate be placed in AS, pending approval by the Warden/Designee when it is believed that their continued presence in the general population may present a threat to security, the staff, or other inmates and the community.
  - a. The inmate shall be verbally advised by the board of its recommendation and be afforded the opportunity to present a statement during the hearing.

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- b. The board shall clearly state the reason(s) for the recommendation on the Administrative Segregation Placement Report, BI01D083, which is then sent to the Warden for approval along with any pertinent information regarding the offense which was available to the board at the panel hearing. At privately managed facilities, the Warden shall secure the request for placement approval of the CM and Assistant Commissioner of Prisons prior to the request for placement being sent to Director of Classification in Central Office. [See VI.(A)(6) when denied] Segregation (LIBD) entries shall be completed as required in Section VI. (A)(2)(a) above.
  - c. If the board has assessed a period of punitive segregation for the offense which resulted in the AS placement recommendation being made, that period of punitive segregation may be scheduled and served while awaiting approval of the AS Placement form. It may run concurrently with the AS placement once the Warden (and CM at privately managed facilities) has approved the recommendation and the Assistant Commissioner of Prisons has reviewed and approved. The disposition shall be clearly noted on the AS Placement Report.
  - d. Confidential information may be deleted from the inmate's copy, but a statement of reasons for the recommendation/action must be given. Any report or written summary containing information which is considered confidential as it relates to the procedures in Section VI.(A) shall be so marked and forwarded to the institutional internal investigation file. Upon transfer of the inmate, such information shall be forwarded to the receiving institution's internal investigation file.
  - e. If the Warden disapproves the recommendation of AS placement, conversation Segregation (LIBD) shall be updated by terminating the "INV" segregation type. The inmate shall be returned to general population. The reasons for disapproval shall be posted on Offender Findings (LCLF) (code: AP). At privately managed facilities, if the CM does not concur with the Warden's recommended AS placement, the CM shall immediately refer the matter to the Assistant Commissioner of Prisons/designee, who shall render a decision within 72 hours. Such decision shall be final and appropriate TOMIS entries shall reflect the same.
2. Upon review and approval of the Assistant Commissioner of Prisons, the placement of inmates on AS shall be designated maximum custody. This does not require a classification hearing; the maximum custody designation is automatically assigned by TOMIS subsequent to AS placement on Segregation (LIBD). Reason for the placement shall be posted on Offender Findings (LCLF) (code: AP)
  3. Upon approval of the placement, Segregation (LIBD) type "INV" shall be terminated and a new Segregation (LIBD) type "ASE" shall be entered, adding the most appropriate reason in the segregation reason field.
- C. Review of AS Inmates:

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1. Periodic reviews by the administrative review panel as noted in Policy #401.03 VI.(B)(4) shall be provided to determine whether or not release from AS should occur. When reviewing an inmate's case for possible release from AS, the panel should consider the following factors in making the determination:
  - a. The inmate's complete institutional disciplinary record
  - b. Past criminal record
  - c. Past record of incarceration and prior administrative segregation placement
  - d. Criminal activity in prison
  - e. Institutional record on work/programming assignment
  - f. Adjustment to program (period of segregation), including cell inspections
  - g. Willingness and ability to live harmoniously among others
  - h. Record of violent reactions to stressful situations
  - i. Existence of condition(s) which initially required segregation
  - j. Involvement in security threat group activity, if applicable.
  
2. Every seven days from date signed by approving authority, an inmate's status will be reviewed by the administrative review panel or other authorized staff designated by the Warden during the first two months in AS. The 4<sup>th</sup> and 8<sup>th</sup> week reviews shall be in accordance with VI. (B)(3) below. Weekly reviews are documented on Contact Notes (LCDG) (Code: ASRV) and shall include a summary of the inmate's adjustment as well as panel members present.
  
3. A hearing before the administrative review panel should occur at least once every 30 calendar days, and recommendations shall be documented on the AS Review form. Administrative Segregation review form BI01D084 shall be forwarded to the Warden for approval, denial, or modification. If release is recommended, the report will be sent to the Assistant Commissioner of Prisons for review and approval, denial, or modification. Monthly panel hearings are to be documented on Offender Findings (LCLF) (Code: AS). The Warden will review the recommendations of the panel. If the Warden believes the inmate should remain under AS where the panel has recommended release, there shall be a detailed statement of reasons prepared with a copy provided to the inmate. At privately managed facilities, the CM shall review the matter for approval. [See VI.(A)(6)] when denied.
  
4. All hearings at the institutional level shall be conducted with the inmate present unless the inmate's presence would cause concern for security or safety reasons, or the inmate refuses to attend, which shall be documented).
  
5. In cases of the panel recommending release from AS for four consecutive months, where the Warden has believed it necessary to continue segregation, the Warden shall forward all relevant documentation to the Assistant Commissioner of Prisons. Within ten working days, the Assistant Commissioner of Prisons shall review the case. The decision of this administrative review is final. Copies of the Assistant Commissioner of Prison's decision shall be forwarded to the Warden, Director of Classification, and inmate.
  
6. Release from AS requires subsequent reclassification by the classification panel:
  - a. The panel shall consider the criteria listed above in Section VI. (B)(1).

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- b. Inmates released from AS shall be classified and assigned to the close custody level. However, a Level IV facility assignment should be considered when the AS placement involved the following types of offenses: assaulting an employee of the TDOC or private contractor operating the facility, a visitor, or an inmate (when such assault results in a serious injury or death of the inmate), or involvement in a hostage situation. The release will be posted on Offender Findings (LCLF) and Segregation (LIBD).

D. Required Assessments:

- 1. Within 24 hours of the initial placement of an inmate in AS status, the inmate shall be seen by a member of the health services staff.
  - a. Thereafter, the inmate shall have daily access to health services staff, as long as they remain in segregation, per Policy #113.31.
  - b. Any adverse findings regarding the inmate's physical or mental health shall be forwarded in writing to the Warden, who shall advise the panel.
- 2. Within seven days of the initial placement of any inmate in AS status, that inmate shall be seen by a mental health professional per Policy #113.84.
  - a. Thereafter, the inmate shall be seen by a mental health professional at least every 30 days if diagnosed with a behavioral health disorder and 90 days if not diagnosed with a behavioral health disorder, until released from segregation.
  - b. A mental health evaluation shall be completed at least every 30 to 90 days and forwarded to the Warden, who in turn shall cause it to be used for review purposes by the panel.
- 3. **A ranking correctional officer** shall visit each inmate in AS on a daily basis. Upon permanent transfer, the sending facility will terminate the AS placement on Segregation (LIBD). The receiving facility will renew the segregation on Segregation (LIBD) with an Offender Findings (LCLF) note relative to the transfer and continuing segregation.

VII. ACA STANDARDS: 4-4249, 4-4250, 4-RH-0002, 4-RH-0010, 4-4252 through 4-4254, and 4-4256.

VIII. EXPIRATION DATE: November 1, 2019.