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# Protective Custody Management in Adult Correctional Facilities

A Discussion of Causes,  
Conditions, Attitudes,  
and Alternatives

134060

**National Institute of Corrections**

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National  
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Corrections

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Conditions, Attitudes,  
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by James D. Henderson  
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Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policy of the U.S. Department of Justice.

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Patricia L. Poupore  
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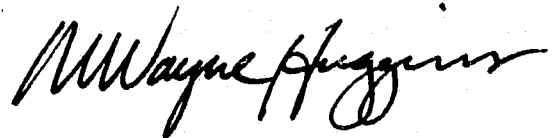
## Foreword

The administration of protective custody continues to be a major problem for prison officials. Some find it a problem on philosophical or legal grounds, while others struggle with the administrative difficulties that protective custody presents.

Although many changes are occurring in prison environments, the challenge of protective custody continues in most correctional agencies. With the growth of the drug culture, greater gang presence, and an increasing number of high-profile inmates, the protection, separation, and surveillance that protective custody requires are becoming increasingly important. Yet, a recent Supreme Court ruling (*Lane v. Williams*, U.S. Sup. Ct. #88-899, 1989) demonstrates that courts will require protective custody units to provide programs, services, and living conditions comparable to those provided to the general inmate population. Administrators are experiencing difficulty in meeting

these demands within existing budgets and without compromising the safety and security that protective custody is intended to provide.

This document is provided to assist administrators as they confront the difficult questions posed by protective custody in the 1990s. In this updated edition of a similarly titled 1983 document, we have attempted to provide administrative, managerial, procedural, and design solutions to both old and new problems posed by protective custody units and the inmates who are housed there.



M. Wayne Huggins  
Director  
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September 1990

## Scope of the Problem

When did protective custody become a problem? Most veteran administrators in the correctional field do not recall protective custody being an issue until the past several decades. An investigation of the prison literature reveals no consistent mention of protective custody (PC) until the 1960s, and few actual numbers reflecting the extent of protective custody even then. Indeed, it was only in the '70s that prisons began to routinely keep statistics on the PC population—an indication that it either was not a problem before then or that it was not previously considered important. This certainly is no longer the case, as changes in the patterns of inmate violence, racial animosities, gang activities, and other factors have created pressure on many confined offenders.

### Numbers of PC Cases

By 1978, a national survey of all state and Federal prisons in America (Greenfield 1981) disclosed that 2.3 percent of the nation's incarcerated population was classified as protective custody. At the time of the last edition of this publication in 1983, individual states in the United States had protective custody populations ranging from 4 percent to as high as 17 percent (Anderson 1980). Canadian correctional authorities indicated an increase from 2.5 percent of the total prison population in 1972 to 10.1 percent of the population in 1982 (Vantour 1982). The survey conducted in connection with this publication found that 5.6 percent of all U.S. prison inmates are estimated to be in one form of PC status or another. While this is a lower percentage than derived from the 1983 PC survey that ACA conducted, it still is clear

that the problem is one of major proportions. Indeed, protective custody has become a major feature of most prisons and prison systems.

### Types of PC Cases

There are clearly more categories of PC inmates now than there were even two decades ago. As this phenomenon has become more pronounced, the complexion and complexity of protective custody have changed dramatically. While weak, immature inmates and child molesters formerly were the types most often considered to be legitimate PC cases, to these have been added:

- Inmates nearing expiration of their sentences who are trying to avoid disciplinary infractions or other problems.
- Larger numbers of institutional informants.
- Those taking refuge from jailhouse situations like gambling or drug debts (the latter a problem that shadows the apparent increase in availability of drugs in some institutions in the last decade).
- Offenders with notorious criminal activities on the outside who may not be prison-wise or who may be subject to pressure because of their notoriety.
- Sophisticated organized crime informants who are serving sentences and whose identity is known.
- Gang members or those participating in crimes motivated by racial or other types of discrimination in the community, who require protection from imprisoned members of the group they attacked.

- Inmates who have become government witnesses against co-defendants, especially in capital and major drug cases.
- Inmates trying to manipulate the system.
- Other special categories, such as some homosexuals and former police and correctional officers.
- Inmates who preyed on other inmates and whose lives now may be in danger from those they formerly preyed upon.

Protective custody certainly is a mixed bag—one that is increasingly difficult to manage because of the different backgrounds and behavioral traits of those who seek it. Indeed, in many institutions, it is necessary to impose some form of separation *within* the PC unit to protect PC cases from each other.

## Reasons for PC Use

Many administrators believe the level of violence, or the underlying threat of violence within prisons, is a chief factor causing the need for PC units. This factor was cited by Anderson (1980) and Vantour (1979), with the following broad elements noted as contributing to the problem.

- Increased freedom of movement within institutions, allowing greater accessibility of one inmate to another.
- The changing, less stringent nature of institutional discipline, providing less of a deterrent for rule-breaking.
- Modern practices of inmate classification and institution diversification that result in a greater concentration of hard-core inmates in certain institutions, thereby increasing the likelihood of violence in those institutions.
- The offense profile of inmates currently incarcerated, which often reflects a history of greater violence and more drug-related offenses than in the past.
- Increasing numbers of first-time offenders arriving with very little experience in how to "do time."
- The practice of granting furloughs, day passes, and temporary leaves, which (in those systems with wide-spread reliance on these programs) creates a greater potential for contraband introduction and makes inmates more vulnerable to pressure from other inmates to "do favors."
- Greater and more accessible news coverage of investigations and trials, which often guarantees



FLORIDA DEPARTMENT OF CORRECTIONS

*The relative quiet and solitude of most PC units make them attractive to certain inmates.*

that a particular offender will be in need of protective custody upon arrival at an institution. The considerable precommitment publicity makes certain offenders easily recognized by inmates, making it very difficult for them to arrive unnoticed and serve their sentences without peer pressure and threats.

- The relative quiet and solitude of most PC units, which make them attractive to certain inmates who see PC status as the preferred setting for serving their sentence, especially given increased crowding.
- The alarming growth of the "drug culture," which has produced a whole new class of informers who potentially may request protective custody placement.
- The growth of inmate gangs, especially in more populous states, contributing to increased protective custody requests in several ways—fearful inmates wanting to avoid the possibility of retaliation by a gang, marginal gang members attempting to escape gang pressure and expectations, as well as active gang members feigning a problem in order to enjoy what they perceive to be "rest and recreation" in the PC unit.
- Court decisions that now require extensive due process procedures before placing inmates in disciplinary status, making it simpler to lock up



the prey in PC than the predator in disciplinary detention.

- The increased likelihood of inmates suing prison officials for failing to protect them. To avoid such suits, many prison officials allow protective custody placement with no more justification than an inmate's statement, "I want to lock up."

At an operational level, the 1990 survey conducted for this publication tends to confirm many of these points through specific narrative responses to survey question 8, such as:

- "58 claim to have hits on them, 23 for extortion."
- "Ex-law enforcement employees."
- "Protection due to media coverage concerning offense."
- "First-time offenders—just scared."
- "Fear for life due to court testimony and other problems."
- "To avoid possibility of problems before parole."



U.S. PENITENTIARY, MARION, IL

- "Fear of death or bodily harm (19 percent gang-related)."
- "Alleged hit list of various gangs."
- "To avoid regular maximum and medium security housing."

Even in the face of these factors, there are still some who argue for restricting, or possibly even eliminating, the routine practice of providing separate protective custody facilities for inmates in the above circumstances. They cite the atrocities visited on PC inmates during the 1980 riot in New Mexico, expressing the view that when PC units are used to house large numbers of known informers, it increases, rather than decreases, an institution's potential for a serious incident (Simmat 1982). Some commentators are concerned that certain groups, such as homosexuals, are unfairly overrepresented in protective custody and are therefore being deprived of their civil liberties (Howarth 1980). Surveys of correctional personnel have found objections to protective custody based on fiscal and administrative grounds as well.

However, the reality is that most correctional systems are operating protective custody programs of one type or another. This is most often an acknowledgment that separate programming is the safest way to manage such a group. Many systems have simply concluded that as a practical matter, separate PC units are the best way to avoid protracted litigation that often results from either failing to intercede in a potentially dangerous situation or from placing the potential or actual victim in administrative segregation status.

### ACA Standards Relating to PC Status

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The American Correctional Association (ACA) has addressed some of these issues, primarily in the form of its standards. In the third edition of *Standards for Adult Correctional Institutions* (ACA 1990), several standards relate directly to the physical plant (3-4120 through 3-4166), inmate rules and discipline (3-4214 through 3-4236), and special management inmates (3-4237 through 3-4261). Complete text of these standards can be found in Appendix 1.

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*The term segregation is a generic term, and the kinds of segregated housing in use nationally are very different.*

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These standards set forth acceptable correctional practice in many areas, including the amount of living space per inmate; minimum furniture requirements; environmental considerations; rules and procedures for admitting, maintaining, and discharging inmates from special housing facilities and minimum standards for activities and programs.

In order to clarify terminology used later in this publication, it is important to show how current ACA standards distinguish between the two kinds of segregated housing: administrative segregation (AS) and disciplinary detention (DD). The term *segregation* is a generic term, and the kinds of segregated housing in use nationally are very different. The terms, as defined by ACA, are as follows:

Administrative Segregation: A form of separation from the general population administered by the classification committee or other authorized group when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff, or other inmates, or to the security or orderly running of the institution. Inmates pending

investigation for trial on a criminal act or pending transfer can also be included.

Disciplinary Detention: A form of separation from the general population in which inmates committing serious violations of conduct regulations are confined by the disciplinary committee or other authorized group for short periods of time to individual cells separated from the general population. Placement in detention may occur only after a finding of rule violation at an impartial hearing and when there is not adequate alternative disposition to regulate the inmate's behavior.

Regrettably, in some systems, verified PC cases have often been relegated to one or the other of these two statuses without any consideration for the long-term nature of their confinement. This, too, is beginning to change. Chapter 3 outlines the legal complexities of the PC scene and the requirements that make it ever more important to properly evaluate prospective PC cases, provide due process when needed, and offer access to programs and services that are equivalent to those available to the general inmate population.

# 2

## Survey Results

In American corrections today, protective custody inmates, as a group, are often a poorly treated class of inmates. Few institutions have housing units specifically designed to meet the unique needs of the PC subpopulation. Many typical protective custody "programs" are operated in segregation blocks and other restrictive settings. Meaningful work and other program and activity options are far more limited than those available to general population inmates. In short, prospective PC inmates in most systems must choose between facing a threat on the compound or enduring a relatively stark existence in a semi-segregation setting.

Today, almost everyone involved in corrections admits that PC inmates present a problem; understandably, these cases present disproportionate administrative and operational burdens. Although in the past there has been an unwillingness to admit that protective custody might be necessary and even legally mandated, numerous court decisions have largely removed those sentiments. Today, most prison administrators agree that protective custody, and the conditions that spawn it, are undesirable and must be dealt with in a systematic, constitutionally permissible manner.

As awareness of this issue grows, so is interest in developing improved strategies for dealing with PC cases. Indeed, the entire philosophy and treatment of PC offenders are now being reassessed in light of evolving caselaw on this critical issue. Current and future protective custody programs will no doubt continue to be tested in the courts, and correctional administrators will need to be creative to make these programs work successfully.

Finally, it is worth noting that discussions about PC issues have been, until recently, almost exclusively

reported in terms of male institutions. Interestingly, however, the present study reflected 17 institutions with female protective custody inmates in various types of housing settings. This represents the first reported sign of a female protective custody population in ACA's study of this topic. It is not clear whether this reflects more complete reporting of the total PC universe or a new trend toward more institutional management problems or incoming cases that are producing PC-type female inmates. However, female inmates are now a rapidly growing segment of the U.S. prison population, and this survey has disclosed PC issues among a number of female inmate populations. Accordingly, the principles and procedures discussed here should apply equally to female protective custody programs.

### PC Survey Information

#### Scope of Survey

In the spring of 1990, the American Correctional Association conducted, in connection with the revision of this publication, a general survey of prison systems in the United States to determine the extent of their PC population and to learn about those inmates' conditions of confinement. This survey was not a replication of the 1982 survey, which was described in the first edition of this publication. This survey was intended to provide a "snapshot" of the current state of PC affairs, not a comprehensive assessment of conditions of confinement and staff and inmate attitudes. Nevertheless, some of the same areas were covered, and a few comparisons can be drawn.

Altogether, 43 state departments of corrections (including the District of Columbia) and 19 Federal



.....  
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 .....

institutions responded to the survey. Thirty-seven states' responses were tabulated: the balance either reported no PC units (2), returned incomplete surveys (2), were unable to complete the survey because of litigation (1), or returned the survey too late for tabulation (1). One Federal institution returning a survey had no PC unit. Appendix 2 lists the participating states and the number of surveys they returned.

### **Institutional Information**

Surveys were sent to systems instead of individual institutions, and the headquarters offices were asked to determine whether a given location received a survey. From the 190 surveys returned, 183 were usable, representing 165 state and 18 Federal facilities. The number of institutions responding represented maximum security (36 percent), medium security (33 percent), and minimum security (9 percent)

institutions. The balance (22 percent) represented themselves as either mixed-custody sites or did not use the requested nomenclature. Thirty-nine facilities held female inmates either in female-only or dual-gender settings; of those, 17 indicated they had female PC inmates.

The design capacity of these institutions averaged 640 inmates and totaled 131,839. Their populations averaged 784 inmates and totaled 149,612. Taken as a whole, the crowding represented at these locations was an average of 113 percent of design capacity. The Federal institutions reporting had a capacity of 10,567 inmates and housed a total of 16,405 inmates, reflecting 155 percent of capacity in those facilities.

Unit management is a commonly used management strategy in many prison systems in the United States today, and most of the institutions responding to the survey used units to some extent. Forty-nine percent of the responding locations reported using unit management, with 41 percent using traditional centralized management. The balance employed combinations of units and centralized management or described other, somewhat atypical methods of organization.

In investigating the location of the PC operation, considerable variation was encountered.

- Forty-two percent of the responding sites indicated PC inmates shared housing with administrative segregation and disciplinary detention inmates.
- Thirty-four percent of the institutions reported a separate unit outside the administrative segregation or disciplinary detention areas.
- Nine percent of the responding sites indicated PC inmates shared housing with administrative segregation inmates only.
- Four percent of the responding sites indicated PC inmates shared housing with disciplinary detention inmates only.
- The balance of the responding sites declared some other type of housing.

A majority of these inmates (69 percent) were in single-cell status. The balance of the reporting institutions indicated a combination of single-cell and multiple-occupant quarters being used. The 17 institutions reporting female PC inmates use a similar mix of housing types.

The physical features of the typical PC unit were those of a detention-type unit: occupant-controlled lighting in 47 percent of the cells; occupant-controlled toilets in 73 percent; and an outside window in 53 percent of the cells. The average square footage per cell was 70.

Most units used for PC cases are small, averaging a design capacity of 55 inmates; dedicated PC housing areas ranged in size from one to 60 cells. There was an average of only 42 cells per facility in actual PC use. Not every institution used cell housing for all PC cases, and not all units were exclusively devoted to PC inmates. There was an average of 44 inmates in PC status at any one time in the institutions responding.

These are but the broadest of categorizations, though. Indeed, this numerical breakdown is, in many respects, the tip of the iceberg, because the narrative comments received in connection with this particular survey item indicated a tremendous variation in the type of housing and the locations used. Types of housing ranged from dormitories to single cells. PC inmates were reported as being housed with mental health or medical cases and death row inmates. In some locations, female inmates were held in single cells ranging from 48 to 126 square feet in size.

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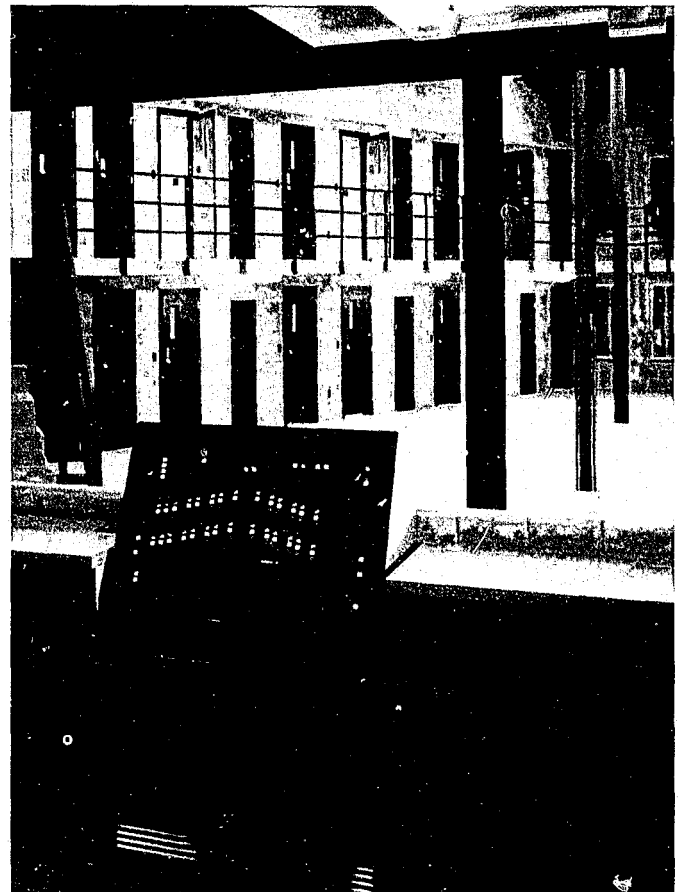
Separate cellblocks in maximum security were used, as was cell confinement in regular housing units. Facilities with large, dedicated PC housing units were found, along with others that simply assigned cells as needed. In short, every conceivable type of housing and assignment pattern is in use to manage PC inmates in these institutions.

### Population Characteristics

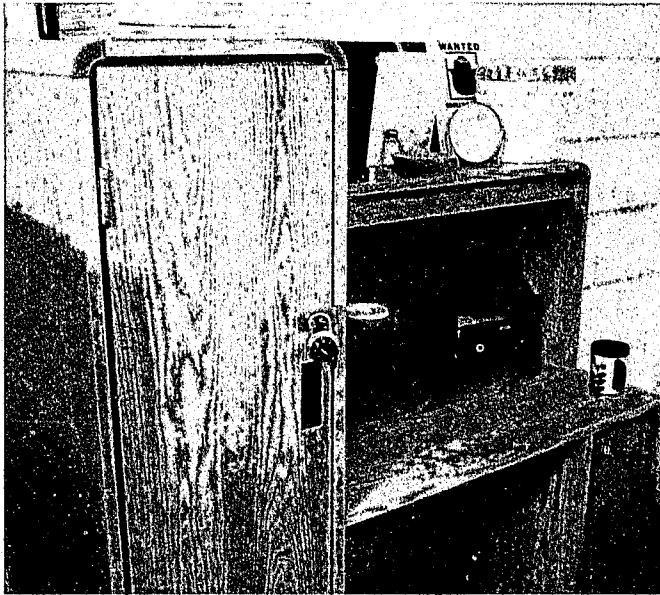
The general inmate population profile at these locations was 45 percent white, 37 percent black, 11 percent Hispanic, 2 percent American Indian, and 5 percent other racial origins. In the responding locations 88 percent of the inmates were male and 12 percent were female.

In looking at total numbers of inmates involved, 8,434 inmates were reported as being in PC status at the time of the survey. This represents 5.6 percent of the total of 149,612 inmates in the responding institutions. PC populations constituted 6.2 percent of the population of the state institutions; only 0.8 percent of the Federal population were categorized as PC cases.

The total inmate population of these correctional systems was far larger, by several orders of magnitude, than that of the institutions surveyed. As a result, since



MIKE SINCLAIR, SINCLAIR-REINSCHE



the survey structure covered only institutions that had PC units, it is reasonable to believe that reported PC cases actually may now comprise a far smaller percentage of the inmate population than estimated in the 1982 study, which concluded that there were 6.2 percent PC cases nationwide, with a 1.8 percent figure for the Federal Bureau of Prisons.

Since the survey asked each department of corrections to forward a survey to each of their institutions with a protective custody unit, the sampling process was quite different in this project than it was in 1982; distribution through the headquarters office did not provide a data structure for computing a typical return rate. Extrapolation using the 1982 assumptions would not be valid, even if the survey instruments would have been the same. However, the implications for this set of comparative figures are interesting and may challenge others to review this subject more closely. It is possible, based on this survey, that the 1982 survey somewhat overestimated the number of PC cases in the nation, that PC cases are being defined differently, or that in the intervening eight years, the general size of the PC population in U.S. prisons has dropped in both state and Federal facilities.

### **Reasons for Requesting PC Status**

The reasons for inmates requesting protective custody status remain essentially unchanged. Gamblers with bad debts, informers, those seeking refuge from sexual assault or inmate gangs, and inmates who are being sheltered because of impaired mental status still make up the bulk of the PC population. Female inmates in PC status were reported as having problems that paralleled those of male PC cases.

*The type of personal property permitted while in PC status is one indicator of the degree of normalization available.*

In the survey's narrative comments, there are several common themes. Large numbers of inmates were reported to have contracts on them, as were many who were fleeing extortion activity or whom staff considered too unsophisticated for the institution. Ex-law enforcement personnel are found at a number of locations, as are a significant number of inmates whose offenses garnered so much notoriety or media attention that they could not stay in population; sex offenders and child molesters were a significant component of this group. Another recurring category was the manipulator—the inmate who, in the view of staff, was using PC status as a means to achieve a job change or transfer. In one instance, an inmate who was noted to be in PC because of AIDS was presumably placed there due to threats by other inmates. In several cases, inmates were reported to be in PC status because of court orders.

Perhaps with the exception of these latter two categories, there are no new aspects to this aggregation of disparate cases and institutional categories. The same dynamics that generated PC cases almost 10 years ago are still operating in most U.S. prisons in 1990. The fact that our nation's prisons are so crowded might have led to a belief that more inmates would seek PC status. This survey does not, however, offer support for that proposition. Indeed, as most systems construct additional facilities to deal with crowding, new construction may provide additional transfer options that may further alleviate some PC-related problems.

### **Privileges and Programs**

The conditions of confinement under which most PC inmates are held continue to be significantly more restrictive than those in most general populations. However, programs and services are available to both male and female inmates to some degree in virtually all locations. In fact, the surprising array of programs and services available to these difficult cases is a testimony to the efforts of many innovative administrators throughout the country.

The type of personal property permitted while in PC status is one indicator of the degree of normalization available to an inmate who elects this

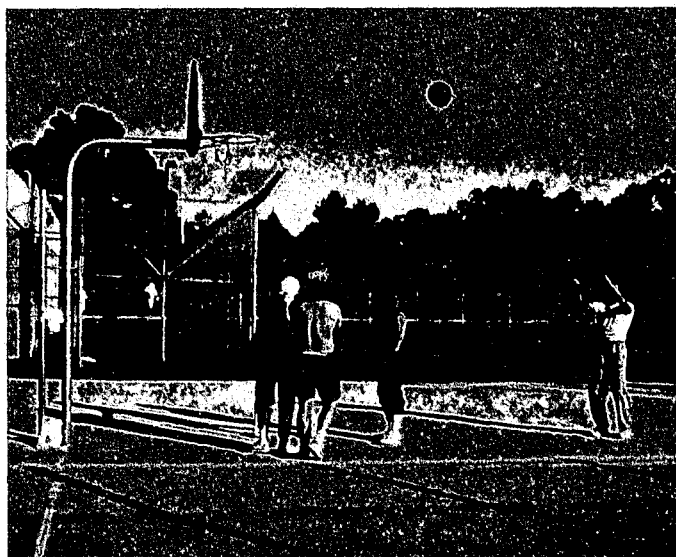
course of action. Table 1 presents the types of personal property inmates are permitted to possess in the institutions surveyed.

**Table 1**  
**Permissible Inmate Property**

| <i>Property Item</i>      | <i>Percentage Reporting Available</i> |
|---------------------------|---------------------------------------|
| Books                     | 98                                    |
| Magazines                 | 98                                    |
| Cigarettes                | 94                                    |
| Matches                   | 85                                    |
| Clothing (personal items) | 63                                    |
| Radio                     | 87                                    |
| TV                        | 53                                    |
| Food Items                | 88                                    |
| Photos                    | 97                                    |
| Toilet Items              | 97                                    |
| Jewelry                   | 83                                    |

This list suggests that a fair cross-section of personal amenities is available to inmates in PC status. To the security-conscious manager who notes that a great percentage of these units are operating in a detention/segregation setting, it is interesting that this wide range of personal privilege items is available.

Programs are an important component of any long-term unit that houses inmates in relatively close confinement. In locked units such as those typically used for PC housing, the types of programs available are driven by the location and size of the housing unit, as well as staffing. The tremendous variation in types of units and their proximity to other institutional resources are the most likely contributors to the wide range of programs reported. See Table 2.



JOHN CRISWELL

**Table 2**  
**PC Unit Program Activities**

| <i>Type of Program</i>   | <i>Percentage Reporting Available</i> |
|--------------------------|---------------------------------------|
| Commissary               | 95                                    |
| Visiting                 | 98                                    |
| Telephone                | 96                                    |
| Mail                     | 98                                    |
| Education                | 81                                    |
| On Unit                  | 60                                    |
| Off Unit                 | 17                                    |
| Both                     | 3                                     |
| Work                     | 39                                    |
| On Unit                  | 19                                    |
| Off Unit                 | 13                                    |
| Both                     | 7                                     |
| Recreation               | 94                                    |
| On Unit                  | 53                                    |
| Off Unit                 | 35                                    |
| Both                     | 5                                     |
| Legal Services           | 95                                    |
| Law Library              | 97                                    |
| Release Services         | 70                                    |
| Release Counseling       | 97                                    |
| Release Planning         | 82                                    |
| Other Work Programs      | 32                                    |
| Psychological Counseling | 96                                    |
| Other Programs           | 54                                    |

The variation in programs reported in the final "other" category of the above listing is impressive. It includes self-study programs, movies, arts and crafts, band and music, hobby craft, sexual offenders programs, drama, rational behavior therapy, college classes, and socialization sessions.

### **Staff Coverage**

Smooth operation of PC units is, to a certain extent, a function of staff time spent in the unit. The survey specifically examined the pattern of visitation in

*In locked units such as those typically used for PC housing, the types of programs available are driven by the location and size of the housing unit, as well as staffing.*

the unit by administrators, program personnel, and other staff, with the results shown in Table 3.

**Table 3**  
**Staff Visitation to PC Units**

| <i>Staff Category</i> | <i>Percentage<br/>Daily</i> | <i>Percentage<br/>Weekly</i> |
|-----------------------|-----------------------------|------------------------------|
| Executive Staff       | 26                          | 57                           |
| Professional Staff    | 56                          | 35                           |
| Medical               | 92                          | 5                            |
| Clergy                | 12                          | 77                           |
| Mental Health Staff   | 25                          | 54                           |
| Recreation Staff      | 18                          | 29                           |

### Incidents and Discipline

Because many PC units operate within the confines of administrative segregation or disciplinary detention units and these inmates have fewer outlets for their energy, it is important to look at the rate of unusual incidents in the units.

The survey asked respondents to estimate how many times in the last 30 days a specific list of events had occurred in the PC unit in their institution. Table 4 summarizes the responses.

**Table 4**  
**Unusual Occurrences in PC Status**  
**(Per 100 inmates)**

| <i>Event</i>       | <i>Number of<br/>Occurrences</i> |
|--------------------|----------------------------------|
| Attempted Suicide  | 0.02                             |
| Suicide            | 0.001                            |
| Disturbances       | 0.08                             |
| Fires              | 0.03                             |
| Attacks on Staff   | 0.02                             |
| Attacks on Inmates | 0.06                             |
| Incident Reports   | 0.51                             |
| Attempted Escape   | 0.001                            |
| Escape             | 0.001                            |
| Other              | 0.02                             |

This data, gathered in a different manner, is not comparable to that of the 1982 survey, nor does it offer a comparative basis for PC inmates versus others in disciplinary detention or administrative segregation statuses. However, proportionately, it reflects the same, generally low profile of PC inmate incidents.

This pattern of low incidence of serious disruptive activity may be indicative of the generally high level

of physical control employed in the typical detention/segregation setting where many of these cases are held. While acting-out is not prevented, it may bring about swifter, surer consequences. On the other hand, close conditions of confinement, the likelihood that clashing personalities may grate on each other in those close quarters for long periods of time, and many other dynamics of a locked unit setting virtually assure that there will be incidents of some type in a PC unit.

### Sanctions

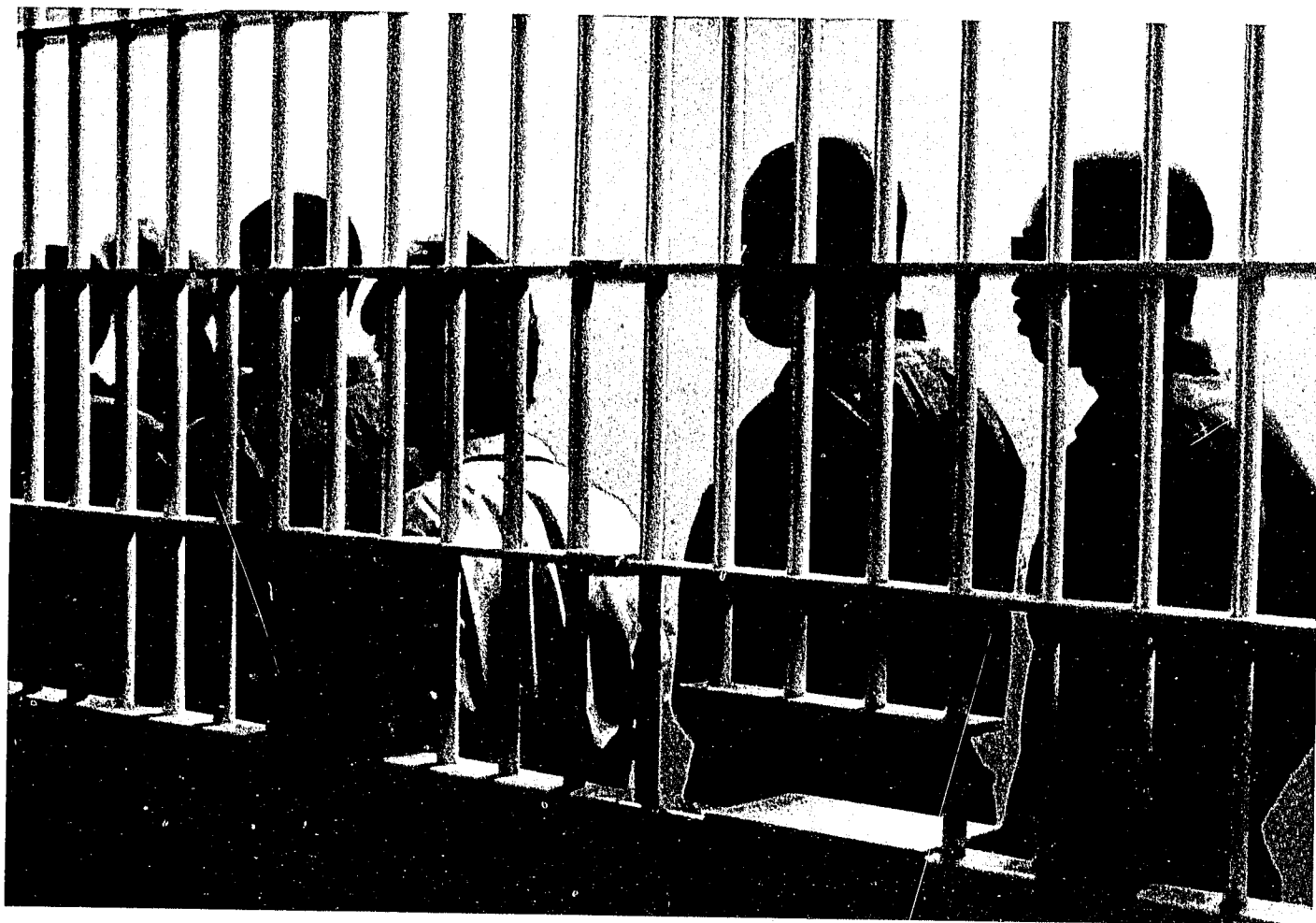
When incidents do occur in PC units, or infractions are committed by PC inmates in a nondedicated unit, staff are faced with the problem of how to sanction inmates who are already significantly limited in their activities and privileges. The survey disclosed a significant range of sanctions, again reflecting the broad scope of types of institutions, units, and programs in effect for PC cases.

A common theme was referral to the institution's disciplinary board or handling the inmate involved much as any other inmate would be handled. It appears that for the locations commenting on this subject, the inmates are subject to the full range of the agency's disciplinary processes and punitive options. However, within that context the major categories of sanctions actually imposed included:

- Property restrictions
- Disciplinary detention
- Loss of privileges
- Loss of good time
- Loss of recreation
- Cell restriction
- Fines
- Denial of privilege of grade
- Loss of canteen privileges
- Mail restriction
- Job change
- Loss of phone privileges
- Loss of TV/radio
- Loss of package privileges
- Extra work duty
- Loss of single cell
- Verbal warning
- Counseling.

This list of sanctions indicates that the inmates in PC status do risk suffering significant deprivations if they breach facility rules. The fact that equal treatment with general population inmates was a common thread in many of the responses indicates that in most locations, the PC inmate does not receive favored treatment in the disciplinary arena.





MICHAEL DERSIN

### Restoration of Population Status

Ideally, the goal of every PC program is to work toward returning every inmate to general population status. However, in small correctional systems, where notoriety is easy to gain and hard to lose, many inmates will never lose their "snitch" label or will not be able to shed the mantle of a heinous commitment offense, such as one committed against a child. As a matter of realistic correctional practice, this means that many inmates will never be able to leave PC status, but staff still work toward that goal in cases where it is a practical possibility.

The survey addressed this issue by asking what measures are taken to promote return to general population, once an inmate is in PC status. The results were, once again, varied, and included the following general categories:

- Regular, repeated counseling
- Classification reviews
- Investigation of original status
- Finding a way to pay debt
- Working with enemies in population
- Transfer to different unit

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*Many inmates will never be  
able to leave PC status.*  
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- Transfer to other facility
- Job change
- Psychological counseling
- Encouragement to face problem
- Out-of-state placement
- Ordering out inmates with unverified concerns
- Moving perpetrator to segregation
- Allowing inmate to sign waiver.

Written waivers are a seldom-reported strategy to allow an inmate to return to population when a threat might still exist. Only a small number reported removing the aggressor inmate from population to enable the victim to return to normal programming. This often is due to the victim being unable or unwilling to name the other party or parties. The prevailing strategy reported was to repeatedly counsel with the inmate involved and try to assist him or her in either resolving the problem or going back to population and facing the problem. The regular

classification review meeting appears to be the most common vehicle for this kind of counseling activity, but locations reported various staff, including the warden, doing this kind of persuasive activity.

## Summary

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Considering the present endemic crowding that most prison systems are experiencing, it is interesting that there appear to be proportionately fewer PC cases than there were eight years ago. The emergence of early data on female PC cases is an interesting development, one that may stimulate additional study. The fact that a broad range of programs and services

is reported in most locations is encouraging, although obviously assessing the quality of those programs offered was not within the scope of the study.

Indeed, a survey of this type, as valuable as it is in revealing the broad range of PC programs in operation, does not describe day-to-day issues involved in operating a typical PC unit. The chapters that follow will attempt to more completely describe some of the more important administrative considerations in establishing and managing a fully functional PC unit within applicable constitutional bounds. With that information, corrections practitioners will be far better equipped to assess their own programs and to seek improvements and refinements where indicated.

# 3

## Legal Issues

In the prison context there are no guarantees of total safety, whether the inmate is placed in a special unit or not.\* The crucial issue in any protective custody case is prison officials' responsibility to take reasonable steps in response to an inmate's reported fears or actual need for safety. What is reasonable depends on the facts of the particular case in question.

In the past, legal activity in the protective custody area has centered basically on three questions. The first has to do with liability: If an inmate can establish injury, what must be demonstrated about the correctional administrator's legal obligations and actions in order for the inmate to successfully sue for damages?

The second issue relates to due process. There is ample reason to require due process safeguards anytime a person is placed in special housing by prison officials for disciplinary reasons. If, however, an inmate requests protective custody status and is placed in administrative segregation involuntarily, are similar procedural safeguards required, and if so, at what level? Is an informal statement by the detaining officer sufficient? Is a full due process hearing required? Will something in between suffice?

The last major question is in the area of conditions of confinement. What are the legal requirements for programming and accommodations within a protective custody area? In general, the programs and services in protective custody areas must be equivalent to those available to the institution's general population, even if restructured in some way for legitimate security reasons.

In addition to these areas, this chapter will discuss the question of damage awards in those cases where prison employees are found liable.

### Liability and Negligence

#### The Duty to Protect

The initial point of this discussion must be an inmate's right to be protected in the prison environment, and conversely, the administrator's duty to provide protection. Generally, law enforcement agencies owe a duty of protection only to the general public and not to any particular individual.<sup>†</sup> Yet where a private citizen can be said to have relied on the law enforcement officials' assurances of safety or assistance, thereby letting their guard down, the failure of police to provide protection can create liability.

Broadly speaking, one who is required by law to take custody of another (under circumstances that deprive that person of normal powers of self-protection) is under a duty to exercise reasonable care in controlling the conduct of third persons to prevent them from intentionally harming the person in custody, if he or she knows or should know of the necessity for exercising such control and have the opportunity to do so.\*

In other words, institutional staff must ensure that conditions in the institution offer a reasonable level of control over potentially dangerous individuals who might harm others. This has not been interpreted by the courts as requiring total control of all possible violent inmates; administrators generally are not liable when they have taken reasonable precautions.

\* *Parker v. State*, 282 So. 2d 483 (La. 1973); *Breedon v. Jackson*, 547 F. 2d 578 (CA 4, 1972).

<sup>†</sup> 46 A.L.R. 3d 1084.

\* *Restatement of Torts*, Torts 2d, Section 320.



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Frequently, states will have specific statutes that provide guidance to an administrator in understanding any specific duty owed an inmate beyond this general standard. A correctional administrator is not *required* to ensure the safety of an inmate unless state law so specifies.\* State laws may spell out the nature of the duty owed, the amount of damages that may be assessed, and the particular defendants who may be assessed damages.

In the prison setting, an administrator may not ignore a request for protection,<sup>†</sup> but is required to take only those measures reasonably calculated to prevent an assault. Under current standards, an administrator may elect not to totally isolate the inmate seeking protection and to apply alternate protective measures instead.

However, the existence of a protective custody area within an institution provides an additional option to the administrator that must be factored into any discussion of this issue. Once a protective custody program is established, its very presence may create a specific legal responsibility for the administrator to provide an additional level of protection. He or she must now consider an inmate's request for protection in light of the newly available management option. Moreover, the administrator must see to it that the unit itself is operated in such a way that it provides a reasonable assurance of protection.

The current prevailing position is that an inmate should be kept free from unnecessary harm and that reasonable care should be exercised in the interest of maintaining inmates' lives and health. This duty, too, may vary from state to state, based on the actual language of state statutes setting out any special duty a correctional agency, prison, or jail may have.

### **General Liability and Negligence**

Once a duty to protect in some circumstances has been established, then liability may result if this duty is breached. Liability is the state of being legally

\* *Fleishour v. United States*, 244 F. Supp. 762,767 (N.D. Ill., 1965); aff'd 365 F. 2d 126 (7th Circuit), Cert. denied, 385 U.S. 987 (1966).

<sup>†</sup> *West v. Rowe*, 448 F. Supp. 58 (E.D. Ill. 1978).

bound or obligated to make good any damage that occurs in a transaction of any kind.

Each state's laws and court decisions set out the circumstances under which an individual may be held liable for a specific act. All states generally provide that no person will be held liable to another person without proof of negligence. To establish negligence, it must be demonstrated that the defendant owed a duty of care to the plaintiff, that the defendant failed to fulfill that duty, and that the plaintiff suffered as a result.

A frequent concern expressed by jail and prison administrators is the difficult question of whether the administrator will be held liable if one inmate assaults another. The fear of liability in such assault cases will often affect the decision of whether to provide protective custody to a specific inmate or to establish a protective custody area for a large segment of inmates.

Generally, in order to hold a prison official liable for an inmate-on-inmate assault, the official must have had actual knowledge of the dangerous character of the inmate committing the assault and have failed to take reasonable precautions to prevent any such assault. Cases arising from the assault of one inmate by another are, unfortunately, somewhat common. To understand the potential for liability in the "protect or not protect" situation requires a further review of certain legal concepts that have developed in assault cases.

## Negligence Caselaw

Currently, it appears that in order for the correctional staff to be found negligent it must be shown that (1) they were aware, or should have been aware, that a threat existed; and (2) they made an inadequate investigation and/or response to a known threat.

### Requests for PC Status

Exposure to liability when a request for PC status is denied is a legitimate concern for an administrator. No matter what the circumstances, if an administrator refuses to place an inmate (who so requests) in protective custody status, the exposure to either potential liability or serious management problems is great. The inmate might return to the general population and be seriously injured or killed. On the other hand, it also is possible that the inmate would go back to the compound and assault a staff member in order to be locked up, creating a risk to staff and potential liability from that individual's point of view.

It is obvious that a request for protection cannot simply be ignored. On the other hand, protective custody placement is not required simply because an inmate expresses fear.\* In each case, this is an important and delicate decision.

If an inmate requests protective custody placement and the correctional administrator refuses, will the administrator necessarily be held negligent if the inmate should subsequently be injured? The victim of an actual assault usually may allege the prison or jail staff were negligent in allowing weapons (e.g., kitchen knives, eating utensils, or homemade shanks) to get into the hands of other inmates; that the jail or prison was poorly designed; or numerous other similar allegations. But seldom are any of these factors, even if true, the primary factor contributing to an inmate's assault. In most of these instances, the primary cause of the harm was the conduct of the assailant.

In addition, the evidence of some casual relation or connection between an official's negligence and an inmate's injury is not sufficient to establish liability. The connection between the negligence and the injury must be a direct and natural sequence of events, unbroken by any intervening causes, so that it can be said that the official's negligence was the proximate cause of the injury.

This requirement cannot be satisfied merely by stating that it was foreseeable that some inmate would assault another. Under the most common approach, the jailer's conduct must be a substantial factor in the cause of the injury. Where a number of facts (of which the defendant's conduct is but one) have an appreciable effect in bringing about harm to another, it must be determined whether the defendant's conduct was significant in relation to the conduct of others.†

Moreover, in individual protective custody circumstances, it is rare that anyone knows which individual is going to assault the victim. Predicting this attack is usually guesswork. Naturally, after the assault has occurred, it becomes a rather easy task to retrace the decision-making path to determine how the injury could have been prevented. Fortunately, most caselaw suggests that a warden is not liable unless there was a reason to anticipate violence and staff failed to prevent it. In addition, the warden's decision as to the number and placement of officers is not a matter on which a court will ordinarily substitute its judgment.\*

Sorting out these difficult questions is at the heart of any negligence determination. In one of the few

\* *Hall v. Unknown Agents of NY Dept. of Corrections*, 825 F.2d 644, (2nd Circuit, 1987).

† *Restatement, Torts 2d*, Section 433.

\* *West*, at 547, 548.

cases where the U.S. Supreme Court has addressed an assault situation of this type (*U.S. v. Muniz*, 374 U.S. 150 [1963]), the Court concluded that the United States may be held liable where the acts were the result of "extreme negligence." In that case, the plaintiff was attacked and pursued by 12 inmates into a dormitory of a Federal facility. Rather than attempt to stop the fight, the correctional officer locked the door, choosing to confine the altercation rather than intercede alone. This left the inmates unsupervised and free to beat their victim, who as a result suffered a skull fracture and the loss of his right eye. The Court held that the government was not liable under these facts.\* The key here was the officer's rational decision to contain the disturbance and await staff reinforcements to quell it, instead of immediately intervening alone. The Court found no negligence in that decision.

However, in a similar case, *Cohen v. U.S.*,<sup>†</sup> the United States was found to be negligent. In that case the assailant had been placed in administrative segregation based on information that he had threatened another inmate. He had been previously identified as being involved in at least two series of assaultive incidents, and he was perceived by staff to be "unmanageable" and "dangerous." Furthermore, the government was informed of this individual's psychotic tendencies and of the likelihood of his having recurrent psychotic episodes. Although he was in administrative segregation at the time of the assault, he was allowed to roam in an exercise yard under limited supervision. Under these circumstances, he managed to scale a 10-foot wall surrounding the yard and escape to another building, where he struck the victim three times on the skull with a pipe.

The government's negligence? The court cited prominently the fact that just two years prior to the assailant's escape from the detention area, another inmate, who was only 5'5", succeeded in escaping over the same wall in the same exercise yard, yet no changes were made in the yard or the wall during the intervening period. The court concluded that the government failed to provide sufficient protection when prior events had shown that additional protection was necessary.

A more difficult situation arises when administrators are aware that difficulties exist between two inmates (or groups of inmates) and yet they feel that segregation is not necessary. Often, administrators fear that if they do not segregate in such situations, and an attack occurs, they will be liable. This is not the case, as long as the administrator has exercised reasonable judgment in arriving at his or her decision that an assault will not occur if the inmates are allowed to remain accessible to each other.



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The principle is illustrated in a Louisiana case, *Parker v. State*.<sup>\*</sup> In this case, the inmate-victim reported to authorities his fear of attack by a particular inmate. The victim and his suspected assailant were both homosexuals, and they had been involved in a homosexual relationship with each other in the past. Prison officials, in response to the allegations, summoned both inmates to an office, where they interrogated and counseled them until they believed the disagreement was resolved. Prison officials went so far as to search the assailant and his dormitory area for weapons; none were found. The next day the victim was seriously stabbed by the assailant.

The court found that under such circumstances there was no negligence, because the staff's response

\* 280 F. Supp. 542.

† 252 F. Supp. 679 (N.D. Ga. 1966).

\* 282 So. 2d 483 (La. 1973).

to the request for protection was reasonable under the circumstances. The court went on to say that "... an absolute minimum requirement of isolation or reassignment to avoid liability in such cases would create chaos in prison administration."

The court in *Parker v. State*\* concluded:

1. Prison officials are not negligent if they take steps that are reasonable under the circumstances in response to an inmate's reported fears for his safety.
2. Such steps need not include isolation of the inmate requesting protection.

It might be easy to conclude that the government has failed in its duty by not always segregating those inmates who are likely victims from those who are likely assailants. The courts recognize, however, that this might result in such an extent of isolation as to totally deprive inmates of social interaction and opportunities to demonstrate rehabilitation. Courts have gone so far as to say that there is no breach of duty even when inmates have been involved in an incident but have agreed to forget it. In fact, calculated risks are involved in every aspect of prison life that potentially fosters rehabilitation and responsible conduct on the part of inmates. The risk is greater than that in normal society, because many offenders have assaultive tendencies, and the only way to actually ensure against prison assaults is by complete isolation. That is physically difficult, if not impossible, and also is unlikely to induce positive attitudes in inmates and promote their rehabilitation. In *Williams v. U.S.*,<sup>†</sup> a Federal judge cautioned against the widespread effect of an immediate resort to segregation in all cases of threatened incidents among inmates. In the court's own words:

It might be noted, in addition to the recognized "fatal effect" on rehabilitation resulting from unnecessary confinement in segregation, that complete isolation for lengthy sentences in light of penological practices today could raise grave constitutional issues of cruel and unusual punishment and due process of law.

In other words, an administrator's *reasonable* decision not to protect an inmate must be exempted from liability; otherwise, in time, an administrator might find the entire population in one form of segregation or isolation.

In summary, current caselaw suggests that liability in assault cases may arise when the administrator has actual knowledge of the dangerous character of the inmate committing the assault and fails to take reasonable measures to protect a known or knowable victim.

## Damages

If, however, it is found that an inmate has been injured because of negligence on the part of prison staff, the inmate will be entitled to compensation for those injuries, through a damages award. Although the inmate-victim has the right to sue the actual assailant, and prison officials have the right to bring the assailant in as a third-party defendant if he or she isn't sued by the victim, such actions are usually futile. Most inmates are "judgment-proof," that is, they have no income or assets that can be used to satisfy the judgment. Therefore, employing the "deep pockets" theory, attorneys attempt to sue those who are most able to pay—the prison officials.

Damages come in three varieties: nominal, compensatory, and punitive. Nominal damages, usually a dollar or two, are awarded when there is no substantial loss or when the extent of the loss cannot be proved. Compensatory damages are awarded to compensate the victim for the actual injuries sustained. Punitive damages are awarded to punish the defendant who acted in a wanton, reckless, or malicious manner.

Because inmates who are assaulted receive free medical care and suffer little in the way of lost wages, the amount of compensatory damages is usually not too great. Correctional officials are therefore mainly concerned with the prospect of punitive damages, which can reach astronomical amounts.

However, punitive damages may not be awarded unless it can be proven that the injury resulted through the gross negligence of prison staff. Normally, prison assaults are the result of, at worst, simple negligence on the part of staff. Simple negligence is the failure to exercise the proper degree of care that a reasonable or prudent person would exercise in similar circumstances. On the other hand, to prove gross negligence it must be shown that wrongdoers acted with reckless disregard for the probable consequences of their actions. Obviously, this is neither the usual case with prison assaults, nor something that is easily provable.

Nevertheless, exposure to liability is a reality, and prison officials ought to be certain that their state law and/or agency policy provides for indemnification for any damages awarded against them for actions taken within the scope of their duties. This is particularly important in protection situations because courts and juries will often reach out to relatively innocent defendants in order to redress what they feel to be otherwise unredressable harm because of the "judgment-proof" inmate syndrome.

\* 282 So. 2d 483 (La. 1973).

† 384 F. Supp. 579 (1974).

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While there are some arguments in favor of this broad compensatory approach for inmate assault victims, there also are serious legal and policy questions to be considered. Foremost among these is the wisdom of providing what would amount to a personal insurance policy for every inmate against the normal, if sometimes unfortunate, consequences of prison life.

## Due Process

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The U.S. Constitution provides that no person shall be deprived of life, liberty, or property without due process of the law. The question in the protective custody arena is whether or not the loss of liberty that results when an inmate is placed into a protection unit is significant enough to trigger the due process clause. If that clause does apply, then before an inmate can be involuntarily placed in protective custody, certain procedural safeguards must be followed.

Because conditions in administrative segregation and most PC units traditionally have been substantially more spartan than those available to inmates in the general population, placement in such units invariably results in the loss of some liberty enjoyed by inmates in the general population.\* However, if a PC unit offered a genuinely equivalent program to that available in the general population, it would seem that no due process rights attach.

But even when these losses are not significant enough to trigger the due process clause, state laws or regulations often give inmates a protected liberty interest in remaining in the general prison population. In either case, inmates involuntarily transferred to protective custody would appear to be entitled to an informal, nonadversarial evidentiary review to determine whether they should be so confined.

In such cases, the inmates should receive some notice of the charges against them and an opportunity to present their views orally or in writing to the official charged with deciding whether the inmates should be transferred. Officials should also afford inmates some periodic review of their status.†

On the other hand, inmates who request protective custody are not entitled to a hearing or



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other due process protections.\* However, the lack of procedural protections before placing an inmate in voluntary PC status does not mean that no administrative review is needed. It is prudent to review all incoming PC cases to verify the legitimacy of the request.

Unfortunately, many prison systems have no formal structure for assessing who goes into PC status. At a minimum, policy and procedures should call for a documented interview to record the reasons why staff and the inmate feel PC status is necessary. This interview should include a frank assessment of the inmate's actual protection needs. Those who do not have a bona fide need for protective custody should not be placed in that status. Once stigmatized as a PC case, the label is virtually impossible to shake, making the individual a likely management problem for the duration of the sentence.

## Alleged Aggressors

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What about the argument that it is the predator who should be locked up, not the victim? While this

\* *Sweet v. South Carolina Dept. of Corrections*, 529 F.2d 854 (4th Circuit 1975).

† *Hewitt v. Helms*, 103 S.Ct. 863 (1983); *Toussaint v. McCarthy*, 801 F.2d 1080 (9th Circuit 1986).

\* *Sweet v. South Carolina Dept. of Corrections*, *supra*.



certainly would be the more equitable way of handling the situation, realities of prison life and the resources available to correctional officials usually make this impossible. The courts have generally been willing to defer to prison officials' judgment in this area. As the U.S. Supreme Court noted in 1979, "Prison administrators . . . should be accorded wide-ranging deference in the adoption and execution of policies and practices that in their judgment are needed to preserve internal order and discipline and to maintain institutional security."\*

As a result, many systems have taken the step of establishing separate control or special management units, which provide a highly controlled, long-term alternative for confining inmates who have clearly demonstrated their violent, predatory, or otherwise dangerous propensities. However, when it is determined that aggressors ought to be placed in administrative segregation or some special management unit, they too are entitled to due process protections. Even if this requirement is satisfied, this is not the entire solution, because officials are not permitted to place inmates in such status and simply throw away the key. There must be periodic reviews of inmates in segregation and other long-term special housing statuses, and these units must have policies and procedures that offer guidance as to how inmates may reenter the general population.†

## Conditions of Confinement

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The prison conditions in which the "protected" class finds itself generate a great deal of today's PC-related litigation. The courts generally require that protective custody facilities and services be as comparable as possible to the facilities and services provided to the general population. Merely labeling a highly restrictive, segregated area "administrative" does not convert such a unit into a permissible operation. As a result, administrators struggle with how to balance the legitimate protection needs of these inmates with the administrative and operational burdens of managing a protective custody program that provides a full array of programs and services.

One such case arose in one of Illinois' high-security facilities. *Williams v. Lane*\* strongly affirmed correctional administrators' responsibility to provide substantially equivalent programs in many areas to inmates in protective custody. In *Williams*, the court held that restrictions placed on the opportunity of protective custody inmates to attend religious services, use the law library, and participate in vocational, educational, and recreational programs were

unreasonable. The appeals court noted that the remedies applied in this case by the district court (which it affirmed) were broader than might have been otherwise necessary, because of other trial factors that are not relevant to the PC issue. However, the general principle of equal access to truly equivalent programs was strongly affirmed.

*Williams* provides an interesting indication of the direction in which protective custody programs may be headed, and of solutions that may be worthy of consideration by other agencies. Rather than conceive of PC as a single status, the parties in that case developed a two-tiered system of PC status and privileges, which has the effect of providing access to equivalent programs for inmates for whom long-term PC status has been established as a legitimate need without creating a system that is unduly attractive to spurious cases.

In the system devised as a remedy in this case, an inmate requesting PC placement is held for 30 days in what may be characterized as the "brief" PC program, pending evaluation of the actual protective needs the case presents. During that 30-day period, the inmate is held in relatively spartan circumstances and is provided only basic services and privileges, generally comparable to those offered any inmate in administrative segregation. An inmate whose claimed need for protection cannot be verified is returned to the general population. If that individual makes subsequent requests for protection, another 30-day evaluation period commences each time. By not making a full panoply of PC programs available during this evaluation period, there is less motivation for inmates to seek this status without true need.

In each case of an inmate seeking protection, staff first consider other available methods for problem resolution, such as transfer to another housing unit or to another facility. Reliance on these alternate solutions is the first and best course of action, in order to continue to provide the inmate with typical access to a general population.

The second tier, or "full" program status, is entered only when it is clear that a verified protection case cannot be re-introduced into a general population setting. In these cases, the strategy is to offer a full range of programs and services comparable to those offered in the general population. This is done through a wide range of program offerings that are comparable

\* *Bell v. Wolfish*, 441 U.S. 520, 546 (1979).

† *Sheley v. Duger*, 824 F.2d 1551 (11th Circuit 1987).

\* 851 F.2d 867 (7th Circuit 1988); Remedial Order Feb. 28, 1989 81 C 355.



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in quality, although they may be customized as to form, location, or times offered. This program is used only when it is clear that long-term PC status is the only viable option for a given offender.

This comparable access is facilitated by staggered scheduling of PC inmate access to regular institutional program areas. For institutions with limited physical

space and financial resources, (as are most today) the use of recreation yard, chapel, gymnasium, libraries, dining facility, and other program areas during off-hours is a cost-effective way to meet the comparable programming test. While some additional staff may be required, as well as some revision of general population schedules, the relatively low cost and increased efficiency of staggered scheduling makes it a desirable strategy.

Staggered scheduling should be considered with one major caveat. It is imperative that staggered scheduling, and any attendant changes in general population routines, disrupt general population privileges and routines as little as possible. Dramatic changes that greatly disadvantage the general population, favoring what is viewed by most inmates as a despised group, are likely to create widespread problems in the general population, a far more serious matter than the PC unit usually presents. In short, when such changes are made, they must be carefully balanced against their impact on the entire facility.

As a final note on conditions of confinement, there have been a number of cases in which PC inmates have challenged double-celling in a PC unit. The general principles to keep in mind are that as long as internal screening ensures reasonable precautions against separatees being housed together, and as long as reasonably equivalent access is provided to necessary programs, there is no constitutional right to a single cell in PC status.

In summary, there are clearly a number of potentially serious legal problems in the area of managing PC cases. Specific state laws and agency regulations will inevitably shape the individual application of the broad legal principles discussed above. Clearly defined, consistently implemented procedures that cover day-to-day facility management, the screening of prospective PC cases, and operation of any special PC housing units are the best protections against liability.

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## *Managing the PC Problem*

### **General Management Strategies**

In general, the management of PC cases is becoming more professional and systematized. Prevention as well as after-the-fact management are increasingly recognized as the keys to keeping the PC population to a minimum. Individual management strategies will differ from institution to institution, but a few principles are worth mentioning.

- First and foremost, the personal involvement of top staff in the oversight of this critical section of the institution is a factor that distinguishes the best of these units.
- Unit management, as discussed in the next chapter, is generally considered the most advantageous way of handling PC unit operations.
- In facilities where unit management is not used, the assignment of a mid-level manager, such as a captain or lieutenant, to full-time supervision of the unit helps fix responsibility for unit operations.
- Individualized attention to intake screening, case reviews, and regular efforts to reintegrate inmates to the general population should be the function of identifiable professional staff.

### **Reducing Root Causes of PC**

A number of underlying conditions can contribute to an unnecessarily large PC population. Pressures in

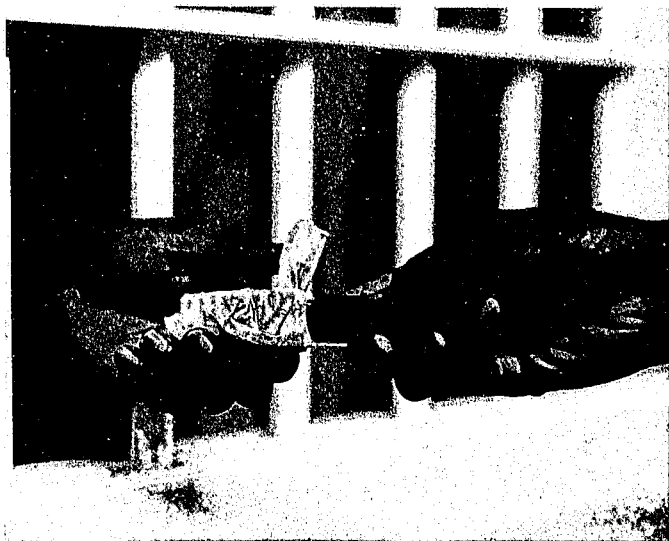
the general population can manifest themselves in the form of self-lockup cases. In addition, direct intimidation, threats, and attacks that come to the attention of staff also require evaluation for possible PC status. By attacking and reducing the impact of these factors, it is reasonable to expect that the total number of inmates seeking protection can be reduced.

### **Classification Issues**

Inmate classification is recognized by correctional administrators as an indispensable element in effective correctional management, and management of a PC unit is no exception. Program and security decisions regarding each PC inmate must still be made, and these can best be accomplished when based on well-founded classification data. Such a system places inmates in groupings with others similarly situated. Good classification reduces assaults and threats, "pressure" activity, and personality conflicts in general.

Once a given offender's security and supervision needs are classified, decisions can be made as to which institution may best serve the offender. Separate institutions in a system, units in a single institution, or even wings or pods in a single unit may be used to effect necessary separation from the general population inmates. This systematic separation will greatly reduce internal tensions and conflicts, which often cause inmates to "run for cover."

Indeed, proper inmate classification will prevent unmanageable combinations of weak and strong, sophisticated and unsophisticated, old and young inmates from coming into regular contact with each



other. And these disparities are often source problems that can lead to the need for PC.

### **Classification and Criteria for PC Status**

The subject of developing criteria for protective custody placement is a difficult one. Each jurisdiction must necessarily operate within statutory and regulatory guidelines, as well as the limitations presented by staffing and the physical plant. To a certain extent, protective custody categorization depends on these factors.

Once typical security and custody classifications are made, two broad groups of PC inmates can be identified: verified and unverified cases. Verified protection cases should be given top priority for program resources, with a secondary emphasis on those who have not been forthcoming about the reasons for their self-declared PC status. In either category, it is vital that staff fully document the reasons for placement or nonplacement in PC status in order to be able to reconstruct facts available to the decision maker in the event of later litigation.

**Verified Protection Cases.** Victims and other verified protection cases need to be afforded protection, whether on a short- or long-term basis. They should be treated differently from other offenders who are separated from the general population for administrative or disciplinary reasons in a way that ensures the same kinds of programs and services can be delivered to them as to the general population.

Administrators are often faced with the classic decision of whether to lock up the victim or the aggressor. Sadly, the policies and procedures that operate to safeguard inmate rights in other areas work against what would be considered equitable treatment

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in this area. Due process requirements, limits on the amount of disciplinary time that can be imposed, and the realities of prison life with respect to associates taking up the cause of a segregated inmate—all militate in favor of removing the victim who appears unable to survive in the general population.

There will always be cases of this type. To deal with them, institutional staff have to develop counseling and relocation strategies that will, to the degree possible, reduce the number of long-term protection cases that originate with this group.

**Unverified Protection Cases.** The second type of PC case also causes major concerns—the very large number of inmates who claim PC status but refuse to reveal the source of the alleged threat against them. Their intransigence prevents staff from verifying the alleged threat. Many of these inmates adopt this strategy in order to manipulate interinstitution or interstate transfers for personal motives rather than legitimate correctional reasons.

One might ask, “Why worry about unverified protection cases—why not just let them sit there?” The answer is that PC cases and the operation of a PC unit are resource-intensive. More staff are required to run such a unit. Serving meals in the unit, or through elaborate escort and separation routines, is time-consuming and staff-intensive, as is virtually every other program provided to PC cases. The fewer inmates confined in PC status, the more efficiently the unit itself will operate, and the better the services and programs offered to the remaining legitimate PC cases.

In addition, an unverified protection case admitted to a PC unit could very easily be an assassin. This person would have access to the unit in order to kill an informant or other PC inmate. This kind of tragedy is most likely if proper screening is not used and if proper separation is not imposed between verified and unverified PC cases.

For inmates who refuse to name the party or parties whom they fear will harm them, some agencies use a waiver form. If the inmate will not identify the source of the alleged threat, he or she signs the release form and is then put back on the compound. Other systems have taken the position that inmates who refuse to cooperate with staff in verifying their need for protective custody do not warrant true PC

programming. These inmates may be subject to disciplinary reports for refusing to go to population or to accept a program assignment and can be held in administrative segregation status. This not only ensures that improperly classified cases do not enter the unit, but that program resources are properly deployed to those who actually need them.

Short of clearly impermissible discrimination, the state may administratively dictate inmate classification to the degree it deems appropriate. Separation of inmates based on race, even when for their own protection, cannot be accepted as a standard practice.\* However, even racial segregation, when implemented as a device to relieve racial tensions and prevent assaults among inmates, may under extreme circumstances be permissible as a temporary measure.†

One of the more severe protective custody problems in a jail or prison setting is the difficulty in handling aggressive and submissive homosexual inmates. There have been questions raised regarding the practice of segregating homosexuals without demonstrating the likelihood of each individual having some difficulty in the general population. However, a showing often can be made that without some preventive action, the likelihood of sexual assault or other severe management problems provides a reasonable basis for some differential treatment in housing such cases.

Separation of gang members by affiliation is another issue. It may be a sound tactic for internal management reasons, but it still raises legal questions because these groups are often organized along racial or ethnic lines. If, however, the reasons for that form of segregation are rationally based and articulated in a well-developed body of policy and do not have discrimination as their purpose, separation is permissible.‡

## Prison Gangs

In the last decade, prison gangs have become a significant factor in many prisons. Originally, many prison gangs appear to have been formed for self-protection. In recent years, however, gang-oriented activities also have been organized along the lines of community, racial, or ethnic boundaries. Gangs with

community ties use them to bridge the prison walls, contributing to the solidarity of the gang organization and the effectiveness with which it can operate. These more sophisticated organizations have become involved in brutal "wars," often over drug trafficking. Their tactics include extortion, threats, assaults, murders, and even staff intimidation. Some gangs that have extended influence into surrounding communities have been observed in some instances to be making efforts to compete with more traditional organized crime (Kahn & Zinn 1979).

Prison gangs frequently are organized along racial or ethnic lines. Groups of this type include the Mexican Mafia, Aryan Brotherhood, Nuestra Familia, Black Guerilla Family, and Texas Syndicate. Others are increasingly becoming politicized or have taken on the outward form of a religion in an attempt to obtain some First Amendment protection for their activities.

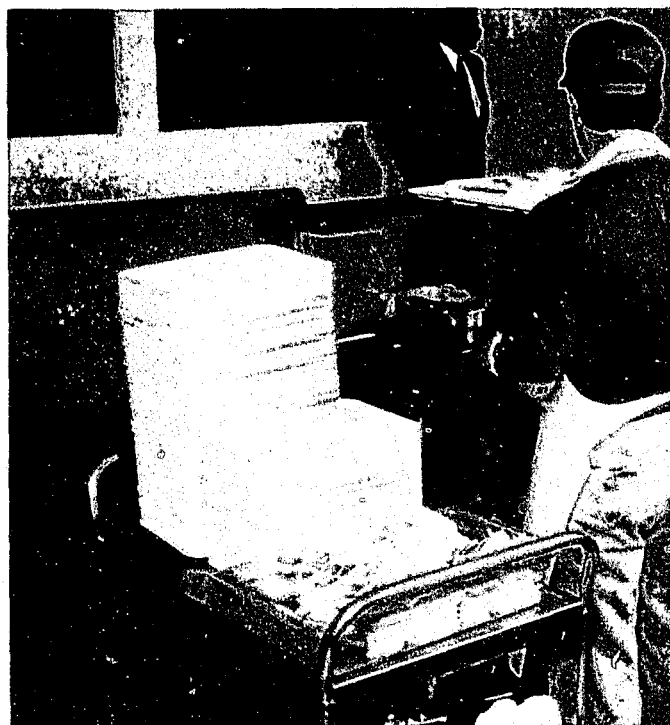
*Riots & Disturbances in Correctional Institutions* (ACA 1990) discusses in more detail the implications of prison gang activity on overall prison disorder. However, in general, prison gang activities create tensions that can lead weaker inmates, or those who give information about gang activity, to request PC status. These pressures often will focus on smuggling or holding drugs, providing sexual favors, conveying messages for gang members (either by inmates or their

\* *Wilson v. Kelly*, 294 F. Supp. 1005 (N.D. Ga. 1976).

† *Mickens v. Winston*, 462 F. Supp. 910 (E.D. Va. 1978).

‡ *David K. v. Lane*, 839 F.2d 1265 (7th Circuit 1988).

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*Serving meals in the unit, or  
 through elaborate escort and  
 separation routines, is  
 time-consuming and  
 staff-intensive.*  
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families), or doing other gang errands. Pressures can be exerted in the visiting room, against family members on the outside, or in other areas of the institution. Prison gangs can create a true climate of fear in an institution, and to the degree their activity can be suppressed, fewer inmates will seek protection.

### **Drug Trafficking**

The pressures of the institutional drug trade can create conditions that force inmates to seek PC status, separate from any gang activity. Inmates are sometimes pressured into introducing or holding drugs or inducing relatives to assist them in introducing drugs into the facility. When they refuse to do so, or fail to do so successfully, they may be pressured into seeking protective status. An inmate who is holding a drug "stash" and loses it may be forced to make good the cost of the drugs or take refuge in a locked unit. Informants revealing institutional drug trafficking may also seek protection when their identity becomes known.

Just as with prison gangs, to the degree that administrators can reduce the level of drug trafficking in their institution, the fewer such cases may emerge.

### **Gambling**

Some PC cases can be prevented if gambling, an illegal activity, is curtailed. Inmates losing large amounts of money may be extorted for sex, payment through outside sources, or other means. To avoid these alternatives, protective custody may be seen as a workable solution, if only to buy some "safe" time until the gambler can come up with the resources to pay the debt. In any case, reducing gambling can be a helpful strategy in reducing the overall number of PC cases.

### **Separation From the General Population**

Agency and local procedures should set forth the actual procedures for evaluating a request for PC status, admitting a PC case, providing periodic release counseling, and reviewing the case for further status changes. The initial segregation decision may be made by a first-line supervisor, but it should be reviewed by a higher authority the next working day. Once in PC, an inmate simply cannot be consigned there indefinitely. A regular review process, with specific time limits, should be in place that has as its goal returning every possible PC inmate to a general population setting. The discussion in Chapter 3 on the *Williams* case in Illinois is instructive on this point.

### **Separation Issues Within the PC Unit**

Inmates in a PC unit need to be housed with some degree of sophistication and not just placed at random. The institution's custody classification system may very well provide a starting point for internal inmate housing assignments in the unit. Another factor may be internal separation needs, due to prison gang associations or other factors. Units with their own segregation/detention sections will, of course, operate those portions of the unit differently.

The important factor to bear in mind in considering internal assignments is that in many correctional systems PC inmates will be living in close proximity to each other for long periods of time. Unnecessary tensions and disparities can create problems and aggressive actions within the unit that may have aftereffects that last for years.

### **Management Oversight**

The personal presence of top staff in a unit like this is often the key to its successful operation. In some ways the most important factor in PC unit operations is the visibility of top management in the PC unit; this is a critical management variable. In addition to unit staff and security supervisors making daily rounds of the unit, top administrators need to visit the unit at least weekly to assess living conditions as well as staff performance and inmate morale.

### **Support Services**

Staff who have worked with PC inmates know how demanding a subpopulation this can be. Some PC inmates, because of their personal inadequacies and general approach to life, are full of deep-seated anxieties. Others, in genuine fear for their lives, place unusual demands on staff. Still others see the PC unit as a manipulative opportunity and try to "play it" for all it is worth.

The keys to successfully managing this diverse, demanding population are professionalism and management oversight. Professional staff must be attuned to the needs of this population and prepared to deal with them in ways that will help inmates adapt to their circumstances. In addition, inmate psychology programs, counseling, and other contacts should be principally geared toward the possibility of reintroduction to a general population unit whenever that is feasible and safe, not just adjustment to life in the PC unit.

The deportment of line staff in the unit, and in the rest of the institution, is just as important in the operation of a PC unit. Inmates in the unit must not be treated as "snitches" or "rats." They should be accorded the same respect and humane approach



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*The deportment of line staff  
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 .....

applied to every inmate. In particular, disparaging remarks by staff in the presence of non-PC inmates can make it even more difficult to reintroduce PC inmates to the general population; such comments reinforce the kind of animosities that can generate violence.

**Operating Policies and Procedures.** No unit in a correctional setting can function without a complete set of operational procedures. This is even more critical in a PC unit, because failure to maintain the unit's security can diminish the integrity of the unit and the program and cost lives. To ensure consistency in implementing these procedures, they should be well-documented and well-understood by each staff member. A guideline for establishing policies and procedures for a PC unit is included in Appendix 3.

Widespread knowledge of post orders, well-developed standard operating policies, and comprehensive employee training are vital parts of a successful PC unit's operation, but not just for unit staff. Every employee who has contact with the unit, or who may potentially be assigned there, should be familiar with the concepts and operating principles that make its management different.

## Transfers

In larger correctional systems, interinstitutional transfers can be an option for helping an inmate get a

new start in the general population. However, it is not hard for inmates in one facility to obtain information from other locations, so PC inmates' former reputations often follow not long after their transfer.

There also is the option of transfer to another correctional system under a contractual agreement between the agreeing jurisdictions. This option can be costly, but it is sometimes considered in high-profile cases or for long-term inmates for whom there is little chance of ever successfully reintroducing them to any general population in the home state. In at least one case, a Federal appeals court ordered the transfer of an inmate from a state system to the Federal system because of the inability to ensure the inmate's safety in any state facility.\*

## Case Monitoring Issues

The lack of well-defined staff information gathering and documentation can be the cause for PC-related problems. Systems should be devised to enable staff to track the whereabouts of inmates who have testified against each other in a system, or who for other reasons (a serious fight or stabbing in the past) must be permanently separated. Computers can be used to good effect for this purpose, and the largest of systems have on-line, real-time access to the location and status of all separatees.

For smaller institutions, file card systems, unit records, and other methods can assist staff in ensuring that inmates with serious animosities do not live in the same units or work in the same shops. These records must be well-protected from any inmate access.

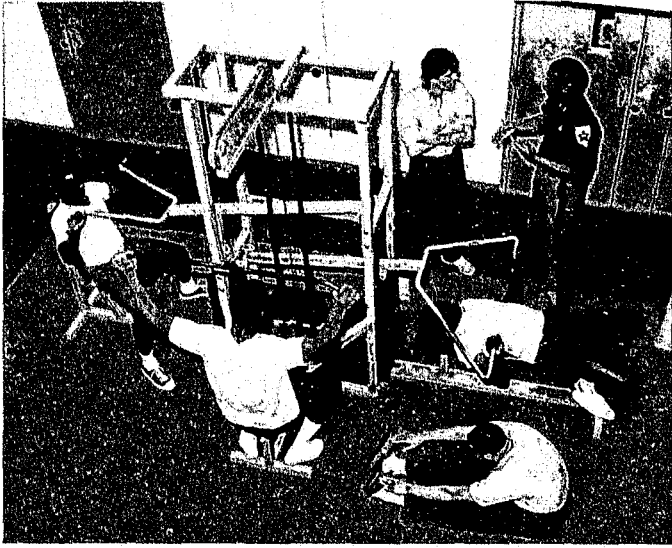
## Receiving and Discharge Procedures

Staff in the receiving and discharge area should have access to any systematized information about separatees in the institution and the system as a whole. This is necessary so that separatees are not processed together or sent out on the same transport.

Initial intake screening in the receiving area can also alert staff to potential problems. By screening incoming inmates for factual information about testimony against others, codefendant conflicts, and similar background information, a great many problems can be prevented. At a minimum, this kind of information is valuable for augmenting the inmate's central file and preventing the arrival of a potential adversary.

Early screening also should include a thorough review of all official records arriving with the inmate. Past testimony, codefendant conflicts, and problems in

\* *Walker v. Lockhart*, 713 F.2d 1378 (8th Circuit 1983).



other institutions are often reflected in official documents. Even if the inmate is not willing to disclose this data, staff can use official records to effect necessary safeguards.

### **Recreation, Work, and Other Congregate Activity**

The principle that has been repeatedly enunciated by the courts in recent years is substantially equivalent access for PC inmates to programs. That does not mean that access has to be identical, but it may be modified only in ways that bear a reasonable relationship to legitimate correctional needs.

In the PC unit itself, most activity can be scheduled in a way to maximize the use of available facilities without jeopardizing inmate or staff safety. Inmates should be screened so that any congregate activity, whether it is recreation, education, religious programs, or even TV viewing, is approved for compatible groups of individuals. These

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 individuals.*  
 .....

determinations can be made along the lines of the internal classification system, as well as through the use of interviews and signed agreements to participate in group activities with specific inmates.

For activity off the unit, the same type of screening must take place, even though there will be no contact with the general population. Two members of opposing prison gangs can just as easily harm each other in an off-unit activity as in the unit.

### **Visiting**

Even though the visiting room is considered "neutral ground" to some extent, the risks of mingling PC and general population cases there are still quite high. As a result, scheduling and supervising visiting for PC inmates can be very difficult. If the designated visiting area is in the unit, then the visitors must necessarily be brought (under escort) into the secure area of the institution, with the accompanying personal safety and contraband introduction risks.

On the other hand, if the institutional visiting room is used, the PC inmates must be moved through the compound, creating some safety concerns and the need to shut off all other inmate traffic during those movements. If a separate PC visiting area is not available, then off-hours visiting for PC cases is the norm.



# 5

## ..... *Design Concepts for PC Units*

**W**hen inmates legitimately require separation and protection from other segments of the population, the manner in which they are housed must be considered very carefully. Whether an existing facility is used or new space is constructed to house inmates requiring protective custody, there are many philosophical, programmatic, and operational aspects to be considered. This chapter will highlight factors considered crucial to analyzing and responding to the specific facility design and adaptation needs for a PC population. It will cover both program and physical plant issues, but it is intended to be used only as a guideline. These considerations, which vary from correctional system to correctional system, should be dealt with on an individual basis.

Perhaps the ideal way to develop a PC unit is to construct a completely new unit from the ground up, separate from other parts of the facility. Many jurisdictions, however, will not have the opportunity to do this, due to resource limitations, the presence of existing buildings, or the urgent need to start a PC program. The following discussion can be applied equally to those situations where existing space will be used as is, existing buildings will be renovated, or new space will be constructed.

### **Correctional Program Issues** .....

Correctional programs are the activities and services provided to the inmate population within an institution. Correctional programs and architectural programs are different. An architectural program is a design concept that is developed from discussions with the client agency about the various programs and

functions that will be delivered or accomplished in the space under adaptation or design. However, correctional program information is indispensable to the development of a functional, efficient architectural program.

### **Type of Separation Used**

There are many perceived advantages to housing all PC individuals in a totally separate institution. In most jurisdictions, however, the small number of individuals to be housed in PC status makes a separate institution economically impractical. As a reasonable option, PC inmates may be housed in smaller, self-contained, specialized units within a regular institution. For the purpose of this publication, this chapter's material will be based on the concept of a relatively self-contained unit within a larger institution, but in most cases it would apply also to multiple units or a total institution. Designing a separate institution would require, of course, adding areas for support functions such as food service, education, mechanical services, personnel, and financial management, which will not be discussed in depth here.

### **Perimeter Security**

The housing unit must be secure not only from escape by the inmates housed there, but also from others trying to gain entry. Perimeter security must be maintained with a minimum number of breaks in the perimeter, while at the same time allowing legitimate access to the housing unit from the larger institution or the outside (such as the movement of personnel and materials through the perimeter). This can best be controlled without diminishing the perimeter security by using a sally port at each point of penetration,

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*This chapter will be based on the concept of a relatively self-contained unit within a larger institution, but in most cases it would apply also to multiple units or a total institution.*

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monitored in a centralized control center. The control center function for the housing unit may be part of the institution control center function. Figure 1 represents this relationship. In some designs, where the housing unit is located immediately adjacent to the perimeter, separate traffic patterns may be needed to move to the compound or outside the perimeter. High-intensity lighting, perimeter detection systems, and mobile patrols should be used as local needs and inmate custody levels dictate. If the housing unit is in the compound, then sally ports and other hardened security features are needed to keep general population inmates from coming into contact with PC cases.

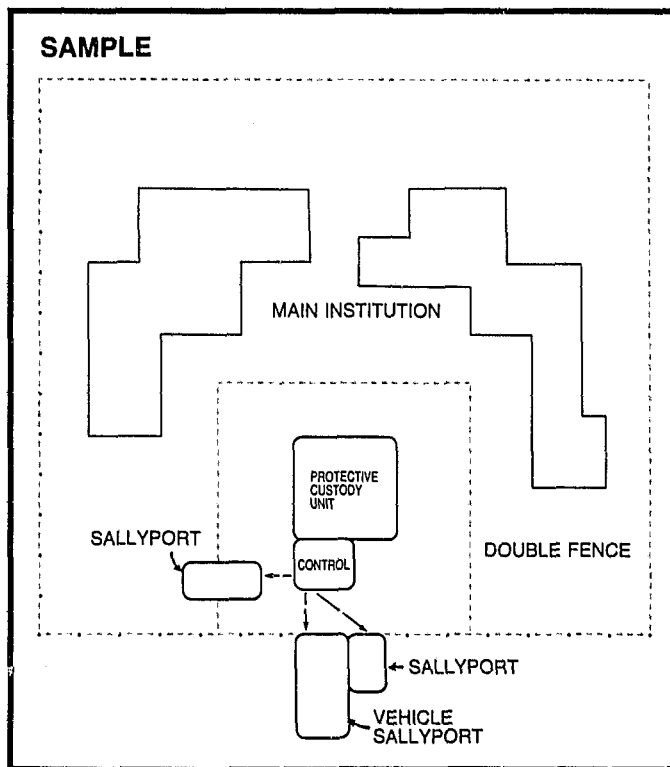
### Housing Unit

The very nature of a PC unit and the need for separation implies that the housing should ideally consist of individual rooms, but due to widespread crowding, not all PC units provide single-occupancy cells. These rooms should be grouped in a manner that will allow similarly classified individuals to be

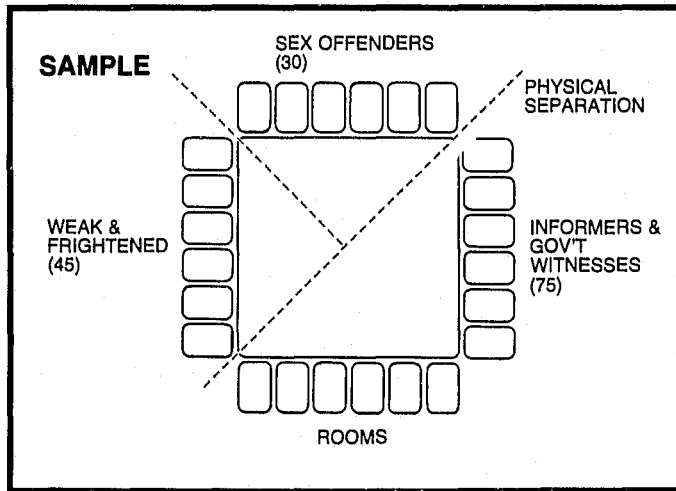
housed in the same area. The housing unit should accommodate, with some flexibility, multiple groups of individuals requiring separation from each other, while still affording good visual supervision using a minimal number of staff. Showers and other interior furnishings and fixtures should be appropriate for the highest custody inmates to be housed in the unit.

The total number of inmates within one housing unit may vary depending on staffing patterns,

**Figure 1. Perimeter Security**



**Figure 2. Housing**



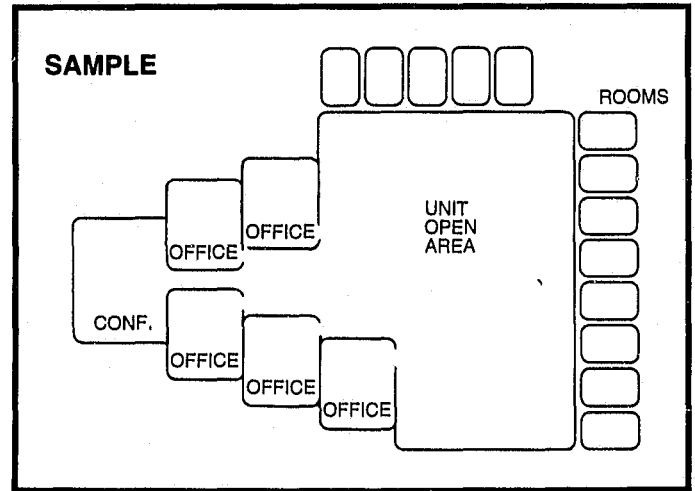
population pressures, and resources, but generally should not exceed 150 inmates per housing unit. Figure 2 provides an example of how a unit may be subdivided.

Secure offices are needed for the management and clerical support staff so that phones, computers, and other sensitive items are not available to the inmates. Treatment staff offices should be located in the housing unit and designed in a manner that will allow visual supervision of inmate movement and activities and yet still afford some privacy for confidential discussions. Figure 3 shows a sample layout. The housing unit should have secure fireproof file cabinets, a comprehensive system of unit logs and individual inmate records, as well as telephones for staff and inmate use.

**Receiving and Discharge.** Space should be provided within the housing unit to accommodate the processing activities required to enter or leave the PC unit in a location that will expedite the flow of inmates to and from the unit. This function will be particularly critical when inmate witnesses are moved regularly to the courts. A sample layout is shown in Figure 4. If a separate processing area within the institution is not available, then special procedures should be developed for the main institution's receiving and discharge area to ensure total safety during any necessary processing of a PC case.

**Medical.** In general, the size of the PC unit will dictate whether full-time medical coverage and infirmary-type housing will be required or whether PC inmates will rely on the more extensive medical coverage usually offered at the larger hospital in the main institution. Provision of routine medical services and possibly a small examination and treatment area

**Figure 3. Management Offices**

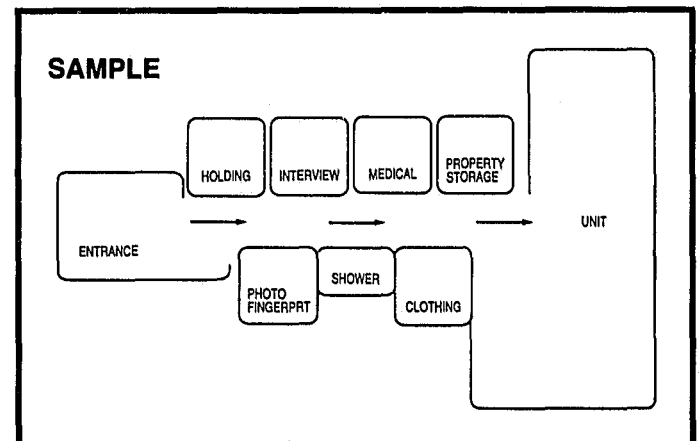


within the unit will minimize movement through and exposure to the general population. Designs for new or retrofitted PC unit medical facilities should incorporate secure storage for drugs, needles, syringes, and hazardous equipment.

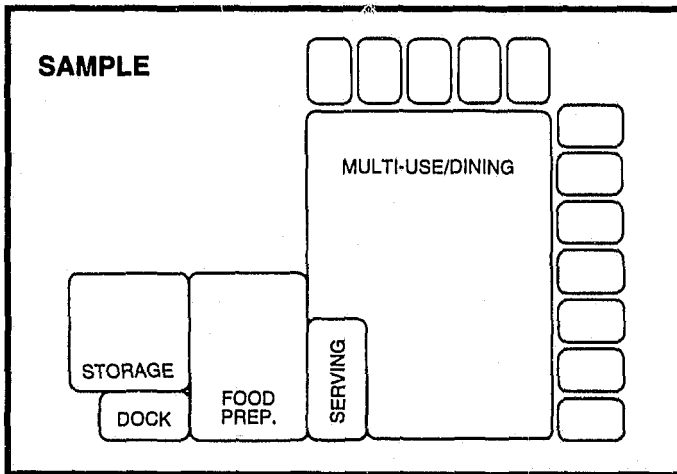
**Food Service.** Good food service is a critical factor within a PC unit; meals take on a great deal of importance for inmates in a more restricted setting such as this. Two service options are usually available—providing meals in the unit or serving PC inmates in the main dining room by locking down the institution or providing heavy escorts through the compound. If the institution design and staffing permit it, use of the main dining room option is in some ways less problematic, but it is not without its risks.

In either case, a concerted effort should be made to ensure that the food served PC inmates is comparable to that received by the general population.

**Figure 4. Receiving & Discharge**



**Figure 5. Food Service**



The food program in the unit should reflect that of the regular institution dining room, with similar restrictions and choices.

If food is delivered to the PC unit, then there should be special procedures to ensure only staff handle the food. Indeed, a major concern for in-unit meals is providing assurance that the food reaches the PC inmates without being tampered with or adulterated in any way by other inmates. The best solution in many institutions is to have full preparation, serving, and dining capability within the PC unit itself. Figure 5 shows the relationship between these functions. However, this requires a larger area and a duplication of services and staff for a relatively small number of inmates and has potentially troublesome sanitation implications as well.

Design implications for either new construction or retrofitting are obvious. Institution staff should be prepared to advise the design team in advance of the type of food program that will be used.

**Education.** Space should be provided to allow inmates confined in the PC unit to participate in educational activities. The size of the unit may not warrant full-time use of classroom space, but the needs for this kind of space should be considered in designing or adapting areas for other activities. Space should be provided for a library, a satellite or abridged

law library with lending services from the main institution law library, and an area to do legal work.

Full- or part-time staff for these programs should be carefully selected and receive direct supervision from the department head responsible for the education function. PC unit operations, just like segregation operations, are very easy for managers to forget, and when that happens, program quality suffers.

**Recreation.** Space should be provided within the PC unit for leisure activities. Multipurpose space can be used to provide for table games and quieter activities. Separate areas also should be provided for noisier activities, such as television viewing, billiards, and ping-pong.

In addition to space for leisure activities, it is necessary to provide physical exercise options for those confined to the unit. These activities can include indoor and outdoor sports such as weightlifting, but an ideal PC unit also would include larger indoor/outdoor spaces for jogging, basketball, and other sports. Escorted movement to a general population recreation area may be necessary if these options are not available in or adjacent to the PC unit.

Outside recreation is also important. If possible, a separate, screened, totally secure outside recreation



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*Space should be provided to allow inmates confined in the PC unit to participate in educational activities.*

area should be provided. If the size of the PC unit precludes the exclusive use of a recreation yard or a sports field, consideration should be given to providing movement to the general population's outdoor recreation areas on a scheduled basis.

**Social and Religious Services.** Appropriate program space should also be incorporated for religious services, group meetings, and other activities. Where full-time staff and office space are not provided for these services, a multiuse space may be provided. Various religious and program groups can use this area on a scheduled basis. As an alternative, inmates under escort can be moved for these activities to areas not in use by the general population.

**Visiting.** One program that is very difficult to conduct separately is visiting. Space for family and attorney visits must be provided for PC cases, either in the PC unit or in the general population visiting room.

If visiting is held in the main visiting room, inmate access to the visiting area should include carefully developed supervision procedures for movement to and from the unit. Staff should also provide for shakedowns to control the introduction of contraband. However, many institutions have no workable separation capability in their main visiting room. As a result, on-unit visiting is an option to consider. A PC unit-based visiting program must, however, ensure safe, easy visitor access through the perimeter sally port and through the compound without undue exposure to other inmates. An inmate search area and separate inmate entry route should be incorporated into the unit design.

**Barbershop, Laundry, and Commissary.** Inmates located in the PC unit will require access to the barber services, laundry, and commissary. Space for these functions should be provided within the PC unit, where they are easily accessible and easily supervised. If laundry is done outside the unit, search procedures are critical to suppress the flow of contraband.

The commissary sales operation is a function that may not be physically located in the PC unit. If this is the case, provision should be made to allow inmates to routinely order convenience items. Procedures should be in place to move these items to the unit without contact with, or contamination by, inmates from the main institution. Storage space should be built into any new or adapted structure for any items that cannot be delivered immediately to the inmates.

**Segregation.** Segregation of problem cases must be dealt with, even in the PC setting. The available



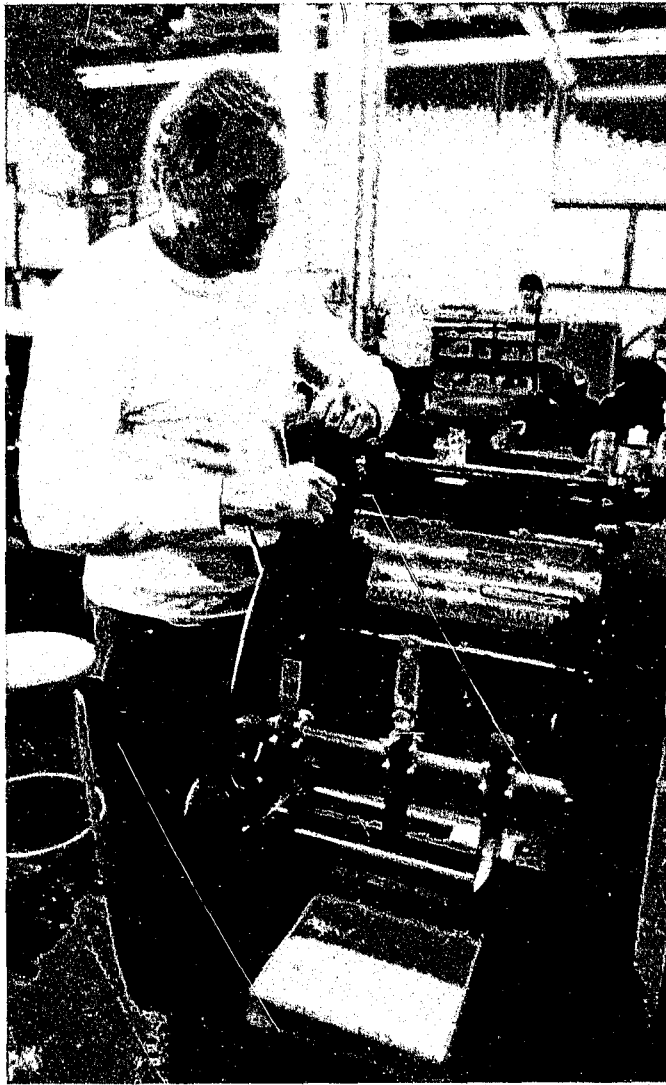
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*Space for family and attorney  
visits must be provided for  
PC cases.*  
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options are generally to move a misbehaving PC case to the general population's locked unit or to have some kind of locked section in the PC unit itself.

Due to the small number of PC cases ordinarily requiring locked unit status, these cases are often managed within the institution's regular administrative segregation or disciplinary detention areas. However, general population inmate harassment, intimidation, and actual assault of PC inmates are very real factors in the detention or segregation setting. If these two types of cases are housed in the same unit, every effort should be made to totally separate PC cases from other locked status inmates; ideally, they should be out of sight and sound of each other. There certainly should be no traffic between other parts of the segregation unit and the PC section; sally-porting at the entrances is required.

To avoid these problems, provision should be made within the PC unit itself, if possible, for separating discipline cases from the rest of the PC unit population. A totally separate administrative segregation or disciplinary detention area may be required for larger PC units. However, in all but the largest units, it may not be operationally or economically possible to have a separate section within the PC unit for this purpose. At a minimum, designs should incorporate a small number of cells in a separate section with additional security features such as hardened fixtures and a shower in the cell. They can be designated as locked cells for holding segregation or detention cases originating within the unit.



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**Work Programs.** Work is an important program, particularly for long-term inmates, so another primary concern in a PC unit is providing a sufficiently wide range of job opportunities for the inmates housed there.

Ideally, an industrial operation should be provided to give the opportunity to work to those not otherwise assigned unit maintenance or upkeep jobs. The industrial space should include areas for receiving and storing raw materials and for storing, packing, and shipping finished goods. These materials should be moved through a sally port and must be subject to appropriate shakedown.

Forms of zoning may be used in some institutions to make work and other activities available on an equivalent basis. Physical plant modifications are often needed in such cases. Indeed, the availability of a specific work program may have a great deal to do with the unit's actual location, because proximity is important in terms of escorts and other factors. Laundries often provide good jobs for small numbers

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*Ideally, an industrial operation should be provided to give the opportunity to work to those not otherwise assigned unit maintenance or upkeep jobs.*  
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of PC inmates, and evening hours can eliminate conflicts with the general population.

For other institutions using existing space, access to program areas may be through off-hours scheduling. This will have the effect of making available major equipment in vocational training, industry, and other areas, so it can be secured from the general population after regular working hours. But in cases such as this, it is important that the general population's program and work schedules are not governed by PC programs.

## Architectural Program Issues

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The first step in the design process of a PC unit is formulating an architectural "program," that is, an effort to document, in as much detail as possible, a statement of the functions that will ultimately be performed in the completed space. This often can be done most efficiently by reviewing with institution staff the correctional program information discussed above.

Architects working on new or adapted space for PC units must be very careful in their needs analysis and use creativity in facilitating program opportunities for this difficult population. The accompanying figures in this chapter illustrate how program information can be used to shape the architectural program for a PC unit.

However, even if major architectural work is not a part of a project, the conceptual process of reviewing actual program needs is valuable for developing the most effective, efficient use patterns for existing space. To that end, staff embarking on any retrofitting project should go through the same review process.

The architectural program should include a description of the various processes to be performed in the space, along with the flow of staff, inmates, and materials through each area. Any special relationship between spaces should be identified.

During this phase of the project the institutional staff can have the greatest overall impact on the project, as well as minimize the project's cost. Proper

attention at this stage can have a tremendously positive effect on not only the construction and renovation schedule, but also the PC unit's overall cost and ultimate usefulness. The agency officials should be able to convey firm information on the basic operational issues that will affect the unit's design. These are often available in the form of written policies and procedures that will apply to PC unit operations and that the design must facilitate—activities like recreation, showering, visiting, education, law library access, and others.

In fact, to an architect, a well-organized, articulate client is the single most valuable resource that a design team can have throughout this process. In order to effectively solve the clients' specific problems and to design functional spaces, designers must fully understand the policies, procedures, and traditions of the institution that will affect the design and, ultimately, operations. Because no two correctional systems will have the same problems or the same manner of dealing with these problems, clients must be prepared to give design staff the necessary information to meet their specific functional needs.

The client should be able to conceptualize the operation of critical functions. It is not necessary that the client lay out the walls and hardware for the designers, but rather be able to explain the process that needs to occur. This can be done either in writing or by the use of flow diagrams or conceptual drawings.

Before sitting down with an architectural design team, a client should, for example, have adequate information to answer basic questions such as:

1. How many individuals will be housed?
2. What are their custody classifications?
3. What are the separation requirements?
4. What are the medical and sick call requirements?
5. What are the turnover rates in and out of the units?
6. What security features are necessary?
7. What will the staffing pattern be?

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## Operational Issues

Many operational issues that are the foundation of contemporary corrections apply to a PC unit. Examining these areas can provide the basis for a well-managed unit, in either adapted or newly constructed space, and they must be considered by the design team.

**Separation.** A basic issue for any PC unit design is providing the necessary levels of separation. To accomplish this, a hierarchy of separation requirements should be established. First, the design must ensure that PC inmates are totally separated from the general population, or at least those persons in the general population who present a potential risk to them. Second, there may be a need to physically separate the various custody classifications in the unit from each other. Third, there may also be design requirements for separating individuals within the unit who may require protection from each other. Finally, inmates occasionally become involved in disciplinary problems in the unit and require segregation, either in the unit or in another section of the institution. The PC unit's design, whether new or retrofitted, must incorporate these elements.

**Management of the PC Unit.** Most jurisdictions recommend the placement of most, or all, of the offices of staff members involved in the PC unit's operation within the immediate area where inmates are housed. A full-time management team directly



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responsible for the welfare of the PC inmates would typically include the following staff:

- One manager
- Two caseworkers
- Two counselors
- One secretary/clerk
- Full-time correctional officer coverage.

Other support personnel required on a part-time basis should have space provided in the unit for their programs and services. At a minimum, this support staff might include employees in the following areas:

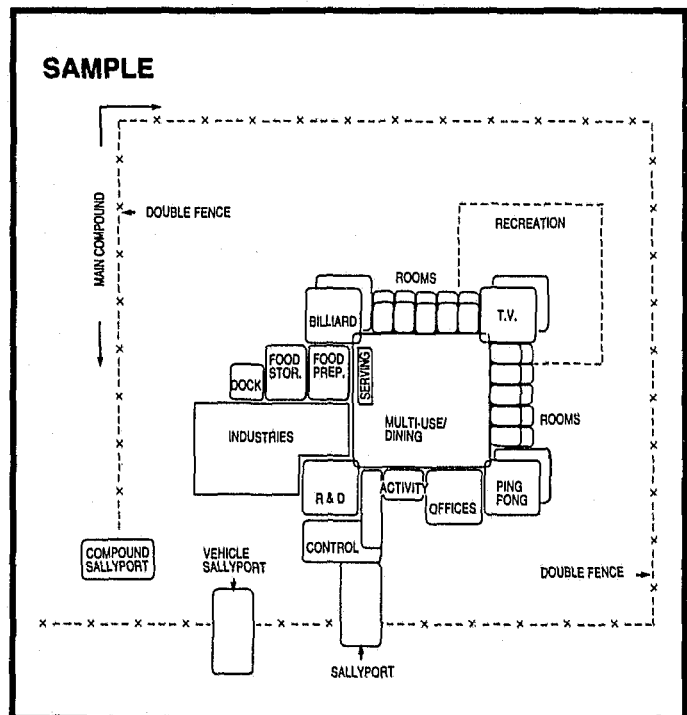
- Medical
- Psychological
- Food Service
- Education
- Recreation
- Maintenance
- Inmate Services (Commissary, Laundry, etc.).

The design must facilitate these services through appropriate amounts and types of office and program space. Whether or not a PC program utilizes unit management, inmates should have free access to staff to the greatest degree possible. Designs that construct barriers between staff and inmates should be held to a minimum; the PC unit should be designed and constructed in a manner that encourages interaction between staff and inmates. The opportunity to discuss problems and reach solutions before they reach crisis proportions is a critical element in developing and operating a manageable unit.

**Normalization.** Where the PC unit is operated within a larger institution, the unit's operation should, as closely as possible, deliver the same types of programs and services as the main institution. This normalization can play an important role in maintaining a manageable unit, and proper design can facilitate this condition.

Legal constraints require that locked units not impose unnecessary restrictions on inmates unless specific, documented security requirements dictate otherwise. This is particularly true for PC units. But even if this were not demanded by the courts, most correctional administrators would not want to make life in a PC unit an inherently burdensome environment, due to the nonpunitive nature of PC status itself. However, overreaction to this humanitarian concern can make protective custody desirable in the minds of the general population. If this should occur, it will increase the number of protective custody requests from inmates desiring a "vacation" from the compound. Thus, a careful screening process is vital to the success of a PC program.

**Figure 6. Composite**



**Physical Security Concepts.** The issue of using adapted space versus new construction for PC units is one that usually reflects need levels, administrative preference, and budgetary considerations. However, no matter which course is taken, there are certain general principles that apply to either option for obtaining PC beds and program space.

First, in designing a PC unit it is necessary to consider the unit to some degree as an institution in itself. Even though part of a larger institution, it must have a perimeter separating it from the remainder of the institution as well as from the outside. Movement to and from the unit should be controlled with sally ports and a centralized control room. Figure 6 shows a sample layout incorporating the issue of separation of individual functions.

Next, it is important that the correctional administrator and the architectural team understand that building excessive security into a structure is very expensive. Consequently, security requirements should be kept to the minimum necessary to achieve adequate protection and containment of inmates in the unit. Thus a careful review of the typical offender profile is necessary in order to determine how much security to build into the unit.

Just as inmate separation can be seen as a multi-tiered system, so can physical security. For example, in a typical correctional institution the perimeter security is the last defense against escape; perimeter security must, therefore, be at the top of the hierarchy. Fences,



## Protective Custody in Australia

While this publication focuses on the problems posed by protective custody inmates in United States prisons, PC cases are not unique to this country. One particularly interesting protective custody program is the Special Purpose Prison (SPP), opened in 1989 by the Department of Corrective Services, New South Wales, Australia. This high security PC unit is part of the Long Bay Prison Complex in the southern suburbs of Sydney. It confines offenders who are providing testimony in major cases (primarily drug trafficking), many of whom have "contracts" on their lives.

The 60-bed unit is located adjacent to, but separate from, other components of the Long Bay complex, which includes jail, reception, and confinement sections. In addition to its own secure, electronically monitored perimeter, the SPP has the benefit of armed coverage from two towers of an adjacent institution. The facility is highly segmented, with physical movement controlled by a computer-operated locking system and closed-circuit television surveillance. All internal traffic to and from housing and administrative areas must move through a central "hub" post. The degree of separation offered in this facility is such that female inmates may be (and are) housed in the same unit as male inmates, yet they never come in contact; offenders never even need be within sight of one another.

The design of the institution carries through many of the principles mentioned in this publication. Intake is carefully controlled. The identity of offenders confined in the unit is also stringently concealed. The housing units are totally separate from any general population unit, and program areas are contained in the units. Each of the separate housing pods is self-contained to a great degree, providing work and other program options. Visiting

is highly secure, yet provides a near-normal setting.

In the housing pod, the possibility of separation without unnecessary encumbrance of inmate freedom is accomplished in several ways. All housing is in single cells, but inmates are permitted out of their cells during most of the day. In the most secure of the housing pods, the cells are organized in one-, two-, and five-inmate cell modules. In these modules, the inmates have laundry, shower, cooking, and recreation facilities available. All food is prepared in the module by the inmates themselves, they do their own laundry, and a dedicated recreation area is adjacent to each module. The other housing units offer a somewhat less confined but still highly controlled environment.

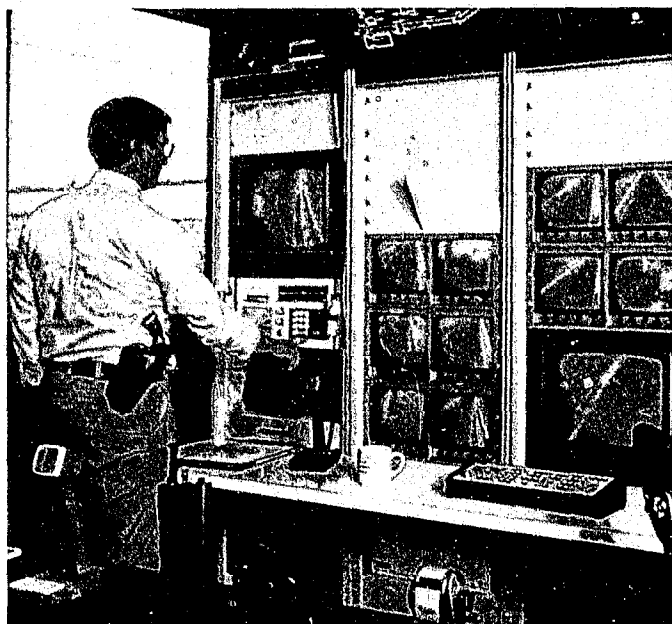
The method of movement from cell to program areas is unique at the SPP. In the most secure pod, housing and program areas in the pod are located on opposite sides of what is essentially a staff-only hallway. Each cell module and program area has a secure stairwell that leads to a hallway at the second-floor level. Inmates are moved for program participation, including visitation, from one side of the corridor to the other through these overhead hallways. As a result, they never have to be moved in front of another inmate's cell, and identification and harassment of other offenders is greatly reduced, particularly for those involved in ongoing criminal testimony. In the other pods, the program areas, including a small textiles industry, are located above the housing areas, and separation of inmates between these pods is not maintained.

This PC unit is modern in every way and would be the envy of most U.S. prison administrators. This unit is unique for Australian corrections, and the Department of Corrective Services of New South Wales makes cells available to other Australian states on a reimbursement basis. The cost to another state for boarding an inmate in this unit during the first year of operation was approximately \$75–80,000 U.S. dollars per year.

alarm systems, lighting, and mobile patrols are typical devices used for this purpose. Movement through the perimeter should not diminish the effectiveness of the security system, and any penetration of the perimeter should entail the use of a sally port, controlled by a centralized control center. Even though this is more complicated than a single gate operated locally—and it is certainly less convenient for staff—the element of perimeter integrity is paramount.

Next, the security of the PC unit's building envelope itself is critical. The walls, roof, recreation fences, and any other access points (such as food and material delivery sally ports) must be highly secure. If the building envelope and attendant security systems are sound, greater freedom of movement may be allowed within the unit itself.

The third system within the hierarchy of security involves those areas within the unit that are off-limits



Any penetration of the perimeter should entail the use of a sally port, controlled by a centralized control center.

operate. Certain assumptions that were made to establish the space criteria may not be applicable for all systems, particularly those using adapted space.

**Table 5**  
**Space Requirements**

| Function                      | Number of Spaces | Space Criteria | Net Square Feet |
|-------------------------------|------------------|----------------|-----------------|
| Inmate Rooms                  | 150              | 80             | 12,000          |
| Showers                       | 20               | 30             | 600             |
| Control Center                | 1                | 200            | 200             |
| Sallyport                     | 1                | 100            | 100             |
| Staff Offices                 | 7                | 120            | 840             |
| Multi-Use Activities          | 2                | 400            | 800             |
| Table Game/Dining             | 1                | 1,500          | 1,500           |
| Television                    | 3                | 250            | 750             |
| Outdoor Recreation            | 1                | varies         | —               |
| Receiving and Discharge       | 1                | 300            | 300             |
| Medical/Sick Call             | 1                | 300            | 300             |
| Food Preparation/Storage      |                  | 2,000          | 2,000           |
| Serving Line                  | 1                | 300            | 300             |
| Education                     | 2                | 300            | 600             |
| Psychology/Social/Religious   | 2                | 200            | 400             |
| Visiting                      |                  | 500            | 500             |
| Barber Shop                   | 1                | 100            | 100             |
| Laundry                       | 1                | 300            | 300             |
| Telephone Rooms               | 4                | 20             | 80              |
| Commissary                    | 1                | 200            | 200             |
| Outdoor Recreation Industries | 1                | varies         | —               |
|                               | 100              | 300/           | 30,000          |
| Sub Total                     |                  |                | 51,870          |
| Net to Gross                  |                  |                | 120%            |
| Total Square Feet             |                  |                | 62,244          |

to the inmates. These spaces may include records storage areas, staff offices, medical areas, or pharmacy storage areas. These require secure doors, locks, sally ports, and other typical security features.

The next security tier is the individual inmate room enclosures. They must be secure enough to control movement during certain periods and provide accountability for inmates and their property. Typical cell hardware and moderately reinforced wall construction, along with tamper-resistant utilities and fixtures, are indicated in many settings.

The last security system is for spaces where security is not critical. These spaces may include some offices, conference rooms, recreation spaces, and activity rooms. These areas require minimal wall and hardware reinforcement.

### Projected Space Requirements

It should be emphasized that no two units will have precisely the same requirements. The design of any PC unit, new or adapted, must be customized to meet the needs of the individual institution and inmate population. Table 5 provides a tabulation of space requirements for a complete PC unit design, based on a new construction project for a 150-bed facility. Special requirements for many functions will vary, depending on the number of individuals to be served in that area and the manner in which the function is to

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## Conclusion

As never before, correctional administrators are faced with a variety of complex, highly demanding management challenges. In the face of crowding, constrained resources, and court involvement, the needs of PC inmates may seem insignificant.

Nevertheless, there are sound humanitarian, legal, and management reasons for dealing appropriately with these difficult cases. The keystones for successful PC program design and operation are sound classification, careful screening of incoming cases,

regular case reviews, and well-rounded programs that are equivalent to those available to the general inmate population.

There are no panaceas to the problem of PC inmates; there is no single good solution to this life-or-death issue. But proper management of PC inmates, whether in a special unit or not, can significantly reduce the level of tension and violence in a correctional facility. By implementing the principles discussed in this publication, administrators can expect to make substantial progress toward that end.



## APPENDIX 1

### *Related ACA Standards*

All facility and program planners should become thoroughly familiar with *all* standards before embarking on a design for the use of a protective custody unit. The standards listed below are especially related to the program development for special management inmates and their assignment to the segregation or protective custody units. These standards are from *Standards For Adult Correctional Institutions, 3rd Edition*, with corresponding standards from the 2nd edition listed in parentheses.

**3-4237 (Ref.2-4214)** When segregation units exist, written policy and procedure govern their operation for the supervision of inmates under administrative segregation, protective custody, and disciplinary detention.

*Comment:*

Administrative segregation: The classification committee or, in an emergency, the warden/superintendent may place in administrative segregation an inmate whose continued presence in the general population poses a serious threat to life, property, self, staff, or other inmates, or to the security or orderly running of the institution. Inmates in administrative segregation because of behavioral problems should be provided with programs conducive to their well-being. Inmates pending investigation for a trial on a criminal act or pending transfer can also be placed in administrative segregation; this segregation may be for relatively extensive periods of time.

Protective custody: Inmates requesting or requiring protection from the general population may be placed in protective custody. Inmates in protective custody should be allowed to

participate in as many as possible of the programs afforded the general population, providing such participation does not threaten institutional security. Each protective custody case should be reviewed frequently with the goal of terminating the separate housing assignment as soon as possible.

Disciplinary detention: The disciplinary committee may place inmates with serious rule violations in disciplinary detention only after an impartial hearing has determined (1) that other available alternative dispositions are inadequate to regulate the inmate's behavior within acceptable limits and (2) that the inmate's presence in the general population poses a serious threat to the orderly operation or security of the institution.

Total isolation as punishment for a rule violation is not an acceptable practice; when exceptions occur, they should be justified by clear and substantiated evidence and should be fully documented.

**3-4238 (Ref.2-4215)** The warden/superintendent or shift supervisor can order immediate segregation when it is necessary to protect the inmate or others. The action is reviewed within 72 hours by the appropriate authority.

*Comment:* None.

**3-4239 (Ref.2-4220)** Written policy, procedure, and practice provide that an inmate is admitted to the segregation unit for protective custody only when there is documentation that protective custody is warranted and no reasonable alternatives are available.

*Comment:* Protective custody should be used only for short periods of time, except when an inmate needs long-term protection and the facts are well-documented. Admission to protective custody should be fully documented with a consent form signed by the inmate.

**3-4240 (Ref.2-4216)** Written policy, procedure, and practice provide that an inmate is placed in disciplinary detention for a rule violation only after a hearing by the disciplinary committee.

*Comment:* None.

**3-4241 (Ref.2-4218)** Written policy, procedure, and practice provide for a review of the status of inmates in administrative segregation and protective custody by the classification committee or other authorized staff group every seven days for the first two months and at least every 30 days thereafter.

*Comment:* A hearing should be held to review the status of any inmate who spends more than seven continuous days in administrative segregation and protective custody to determine whether the reasons for the placement still exist.

**3-4242 (Ref.2-4219)** Written policy, procedure, and practice specify the review process used to release an inmate from administrative segregation and protective custody.

*Comment:* An inmate should be released by action of the appropriate authority.

**3-4243 (Ref.2-4354)** There is a sanctioning schedule for institutional rule violations. Continuous confinement for more than 30 days requires the review and approval of the warden/superintendent. Inmates held in disciplinary detention for periods exceeding 60 days are provided the same program services and privileges as inmates in administrative segregation and protective custody.

*Comment:* The time an inmate spends in disciplinary detention should be proportional to the offense committed, taking into consideration the inmate's prior conduct, specific program needs, and other relevant factors.

**3-4244 (Ref.2-4237)** Written policy, procedure, and practice provide that a qualified psychologist or psychiatrist personally interviews and prepares a written report on any inmate remaining in segregation for more than 30 days. If confinement continues for an extended period, a psychological assessment is made at least every three months.

*Comment:* Inmates whose movements are restricted in segregation units may develop symptoms of acute anxiety or other mental health problems; regular psychological assessment is necessary to ensure the mental health of any inmate confined in such a unit beyond 30 days.

**3-4245 (Ref.2-4182-3)** Written policy, procedure, and practice require that all special management inmates are personally observed by a correctional officer at least every 30 minutes on an irregular schedule. Inmates who are violent or mentally disordered or who demonstrate unusual or bizarre behavior receive more frequent observation; suicidal inmates are under continuing observation.

*Comment:* None.

**3-4246 (Ref.2-4235)** Written policy, procedure, and practice provide that inmates in segregation receive daily visits from the senior correctional supervisor in charge, daily visits from a qualified health care official (unless medical attention is needed more frequently), and visits from members of the program staff upon request.

*Comment:* Because they are restricted from normal movement within the institution, it is imperative that inmates in segregation are visited regularly by key staff members who can ensure that their health and well-being are maintained.

**3-4247 (Ref.2-4236)** Written policy and procedure govern the selection criteria, supervision, and rotation of staff who work directly with inmates in segregation on a regular and daily basis.

*Comment:* Procedures should be established to supervise and evaluate the on-the-job performance of all staff who work with inmates in segregation, and there should be administrative procedures for promptly removing ineffective staff. Officers assigned to these positions should have completed their probationary period. The need for rotation should be based on the intensity of the assignment.

**3-4248 (Ref.2-4234)** Written policy, procedure, and practice provide that staff operating segregation units maintain a permanent log.

*Comment:* The log should contain the following information for each inmate admitted to segregation: name, number, housing location, date admitted, type of infraction or reason for admission, tentative release date, and special medical or psychiatric problems or needs. The log

also should be used to record all visits by officials who inspect the units or counsel the inmates, all unusual inmate behavior, and all releases.

**3-4249 (Ref.2-4221)** Written policy, procedure, and practice provide that all inmates in segregation are provided prescribed medication, clothing that is not degrading, and access to basic personal items for use in their cells unless there is imminent danger that an inmate or any other inmate(s) will destroy an item or induce self-injury.

*Comment:* Inmates in segregation should be provided basic items needed for personal hygiene as well as items such as eyeglasses and writing materials. Clothing should be that of the general population unless an adjustment is necessary for self-protection, such as removal of a belt to prevent a suicide attempt, and any clothing adjustment should be justified in writing by an appropriate official. If a supervisor judges that there is imminent danger an inmate will destroy an item or use it to induce self-injury, the inmate may be deprived of the item; in such cases, every effort should be made to supply a substitute for the item or to permit the inmate to use the item under the supervision of an officer.

**3-4250 (Ref.2-4224)** Written policy, procedure, and practice provide that inmates in segregation have the opportunity to shave and shower at least three times per week.

*Comment:* Inmates in segregation should have the opportunity to maintain an acceptable level of personal hygiene unless these procedures cause an undue security hazard. If conditions permit, the inmates should be able to shower daily.

**3-4251 (Ref.2-4225)** Written policy, procedure, and practice provide that inmates in segregation receive laundry, barbering, and hair care services and are issued and exchange clothing, bedding, and linen on the same basis as inmates in the general population. Exceptions are permitted only when found necessary by the senior officer on duty; any exception is recorded in the unit log and justified in writing.

*Comment:* None.

**3-4252 (Ref.2-4223-1)** Alternative meal service may be provided to an inmate in segregation who uses food or food service equipment in a manner that is hazardous to self, staff, or other inmates. Alternative meal service is on an individual basis, is based on health or safety considerations only, meets basic nutritional requirements, and occurs with the written

approval of the warden/superintendent and responsible health authority. The substitution period shall not exceed seven days.

*Comment:* None.

**3-4253 (Ref.2-4222)** Written policy, procedure, and practice provide that whenever an inmate in segregation is deprived of any usually authorized item or activity a report of the action is filed in the inmate's case record and forwarded to the chief security officer.

*Comment:* The report should identify the inmate, item or activity deprived of, and the reasons for the action. The report should be forwarded to the chief security officer as soon as possible; approval for removing all of an inmate's personal items should be obtained in advance from the warden/superintendent or designee. No item or activity should be withheld for the purpose of punishment or for longer than necessary to ensure the safety and well-being of the inmate and others.

**3-4254 (Ref.2-4226)** Written policy, procedure, and practice provide that inmates in segregation can write and receive letters on the same basis as inmates in the general population.

*Comment:* Letters should be delivered promptly. Any item rejected consistent with policy and procedure should be returned to the sender, and the inmate should be advised of the reason for the rejection.

**3-4255 (Ref.2-4227)** Written policy, procedure, and practice provide that inmates in segregation have opportunities for visitation unless there are substantial reasons for withholding such privileges.

*Comment:* Every effort should be made to notify approved visitors of any restrictions on visiting; if time allows, the burden of this notification may be placed on the inmate.

**3-4256 (Ref.2-4230)** Written policy, procedure, and practice provide that inmates in segregation have access to legal materials.

*Comment:* To ensure legal rights, inmates in segregation should have access to both personal legal materials and available legal reference materials. Reasonable arrangements should be made to assist the inmates in meeting court deadlines.

**3-4257 (Ref.2-4231)** Written policy, procedure, and practice provide that inmates in segregation have access to reading materials.

*Comment:* Inmates in segregation should be provided a sufficient quantity of reading materials and have an opportunity to borrow reading materials from the institution's library.

**3-4258 (Ref.2-4232)** Written policy, procedure, and practice provide that inmates in segregation receive a minimum of one hour of exercise per day outside their cells, five days per week, unless security or safety considerations dictate otherwise.

*Comment:* Inmates in segregation should be provided with the opportunity to exercise in an area designated for this purpose, with opportunities to exercise outdoors, weather permitting, unless security or safety considerations dictate otherwise. A written record should be kept of each inmate's participation in the exercise program. Reasons for the imposition of constraints should be documented.

**3-4259 (Ref.2-4229)** Written policy, procedure, and practice provide that inmates in administrative segregation and protective custody are allowed telephone privileges.

*Comment:* This standard also applies to inmates held in disciplinary detention for more than 60 days.

**3-4260 (Ref.2-4228)** Written policy, procedure, and practice provide that, unless authorized by the warden/superintendent or designee, inmates in disciplinary detention are allowed limited telephone privileges except for calls related specifically to access to the attorney of the record.

*Comment:* None.

**3-4261 (Ref.2-4233)** Written policy, procedure, and practice provide that inmates in administrative segregation and protective custody have access to programs and services that include, but are not limited to, the following: educational services, commissary services, library services, social services, counseling services, religious guidance, and recreational programs.

*Comment:* Although services and programs cannot be identical to those provided to the general population, there should be no major differences for reasons other than danger to life, health, or safety. Inmates in administrative segregation and protective custody should have the opportunity to receive treatment from professionals such as social workers, psychologists, counselors, and psychiatrists. The standard also applies to inmates held in disciplinary detention for more than 60 days.

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## *Survey Responses*

State institutions in forty-three of the fifty states and the District of Columbia responded to the survey. Two states (North Dakota and Pennsylvania) reported that they did not have protective custody units. Florida's DOC was unable to participate in the survey because of a lawsuit it is now facing in regard to its protective custody units. One state was not included because its survey was received too late, and another state's two returned surveys were not included because of incomplete data.

The usable surveys came then from 165 institutions in 37 states as well as 18 Federal institutions. (Nineteen Federal institutions responded, though one was not included because it reported no protective custody unit.)

The following is a list of those states that participated in the survey and the number of completed surveys that were received and implemented as part of the data.

Alabama 1  
Alaska 13  
Arizona 10  
Arkansas 3  
California 2  
District of Columbia 3  
Illinois 6  
Iowa 2  
Kansas 2

Kentucky 1  
Louisiana 2  
Maine 2  
Massachusetts 1  
Michigan 6  
Minnesota 2  
Mississippi 3  
Missouri 6  
Montana 2  
Nebraska 5  
New Hampshire 1  
New Jersey 2  
New Mexico 6  
New York 22  
North Carolina 4  
Ohio 1  
Oklahoma 3  
Oregon 1  
Rhode Island 5  
South Carolina 10  
South Dakota 1  
Tennessee 15  
Vermont 5  
Virginia 10  
Washington 2  
West Virginia 2  
Wisconsin 1  
Wyoming 2



## APPENDIX 3

# Sample Protective Custody Unit Policies and Procedures

The following sample protective custody policies and procedures document is intended to serve as a suggested draft for use by local institutions in developing their own comprehensive and individualized protective custody unit policies and procedures. This sample is adapted from another American Correctional Association publication, *Guidelines for the Development of Policies and Procedures in Adult Correctional Institutions* (1987, pages 239–243), and is related to American Correctional Association Standards 3-4237 through 3-4239, 3-4241 through 3-4244, 3-4246 through 3-4259, and 3-4261.

### Definitions

As used in this document, the following definitions shall apply:

**Protective Custody:** A form of separation from the general population for inmates requesting or requiring protection from other inmates. The inmate's status is reviewed periodically by the classification committee.

**Strip Cells:** Cells that contain no furnishings, bedding, or equipment.

### Policy

This institution shall provide facilities and programming that enable each inmate to complete confinement with a minimum of deterioration.

**A. Assignment to Protective Custody.** An inmate may be placed in protective custody by the warden, disciplinary committee, shift supervisor, or members of an inmate's unit team. Placement in protective custody may occur when the inmate:

- Is awaiting hearing for a violation of institution rules or regulations
- Is awaiting investigation of a serious violation of institution rules or regulations
- Is awaiting investigation or trial for a criminal act
- Requests admission to protective custody for his or her own protection or the staff determines that admission to or continuation in protective custody is necessary for the inmate's own protection
- Is pending transfer or is in holdover status during transfer
- Is pending classification
- Is placed in protective custody following a hearing from the disciplinary committee or the shift supervisor.

**B. Documentation.** A memorandum detailing the reason for placing the inmate in protective custody shall be prepared and forwarded to members of the inmate's unit or classification team. Copies shall be given to the shift supervisor of the protective custody unit and to the inmate, provided this does not compromise institutional security.

**C. Conditions of Protective Custody.** The basic level of conditions described below applies to

protective custody. Inmates housed in protective custody shall be afforded the same general privileges given inmates in the general population as is consistent with existing resources and the security needs of the unit. Unless there are compelling reasons to the contrary, these inmates shall be allowed commissary privileges, reasonable amounts of personal property, and exercise periods exceeding those provided for inmates housed in disciplinary detention. Visiting and correspondence privileges accorded the general population shall be allowed to inmates in protective custody. No restrictions shall be placed on an inmate's contact with courts or legal counsel. The conditions of the unit shall comply with the following.

1. Quarters shall be well-ventilated, adequately lighted, appropriately heated, and maintained in a sanitary condition at all times. All cells will be equipped with beds that may be securely fastened to the wall or floor.
2. Strip cells shall never be a part of protective custody. These cells more appropriately are located near the medical facility and under the supervision and control of the medical staff.
3. Cell occupancy, except in emergency, shall not exceed design capacity. When an emergency requires excess occupancy, a report shall be prepared immediately and delivered to the warden for review and corrective action.
4. Cells in protective custody shall be equipped and furnished in a manner substantially similar to cells in the general population.
5. Each inmate shall be provided the same opportunities for personal hygiene available to the general population, except that an inmate may be limited to three showers per week.
6. Inmates shall retain all rights of access to the courts.
7. Food provided inmates in protective custody shall be substantially the same quality and quantity as provided persons in the general population.
8. Inmates shall be provided the same bedding supplies as are provided the general population.
9. Inmates shall be afforded visiting privileges that are, as much as is practical, equal to those available to the general population.
10. Inmates shall continue to receive the services of a counselor. Inmates may participate in such educational, vocational and/or rehabilitative programs as can be provided

within the confines of the protective custody unit, consistent with the security needs of the unit. Emphasis shall be placed on making rehabilitative programming available that has as its goal the return of inmates to the general prison population.

11. Inmates may order items from the commissary. Items from the commissary may be withheld if determined by the institution's chief correctional officer to be a threat to the security of the protective custody unit.
12. Institution chaplains shall be available to inmates in protective custody on at least a weekly basis.

**D. Exercise periods** shall be available for a minimum of one hour per day, five days per week. This exercise shall be outside the cells, unless security or safety considerations dictate otherwise.

**E. A permanent log** record of activities shall be maintained by the unit staff.

**F. The unit shall be visited by the shift supervisor daily**, the program staff upon request, and a qualified health official daily.

**G. The staff of the unit shall be selected carefully**, specially trained, and regularly evaluated by the supervisory personnel.

**H. Protective custody inmates shall be interviewed** and a report written by a qualified psychologist or psychiatrist at the end of each 30-day period.

## Procedures

### A. Review of Protective Custody

1. The classification committee, unit team committee, or disciplinary committee shall review the status of all inmates in protective custody at least every 7 days for the first 30 days and every 30 days thereafter. The inmate shall attend these review meetings and be accorded the same rights available to inmates in initial segregation meetings. The committee shall provide the inmate with a written decision stating the reasons and basis for the decision as well as a summary of the information presented to and considered by the committee.
2. If the review committee determines the inmate should remain in protective custody, the

inmate may appeal that decision to the warden.

3. Committee reviews shall consider the original reason for segregating an individual and his or her behavior during segregation. This must include reports from the unit staff. All cases where an individual has been held in protective custody longer than 90 days shall be referred to the warden for review and action. The committee shall consider any alternatives available and what, if any, assistance could be provided the inmate to hasten return to the general population.
4. Each review shall include an evaluation of the following inmate information:
  - Disciplinary record
  - Past criminal record
  - Prison records from past institutionalizations
  - Psychological makeup
  - Involvement in criminal activity while at the prison
  - Attitude toward authority
  - Institutional record on work assignments
  - Adjustment to institutional programs
  - Willingness and ability to live with other inmates
  - Record of violent reactions to stressful situations
  - Habitual conduct or language of a type expected to provoke or instigate stressful, perhaps violent situations.

#### **B. Staff Assignments**

1. Specially screened staff shall be assigned to work in the protective custody unit, with consideration given to the nature of the inmates in the unit and the personality, training, and performance record of staff members being considered.
2. The training officer shall provide a special orientation and training as to the function of the unit, rules governing its operation, and the needs and problems typical of inmates in the unit.
3. Procedures shall be established by the assistant warden (custody) for evaluating the on-the-job performance of all staff assigned to the unit and for prompt removal of ineffective staff.

#### **C. Records**

1. Permanent logs shall be maintained by the senior officer on duty. The record shall include:

- A record of all admissions and releases including:
    - Date of action
    - Time of action
    - Reason for admission or release
  - Authorizing official or committee
  - A record of visitors including all official visits from staff, notations of unusual observations and time, date, and signature of visitor
  - Unusual behavior
  - Information and/or observations of staff (which shall be forwarded for staff action and observation on future shifts).
2. Individual records shall be maintained for each inmate to provide a document listing daily activities. This record shall:
    - Be completed daily
    - Contain a record of all activity required by policy, such as bathing schedule, exercise, medical visits, medication administered, and program activities including library, educational, and religious activity and/or visits
    - Be signed by the officer in charge of each shift
    - Cite medical observations/visits and the medical officer conducting the visit
    - Include comments of unusual occurrences or behavior.

#### **D. Release**

Release from protective custody may be authorized by the following persons or groups:

- The committee/person authorizing the inmate's placement in the unit
- The disciplinary committee
- The classification committee
- The inmate's unit management team
- The warden.

These releases may be authorized when one or more of the following conditions exist.

- The condition that required inmate placement in protective custody is no longer present.
- Information and/or evidence developed during the period of confinement indicates conditions have changed and the inmate no longer presents a threat to himself or others.
- The inmate is found guilty of accused behavior by the disciplinary committee and is transferred to a more restrictive unit as dictated by committee findings.

### ***E. Unit Inspection***

Monitoring of the unit shall be conducted on a regular basis. This monitoring enables responsible officials to observe and evaluate conditions of confinement and discuss individual program problems with confined inmates. These monitoring visits shall be conducted in accordance with the following schedule:

- Correctional shift supervisor in charge—once each shift
- Health care official—daily
- Social worker and departmental representative—weekly
- Counselor—weekly
- Psychologist or psychiatrist—shall visit as requested by staff or inmate and shall interview each inmate confined in protective custody for more than 30 days and prepare a report of evaluation and recommendation

- Assistant warden (custody)—weekly
- Religious representative—weekly.

### ***F. Temporary Placement in Protective Custody***

An inmate who is causing a serious disruption (threatening life or property) in protective custody who cannot be controlled within the physical confines of protective custody may be moved temporarily (not to exceed three days) to another administrative segregation-type unit pending a hearing or other resolution. The authority to order a temporary move into protective custody is limited to the official in charge of the institution at the time of the move. A fully documented report of every such movement shall be forwarded to the warden immediately.

## Sample Protective Custody Functional Unit Prototype

Chapter 5 concisely described the design elements for a protective custody unit. Appendix 3 presented a sample protective custody unit policies and procedures document. Taking the concepts presented in these two sections, a sample prototype functional unit for protective custody inmates was developed. The prototype is presented as one approach that can be used to meet the standards presented in this book. This prototypical protective custody unit is self-contained and has the capabilities of site adaptation to an existing facility.

The schematic drawings along with the technical narrative will provide readers with a conceptual picture of an architectural program for a protective custody unit. This design meets the minimum ACA standards. It envisions a "separate but equal" approach to a functional protective custody unit within a larger institution setting.

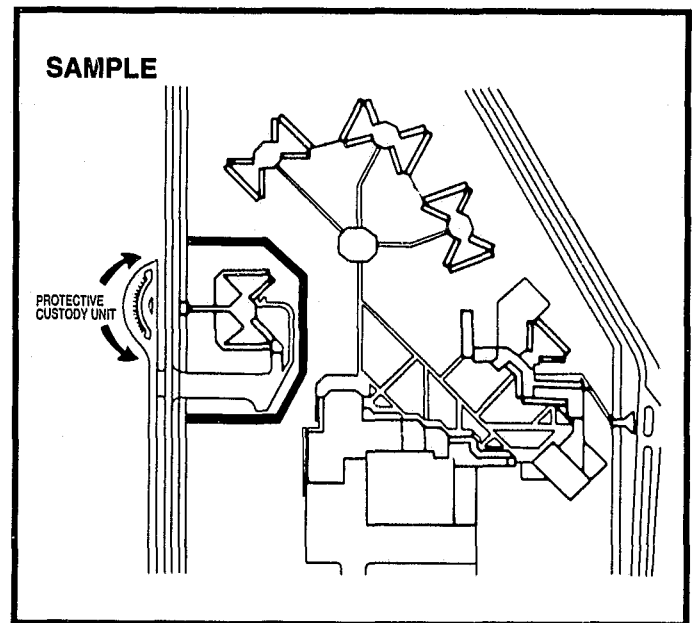
### Functional Program Narrative

The following point-by-point narrative describes the functional elements of the proposed unit. Its internal unit functions and its relationship to the larger institution will be briefly described.

Operational and staffing costs of protective custody units will generally exceed normal costs for inmates in the larger general population institution. These can be kept to a minimum, without compromising security, by incorporating elements of the prototype unit described herein.

The sample unit is located within the perimeter of the larger institution (Figure 3a). It is operationally

**Figure 3a. Placement of PC Unit**



separated by a double fence with security wire and electronic detention equipment. Entry into the unit area is through a sally port reception building and/or a vehicular sally port. Entry to the main facility is not provided for in this program design.

The PC unit is designed to operate separately from the main institution on a daily basis. The projected staffing pattern is:

- 1 Unit Manager
- 1 Case Manager
- 1 Correctional counselor
- 1 Unit secretary/clerk
- 1 Security supervisor (Lieutenant)

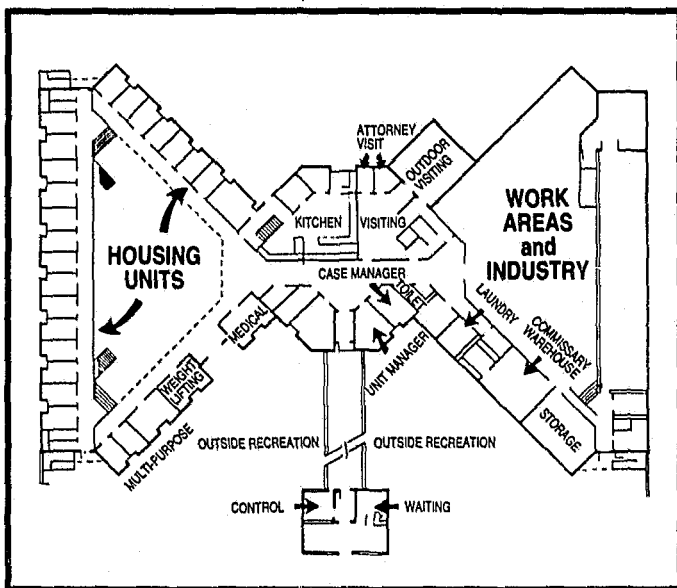
- 3 Shift supervisors (Sergeants) plus relief
- 3 Unit officers plus relief
- 2 Control room officers plus relief
- 1 Industry supervisor
- 1 Half-time psychologist
- 1 Half-time education specialist
- Rotating food service support with main institution.

Religious, recreation, and medical support will also be provided on a scheduled basis.

Individuals coming in must enter a gatehouse and pass through a pedestrian sally port to enter the main PC unit. Another sally port must also be cleared to enter the unit building. Security doors are provided to divide the unit during periods of inactivity.

Although a strong/secure outer perimeter and a secure building envelope are provided, the internal layout of the unit provides a "nonbarrier" design that maximizes staff-inmate interaction.

**Figure 3b. Sample First Floor Layout**



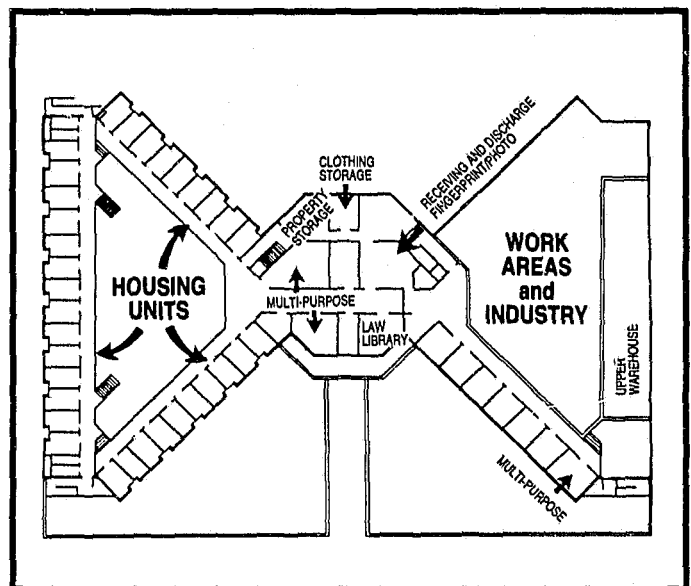
The first floor of the unit building (Figure 3b) includes the following.

- 23 single cells
- Office space for unit manager, unit secretary, and case manager
- Medical examination room for daily sick call
- Visiting area for:
  - Inside contact visiting
  - Outside contact visiting
  - Inmate search vestibule
  - Two private attorney visit rooms
  - Visitors toilet
  - Other activities during non-visiting hours
- Food service area that provides for:

- Food storage
- Freezer
- Refrigerator
- Dishwasher
- Cooking and food preparation area
- Serving area

- Inmate barbershop
- Laundry
- Commissary
- Commissary warehouse
- Industry component including:
  - Factory work area
  - Storage room
  - Warehouse
  - Office
  - Toilet
  - Loading dock area
- Inmate support space including:
  - Dayroom area
  - Multipurpose room
  - Weightlifting room
  - Entry to outside recreation area.

**Figure 3c. Sample Second Floor Layout**



The second floor of the unit (Figure 3c) includes the following:

- Additional single cells (33 in the sample layout)
- Multipurpose space for programs
- Property storage
- Clothing storage
- Receiving and discharge functions
- Records storage and issue area
- Inmate law library space
- Additional industrial and warehouse space.

## Survey Instrument

This voluntary survey is being conducted to study protective custody unit characteristics and practices throughout the United States for a publication on protective custody.

The public reporting burden for this collection of information is estimated to average 1.6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Department of Justice, National Institute of Corrections, Attn: Dick Franklin, Grant Monitor, 320 First Street, N.W., Washington, D.C. 20534, and to The Office of Management and Budget, Paperwork Reduction Project: OMB# 1105-0045, Washington, D.C. 20503.

### Institution and Population Characteristics

#### 1. Facility:

(Check One)

- ☐ State  
☐ Federal

#### 2. Security Level of Facility:

(Check One)

- ☐ Maximum  
☐ Medium  
☐ Minimum

#### 3. Design Capacity: \_\_\_\_\_

#### 4. Management Style:

(Check One)

- ☐ Unitized  
☐ Traditional Centralized  
☐ Other (Specify) \_\_\_\_\_

#### 5. Current Inmate Population: \_\_\_\_\_

#### 6. Racial Composition:

Number of each race or ethnic group.

- % \_\_\_\_\_ White, Non-Hispanic  
 % \_\_\_\_\_ Black, Non-Hispanic  
 % \_\_\_\_\_ Black, of Hispanic Origin  
 % \_\_\_\_\_ Asian or Pacific Islander  
 % \_\_\_\_\_ American Indian  
 % \_\_\_\_\_ Hispanic  
 % \_\_\_\_\_ Other

#### 7. Gender Composition:

Number of Males/Females.

- % \_\_\_\_\_ Male  
 % \_\_\_\_\_ Female

### Protective Custody Unit

#### Definitions:

Protective custody is defined as "A form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health and safety. The inmate's status is reviewed periodically by the classification committee or other designated group" (ACA Standards).

Administrative segregation is separation of inmates who pose a serious threat to life, property, self, staff,

other inmates, or institution security. It is the result of a classification committee action and is not imposed as a punishment for specific acts.

Disciplinary detention is the separation from the general population of an inmate who has been found guilty by the disciplinary committee of a serious violation.

1. Location of Protective Custody Unit:  
(Circle One)

- 1—A separate unit outside the Administrative Segregation and Disciplinary Detention areas.
- 2—Within the Disciplinary Detention Unit.
- 3—Within the Administrative Segregation Unit.
- 4—All three, Protective Custody, Administrative Segregation, and Disciplinary Detention, occupy a common area.
- 5—Other (please specify) \_\_\_\_\_

Please answer the following questions by reference to where protective custody inmates are held, regardless of whether this area is a separate unit or part of the administrative or disciplinary segregation unit.

2. Number of Protective Custody Cells: \_\_\_\_\_

3. Total Design Capacity of Protective Custody Unit.  
(The maximum number of inmates a unit can house without crowding.)

\_\_\_\_\_ Number of Inmates

4. How many of the cells in protective custody are:  
(Please specify quantity)

- \_\_\_\_\_ One-man cells
- \_\_\_\_\_ Two-man cells
- \_\_\_\_\_ Three-man cells
- \_\_\_\_\_ Four-man or more cells

5. Accommodations:

(Please check all appropriate items.)

- \_\_\_\_\_ Single Bunks
- \_\_\_\_\_ Double Bunks
- \_\_\_\_\_ Occupant-Controlled Lighting
- \_\_\_\_\_ Occupant-Controlled Toilet
- \_\_\_\_\_ Outside-Window

6. Dimensions: Average square feet per cell: \_\_\_\_\_

7. Please check your log and report the number of inmates in protective custody:

- On the 1st of the last month \_\_\_\_\_
- On the 15th of the last month \_\_\_\_\_
- On the 30th of the last month \_\_\_\_\_

8. Estimate the percentage of your protective custody inmates who fall into the following categories:

- \_\_\_\_\_ % for protection from sexual assault from other inmates.
- \_\_\_\_\_ % for protection from those who consider them to be informers
- \_\_\_\_\_ % for protection from those who seek various forms of reprisals for unpaid debts, arguments, etc.
- \_\_\_\_\_ % for protection due to mental retardation or developmental disability.
- \_\_\_\_\_ % who have themselves placed in protective custody to avoid work assignments.
- \_\_\_\_\_ % Other (Specify) \_\_\_\_\_

9. Circle personal property inmates are allowed in their possession.

|                    | <i>Protective Custody</i> |        |
|--------------------|---------------------------|--------|
| Books              | 1 — Yes                   | 2 — No |
| Magazines          | 1 — Yes                   | 2 — No |
| Cigarettes         | 1 — Yes                   | 2 — No |
| Matches—Lighters   | 1 — Yes                   | 2 — No |
| Personal Clothing  | 1 — Yes                   | 2 — No |
| Radios             | 1 — Yes                   | 2 — No |
| TV                 | 1 — Yes                   | 2 — No |
| Food Items         |                           |        |
| (Non-Food Service) | 1 — Yes                   | 2 — No |
| Photos             | 1 — Yes                   | 2 — No |
| Toilet Items       | 1 — Yes                   | 2 — No |
| Jewelry            | 1 — Yes                   | 2 — No |
| Other (Specify)    |                           |        |
| _____              | 1 — Yes                   | 2 — No |
| Other (Specify)    |                           |        |
| _____              | 1 — Yes                   | 2 — No |
| Other (Specify)    |                           |        |
| _____              | 1 — Yes                   | 2 — No |
| Other (Specify)    |                           |        |
| _____              | 1 — Yes                   | 2 — No |

10. Which of the following are provided for inmates?  
(Please Circle.)

|  | <i>Protective Custody</i> |              |
|--|---------------------------|--------------|
| Commissary                             | 1 — Yes                   | 2 — No       |
| If yes, does this activity take place: | 1 — On                    | 2 — Off Unit |
| Visiting                               | 1 — Yes                   | 2 — No       |
| If yes, does this activity take place: | 1 — On                    | 2 — Off Unit |
| Telephone                              | 1 — Yes                   | 2 — No       |
| If yes, does this activity take place: | 1 — On                    | 2 — Off Unit |



Mail 1 — Yes 2 — No  
 If yes, does this activity take place: 1 — On 2 — Off Unit  
 Education 1 — Yes 2 — No  
 If yes, does this activity take place: 1 — On 2 — Off Unit  
 Work Opportunity (Other than Orderly) 1 — Yes 2 — No  
 If yes, does this activity take place: 1 — On 2 — Off Unit  
 Outdoor Recreation 1 — Yes 2 — No  
 If yes, does this activity take place: 1 — On 2 — Off Unit  
 Legal Services 1 — Yes 2 — No  
 If yes, does this activity take place: 1 — On 2 — Off Unit  
 Law Library Materials 1 — Yes 2 — No  
 If yes, does this activity take place: 1 — On 2 — Off Unit  
 Religious Services 1 — Yes 2 — No  
 If yes, does this activity take place: 1 — On 2 — Off Unit  
 Religious Counseling 1 — Yes 2 — No  
 If yes, does this activity take place: 1 — On 2 — Off Unit  
 Release Planning 1 — Yes 2 — No  
 If yes, does this activity take place: 1 — On 2 — Off Unit  
 Work Program (Other than Orderly) 1 — Yes 2 — No  
 If yes, does this activity take place: 1 — On 2 — Off Unit  
 Psychological Counseling 1 — Yes 2 — No  
 If yes, does this activity take place: 1 — On 2 — Off Unit  
 Other Programs (Drug Programs, Transactional Analysis, Self-Image, etc.) 1 — Yes 2 — No  
 If yes, does this activity take place: 1 — On 2 — Off Unit  
 Other (Specify) 1 — Yes 2 — No  
 If yes, does this activity take place: 1 — On 2 — Off Unit

11. How often are the following provided in protective custody?  
 (Please Circle)

Never Seldom Monthly Weekly Daily

Visit by Clergy 1 2 3 4 5

Visit by Medical Staff 1 2 3 4 5  
 Visit by Programs Staff 1 2 3 4 5  
 Visit by Executive Staff (Warden or AWs) 1 2 3 4 5  
 Visit by Mental Health Staff (Psychologist or Psychiatrist) 1 2 3 4 5  
 Visit by Recreation Staff 1 2 3 4 5

12. How many times have the following occurred in protective custody during the past 30 days?

Attempted Suicide \_\_\_\_\_  
 Suicides \_\_\_\_\_  
 Disturbances (Requiring Staff Assistance) \_\_\_\_\_  
 Fires \_\_\_\_\_  
 Attacks on Staff \_\_\_\_\_  
 Attacks on Inmates \_\_\_\_\_  
 Incident Reports Written \_\_\_\_\_  
 Attempted Escapes \_\_\_\_\_  
 Escapes \_\_\_\_\_  
 Other (Specify) \_\_\_\_\_

13. If an inmate in protective custody is found to be in violation of institutional rules, what form of punishment is most often imposed?

14. Once an inmate is placed in protective custody, is anything done to promote his return to open population?

1 — Yes 2 — No

If yes, what?

This form was completed by:

\_\_\_\_\_  
 (Name)

\_\_\_\_\_  
 (Title)

\_\_\_\_\_  
 (Address)

\_\_\_\_\_  
 (Work Phone No.)

---

## Glossary

*Administrative Segregation*—A form of separation from the general population administered by the classification committee or other authorized group when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff, or other inmates or to the security or orderly running of the institution. Inmates pending investigation for trial on a criminal act or pending transfer can also be included. (See *Protective Custody* and *Segregation*.)

*Adult Correctional Institution*—A confinement facility, usually under state or federal auspices, that has custodial authority over adults sentenced to confinement for more than a year.

*Classification*—A process for determining the needs and requirements of those for whom confinement has been ordered and for assigning them to housing units and programs according to their needs and existing resources.

*Contraband*—Any item possessed by confined juvenile or adult offenders or found within the facility that is illegal by law or expressly prohibited by those legally charged with the administration and operation of the facility or program.

*Counseling*—Planned use of interpersonal relationships to promote social adjustment. Counseling programs provide opportunities to express feelings verbally with the goal of resolving the individual's problems. At least three types of counseling may be provided: individual, in a one-to-one relationship; small group counseling; and large group counseling in a living unit.

*Disciplinary Detention*—A form of separation from the general population in which inmates committing serious violations of conduct regulations are confined by the disciplinary committee or other authorized group for short periods of time to individual cells separated from the general population. Placement in detention may occur only after a finding of rule violation at an impartial hearing and when there is not adequate alternative disposition to regulate the inmate's behavior. (See *Protective Custody* and *Segregation*.)

*Educational Release*—The designated time when residents or inmates leave the program or institution to attend school in the community, returning to custody after school hours.

*Fiscal Position Control*—The process that ensures that individuals on the payroll are legally employed, positions are authorized in the budget, and funds are available.

*Health Authority*—The physician, health administrator, or agency responsible for the provision of health care services at an institution or system of institutions; the responsible physician may be the health authority.

*Health Care*—The sum of all action taken, preventive and therapeutic, to provide for the physical and mental well-being of a population. Includes medical and dental services, mental health services, nursing, personal hygiene, dietary services, and environmental conditions.

*Health Care Personnel*—Individuals whose primary duty is to provide health services to inmates in

keeping with their respective levels of health care training or experience.

*Health-trained Personnel (Medically Trained Personnel)*— Correctional officers or other correctional personnel who may be trained and appropriately supervised to carry out specific duties with regard to the administration of health care.

*Hearing*—A proceeding to determine a course of action, such as the placement of a juvenile or adult offender, or to determine guilt or innocence in a disciplinary matter. Argument, witnesses, or evidence are heard by a judicial officer or administrative body in making the determination.

*Holidays*—All days legally designated as nonworkdays by statute or by the chief governing authority of a jurisdiction.

*Indigent*—An individual with no funds or source of income.

*Informed Consent*—The agreement by a patient to a treatment, examination, or procedure after the patient receives the material facts regarding the nature, consequences, risks, and alternatives concerning the proposed treatment, examination, or procedure.

*Life Safety Code*—A manual published and updated by the National Fire Protection Association, specifying minimum standards for fire safety necessary in the public interest. Two chapters are devoted to correctional facilities.

*Management Information System*—The concepts, personnel, and supporting technology for the collection, organization, and delivery of information for administrative use. There are two such types of information: (1) standard information, consisting of the data required for operational control, such as the daily count, positive and negative release rates, escape or runaway rates, referral sources, and payroll data in a personnel office; and (2) demand information, which can be generated when a report is required, such as the number of residents in educational and training programs and the duration of incarceration.

*Medical Restraints*—Either chemical restraints, such as sedatives, or physical restraints, such as straitjackets, applied only for medical or psychiatric purposes.

*Mentally Retarded*—Describes an individual who functions at a subaverage general intellectual level and is deficient in adaptive behavior.

*Parent Governmental Organization*—Also referred to as a parent agency, the administrative department or division to whom the agency seeking accreditation reports; the policy-setting body.

*Permanent Status*—A personnel status that provides due process protection prior to dismissal.

*Policy*—A course or line of action adopted and pursued by an agency that guides and determines present and future decisions and actions. Policies indicate the general course or direction of an organization within which the activities of the personnel must operate. They are statements of guiding principles that should be followed in directing activities toward the attainment of objectives. Their attainment may lead to compliance with standards as well as compliance with the overall goals of the agency or system.

*Population Center*—A geographical area containing at least 10,000 people, along with public safety services, professional services, employment and educational opportunities, and cultural/recreational opportunities.

*Procedure*—The detailed and sequential actions that must be executed to ensure that a policy is fully implemented. It is the method of performing an operation or a manner of proceeding on a course of action. It differs from a policy in that it directs action in a particular situation to perform a specific task within the guidelines of policy.

*Program*—The plan or system through which a correctional agency works to meet its goals; often this program requires a distinct physical setting, such as a correctional institution, community residential facility, group home, or foster home.

*Protective Custody*—A form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health or safety. The inmate's status is reviewed periodically by the classification committee or other designated group. (See *Administrative Segregation* and *Disciplinary Detention*.)

*Qualified Health Personnel*—Physicians, dentists, and other professional and technical workers who by state law engage in activities that support, complement, or supplement the functions of physicians and/or dentists and who are licensed, registered, or certified as appropriate to their qualifications to practice. (See *Health Care Personnel*.)

*Rated Bed Capacity*—The number of inmates who may be properly housed and cared for in the facility as determined by a survey that excludes areas not adapted to housing, such as basements, attics, corridors, and day rooms; housing facilities that, because of obsolescence or other reason, constitute a major fire or health hazard; facilities not available for regular inmate occupancy, such as hospital, isolation, and reception units; and temporary housing, such as a temporary dormitory. In determining institutional bed capacities, adequacy of the total facilities of the institution for program activities, such as dining, toilet, recreation, education, and religion are taken into consideration.

*Responsible Physician*—An individual licensed to practice medicine and provide health services to the inmate population of the facility and/or the physician at an institution with final responsibility for decisions related to medical judgments.

*Safety Vestibule*—In a correctional facility, a grill cage that divides the inmate areas from the remainder of the institution. They must have two doors or gates, only one of which opens at a time, to permit entry to or exit from inmate areas in a safe and controlled manner.

*Sally Port*—An enclosure situated in the perimeter wall or fence of a correctional facility containing gates or doors at both ends, only one of which opens at a time, ensuring there will be no breach in the perimeter security of the institution. The sally port may handle either pedestrian or vehicular traffic.

*Security or Custody*—The degree of restriction of inmate movement within a detention/correctional facility, usually divided into maximum, medium, and minimum risk levels.

*Segregation*—The confinement of an inmate to an individual cell that is separated from the general population. There are three forms of segregation: administrative segregation, disciplinary detention, and protective custody.

*Self-insurance Coverage*—A statewide system designed to insure the payment of all legal claims for injury or damage incurred as a result of the actions of state officials, employees, or agents. In public agencies, the self-insurance program is usually authorized by the legislature. A "memorandum of insurance" or similar document is required; it acts as a policy, setting the limits of liability for various categories of risk,

including deductible limits. Approval of the policy by a cabinet-level official is also required.

*Serious Incident*—A situation in which injury serious enough to warrant medical attention occurs involving a resident, employee, or visitor on the grounds of the institution. Also, a situation containing an imminent threat to the security of the institution and/or to the safety of residents, employees, or visitors on the grounds of the institution.

*Severe Mental Disturbance*—A condition in which an individual is a danger to self or others or is incapable of attending to basic physiological needs.

*Special Management Inmates*—Individuals whose behavior presents a serious threat to the safety and security of the facility, staff, general inmate population, or themselves. Special handling and/or housing is required to regulate their behavior.

*Special Needs Inmates*—Inmates whose mental and/or physical condition requires special handling and treatment by staff. Special needs inmates include, but are not limited to, drug or alcohol addicts or abusers, the emotionally disturbed, mentally retarded, suspected mentally ill, physically handicapped, chronically ill, and the disabled or infirm.

*Temporary Release*—A period of time during which an inmate is allowed to leave the program or institution and go into the community unsupervised for various purposes consistent with the public interest.

*Training*—An organized, planned, and evaluated activity designed to achieve specific learning objectives and enhance the job performance of personnel. Training may occur on site, at an academy or training center, an institution of higher learning, professional meetings, or through contract service or closely supervised on-the-job training. It includes a formal agenda and instruction by a teacher, manager, or official; physical training; or other instructional programs that include a trainer/trainee relationship. Training programs usually include requirements for completion, attendance recording, and a system for recognition of completion. Meetings of professional associations are considered training where there is clear evidence of the above. Whether it occurs on site, at an academy or training center, through contract services, or at professional meetings, the activity must be part of an overall training program.

*Treatment Plan*—A series of written statements that specify the particular course of therapy and the roles

of medical and nonmedical personnel in carrying it out. A treatment plan is individualized, based on assessment of the individual patient's needs, and includes a statement of the short- and long-term goals and the methods by which the goals will be pursued. When clinically indicated, the treatment plan provides inmates with access to a range of supportive and rehabilitative services, e.g., individual or group counseling and/or self-help groups that the physician deems appropriate.

*Volunteers*—Individuals who donate their time and effort to enhance the activities and programs of the agency. They are selected on the basis of their skills or

personal qualities to provide services in recreation, counseling, education, religion, etc.

*Warden/Superintendent*—The individual in charge of the institution; the chief executive or administrative officer. This position is sometimes referred to by other titles, but *warden* and *superintendent* are the most commonly used terms.

*Work Release*—A formal arrangement sanctioned by law whereby an inmate/resident is released into the community to maintain approved and regular employment.

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