



State of Indiana
Indiana Department of Correction

Effective Date

Page 1 of

Number

8/1/2018

9

02-01-107

**POLICY AND ADMINISTRATIVE
PROCEDURE**
Manual of Policies and Procedures

Title

THE USE AND OPERATION OF PROTECTIVE CUSTODY

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 11-8-2-5(a)(8)	01-01-101 02-01-102	
IC 11-10-1-7	01-02-101 02-01-104	
IC 11-11-6-1	01-03-105 02-01-105	
	01-04-101 02-01-108	
	02-01-101	

I. PURPOSE:

The Department of Correction recognizes the need for a program of specialized custody for offenders who need protection from other offenders. This policy and administrative procedure establishes the standards for the use and operation of protective custody at facilities housing adult offenders.

II. POLICY STATEMENT:

The Department of Correction shall operate programs for protective custody at facilities housing adult offenders that allow the separation of offenders requiring protection from the general offender population. Facilities may establish specific housing units to provide protective custody based upon the resources available to the facility and the needs of the offender population. Facilities that do not operate protective custody units shall ensure that offenders have the opportunity to request protective custody and procedures are available to process these requests.

The admittance of an offender into protective custody shall be based upon the belief that the offender needs to be protected from other offenders. The Department shall operate protective custody units in a manner that ensures:

- A. A clean, healthy, safe, and secure environment for staff and offenders;
- B. A system to verify the need for protective custody and the review of said status after it is granted;
- C. Availability of offender programs consistent with the safety and/or security of the facility; and,
- D. Establishment of a system that identifies the review and release process from the unit.

The Department shall establish a system to ensure compliance with this policy.

POLICY AND ADMINISTRATIVE PROCEDURE			
Indiana Department of Correction			
Manual of Policies and Procedures			
Number	Effective Date	Page	Total Pages
02-01-107	8/1/2018	2	9
Title			
THE USE AND OPERATION OF PROTECTIVE CUSTODY			

III. DEFINITIONS:

For the purpose of this policy and administrative procedure, the following definitions are presented:

- A. **PROTECTIVE CUSTODY:** A form of physical separation from the general offender population for offenders requesting or requiring protection from other offenders.
- B. **RESTRICTIVE STATUS HOUSING:** A form of housing for offenders whose continued presence in the general population would pose a serious threat to life, property, self, staff, or other offenders, or to the security or orderly operation of a facility.
- C. **VERIFICATION:** A review of available information or supporting documentation which either supports or does not support the need to separate or continue to separate an offender from general population (e.g. court documents, disciplinary hearing body results, investigative materials, or other written or verbal information).

IV. STANDARDS FOR ADMITTANCE TO A PROTECTIVE CUSTODY UNIT:

An offender may be admitted to protective custody only when there is documentation that protective custody is warranted and that no other reasonable placement alternative is available. The goal of each case of protective custody is to resolve the reasons for protective custody as quickly as possible and to end the use of protective custody as soon as possible.

- A. An offender may request temporary assignment to a protective custody unit by contacting any staff person who shall:
 - 1. Assist the offender in contacting the staff person designated by the Warden to review requests for protective custody.
 - 2. Assist the offender in obtaining and completing State Form 24308, "Request for Protection."
 - 3. The designated staff person shall review State Form 24308 to ensure adequate information is available for staff to verify the potential need for protective custody and discuss possible resolutions with the offender.
- B. An offender may be temporarily assigned on an involuntary basis to protective custody by the Warden or designee for the following reasons:
 - 1. Offender's safety;
 - 2. Facility safety, security, and order; or,
 - 3. Emergency situations.

An offender who is involuntarily assigned to protective custody shall be afforded all standards as provided in Policy and Administrative Procedure 01-04-101, "Adult Offender Classification."

POLICY AND ADMINISTRATIVE PROCEDURE

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-107	8/1/2018	3	9
Title THE USE AND OPERATION OF PROTECTIVE CUSTODY			

V. ADMISSION TO A PROTECTIVE CUSTODY UNIT:

A. Admission of an offender to a protective custody unit shall be documented in the unit log. The following information shall be recorded on the unit log:

1. The offender's name;
2. DOC number;
3. Date and time admitted;
4. Reason for admission;
5. Tentative release date;
6. Special medical/psychiatric problems/needs; and,
7. Any other information pertinent to the admission.

B. State Form 39588, "Restrictive Status Housing/Confinement Report," shall be completed at the time of admission.

C. At the time of admission to a protective custody unit, the offender's personal property shall be inventoried. All items shall be listed and the disposition of these items recorded on State Form 40093, "Restrictive Status Housing Unit Inventory List - Personal Property."

D. State Form 21255, "Offender Restrictive Housing Record," shall be prepared for each offender. This form shall document all routine activities of the offender. Unit staff shall maintain State Form 21255 in a controlled and secure area of the protective custody unit. After an offender is released from the unit, the form(s) shall be filed in the offender's facility packet.

All non-routine activities in which an offender participates shall be recorded on the unit log. The unit logs shall be maintained in accordance with an approved record retention schedule.

E. Immediately upon admission to protective custody, staff shall notify the facility's Health Services staff. Upon notification, a qualified health care professional shall review the offender's health record to determine whether there are any documented contra-indications to protective custody housing. If deemed appropriate by Health Services staff, the offender may also be interviewed to determine if any special health issues might be impacted by admission to protective custody.

VI. REVIEW PROCEDURES:

If the decision is to place an offender in protective custody, either voluntarily or involuntarily, the facility shall conduct a Classification Committee Hearing within seventy-two (72) hours of the offender's admission to the protective custody unit, excluding weekends and holidays, in accordance with Policy and Administrative Procedure 01-04-101, "Adult Offender Classification."

POLICY AND ADMINISTRATIVE PROCEDURE

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-107	8/1/2018	4	9
Title THE USE AND OPERATION OF PROTECTIVE CUSTODY			

The Classification Committee or other designated staff shall review all offenders assigned to a protective custody unit every seven (7) days for the first two (2) months and, at least, every thirty (30) days thereafter. The reviews shall be conducted in accordance with Policy and Administrative Procedure 01-04-101, "Adult Offender Classification." It shall not be necessary to hold a formal Classification Committee Hearing in order to complete this review. However, if the offender requests to be released from protective custody and reclassified, the thirty (30) day review may be combined with a full Classification Committee Hearing.

VII. RELEASE FROM PROTECTIVE CUSTODY UNIT:

An offender shall be released from protective custody whenever the Warden or designee determines that the need for separation no longer exists. The decision to release the offender may be based upon an investigation by the facility or upon a request from the offender. All releases from protective custody shall be made in accordance with the applicable Classification Policy.

- A. Based on the review, the Classification Committee may release an offender. The findings of the classification hearing shall indicate that the need for protective custody no longer exists.
- B. An offender who voluntarily entered protective custody may request, at any time, to be released from the unit. State Form 8063, "Request to Leave Self-Lockup," shall be used for this purpose. The Classification Committee or other designated staff shall review and approve such requests prior to removing the offender from protective custody.

VIII. CONDITIONS OF THE PROTECTIVE CUSTODY UNIT (See Operational Procedure):

- A. Offenders shall be notified when an opposite gender individual is in the unit. Staff shall announce the presence of the opposite gender individual in the unit and shall log the presence and announcement.
- B. Offenders shall be afforded the same State-issued clothing, bedding, linen and personal property on the same basis as offenders in the general population, consistent with Policy and Administrative Procedure 02-01-101, "Offender Personal Property." The amount of clothing permitted may be reduced if space limitations require such reduction.

Operational procedures shall specify the amount of clothing that an offender may possess while in protective custody.

- C. The facility shall determine the limits placed on the possession of other personal property while in protective custody. The facility may limit the amounts and types of property based upon space limitations in the unit and the safety and security of the facility. Such limitations shall not be based upon punitive action.

Operational procedures shall specify the types and amounts of property that shall be permitted.

POLICY AND ADMINISTRATIVE PROCEDURE

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-107	8/1/2018	5	9
Title THE USE AND OPERATION OF PROTECTIVE CUSTODY			

- D. Each offender shall receive the same meal provided offenders in the general population. Based upon the security needs of the unit, substitutes may be permitted. Substitute food items shall be indicated on the protective custody unit log. Prescribed medical diets, approved religious diets, and approved personal preference diets shall be provided in accordance with Policy and Administrative Procedure 04-01-301, "The Development and Delivery of Foodservices."
- E. Each offender shall retain the privilege of mail service as presented in Policy and Administrative Procedure 02-01-103, "Offender Correspondence." The amount of correspondence that an offender may possess, at any one time, may be reduced due to the size of the living area.
- F. Each offender shall be allowed the same visitation privileges as offenders in the general population in accordance with Policy and Administrative Procedure 02-01-102, "Offender Visitation," unless the offender abuses the visitation privilege. A facility may establish a separate visiting area for those offenders housed in protective custody. This visiting area may be a non-contact visit setting if the facility determines that such a setting is necessary for the safety and security of the facility and the persons involved. If the facility has the capability for video visitation, video visits are acceptable for protective custody offenders.

Operational procedures shall be developed which establish the manner and method of operation of the protective custody unit offender visitation program.

- G. Each offender shall be permitted access to the offender telephone system the same as offenders in the general population in accordance with Policy and Administrative Procedure 02-01-105, "Telephone Privileges", unless the offender is found to be abusing this privilege.

Operational procedures shall specify the manner in which offenders may make telephone calls.

- H. Each offender shall retain the right of access to legal materials in accordance with Policy and Administrative Procedure 00-01-102, "Offender Access to the Courts." The facility may limit the amount of legal material that an offender may possess in the immediate living area. This limit shall be based upon the amount of space available to the offender and the safety of the facility. Excess legal materials may be stored in the facility's property room. If the facility stores an offender's excess legal materials, it shall ensure that the offender may have access to these materials within twenty-four (24) hours of the offender's written request for access.

Each facility shall develop operational procedures to establish the manner and method to ensure this access.

POLICY AND ADMINISTRATIVE PROCEDURE

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-107	8/1/2018	6	9
Title THE USE AND OPERATION OF PROTECTIVE CUSTODY			

- I. Each offender shall be offered the opportunity to participate in physical recreation outside the immediate living area (cell). Offenders shall be offered a minimum of one (1) hour of recreation, five (5) days per week, unless security or safety considerations dictate otherwise. Based upon the security needs of the facility and the weather conditions, this recreation may be held outdoors or indoors.
- J. Each offender shall be offered a sufficient period of time, at least three (3) times per week, to shower and shave. This time shall not be counted against any other out-of-cell or bed area activity (e.g., recreation).
- K. Each offender shall be offered general personal services at the same frequency as provided other offenders. General personal services shall include, but are not limited to the following: clothing exchange, bedding and linen exchange and barbering services.
- L. Each offender shall have access to the facility commissary. The facility may develop a separate commissary list for offenders in protective custody which reduces the amount of items that an offender may purchase; however, these offenders shall continue to have the same access as the general population to over-the-counter medications and personal hygiene items. The development of a separate commissary list shall be in accordance with Policy and Administrative Procedure 02-01-108, "The Establishment and Operation of Commissaries." If such a commissary list is developed, a copy shall be attached to the operational procedures for this policy and administrative procedure and to the operational procedures for Policy and Administrative Procedure 02-01-108.
- M. Each offender shall have reasonable access to reading materials. Offenders shall be provided access to reading materials through the facility library. Also, offenders may possess a limited number of personally-owned books and a limited number of magazines and newspapers in accordance with the facility's operational procedure for Policy and Administrative Procedure 02-01-101, "Offender Personal Property."
- Operational procedures shall be developed to ensure access to reading materials and shall establish any limits on the amount of personally-owned reading materials that the offender may possess.
- N. Programs and services shall be provided to offenders either in the living areas (cells) or on the unit, based upon the security needs of the facility. Programs and services shall include, but are not limited to educational services, commissary services, library services, social services, counseling services, religious guidance, and recreational programs. A request system shall be in place that allows offenders in protective custody to meet with program and services staff members.
- O. The facility Chaplain shall visit the unit regularly, at least once per week, to address the religious needs of offenders.

POLICY AND ADMINISTRATIVE PROCEDURE

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-107	8/1/2018	7	9
Title THE USE AND OPERATION OF PROTECTIVE CUSTODY			

Operational procedures shall be developed in accordance with the provisions of Policy and Administrative Procedure 01-03-101, "The Development and Delivery of Religious Services," to ensure that the religious needs of the offenders on the unit are met.

- P. An appropriate sick call procedure shall be developed which requires medical personnel to evaluate and treat offenders for illness or injury. Requests for evaluation may be initiated by staff or offenders. Health Services staff shall visit the protective custody unit daily to observe all offenders in the unit. A record shall be made in the unit log recording Health Services staff visited the unit and met with offenders. All prescribed medications shall be dispensed by medical personnel. Health Services staff shall provide services to offenders in protective custody in accordance with Health Care Services Directive 2.25A, "Health Evaluation of Offenders in Restrictive Status Housing."
- Q. Each offender shall have access to the Grievance system in accordance with Policy and Administrative Procedure 00-02-301 "The Offender Grievance Process."
- R. Offenders in protective custody who otherwise would be eligible for an offender work assignment shall be paid State wages at the same rate as similarly situated offenders in administrative restrictive status housing or those offenders who are in an idle with pay status in the general offender population of the facility. Offenders who participate in a work program, such as maintenance detail, shall receive the same State wages as other offenders performing similar work assignments.
- S. Whenever an offender in protective custody is deprived of any usually authorized item or activity, a report of the action is file in the offender's facility packet. A copy of the report shall be forwarded to the Custody Supervisor.

IX. OBSERVATION OF OFFENDERS:

The facility shall ensure that each offender is observed personally by a Correctional Officer assigned to the unit at least every thirty (30) minutes on an irregular schedule. Offenders that appear to be violent, mentally disturbed, or who demonstrate unusual or bizarre behavior shall receive more frequent observation. Any offender who appears to be exhibiting suicidal ideation or who has expressed an intention to commit suicide shall be maintained under constant observation until a qualified mental health professional examines the offender. Health Services staff shall thereafter determine the needs of the offender until the offender is no longer suicidal.

Any offender who remains in protective custody for more than thirty (30) days shall be personally interviewed by a qualified mental health professional. The qualified mental health professional shall prepare a written report on any offender remaining in protective custody for more than thirty (30) days. If protective custody status continues beyond thirty (30) days, a mental health assessment by a qualified mental health professional is made every thirty (30) days for offenders with an identified mental health need, and every three (3) months for all other offenders. These assessments may be conducted more frequently if prescribed by the facility medical director.

POLICY AND ADMINISTRATIVE PROCEDURE

Indiana Department of Correction

Manual of Policies and Procedures

Number	Effective Date	Page	Total Pages
02-01-107	8/1/2018	8	9
Title			
THE USE AND OPERATION OF PROTECTIVE CUSTODY			

X. INSPECTIONS:

The highest ranking custody supervisor on-duty in the facility shall inspect the protective custody unit daily to ensure a safe and efficient operation. The staff person shall:

- A. Examine the general cleanliness and security of the unit;
- B. Ensure personal hygiene opportunities are being offered;
- C. Review unit records; and,
- D. Examine all areas in relation to the rights and privileges of the offenders as well as the general operation of the unit.

XI. STAFF ASSIGNMENTS:

Staff persons assigned to the protective custody unit who work routinely with offenders on a daily basis shall be reviewed, reassigned, or rotated periodically in accordance with this policy and administrative procedure. Such assignments, reassignments, and/or rotations shall be made in the best interests of the staff person, facility operations, and security. The decision to deviate from this policy and administrative procedure shall be made by the Warden, Deputy Wardens, Custody Supervisor, and/or Unit Team Manager in consultation with the appropriate Regional Director. Such decisions shall be based solely on operational and security needs.

Before being assigned to a protective custody unit, staff members must have at least six (6) months of departmental experience with satisfactory work performance.

Staff shall be given on-the-job training in accordance with Policy and Administrative Procedure 01-05-101, "Staff Development and Training."

A staff person, Custody and non-Custody, assigned to a protective custody unit who has routine contact with offenders shall be reviewed once every six (6) months, to determine whether the staff person is experiencing job burn-out or other job-related problems. The staff person's immediate supervisor shall complete this review. This review shall be documented completely on State Form 51852, "Restrictive Status Housing Unit Staff Review." State Form 51852 shall be forwarded to the Shift Supervisor, if the staff person being reviewed is a member of Custody staff. For a review of a non-custody staff person, State Form 51582 shall be forwarded to the Unit Team Manager. The Deputy Warden of Operations, the Deputy Warden of Re-Entry, the Unit Team Manager, and the Custody Supervisor shall review all staff evaluations to determine what actions, if any, are necessary to ensure the proper level of unit security is maintained. The results of the review may include placing the staff person on a work improvement plan, reassignment, or other action necessary to correct the situation and maintain security. The completed State Form 51852 shall be filed in the staff person's fact file and personnel packet.

XII. MAINTENANCE OF PERMANENT VISITORS' LOG:

Anyone not assigned to work on the protective custody unit who enters the unit, except in emergency situations, shall sign a unit log, including name, date and time. State Form 37621,

POLICY AND ADMINISTRATIVE PROCEDURE

Indiana Department of Correction

Manual of Policies and Procedures

Number 02-01-107	Effective Date 8/1/2018	Page 9	Total Pages 9
Title THE USE AND OPERATION OF PROTECTIVE CUSTODY			

“Restrictive Status Housing Unit Visitor’s Log,” shall be used for this purpose. The unit log shall be maintained on the unit until it is filled. It shall be maintained in accordance with applicable records retention schedules.

XIII. EMERGENCY RESTRICTION:

A need may arise to restrict an offender from one or more of the previously addressed activities itemized in these procedures. A situation may arise when an offender abuses a particular activity and threatens the safety and/or security of the facility, staff or other offenders. In those cases where an offender is deprived of any activities normally offered, State Form 16050, “Adult Restrictive Status Restriction Report,” shall be completed. This report shall be forwarded to the Shift Supervisor for review, approval, signature, and appropriate distribution.

When the Warden determines that an emergency situation exists as presented in Policy and Administrative Procedure 02-03-102, “Emergency Response Operations,” any activities extended under this policy and administrative procedure may be temporarily suspended until the emergency situation is resolved. In such cases, it will not be necessary to advise each offender that these procedures are suspended. When the Warden determines that the emergency situation is no longer in existence, any activities suspended due to the emergency shall be reinstated as quickly as possible.

XIV. APPLICABILITY:

This policy and administrative procedure shall be applicable to all department facilities housing adult offenders. Facilities without a protective custody or similar unit may request the transfer of those offenders in need of protective custody to a facility with such a unit. Any such transfer shall be in accordance with any applicable procedures in Policy and Administrative Procedure 01-04-101, "Adult Offender Classification."

signature on file
Robert E. Carter, Jr.
Commissioner

Date