



**MISSISSIPPI DEPARTMENT
OF
CORRECTIONS**

**SOP NUMBER
19-01-02**

**AGENCY WIDE
INSTITUTIONS**

PROTECTIVE CUSTODY

**INITIAL DATE
11-15-2007**

ACA STANDARDS: 4-4250, 4-4251, 4-4253, 4-4254, 4-4256, 4-4273

**EFFECTIVE DATE
09-01-2010**

STATUTES:

NON-RESTRICTED

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APPLICABILITY:

This procedure applies to all offenders incarcerated in the Mississippi Department of Corrections and employees responsible in the management operation and classification process.

POLICY STATEMENT:

It is the policy of the Mississippi Department of Corrections (MDOC) to establish and maintain procedures for housing assignments of offender(s) who have been recommended for protective custody and/or require protective measures.

DEFINITIONS:

Segregation – The confinement of an offender(s) to an individual cell, barrack style or dormitory(s) apart from the general population.

Protective Custody (P.C.) – A form of separation from the general offender population where the offender has requested or the administration concludes that the continued presence in general population would pose a threat to life, property, self, staff, other offenders or the security and/or orderly running of the facility.

Protective Measures – Recommended actions taken to provide for an offender's safety based upon presumed or substantiated threat of danger.

Protective Custody Housing Unit – An offender's living quarters which are dormitory and/or double bunked designed for protective custody offenders. The housing units' locations will be determined by the Commissioner of Corrections or designee.

Institutional Classification Hearing Officer (ICHO) – An employee appointed by the Commissioner through Executive Order who systematically reviews the behavior, program needs, custody and security requirements of offenders at the institutional level and submits recommendations to the Warden/designee for review and approval.

State Classification Authority – The Director of Offender Services/designee as directed by the Commissioner will review, and approve or deny all institutional/facility recommendations for inter-facility transfers, custody changes, protective custody, sensitive job placement and trusty status.

Detention Notice – Written notification that documents the reason for an offender's reassignment.

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Red Tags – A form of separation from specific offenders(s) which is entered as Keep Separates in Offendertrak.

General

Adult Correctional Institutions: **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 [4-4251].**

If a request for protective custody is made by an offender, the offender may be placed in administrative segregation pending protective custody.

The Facility Controlling Authority will ensure an in-depth investigation is conducted including interviews with the case manager, facility classification authority, other involved staff, review of KEEP SEPARATES, and contacts with outside agencies as deemed appropriate by the facility controlling authority. Staff will review and discuss with the offender, all aspects of the request for protective custody.

The offender will be informed that failure to cooperate will be a factor considered in the final decision and the protective custody request may be denied.

Available Protective Measures

The Mississippi Department of Corrections will initiate the least restrictive and most appropriate protective measures for offender(s) when there is reasonable belief an offender is in imminent danger of physical harm. Available protective measures include:

1. Assignment to other general population housing within the same facility may be an option.
2. The inmate may be transferred to another facility of equal or higher security.
3. Placement in a protective custody housing unit at Mississippi State Penitentiary (MSP), Central Mississippi Correctional Facility (CMCF), South Mississippi Correctional Institution (SMCI), Walnut Grove Youth Correctional Facility (WGYCF) or Wilkinson County Correctional Facility (WCCF).

Procedures

Adult Correctional Institutions: **The warden/superintendent or shift supervisor can order immediate segregation when it is necessary to protect the inmate and others. The action is reviewed within 72 hours by appropriate authority [4-4250].**

If the Facility Controlling Authority has determined no other protective measure will remedy the situation and protective custody is warranted, the offender will be placed in administrative segregation pending protective custody.

A Detention Notice will be initiated by the Shift Supervisor, or any MDOC personnel having factual knowledge of the circumstances, clearly stating the reason(s) for the recommendation of the offender for placement in protective custody.

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An alert should be activated in Offendertrak detailing the requested status and a narrative of the details of facts supporting the recommendation.

The Detention Notice and all supporting documentation (which includes a red tag, if applicable), will immediately be forwarded to the Warden/designee for review and a copy forwarded to State Classification.

Within twenty-four (24) hours, the document will be forwarded to the Associate Warden, Case Manager and to the offender.

Adult Correctional Institutions: Written policy, procedure, and practice provide that a qualified mental health professional personally interviews and prepares a written report on any inmate remaining in segregation for more than thirty days. If confinement continues beyond thirty days, a mental health assessment by a qualified mental health professional is made at least every three months – more frequently if prescribed by the chief medical authority [4-4256].

Protective Custody placement will be made only when there is full documentation that such action is warranted and no other available protective measure is determined.

Continued Placement on Protective Custody

Adult Correctional Institutions: 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 [4-4253].

The Case Manager or Correctional Counselor will review inmates assigned to protective custody units every seven (7) days for the first two months and every thirty (30) days thereafter. With each review, alternative measures will be considered in order to have inmates in protective custody units for the least amount of time necessary.

The Institutional Classification Hearing Officer (ICHO), Case Manager or Correctional Counselor may recommend the following:

- the return of the inmate to the general population
- transfer the inmate to general population, while remaining at the same security level
- transfer the inmate to general population at another security level
- remain in the protective custody unit

Removal from Protective Custody

Adult Correctional Institutions: Written policy, procedure, and practice specify the review process used to release an inmate from administrative segregation and protective custody [4-4254].

An inmate may initiate a removal from protective custody by requesting in writing, through the assigned Case Manager or Correctional Counselor.

Upon receipt of such a request, the inmate's assigned Case Manager or Correctional Counselor

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will ensure a staff request is forwarded to the State Classification Authority. An inmate placed on protective custody may not be removed from that status without Warden/designee review and final approval of the State Classification Authority.

Release from protective custody may be recommended by the Institutional Classification Hearing Officer (ICHO) when one of the following stipulations occurs:

- The adverse condition, which required the offender to be placed on protective custody, is no longer present.
- Information and/or evidence developed during the period of confinement indicate conditions have changed and the offender no longer poses a threat to himself or others.
- The offender is found guilty of accused behavior by the Disciplinary Hearing Officer and recommended to be moved to a more restricted status as dictated by hearing findings.

Conditions of Protective Custody

The following conditions will generally apply to an offender housed in a Protective Custody Housing Unit. An offender may be denied any specific condition(s) listed in this section or face restrictions to ensure order, control and/or protection. Any such restriction(s) will be authorized by the Warden/designee and documented in the Protective Custody Housing Unit log. Protective Custody offenders will be kept separate from General Population offenders and activities will be directly monitored by staff.

Consistent with safety and security, the following conditions for offenders assigned to each Protective Custody Housing Unit will reasonably resemble the living conditions provided to general population offenders assigned to the facility and in accordance with MDOC policy and procedures:

- Housing (to include square footage, selectively double bunking/single cell, furnishings, ventilation, lighting, heating and sanitation)
- Clothing
- Personal hygiene (to include hair care)
- Food
- Linen and laundry
- Access to court
- Mail
- Telephone
- Visits
- Day room access
- Health care
- Personal property

***Adult Correctional Institutions:* Written policy, procedure and practice provide that inmates in administrative segregation and protective custody have access to programs and services that includes, but are not limited to, the following: educational services, commissary services, library services, social services, counseling services, religious guidance, and recreational programs [4-4273].**

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Each offender assigned to a Protective Custody Housing Unit may have access to programs consistent with safety and security.

Library services will be provided at each Protective Custody Housing Unit by allowing access to specific and available library materials, a library cart and/or direct access to the facility library at the same frequency per week as General Population offenders.

Protective Custody offenders will not be routinely restrained when released from their living quarters. The facility's controlling authority may, however, require the application of restraints in accordance with Policy 16-05, Use of Restraints, and corresponding procedure.

Inmates housed in a Protective Custody Housing Unit are allowed property and privileges commensurate with the general population.

Protective Custody Housing Units will be secure from access by the remainder of the offender population.

This requirement extends to program and activity areas used by protective custody offenders. Offenders transferred to a Protective Custody Housing Unit designated by the Mississippi Department of Corrections will be selectively double-bunked.

When Protective Custody inmates are double-bunked, they should be of the same custody level. The Warden or designee will assess compatibility prior to the assignment of all double-bunked offenders within the Protective Custody Housing Units.

All Protective Custody Housing Units will be monitored on an irregular basis at least every thirty (30) minutes. Documentation of these checks will be documented in the unit log.

DOCUMENTS REQUIRED:

As required by this procedure and through the chain of command.

ENFORCEMENT AUTHORITY	
Reviewed and Approved for Issuance	 Deputy Commissioner of Institutions
	8/23/10 Date