Minnesota Department of Corrections

Policy Number:	**301.085**
Title:	**Administrative Segregation**
Effective Date:	**7/1/19**

PURPOSE: To provide guidelines and procedures governing the placement of offenders in administrative segregation, including on pre-hearing detention status.

APPLICABILITY: All adult facilities

DEFINITIONS:

Administrative segregation – a non-punitive form of separation from the general population when an offender's continued presence in the general population poses a serious risk of harm to self, others, or property, or a serious threat to the security or orderly operation of the facility.

Pre-hearing detention – a specific form of administrative segregation pending disciplinary action for alleged violations of prison rules.

Serious mental illness – see Policy 500.300, "Mental Health Observation."

PROCEDURES:

A. Reasons for Placement on Administrative Segregation Status

1. Offenders may be placed on administrative segregation status when they meet one or more of the following criteria:
   a) They require protection from other offenders;
   b) They require separation from other offenders for medical or mental health reasons;
   c) They are under investigation for possible disciplinary or criminal charges and a credible risk exists that the investigation will be compromised if they remain in the general population;
   d) They pose a serious threat to themselves, others, or to the security of the facility;
   e) They are being held for another authority or pending transfer; or
   f) A decision regarding placement in the restrictive housing step-down management program is pending. (See Policy 301.088, "Restrictive Housing Step-Down Management Program.")

2. Offenders who are believed to have committed severity level 4 or 5 rule violations may immediately be placed in administrative segregation pending review and the completion of an investigation. See 303.010I, "Offender Discipline Rules." Once the investigation is completed, the offender may be placed on pre-hearing detention status pending disciplinary proceedings.

3. When an offender faces a credible threat from other offenders, alternatives to administrative segregation in a restrictive housing unit should be considered. See Policy 202.120, "Offender Incompatibility."

4. An offender with a serious mental illness (SMI) must not be placed in administrative segregation unless a mental health practitioner determines that such placement is not

contraindicated or the offender presents such an immediate and serious danger that there is no reasonable alternative.

B. Initial Placement on Administrative Segregation Status

1. Any staff person may refer an offender for placement on administrative segregation status by completing the Administrative Segregation Order form (attached). The reasons for placement must be identified on the form and supported by objective evidence. The referring staff person must obtain a supervisor's approval for placement of an offender on administrative segregation status.

2. Staff must notify medical and mental health services whenever an offender is placed on administrative segregation status.

C. Reviews of Placements on Administrative Segregation Status

1. The warden and other facility administrators must regularly review offenders on administrative segregation status with the goal of transitioning them back to less restrictive housing as soon as it is safe to do so. Offenders must remain on administrative segregation status for no longer than necessary to address the reasons for the placement.

2. An initial review must occur within 24 hours of placement and be conducted by a facility supervisor who was not involved in the initial placement decision and who is a higher authority.

3. The warden/designed must conduct subsequent reviews every seven days for the first 60 days of the placement and every 30 days thereafter.

4. Reviews are documented on the Administrative Segregation Review form (attached).

5. Offenders may request review of their placement on administrative segregation status by sending a kite to the warden/designee. When possible, the warden/designee must respond to the request within five business days.

D. Access to Privileges and Programs on Administrative Segregation Status

1. Offenders on administrative segregation status have telephone and visiting privileges, as well as access to educational programming, canteen, library services, religious programming, recreation, case management services, hair care, laundry, medical and behavioral health care, and legal materials.

2. Access to privileges and programming may be restricted if the offender's behavior indicates risk to safety or security. Facilities may develop operating guidelines for allowing and restricting access to privileges and programs.

E. Release from Administrative Segregation Status

1. An offender must be released from administrative segregation status when the reasons for the placement no longer exist and a plan has been implemented to transition the offender to the general population.

2. Absent a compelling reason, offenders must not be released directly from administrative segregation to the community.

F. Pre-Hearing Detention

1. A facility watch commander or a higher authority may place an offender on pre-hearing detention status pending disciplinary action when the offender is believed to have committed a rule violation and there are reasons to believe the offender presents:
   a) A risk to the security or orderly operation of the facility;
   b) A threat to the safety of staff or other offenders; or
   c) A credible risk of compromising a disciplinary investigation.

2. Staff must complete a Pre-Hearing Detention Order and Review form (attached) identifying the reasons for placement on pre-hearing detention status and describing the offender's behavior relating to the alleged rule violation. It is not sufficient to merely list the discipline rules allegedly violated.

3. The watch commander or higher authority deciding whether the offender will be placed on pre-hearing detention status must:
   a) Review the detention order for completeness and accuracy,
   b) Ensure the detention criteria are met,
   c) Ensure incident reports regarding the alleged rule violation are written by the appropriate staff,
   d) Sign and date the detention order,
   e) Notify medical and mental health services of the offender's placement,
   f) Contact appropriate medical or mental health staff if there are concerns about the offender's placement on pre-hearing detention status, and
   g) Ensure a copy of the detention order is provided to the offender.

4. Immediately following an offender's placement on pre-hearing detention status, a copy of the detention order must be forwarded to the discipline unit.

5. Within 24 hours of being notified of an offender's placement on pre-hearing detention status, a nurse must:
   a) Complete a health screening and immediately notify the watch commander if the results of the screening indicate the offender is at imminent risk for self-harm, suicide, exhibits debilitating symptoms of a serious mental illness, or requires emergency medical care, and
   b) Ensure the offender's keep-on-person prescribed medications, if any, are retrieved from the living unit,

6. A higher authority who was not involved in the initial placement decision (e.g., the warden or designee) must review the offender's placement on pre-hearing detention status within the first 24 hours. If the detention criteria no longer apply, the offender must be removed from pre-hearing detention status and placed on another status or returned to the general population.

7. Distribution of the Pre-Hearing Detention Order and Review form
   a) Immediately following an offender's placement on pre-hearing detention, a copy of the detention order is forwarded to the discipline unit.

   b) Following the offender's removal from pre-hearing detention, a completed copy of the detention order as well as the review forms are loaded into the Offender Document System (ODocS).

INTERNAL CONTROLS:

A. The Administrative Segregation Order form, Administrative Segregation Review form, and other documentation regarding an offender's placement on administrative segregation status are retained within the facility's operations division.

B. The Pre-Hearing Detention Order and Review form is retained in ODocS.

ACA STANDARDS: 4-4235, 4-4249, 4-4250, 4-4251, 4-4252, 4-4253, 4-4254, 4-4256, 4-4271, 4-4273, 4-4400

REFERENCES: Minn. Stat. §§ 241.01, subd. 3a(b); 243.521 (2019 1st Special Session Chapter 5, Article 3, Section 10)
Division Directive 303.101, "Kites/Communication"
Policy 202.120, "Offender Incompatibility"
Policy 301.083, "Restrictive Housing Management"
Policy 301.088, "Restrictive Housing Step-Down Management Program"
Policy 500.300, "Mental Health Observation"

REPLACES: Policy 301.085, "Administrative Segregation," 6/3/19.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Administrative Segregation Order (301.085A)
Administrative Segregation Review (301.085B)
Pre-Hearing Detention Order and Review (301.085C)

APPROVALS:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
Assistant Commissioner, Facility Services

Instructions
301.085OPH, "Administrative Segregation"