DEPARTMENT OF CORRECTIONS

Policy Number:	**301.088**
Title:	**Restrictive Housing Step-Down Management Program**
Effective Date:	**9/17/19**

PURPOSE: To outline program procedures to ensure that certain offenders in restrictive housing who present an increased risk to the safety, security, or orderly operation of the facility can gradually transition back to general population or the community.

APPLICABILITY: All adult facilities

DEFINITIONS:
Serious mental illness (SMI) – see Policy 500.300, "Mental Health Observation."

Step-down management program coordinator – a designated caseworker or other staff person who coordinates step-down management program reviews and associated documentation. If the facility does not have a step-down management program coordinator, the offender's caseworker or other designated staff will perform these functions.

Step-down management program team – a multidisciplinary team established to review whether an offender in restrictive housing meets the criteria for the step-down management program, make written recommendations for program placement and completion, and determine program progression or regression. At a minimum, the team includes the step-down management program coordinator, the restrictive housing program director/designee, a restrictive housing lieutenant or sergeant/officer in charge (OIC), the discipline supervisor or designee, the offender's caseworker, a mental health staff person, and a representative from facility administration such as the warden, associate warden of operations, or captain. Medical personnel must be part of the multidisciplinary team for offenders who have chronic care or other significant medical needs.

Substantial security risk – a designation given to offenders who are deemed to pose a serious risk to safety or security due to one or more instances of violent, assaultive, or aggressive behavior towards staff or other offenders.

PROCEDURES:

A. Referral for Step-Down Management Program

1. An offender who has been found guilty of a severity level 4 or level 5 rule violation must be referred for placement in the Step-Down Management Program following completion of disciplinary segregation. See 303.010I, "Offender Discipline Rules." The facility program director or the offender's assigned caseworker must complete a Referral for Step-Down Management Program form (attached).

2. Any staff person may refer other offenders who are in restrictive housing and have exhibited behaviors meeting one or more of the criteria listed in Procedure B (below), including while in prison, jail, a work release program, or a secure treatment facility, for possible placement in the step-down management program. The referring staff person

must complete the Referral for Step-Down Management Program form (attached) and forward it to the facility program director or the offender's caseworker.

B. Criteria for Referral

To be eligible for placement in the step-down management program, an offender in restrictive housing must meet one or more of the following criteria.

1. The offender has been housed on disciplinary or administrative segregation status for at least 180 consecutive days.

2. The offender refuses to reside in general population or cooperate with a suitable placement.

3. Assault and related acts:
   a) The offender caused or attempted to cause bodily harm, significant bodily harm, or death to another person.

   b) The offender compelled or coerced another person, by force or threat of significant bodily harm or death, to provide anything of value, perform any act, or violate any rule (e.g., extortion).

   c) The offender compelled, coerced, or attempted to compel another person to engage in non-consensual sexual conduct or sexual contact.

4. The offender, on more than one occasion, engaged in threatening behavior, including any communication or behavior directed at another that declares or implies intimidation or threat of serious harm to another or another's family.

5. The offender has demonstrated an inability to adjust to incarceration through repetitive misbehavior or seriously disruptive behavior.

6. The offender led, organized, or incited a serious disturbance or riot that resulted in the taking of a hostage, significant property damage, bodily harm, or loss of life in a correctional setting.

7. The offender conspired or attempted to introduce or possess dangerous contraband that posed a serious threat to the security of the institution. This includes:
   a) Deadly weapons,
   b) Ammunition,
   c) Escape paraphernalia, or
   d) Illegal drugs.

8. The offender escaped or attempted to escape from a secure facility, or committed related acts such as helping or facilitating another's escape from a secure facility.

9. The offender acted as a leader, enforcer, or recruiter of a security threat group that was actively involved in behaviors, including assault or extortion, which disrupted the safety and security of the institution.

10. The offender knowingly exposed others to the risk of contracting a bloodborne pathogen.

11. The offender set a fire in a correctional setting that presented a risk of serious physical harm to others, or resulted in serious physical harm or extensive property damage.

12. The offender compelled or coerced a staff member to engage in conduct that posed a threat to the security of the institution or the general public.

13. The nature and characteristics of the offender's crime of conviction constitute a current threat to the security and orderly operation of the institution or the safety of others. Examples include serious assaults against law enforcement, crimes of exceptional violence, participation in organized criminal activity, or actions indicating a serious escape risk.

14. The offender has been found guilty of a severity level 4 or level 5 rule violation.

C. Mental Health Screening

1. Before an offender is reviewed for placement in the step-down management program, mental health staff must complete a Mental Health Screening for Step-Down Management Program Placement Consideration form (attached).

2. The screening must consider whether the offender has a serious mental illness (SMI), exhibits or has previously exhibited suicidal or self-injurious behaviors, and the potential risk of self-harm if the offender continues to reside in restrictive housing while in the program.

3. If mental health staff believe the offender's behavior may be more appropriately treated through alternative interventions or programming, or determine that the offender's actions were the result of mental illness, this information must be provided to the step-down management program team for consideration and discussion.

4. Offenders with an SMI may not be placed in the program absent the approval of mental health staff and the warden.

5. If, during the course of step-down management programming, mental health staff deem the step-down management program no longer appropriate for an offender, staff must remove the offender from the step-down management program and provide alternative interventions or programming to the offender.

D. Step-Down Management Program Team Review

1. The step-down management program team must convene to consider, review, and provide a written recommendation regarding an offender's placement in the step-down management program.

   a) The program director/designee or the offender's caseworker must arrange the attendance of, or seek input from, office of special investigations staff and health services staff if the offender has concerns in these areas.

   b) The step-down management program team may require other staff members to attend, as necessary, to provide relevant information regarding the offender's possible placement in the program.

c) The offender must have the opportunity to be present at the step-down management program placement review and/or to present a written statement regarding placement in the program.

2. The step-down management program team may recommend placement in the program if it determines that the offender has engaged in behavior that meets the criteria set forth in Procedure B based on all of the information, facts, and evidence reviewed.

3. In deciding whether to recommend an offender for program placement, the step-down management program team should also consider:
   a) The safety and security of the offender, and any known threat the offender poses to the safety of staff, offenders, or others. Each offender must be individually reviewed to evaluate the risk the offender objectively poses to others.

   b) The offender's mental health status and needs, based on information and recommendations provided by mental health staff.

   c) The offender's behavioral history while incarcerated and the results of any past interventions or attempts to move the offender from a restrictive housing unit to the general population.

   d) The offender's programming needs.

4. If the offender is 180 days or less from release to the community, the team must consider a recommendation to modify or reduce the durations of program steps, with the goal of providing the offender an opportunity to be released from the general population.

5. The step-down management program coordinator or the offender's caseworker must document the information discussed and the recommendation made by the step-down management program team on the SDMP Multidisciplinary Placement Staffing form (attached).

6. Offenders referred under Procedure B.14 must be placed in the step-down management program immediately following completion of disciplinary segregation unless they do not qualify based on Procedure C. The step-down management program team, however, must still follow the placement steps outlined above.

E. Step-Down Management Program Placement Decision

1. The program director/designee or the offender's caseworker must forward the step-down management program team's written recommendation to the deputy commissioner – facility division or designee within five business days, whenever possible.

2. The deputy commissioner – facility division or designee reviews the recommendation and determines if adequate justification exists to place the offender in the step-down management program. The deputy commissioner's or designee's decision to place an offender in the step-down management program is final and not subject to further review by appeal or grievance.

3. The step-down management program coordinator or the offender's caseworker communicates the assistant commissioner's decision to the offender.

4. The step-down management program coordinator or the offender's caseworker must document the decision as a Special Program Review Team (PRT) in the Correctional Operations Management System (COMS), including:
   a) The basis for the decision;

   b) The projected length of time in the program (if applicable); and

   c) Expectations for the offender's behavior and program participation (if applicable).

F. Step-Down Management Program Components
1. The step-down management program consists of five levels, which give offenders an opportunity to enhance and demonstrate their readiness to return to general population or the community through successful participation in prescribed programming and by earning progressive privileges through advancement in the established program levels.
   a) Step 0
   This is the most restrictive level and often results from an offender's negative behaviors following initial placement in the step-down management program. This step is a maximum of 15 days in duration, during which the offender may not receive visits and has minimal phone, canteen, property, and recreation privileges.

   b) Step 1
   Absent special circumstances, this is the entry level for all offenders placed in the step-down management program. This step is reviewed every 30 days and occurs within a restrictive housing unit. Programming is provided at cell front or in one-on-one meetings in a secure location outside the cell. Exercise may be alone or with other offenders.

   c) Step 2
   This step is reviewed every 30 days and occurs within a restrictive housing unit. Programming is provided in one-on-one or small group meetings in a secure location outside the cell. The offender receives expanded phone, canteen, property, electronics, group recreation, and visiting privileges.

   d) Step 3
   This step is reviewed every 30 days and occurs within a special housing unit or special housing cell. In MCF-SHK, this step may occur within the restrictive housing unit. Programming is provided in one-on-one or small group meetings in a secure or non-secure location outside the cell. The offender receives expanded phone, canteen, property, electronics, group recreation, and visiting privileges.

   e) Step 4
   This is the final step of the program. This step is reviewed every 30 days and occurs within a special housing unit or special housing cell. Programming is provided in one-on-one or small group meetings in a location outside the cell. The offender receives the same phone, canteen, property, electronics, and visiting privileges as those in general population. Recreation occurs within and outside the living unit.

2. Specific activities, privileges, and property associated with each level are identified on the Step-Down Management Program Grid (attached).

3. Upon entering the step-down management program, offenders will receive orientation to the program and an individualized case plan.
   a) Restrictive housing unit staff, the step-down management program coordinator, or the offender's caseworker must provide orientation materials and information to step-down management program offenders.

   b) The step-down management program coordinator, in conjunction with the offender's caseworker, must establish a case plan with input from the offender and security, education, mental health, and health services staff. The step-down management program coordinator or the offender's caseworker must document the case plan in the case notes section of COMS.

   c) The case plan must document the offender's goals in the following areas:
      (1) Compliance with the behavioral expectations of incarceration.
      (2) Cognitive skills programming progress.
      (3) Skills building demonstration progress.
      (4) Additional programming in mental health or academic education as appropriate.
      (5) Pre-release programming, if applicable.

4. Substantial Security Risk Designations
   a) Offenders in the step-down management program may be considered for a substantial security risk designation at any time. Offenders who have been designated substantial security risks are not eligible to participate in steps 3 and 4 in a special housing unit until the designation is removed.

   b) For an offender to be designated a substantial security risk, the step-down management program team must complete a SDMP Substantial Security Risk Placement form (attached) and obtain approval from the deputy commissioner – facility division or designee.

   c) A substantial security risk designation may be removed with the approval of both the step-down management program team and the deputy commissioner – facility division or designee. The team must complete a SDMP Substantial Security Risk Removal form (attached) and forward it to the deputy commissioner – facility division or designee for review and removal.

   d) Once a substantial security risk designation is removed, an offender is eligible to move to a special housing unit or special housing cell on steps 3 and 4 of the step-down management program.

   e) In the event an offender requires immediate placement into the MCF-Oak Park Heights Transitional Care Unit or Mental Health Unit due to medical or mental health crisis, the deputy commissioner – facility division or designee must be notified within one business day. During the period of placement in the specialized medical or mental health unit, the offender must exercise alone and be restrained in the presence of staff until the substantial security risk designation is removed.

5. Step Movement – Regression, Retention, Progression

a) All offenders in the program receive a step-down management program team review at least every 30 days. The offender will have the opportunity to be present and make a statement at the review every 90 days. The results of the review must be documented on the Step-Down Management Program Team Review form (attached) and in the case notes section of COMS.

b) Offenders may move up a step, down one or more steps, or be retained at the current step.

c) An offender may move between steps 0, 1, 2, and 3 within the restrictive housing unit with majority approval from the step-down management program team. Movement between steps will generally occur following the review.

d) If an offender is being considered for a step 3 or 4 placement in a special housing unit or special housing cell, the special housing unit program director/designee and associate warden of operations/designee must be included in the review team, and the offender must have the opportunity to be present during the review.

e) All offender movement to a special housing unit or special housing cell requires the approval of the associate warden of operations/designee.

f) Step-down management program team decisions regarding program regression, retention, or progression are final and not subject to further review by appeal or grievance.

g) An offender who is sanctioned with disciplinary segregation while participating in the step-down management program must complete the sanction before resuming the program. The step-down management program team determines what step the offender will return to within the program after completing the disciplinary segregation. SDMP individual programming services may continue while the offender is serving disciplinary segregation.

G. Step-Down Management Program Completion/Removal

1. The step-down management program team reviews program offenders to make recommendations regarding completion of the step-down management program and return to the general population.

2. The step-down management program coordinator, restrictive housing program director, and the offender's caseworker present information to the team regarding the offender's progress in the program.

3. The step-down management program coordinator or the offender's caseworker documents the team's recommendation on the Step-Down Management Program Team Review – Program Completion/Removal form (attached) and forwards it to the appropriate authority within five business days, whenever possible.

4. For all offenders, removal from the program and return to the general population requires the approval of the deputy commissioner – facility division or designee.

5. The decision of the deputy commissioner – facility division or designee regarding program completion and return to general population is final and not subject to further review by appeal or grievance.

6. The step-down management program coordinator or the offender's caseworker must communicate the decision of the deputy commissioner – facility division or designee to the offender and retain a copy of the decision in the offender's electronic file.

7. In the event an offender is removed from the step-down management program prior to successful completion (e.g., due to mental health concerns, release from the facility, etc.), the step-down management program coordinator or the offender's caseworker documents the reason for the removal on the Step-Down Management Program Team Review – Program Completion/Removal form and forwards the form to the appropriate authority, within five business days whenever possible.

H. Documentation

1. The step-down management program coordinator must ensure appropriate documentation occurs for each offender in the step-down management program, including:
   a) The step-down management program team's review notes and recommendations;

   b) The decision of the deputy commissioner – facility division or designee relating to placement; and

   c) The decision of the deputy commissioner – facility division or designee relating to release from the program.

2. The file is maintained in the offender's electronic file, with the exception of the Mental Health Screening for Step-Down Management Program Placement Consideration form (attached), which is maintained in the offender's mental health record.

3. The step-down management program coordinator or the offender's caseworker are responsible for inputting and uploading all information.

I. Reporting

The department of corrections must submit a qualitative report detailing outcomes, measures, and challenges to implementation of the step-down management program by April 1, 2020 to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over public safety and judiciary. The commissioner's office must retain these reports according to retention schedules.

INTERNAL CONTROLS:

A. All documents pertaining to step-down management program offenders are maintained in the offender's electronic file, with the exception of the Mental Health Screening for Step-Down Management Program Placement Consideration form, which is maintained in the offender's mental health record. The step-down management program coordinator or the offender's caseworker are responsible for inputting and uploading all information.

B. Reports to the legislature are retained by the commissioner's office according to retention schedules.

ACA STANDARDS: 5-4B-0032

REFERENCES: Minn. Stat. § 243.521, subds. 4 and 9 (2019 1st Special Session Chapter 5, Article 3, Section 10)
Policy 301.083 "Restrictive Housing Management"
Policy 301.085, "Administrative Segregation"
Policy 303.010 "Offender Discipline"
Policy 500.300, "Mental Health Observation"

REPLACES: Policy 301.088, "Restrictive Housing Step-Down Management Process," 7/1/19
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Referral for Step-Down Management Program (301.088A)
Mental Health Screening for Step-Down Management Program Placement Consideration (301.088B)
Step-Down Management Program Grid (301.088C)
Step-Down Management Program Team Review (301.088D)
Step-Down Management Program Team Review – Program Completion/Removal (301.088E)
SDMP Multidisciplinary Placement Staffing (301.088F)
SDMP Substantial Security Risk – Placement (301.088G)
SDMP Substantial Security Risk – Removal (301.088H)

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