

 <p>State of Connecticut Department of Correction</p> <p><b>ADMINISTRATIVE DIRECTIVE</b></p>	Directive Number 9.9	Effective Date 12/15/2006	Page 1 of 11
	Supersedes Protective Management, dated 7/1/2006		
Approved By  <i>Theresa C. Lantz</i>	Title  Protective Management		

1. Policy. The Department of Correction shall provide Protective Custody housing for inmates who require protection from other inmates in order to reduce any substantial risk to their personal safety when no other reasonable alternative is available.
2. Authority and Reference.
  - A. Connecticut General Statutes, Section 18-81.
  - B. Wilkinson v. Austin, 125 S.Ct.2384 (2005).
  - C. Mamudovski v. Meachum, Docket# 3:93CV00555(DJS), (D.Conn. 1997).
  - D. American Correctional Association, Standards for Administration of Correctional Agencies, Second Edition, April 1993, Standard 2-CO-3C-01.
  - E. American Correctional Association, Standards for Adult Correction Institutions, Fourth Edition, January 2003, Standards 4-4249 through 4-4251, 4-4253, 4-4254, 4-4256 through 4-4258, 4-4261 through 4-4273.
  - F. American Correctional Association, Performance-Based Standards for Adult Local Detention Facilities, Fourth Edition, June 2004, Standards 4-ALDF-2A-44, 4-ALDF-2A-46, 4-ALDF-2A-48, 4-ALDF-2A-49, 4-ALDF-2A-51 through 4-ALDF-2A-53 and 4-ALDF-2A-56 through 4-ALDF-2A-66.
  - G. Administrative Directives 6.1, Tours and Inspections; 6.2, Facility Post Orders and Logs; 9.2, Offender Classification; 9.3, Admissions, Transfers and Discharges; 9.4, Restrictive Status; and 10.12, Inmate Orientation.
3. Definitions. For the purposes stated herein, the following definitions apply:
  - A. Protective Custody Management Review. A review conducted by unit staff under the supervision of the Unit Manager/Supervisor, combining an assessment of both objective and subjective information designed to identify and separate inmates, by housing assignments, who are determined to be more predatory from those more likely to be victimized within and by the Protective Custody population.
  - B. Protective Custody Status. A management status, after an investigation has determined that an inmate is at substantial risk of serious harm from other inmates in General Population.
  - C. Protective Custody Unit. A designated area which houses and manages an inmate apart from the General Population for the purpose of reducing any substantial risk of serious harm to the inmate.
  - D. Separation Profile. A record specifying the need and reason for keeping two (2) or more individuals apart from each other.
4. Threat Notification. Protective measures for an inmate shall be considered, when it is determined a substantial risk of serious harm to the inmate may exist, as a result of:
  - A. Information received during intake at any Department facility/unit.
  - B. Information received from an internal or external source.

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- C. A situation which occurs that would normally result in a substantial risk of serious harm to an inmate.
  - D. The professional judgment or knowledge of a Department employee.
  - E. Circumstances regarding the nature of the offense and/or media coverage.
5. Initial Action and Assessment. The Unit Administrator or designee shall ensure immediate and appropriate action to protect an inmate upon notification of a substantial risk of serious harm to the inmate. An assessment of the threat shall be completed to determine its validity and severity and what protective measures, if any, need to be taken. As part of the initial assessment, a supervisor shall conduct an interview of the threatened inmate and any other person who may have knowledge of, or be involved in the situation, and complete the appropriate sections of CN 9901, Request for Protective Custody in accordance with Section 9 of this Directive. If at any point a supervisor or higher authority determines there is a substantial risk of serious harm to the inmate, the inmate shall be placed on Administrative Detention status, in accordance with Administrative Directive 9.4, Restrictive Status, pending a review for Protective Custody or the implementation of other protective measures.
6. Determination of Substantial Risk. When a substantial risk of serious harm to an inmate is reasonably determined to be valid, the Unit Administrator or designee shall initiate the following:
- A. An investigation in accordance with Section 9 of this Directive for possible placement on Protective Custody status.
  - B. Establishment or modification of a Separation Profile as appropriate, to include an RT screen and completion of CN 9902, Separation Profile Entry/Update/Deletion Request.
7. Counseling. When a threat to an inmate may be resolved informally, the Unit Administrator may authorize counseling for the involved parties to attempt to rectify the conflict. The name of each participant and any pertinent information shall be documented by the staff member conducting the counseling.
8. Alternative Placements. When it is determined that two or more inmates should not be placed together due to safety reasons, the Unit Administrator may authorize alternative placements for one or more of the inmates. The alternative placements may separate the inmates by job classification or housing unit. An inmate may be recommended for transfer to another facility or out of state as an alternative to a Protective Custody assignment. An alternative placement involving transfer to another facility or state shall be coordinated through, and subject to the approval of, the Director of Offender Classification and Population Management.
9. Placement on Protective Custody. Assignment to Protective Custody shall only be authorized when, after an investigation, the approving authority determines that the inmate is at substantial risk of serious harm and no alternative placement is possible. Assignment to Protective Custody for an inmate shall be at the discretion of the Director of Offender Classification and Population Management or higher authority. This section shall not prevent the Unit Administrator from separating one inmate from another by means other than formal placement on Protective Custody, such as a housing or work assignment change.

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Inmates requesting or requiring protection from the general inmate population may be placed on Protective Custody status. Inmates assigned to Protective Custody may be allowed to participate in as many programs and services afforded the General Population as outlined in Section 11(A) of this Directive, providing such participation does not threaten the safety and security of the facility or the inmate. Each Protective Custody case shall be reviewed with the goal of removing the inmate from the separate housing assignment in accordance with Section 12 of this Directive. When an inmate is admitted to the Restrictive Housing Unit for Protective Custody it should be used only for short periods of time, except when an inmate needs long-term protection and the facts are well documented that Protective Custody is warranted and no reasonable alternatives are available. Admission to Protective Custody should be fully documented with a consent and waiver form signed by the inmate. If the inmate does not consent, then the inmate shall be given notice and a hearing in accordance with Section 9(E) of this Directive.

A. Authorized Protective Custody Facilities. The following facilities shall be authorized to operate Protective Custody housing units:

1. Bridgeport Correctional Center;
2. Cheshire Correctional Institution;
3. Hartford Correctional Center;
4. MacDougall-Walker Correctional Institution;
5. Manson Youth Institution;
6. Northern Correctional Institution; and,
7. York Correctional Institution.

Each facility with a Protective Custody housing unit shall be responsible for establishing and maintaining a unit operations plan approved by the Deputy Commissioner of Operations.

B. Request for Placement. A request for Protective Custody placement may be initiated by an inmate or by a referral of a staff member who believes an inmate is at substantial risk of serious harm. When an inmate requests Protective Custody, an interview with the inmate shall be conducted in a confidential setting to determine all information known to the inmate concerning the reasons for placement. All information known to the inmate including the identity of any individual who poses the danger shall be provided. If the source of the threat is unknown, a detailed description of the circumstances justifying the request shall be provided by the inmate and substantiated by the Shift Commander, or designee, who shall investigate the request for placement. The staff person conducting the interview shall complete Section I of CN 9901, Request for Protective Custody. Section I shall be signed by the inmate and the staff member. The staff member completing Section I shall submit CN 9901, Request for Protective Custody to the Shift Commander.

A referral for Protective Custody may also be initiated by a staff member. The staff member shall complete Section II of CN 9901, Request for Protective Custody, sign the document and submit the request to the Shift Commander. The Shift Commander shall review and sign Section II of the Protective Custody Form.

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- C. Investigation. Upon sufficient information to warrant further review, the Unit Administrator shall initiate an investigation to determine the nature and seriousness of the alleged substantial risk of serious harm to the inmate. The inmate being considered for placement on Protective Custody shall again be interviewed in a confidential setting to determine the reason and need for placement. The inmate shall receive a copy of CN 9903, Protective Custody Placement Review Notice, at least 24 hours prior to the interview. The inmate shall fully cooperate in the investigation, sharing all pertinent information, to include the names of all persons deemed a threat and reasons for such belief. If the inmate needs staff assistance to present either oral or written comments, reasonable assistance shall be provided. Section III of CN 9901, Request for Protective Custody, shall be used as the format and record of the investigation. Any inmate named or suspected as the source of the threat or having essential information shall be interviewed as part of the investigation. Historical information including related incidents and an assessment of the inmate's or witness's credibility shall be included in the investigation. The investigation may be based on both objective and subjective information in relation to the placement standard set forth in this section. Upon completion of the investigation, the investigator shall complete Section IV of CN 9901, Request for Protective Custody, and shall summarize the findings, cite the basis for the conclusions, and provide a recommendation of either: (1) alternatives to Protective Custody to include, but not limited to, housing reassignment within the facility, counseling, mediation, program reassignment, request to transfer to another facility, or (2) placement in Protective Custody. Upon completion of Section IV of CN 9901, Request for Protective Custody, the investigator shall notify the inmate of the recommendation by completing CN 9904, Protective Custody Placement/Removal Recommendation Notice and forwarding a copy to the inmate.
- D. Unit Administrator. The investigation and supporting documentation shall be forwarded to the Unit Administrator. The Unit Administrator shall review the investigation and complete Section V of CN 9901, Request for Protective Custody. When an inmate is being recommended for Protective Custody the Unit Administrator shall forward CN 9901, Request for Protective Custody, along with any other appropriate material, to the Director of Offender Classification and Population Management, within seven (7) days of the date of initiation of CN 9901, Request for Protective Custody. The inmate shall receive a copy of CN 9905, Protective Custody Placement/Removal Unit Administrator Recommendation Notice.
- E. Involuntary Placement to Protective Custody. Each inmate being considered for involuntary placement to Protective Custody shall be provided notice and opportunity to present reasons why the inmate believes he/she should not be placed in Protective Custody. The following procedure shall be followed:
1. The inmate shall be provided with written notice summarizing the conduct or offense initiating the review at least 48 hours prior to the hearing.
  2. The inmate may attend the hearing to offer any pertinent information, explanation and/or objections to the involuntary placement. The inmate may submit a written statement.
  3. The inmate may not call witnesses.

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The Classification Committee shall forward all recommendations for involuntary placement on Protective Custody status to the Director of Offender Classification and Population Management for final decision, along with documentation supporting the basis for the recommendation.

- F. Director of Offender Classification and Population Management Decision. The Director of Offender Classification and Population Management shall review the investigation and recommendation for each inmate along with any documentation received. A determination of appropriate placement shall be made by completing Section VI of CN 9901, Request for Protective Custody. If the Director of Offender Classification and Population Management determines that Protective Custody or transfer to another facility is warranted the decision shall occur within 14 days of the initial request for placement on Administrative Detention, unless extended for good cause. The inmate shall be notified of the final decision by receiving a copy of Section VI of CN 9901, Request for Protective Custody. An inmate shall be placed on Protective Custody solely upon the judgment and discretion of the Director of Offender Classification and Population Management or higher authority.

No inmate shall have any entitlement to or any legitimate expectation of being placed on Protective Custody or of remaining in that status once having been placed.

10. Protective Custody Management Review. Each Protective Custody inmate newly admitted to a Protective Custody unit shall receive a Protective Custody Management Review prior to receiving a housing assignment. The Protective Custody Management Review shall be documented on CN 9907, Protective Custody Management Review Assessment Form.

A. Review Objectives.

1. To provide an environment for inmates which enhances safety and safeguards against victimization by a more aggressive inmate population by the establishment of a classification system for Protective Custody inmates.
2. To establish criteria for special management housing category assignments which identifies and separates specific inmates deemed more predatory from those more likely to be victimized within and by the Protective Custody population. Given this separation, the housing facility shall provide a separation or appropriate pairing of celling assignments, program opportunities and inter-facility movement for both Category 1 and 2 assigned inmates.
3. To enhance the security within the housing units by utilizing an assessment tool to effectively house Protective Custody inmates with appropriate cell partners.
4. To combine an objective review system based on classification risk scores with a subjective review process to ensure that both aggravating and mitigating factors are reviewed when assessing both special management housing designation and cell partner assignments.

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B. Review Process: Subjective Analysis.

1. The Protective Custody Unit Manager/Supervisor or assigned unit staff, utilizing CN 9907, Protective Custody Management Review Assessment Form shall be tasked with conducting the review. The review shall include interviewing the newly admitted Protective Custody inmate and require the observations of interviewing staff to be noted.
2. Staff shall conduct the interview in a private setting to maintain confidentiality. In addition to the completion of CN 9907, Protective Custody Management Review Assessment Form, the interviewer shall record personal observations including, but not limited to, physical stature, personality characteristics, adjustment issues related to incarceration and other self-reported inmate concerns in the comment section provided.
3. A review of the potential cell partner shall also be conducted under the supervision of the Unit Manager/Supervisor and subject to his/her approval. Under no circumstances shall subsequent cell moves, other than those made to a single cell within the same housing category designation, occur without the review and approval of the Unit Manager/Supervisor or higher authority.
4. In the event that unit staff are unable to conduct the review upon admittance, the inmate shall be placed on Administrative Detention status, in a single cell, pending completion of such assessment. Upon such placement, all conditions and assignments shall be in accordance with Administrative Directive 9.4, Restrictive Status.

C. Review Process: Objective Analysis. This process, in conjunction with the Subjective Analysis, shall be completed by the Protective Custody Unit Manager/Supervisor or assigned unit staff. The objective review (Special Management Housing Designation) shall be conducted prior to a Protective Custody inmate's housing and cell assignment.

D. Criteria for Special Management Housing Assignment. Designations to either Category 1 or 2 housing shall be based upon a review of the current objective classification risk and needs scores. Designation to Category 1 or 2 shall be based on the following criteria:

1. Special Management Housing Designation - Category 1.
  - a. Escape Score no greater than a 1.
  - b. Severity/Violence of Offense Score Levels 1-4.
  - c. Violence History Score no greater than a 1.
  - d. Length of Confinement Score Levels 1-4.
  - e. Discipline Score no greater than a 1.
  - f. Security Risk Group Score no greater than a 1.
  - g. Sexual Treatment Risk Score Levels 1-4.
2. Special Management Housing Designation - Category 2.
  - a. Escape Score of 2 or greater.
  - b. Severity/Violence of Offense Score Levels 1-4.
  - c. Violence History Score of 2 or greater.
  - d. Length of Confinement Score Levels 1-4.
  - e. Discipline Score of 2 or greater.

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- f. Security Risk Group Score of 2 or greater.
  - g. Sexual Treatment Risk Score Levels 1-4.
3. Assignment to Category 1 or 2 shall include, but not limited to, a review of the following: CN 9901, Request for Protective Custody, Department and facility-based separation profiles, inmate master file (disciplinary reports, police reports, pre-sentenced investigations, etc.), all other appropriate Department computer screens and any other pertinent information.
  4. As required by the Subjective Analysis, assigned unit treatment staff may be tasked with the initial review, but it shall be the responsibility of the Unit Manager/Supervisor to review and approve any Special Management Housing Assignments. Section 3 of CN 9907, Protective Custody Management Review Assessment Form shall be dedicated to this classification and requires the signature of the assigning Unit Manager/Supervisor.
  5. Upon completion of all reviews and CN 9907, Protective Custody Management Review Assessment Form, all classification actions shall be noted on CN 9701, Inmate Classification History Form and filed in Section 5 of the inmate's master file. Additionally, any subsequent classification, housing assignment or other related actions shall be documented in this manner.
11. Conditions of Protective Custody. The following conditions shall generally apply to an inmate in Protective Custody. An individual inmate may be denied any specific condition(s) listed in this section or face restrictions as required to ensure order, control and/or protection. Any such restriction(s) shall be authorized by the Unit Administrator and documented in the Protective Custody housing unit log in accordance with Administrative Directive 6.2, Facility Post Orders and Logs. Protective Custody inmates shall be kept separate from General Population inmates and activities or directly monitored by staff so as to minimize the risk to the Protective Custody inmate.
- A. General Conditions. Consistent with safety and security, the following conditions for inmates assigned to each Protective Custody housing unit shall reasonably resemble the living conditions provided to General Population inmates assigned to the facility:
1. Housing (to include, square footage, double ceiling, furnishings, ventilation, lighting, heating and sanitation);
  2. Clothing;
  3. Personal hygiene (to include hair care);
  4. Food;
  5. Linen and laundry;
  6. Access to court;
  7. Mail;
  8. Telephone;
  9. Visits;
  10. Commissary;
  11. Day room access;
  12. Health care;
  13. Personal property;
  14. Recreation;
  15. Congregate or individual religious worship; and,

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16. Education.

B. Specific Conditions. The following activities may vary from General Population conditions as noted in this subsection.

1. Each inmate assigned to a Protective Custody housing unit at the facilities outlined in Section 9(A) of this Directive, may have access to programs consistent with safety and security in accordance with Administrative Directive 9.2, Offender Classification. Available programs may include, but are not limited to, education, vocational training, work, counseling, and addiction and social services.
2. Library services shall 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 inmates.
3. Newly admitted Protective Custody inmates shall receive an orientation specifically and exclusively formatted to the inmate's conditions of confinement within two (2) business days of their admission to the unit. Each facility shall develop an orientation package to include:
  - a. A review and discussion regarding the unit description to include program information, the review process, unit staffing and familiarization with the rules and regulations of the Department, facility and unit. This may include the distribution of written materials specific to the housing unit.
  - b. Review and discussion of an inmate handbook created exclusively for the facility's Protective Custody population.
  - c. Review of all facility programs and services available to the Protective Custody population.
  - d. Completion of all other admission requirements in accordance with Administrative Directives 9.3, Admissions, Transfers and Discharges and 10.12, Inmate Orientation.

12. Protective Custody Review.

- A. Periodic Assessment. The Unit Administrator or designee shall ensure that, at a minimum, the status of each inmate in Protective Custody is reviewed by the Classification Committee or other authorized staff group every seven (7) days for the first two (2) months and at least every thirty (30) days thereafter.
1. Periodic assessment shall include a re-evaluation of criteria established in both the Protective Custody Management Review and the special management housing designation to assess any changes that may have occurred since the initial review and housing placement. The review may include issues of compatibility and inmate requests for celling partner initiated by both parties and as deemed appropriate by the Unit Manager/Supervisor.
  2. Any subsequent cell partner changes completed after the initial assessment and housing assignment shall be conducted under the supervision and approval of the Unit Manager/Supervisor with the exception of those moves made

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to a single cell within the same housing category designation. The Unit Manager/Supervisor shall assess compatibility prior to the reassignment of all celling partners within the Protective Custody housing units.

- B. Mental Health Review. When an inmate remains on Protective Custody beyond 30 days, a mental health professional shall conduct a personal interview with the inmate and prepare a written report for the Unit Administrator with a copy to be placed in the inmate's health record. If status or designation continues, a mental health assessment shall be made every three (3) months.
- C. Staff Tours and Documentation. Each Protective Custody housing unit shall be toured as follows in accordance with Administrative Directive 6.1, Tours and Inspections:
1. Custody supervisors shall tour twice per shift;
  2. Health Services staff shall tour once per shift;
  3. The respective Unit Manager/Supervisor shall tour daily in accordance with the established work schedule;
  4. The unit counselor shall tour daily in accordance with the established work schedule; and;
  5. The Unit Administrator at least twice per week.

All tours shall be for the purpose of ensuring compliance with this Directive, responding to staff and inmate concerns, and providing services, as appropriate. Such activities shall be recorded in the housing unit log in accordance with Administrative Directive 6.2, Facility Post Orders and Logs. Requests to see other staff shall be made in writing by the inmate.

13. Removal from Protective Custody. A release from Protective Custody may be authorized when the condition(s) which required the inmate's placement in Protective Custody is no longer present, an alternative has been found, or at the request of the inmate.
- A. Voluntary Removal from Protective Custody. An inmate may request removal from Protective Custody whenever it is believed that the reason for placement no longer exists, or it may be resolved through an alternative option, or for any other legitimate reason. Upon request for removal, CN 9906, Request for Removal from Protective Custody, shall be completed stating the reason the inmate is requesting removal from Protective Custody status. If, upon review, it is determined that the reason for placement no longer exists, the Unit Administrator shall sign the removal request. Only the Unit Administrator in consultation with the Director of Offender Classification and Population Management may authorize the removal of an inmate from Protective Custody. If an unsentenced inmate has been transferred to another correctional facility, the holding Unit Administrator, in consultation with the Director of Offender Classification and Population Management, may authorize removal.
- B. Involuntary Removal from Protective Custody. Prior to any involuntary reclassification of an inmate from Protective Custody to General Population status the following procedures shall be followed:
1. The inmate shall be given written notice, at least 48 hours in advance, by providing the inmate with a copy of CN 9903,

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Protective Custody Placement Review Notice. The notice shall contain a statement of the reason(s) that the inmate is being considered for involuntary removal or reclassification to General Population.

2. The inmate shall have an opportunity to meet in a confidential, face-to-face setting which precludes the presence of other inmates and other staff except as is reasonably necessary for security purposes, with such staff specifically designated and authorized to make a recommendation as to whether or not the inmate shall be removed or reclassified. Such staff shall have experience in inmate classification procedures and principles. At this meeting, the inmate's master file and health records shall be made available to the inmate and to Department personnel if these file/record(s) contain information relevant to the proposed reclassification. Any portion of such files which contains information which would reasonably jeopardize the security of the facility, the medical or mental health care provided the inmate or the privacy of others may be redacted and not disclosed to the inmate. Written notice of the procedures shall be delivered to the inmate at least 48 hours prior to the scheduled meeting, in order to afford the inmate the opportunity to request production of the documents and if necessary to provide an interpreter/ translator at this face-to-face meeting.
3. The recommendation of the facility staff shall be forwarded to the Unit Administrator along with a copy of CN 9701, Inmate Classification History Form. The inmate shall be notified of the facility staff recommendation by receiving a copy of CN 9904, Protective Custody Placement/Removal Recommendation Notice. The Unit Administrator shall notify a Protective Custody inmate of the removal recommendation by providing the inmate with a copy of CN 9905, Protective Custody Placement/Removal Unit Administrator Recommendation Notice, and forward the recommendation, along with all pertinent material, to the Director of Offender Classification and Population Management. If the recommendation is to reclassify the inmate from Protective Custody to General Population status, then the inmate shall be given a written statement of the reason(s) for this recommendation within five (5) business days of the meeting.
4. The Director of Offender Classification and Population Management, or designee, shall review all material and make a final decision.
5. The Director of Offender Classification and Population Management shall notify the Unit Administrator and the inmate of the decision by providing each with a copy of CN 9906, Request for Removal from Protective Custody. If the recommendation is to reclassify the inmate from Protective Custody to General Population status, then the inmate may file a request for an administrative review within 72 hours of the receipt of CN 9906, Request for Removal from Protective Custody and shall be afforded the opportunity to have a face-to-face meeting with the Director of Offender Classification and Population Management or designee. Upon conclusion of such meeting the Director of Offender Classification and Population Management or designee shall provide the inmate with a copy of the decision as to

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whether or not to continue the inmate's classification in Protective Custody status and the reason(s) therefore.

6. Notwithstanding any of the provisions of this Directive, nothing shall prohibit the removal of an inmate from Protective Custody or reclassifying the inmate as a result of disciplinary violations by that inmate or from transfer to Administrative Detention pending investigation of such violations.
- C. Transition from Protective Custody. To monitor inmates who are removed from protective custody status, each facility, at a minimum, shall implement the following procedures:
1. Designate a primary and secondary contact person to communicate and coordinate with protective custody facilities and the Offender Classification and Population Management Unit;
  2. Identify appropriate housing locations (i.e., cells or cubicles) that are in close proximity to the officer's station;
  3. Develop a review process to identify appropriate assignment of cell/cubicle partners;
  4. Conduct an orientation with the inmate upon admission to the unit; and,
  5. Conduct a weekly review/meeting with the inmate for first four (4) weeks and then monthly for the next six (6) months. Each review/meeting shall be documented in the in classification minutes.
14. Forms and Attachments. The following forms are applicable to this Administrative Directive and shall be utilized for the intended function:
- A. CN 9901, Request for Protective Custody;
  - B. CN 9902, Separation Profile Entry/Update/Deletion Request;
  - C. CN 9903, Protective Custody Placement Review Notice;
  - D. CN 9904, Protective Custody Placement/Removal Recommendation Notice;
  - E. CN 9905, Protective Custody Placement/Removal Unit Administrator Recommendation Notice;
  - F. CN 9906, Request for Removal from Protective Custody; and,
  - G. CN 9907, Protective Custody Management Review Assessment Form.
15. Exceptions. Any exceptions to the procedures in this Administrative Directive shall require prior written approval from the Commissioner.