

	State of Indiana Indiana Department of Correction	Effective Date	Page 1 of	Number
		10/1/2021	26	02-01-111
<b>POLICY AND ADMINISTRATIVE PROCEDURE</b> <b>Manual of Policies and Procedures</b>				

Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>
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Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Replaces:
IC 11-8-2-5(a)(8) IC 11-10-1-7 IC 11-11-6-1	00-02-201      02-01-102 01-01-101      02-01-103 01-02-101      02-01-104 01-03-105      02-01-105 01-04-101      02-01-108 02-01-101      02-04-101	02-01-111 (Eff. Date 7/1/2019) ED # 19-40

I. PURPOSE:

The purpose of this policy and administrative procedure is to establish standards for the use and operation of adult offender administrative restrictive status housing units within the Department of Correction.

II. POLICY STATEMENT:

The Department of Correction shall operate adult offender administrative restrictive status housing units in a manner that ensures:

- A. A clean, healthy, safe, and secure environment for offenders and staff;
- B. Availability of offender programs and services consistent with the safety and/or security of the facility, staff, and offenders; and,
- C. Establishment of a system that identifies the review and release process from the unit.

Administrative restrictive status housing units may be operated at the facility level, or on a Department-wide basis. The admittance of an offender to an adult administrative restrictive status housing unit shall be based on the:

- Threat an offender's continued presence in the general population poses to life, self, staff, other offenders or property;
- Threat posed by the offender to the orderly operation and security of the facility; and,

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 2	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

- Regulation of an offender's behavior which was not within acceptable limits while in the general offender population.

The Department shall ensure that an offender's admittance to an administrative restrictive status housing unit is in accordance with Policy 01-04-101, "Adult Offender Classification."

### III. DEFINITIONS:

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

- A. **ADMINISTRATIVE ORDER:** An authorization by the Warden or designee approving the emergency assignment of an offender to administrative restrictive housing based upon the offender's actions which threaten the safety and/or security of the facility, staff, self, or other offenders.
- B. **ADMINISTRATIVE RESTRICTIVE STATUS HOUSING (ARSH):** An assignment designation pursuant to the administrative procedure for Policy 01-04-101, "Adult Offender Classification" which separates an offender who poses a threat to life, self, staff, other offenders, property, or facility security.
- C. **BEHAVIOR MODIFICATION PLAN:** The direct changing of an unwanted behavior by means of feedback, conditioning, or positive / negative reinforcement. State Form 56393, "Behavior Modification Plan," shall be used to record the progress in the Plan.
- D. **BUSINESS DAY:** Monday through Friday, excluding weekends, State holidays, and emergency days declared in writing by the Warden.
- E. **DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS (DSM):** The manual published by the American Psychiatric Association that includes all currently recognized mental health disorders. The DSM codes are thus used by mental health professionals to describe the features of a given mental disorder and indicate how the disorder can be distinguished from other similar problems.
- F. **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.

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 3	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

- G. GENDER IDENTITY: A person’s internal, deeply felt sense of being male or female regardless of the person’s assigned sex at birth.
- H. SERIOUSLY MENTALLY ILL: Offenders determined to have a current diagnosis or recent significant history of schizophrenia, delusional disorder, schizophreniform disorder, schizoaffective disorder, brief psychotic disorder, substance-induced psychotic disorder (excluding intoxication and withdrawal), undifferentiated psychotic disorder, bipolar I or II disorders; offenders diagnosed with any other validated mental illness that is clinically severe, based on evidence-based standards, and that results in significant functional impairment; and offenders diagnosed with an intellectual or developmental disability or other cognitive disorder that results in significant functional impairment. For the purpose of this policy and administrative procedure, “recent significant history” refers to a diagnosis made at any time in the last twelve (12) months.
- I. SPECIAL NEEDS ACCLIMATION PROGRAM (SNAP) UNIT: Housing units designed to provide a supportive and structured environment where offenders with special needs related to physical health, mental health, or behavioral issues are more closely monitored by Custody, Unit Team, and Clinical staff. These units, designated as SNAP Units, shall be less restrictive than inpatient treatment units.
- J. TREATMENT TEAM: A multidisciplinary team chaired by a qualified mental health professional or administrative staff, restrictive status housing unit staff (Custody and Case Management), mental health professionals, and treatment staff which reviews each offender in the administrative restrictive status housing unit. The treatment team is responsible to ensure the offenders receive treatment for any mental health or developmental disability issue in accordance with requirements. The treatment team causes the treatment plan to be developed, implemented, and monitored.
- IV. ESTABLISHMENT OF AN ADMINISTRATIVE RESTRICTIVE STATUS HOUSING UNIT:
- A. Facility Administrative Restrictive Status Housing
- Each Warden shall determine if the need exists for an administrative restrictive status housing unit at the facility. If the Warden determines that an administrative restrictive status housing unit is appropriate for the operation of the facility, the Warden shall contact the assigned Executive Director of Adult Facilities for approval. The Warden shall submit to the assigned Executive Director of Adult Facilities the following information:

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 4	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

1. Location within the facility;
2. Staffing;
3. Recreation schedule and facilities;
4. Manner in which Food Services and Health Services will be provided;
5. Programs and the manner in which they will be offered; and,
6. Any proposed exceptions to this policy and administrative procedures.

Upon receipt of the request, the assigned Executive Director of Adult Facilities shall review the request and make a recommendation to the Deputy Commissioner of Operations. The Deputy Commissioner of Operations shall submit their recommendations to the Commissioner for final approval or denial. Any administrative restrictive status housing unit approved by the Commissioner shall operate in accordance with this policy and administrative procedure, unless a “Request for Exemption from Policy” has been approved.

**B. Department-Wide Administrative Restrictive Status Housing**

Additionally, the Department may establish one (1) or more Department-wide administrative restrictive status housing units in accordance with this policy and administrative procedure. The Department-wide administrative restrictive status housing unit(s) shall provide a controlled setting for those offenders at a facility who have a history of battery on others or who, in the opinion of Department or facility staff, present an extraordinary threat to themselves or others or who present special safety and security concerns (e.g., seriously injuring staff or offenders, participating in a hostage situation, identified as a security threat group leader, heavily involved in trafficking or having a lengthy history of serious [Class A and/or Class B] disciplinary code violations). The assigned Executive Director of Adult Facilities, in consultation with the Deputy Commissioner of Operations, shall determine the need for such a unit(s) and make recommendations to the Commissioner for the establishment of a Department-wide administrative restrictive status housing unit.

**V. STANDARDS FOR ADMITTANCE TO ADMINISTRATIVE RESTRICTIVE STATUS HOUSING:**

**A. Facility Administrative Restrictive Status Housing**

Offenders who have not been charged with a rule violation may be assigned to administrative restrictive status housing based upon an administrative order or a decision in accordance with Policy and Administrative Procedure

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 5	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

01-04-101, "Adult Offender Classification." Assignment of an offender to an administrative restrictive status housing unit shall be based upon the threat to self, others, property, the security and/or orderly operation of the facility presented by the offender's continued presence in the general offender population. Examples of the reasons that may result in an offender's assignment to administrative restrictive status housing include, but are not limited to:

1. History of assaultive behavior;
2. Active member of a Security Threat Group who poses a threat to the safe and orderly operation of the facility;
3. A high escape risk;
4. The facility's need to contain, prevent, or end a disturbance or other threat to the orderly operation of the facility;
5. Pending an investigation, disciplinary hearing, or criminal trial;
6. Pending transfer to another facility;
7. A documented history of behavior that causes staff to believe that the offender's continued presence in the offender general population would be detrimental to the security of the facility or the offender;
8. The offender is the subject of an on-going investigation and the administrative restrictive housing status has been approved in accordance with the Policy 02-04-101, "The Disciplinary Code for Adult Offenders; or,
9. As a temporary assignment for an offender awaiting an available general population assignment.

Standards for the placement of offenders in an administrative restrictive status housing unit shall be in accordance with Policy and Administrative Procedure 01-04-101, "Adult Offender Classification." However, the Warden or Shift Supervisor may order the immediate administrative restrictive status housing of an offender when it is necessary to protect the offender or others.

When an offender is placed in administrative restrictive status housing under an administrative order, the transfer shall be documented on State

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 6	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

Form 39588, “Restrictive Status Housing Report.” The Shift Supervisor shall ensure State Form 39588 is completed and forwarded to the Warden or designee to be approved, denied, or modified within twenty-four (24) hours, by the Warden or designee. On weekends and holidays, this review shall be completed by the facility Duty Officer, acting as the Warden’s designee, either on-site or a verbal approval/denial via telephone. After review the Warden or designee shall forward the State Form 39588 to the Classification Supervisor for Classification action and documentation in accordance with Policy and Administrative Procedure 01-04-101, “Adult Offender Classification.”

**B. Department-Wide Administrative Restrictive Status Housing:**

Offenders who, in staff’s determination, present a special safety or security management concern may be recommended for placement in a Department-wide administrative restrictive status housing unit. Offenders considered for such a placement must meet the following criteria:

1. The criteria for placement in a Department-wide administrative restrictive status housing unit.
  - a. History of assaultive behavior;
  - b. Active member of a Security Threat Group who poses a threat to the safe and orderly operation of the facility;
  - c. A high escape risk;
  - d. The facility's need to contain, prevent, or end a disturbance or other threat to the orderly operation of the facility;
  - e. Pending an investigation, disciplinary hearing or criminal trial;
  - f. A documented history of behavior that causes staff to believe that the offender's presence in the general population would be detrimental to the security of the facility or the offender; or,
  - g. The offender is the subject of an on-going investigation and the restrictive status housing has been approved in accordance with Policy and Administrative Procedure 02-04-101, “The Disciplinary Code for Adult Offenders.”
2. Offenders selected for a Department-wide administrative restrictive status housing have exhibited extraordinary security concerns, including, but not limited to, seriously injuring staff or offenders, participating in a hostage situation, identified Security Threat Group leader, heavily involved in trafficking, or having a lengthy history of serious (Class A and/or B) conduct violations.

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 7	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

3. Standards for the placement of offenders in an administrative restrictive status housing unit shall be in accordance with Policy and Administrative Procedure 01-04-101, “Adult Offender Classification,” and this policy and administrative procedure.
4. Offenders being considered for assignment to the Department-wide administrative restrictive status housing unit at the Secure Confinement Unit (SCU) at Wabash Valley Correctional Facility (WVCF) shall be limited to Mental Health Code A, B or C.
5. Offenders being considered for assignment to any other Department-wide administrative restrictive status housing unit may not have a designation of serious mental illness. They may have Medical Codes of A, B, F, G, or I; a Disability Code of A or D; and a Mental Health Code of A, B, C, or D.

Any exceptions to the above Medical, Mental Health, or Disability Codes, or SMI designation, shall be made on a case-by-case basis.

C. Individual Housing Unit Administrative Restrictive Status:

Offenders who need to be separated from the general population for the safety and security of the facility or the protection of staff, the public, or offenders may be placed on individual housing unit administrative restrictive status housing for up to five (5) business days to determine whether they should be placed in an administrative restrictive status housing unit. This status may be used in dormitory settings by using bed or unit restrictions.

The reasons for using individual housing unit administrative restrictive status housing may be the same as indicated for facility administrative restrictive status housing, as indicated in Section V, A. Additionally, offenders may be placed on individual housing unit administrative restrictive status housing when the facility’s administrative restrictive status housing unit or disciplinary restrictive status housing unit are at capacity and the offender needs to be separated from the general population until a bed becomes available in a restrictive status housing unit. Also, part of, or an entire unit, may be placed on individual housing unit administrative restrictive status housing during an emergency situation, such as a facility lockdown.

When an offender is placed in individual housing unit administrative restrictive status housing under an administrative order, the transfer shall be

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 8	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

documented on State Form 39588, “Restrictive Status Housing Report.” The Shift Supervisor shall ensure State Form 39588 is completed and forwarded to the Warden or designee to be approved, denied, or modified within twenty-four (24) hours, by the Warden or designee. On weekends and holidays, this review shall be completed by the facility Duty Officer, acting as the Warden’s designee. After review, the Warden or designee shall forward the completed State Form 39588 to the Classification Supervisor for Classification action and documentation in accordance with Policy and Administrative Procedure 01-04-101, “Adult Offender Classification.”

Following the assignment of an offender to individual housing unit administrative restrictive status, the offender shall be reviewed by the Unit Team at least every forty-eight (48) hours to ensure that the need for administrative restrictive status housing continues to exist. The Unit Team shall submit a report of the review to the Warden or designee for continued approval of individual housing unit administrative restrictive status housing.

The conditions of offenders placed on individual housing unit administrative restrictive status shall be the same as those offenders placed in facility administrative restrictive housing as indicated in Procedure IX.

Offenders shall be released from individual housing unit administrative restrictive status housing as soon as possible, but in no case shall an offender be retained in individual housing unit administrative restrictive status housing longer than five (5) business days, except in emergency situations, without the written authorization of the Warden. The Warden may extend the individual housing unit administrative restrictive status for two (2) additional periods of five (5) working days, for a total of fifteen (15) business days in this status. Offenders may be released to the general population or moved to an administrative or disciplinary restrictive status housing unit, as appropriate.

#### VI. ADMISSION TO AN ADMINISTRATIVE RESTRICTIVE STATUS HOUSING UNIT:

An offender shall not be placed in administrative restrictive status housing on the basis of gender identity alone.

An offender determined to be seriously mentally ill shall not be placed in administrative restrictive status housing over thirty (30) days, unless they consent, or the Treatment Team determines there is an immediate and present danger to others or the safety and security of the facility. In such a case, a current individual



<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 9	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

treatment plan shall be developed in accordance with HCSD 4.03, “Mental Health Services.”

A. Facility Administrative Restrictive Status Housing

1. Admission of an offender to an administrative restrictive status housing unit shall be documented in the unit log. The following information shall be recorded on the unit log:
  - a. Offender's name;
  - b. Identification number;
  - c. Date and time admitted;
  - d. Reason for admission;
  - e. Tentative release date, if such a date is given;
  - f. Special medical/psychiatric problems/needs; and,
  - g. Any other information pertinent to the admission.

Offenders assigned to administrative restrictive status housing directly from an Intake unit shall receive written facility orientation materials and/or translations in their own language. If the offender lacks the ability to read or write, a staff member shall assist the offender in understanding the material. Completion of facility orientation is documented, and signed and dated by the offender. The signed orientation material shall be filed in the offender’s packet.

2. Restrictive status housing prior to a determination of guilt or innocence must be approved in writing by the Shift Supervisor or higher authority. State Form 39588, “Restrictive Status Housing Report,” shall be used for this purpose. A copy of State Form 39588 shall be given to the offender within 24 hours of assignment to administrative restrictive status housing. The Shift Supervisor shall ensure State Form 39588 is completed and forwarded to the Warden or designee to be approved, denied, or modified within twenty-four (24) hours, by the Warden or designee. On weekends and holidays, this review shall be completed by the facility Duty Officer, acting as the Warden’s designee. After the Warden/designee’s review, State Form 39588 shall be forwarded to the Classification Supervisor for documentation in accordance with Policy and Administrative Procedure 01-04-101, “Adult Offender Classification.”
3. State Form 21255, “Record of Offender Restrictive Status Housing,” shall be prepared for each offender. This record shall completely document all routine activities of the offender. State

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 10	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

Form 21255 shall be maintained by staff assigned to the unit and secured in a controlled area of the administrative restrictive status housing unit. When an offender is released from the unit, this form(s) shall be filed in the offender's facility packet.

4. All non-routine unit activities in which an offender participates shall be recorded on the unit log. The unit logs shall be maintained in accordance with an approved records retention schedule.
5. Upon admission to an administrative restrictive status housing unit, the offender's property shall be inventoried. All items shall be listed and the disposition of the offender's property recorded on State Form 40093, "Restrictive Status Housing Unit Inventory List-Personal Property."
6. Immediately upon admission to an administrative restrictive status housing unit, the facility's Health Services staff shall be contacted. Upon notification of an offender being placed in restrictive status housing, the Health Services staff shall review the offender's health record to determine whether any health conditions which might be impacted by the offender's restrictive status housing exist. The contacting of the Health Services staff shall be recorded on State Form 21255 in the "Notes" section. The review of the offender's health record shall be documented in the offender's health record.

If the Health Services staff determines, due to a health or mental health condition, that the restrictive status housing unit assignment is not indicated, the Health Services staff shall contact the Warden, Duty Officer (after hours, weekends, and holidays), or other designated staff for placement. The Warden or designee shall determine appropriate alternate placement.

7. The offender's mental health shall be assessed in accordance with Health Care Services Directive 2.25A, "Evaluation of Offenders in Restrictive Status Housing," and Health Care Services Directive 4.03A, "Adult Mental Health Services."

**B. Department-Wide Administrative Restrictive Status Housing**

1. Offenders considered for placement in a Department-wide administrative restrictive status housing unit shall be provided a Classification hearing to determine the appropriateness of placement in a Department-wide administrative restrictive status housing unit. During the Classification hearing, staff shall adhere

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 11	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

to the criteria for placement in a Department-wide administrative restrictive status housing unit as found in Appendix XVI-C of Policy and Administrative Procedure 01-04-101.

Offenders assigned to Department-wide administrative restrictive status housing directly from an Intake unit shall receive written facility orientation materials and/or translations in their own language. If the offender lacks the ability to read or write, a staff member shall assist the offender in understanding the material. Completion of facility orientation is documented, and signed and dated by the offender. The signed orientation material shall be filed in the offender's packet.

2. If the offender appears appropriate for transfer to a Department-wide administrative restrictive status housing unit, a qualified mental health professional shall evaluate the offender and consult with the psychologist prior to recommending the transfer to the Warden.
  - a. During this evaluation, the qualified mental health professional shall determine whether the offender has a current designation of being seriously mentally ill or otherwise meets the conditions indicated in Section V, B above. The qualified mental health professional shall use State Form 53491, "Request for Mental Health Status Report for Offender Recommended for Placement in a Restrictive Status Housing Unit," to record the findings of this evaluation.
  - b. The qualified mental health professional shall determine whether there are any other mental health conditions that may be negatively impacted by the offender's assignment to Department-wide administrative restrictive status housing.
  - c. The qualified mental health professional shall prepare a written evaluation of the offender using State Form 53491 and, if the offender is approved for transfer to the Secure Confinement Unit (SCU) at the Wabash Valley Correctional Facility (WVCF), Pendleton Correctional Facility Unit (DWRH-A), or the Westville Control Unit, shall send a copy to the receiving administrative restrictive housing unit via the Warden's office.

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 12	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

3. If the results of the evaluation indicate that the offender is seriously mentally ill, consideration shall be given to transferring the offender to the mental health unit at the New Castle Correctional Facility or another suitable facility where the offender can receive needed mental health treatment. An offender who has a current designation of serious mental illness shall not be transferred to the SCU at WVCF.
4. Offenders who are not seriously mentally ill, but a determination by a qualified mental health professional indicates administrative restrictive status housing may exacerbate their mental health shall be moved to a site/location that can better meet their needs.
5. If the qualified mental health professional determines that the offender is not clinically contradicted for placement in a Department-wide administrative restrictive status housing unit at the Wabash Valley Correctional Facility, or Westville Correctional Facility, the following procedure is to be applied:
  - a. The qualified mental health professional shall submit a written evaluation to the Supervisor of Classification who shall present a recommendation, along with the evaluation report, to the Warden indicating that the offender may be considered for transfer.
  - b. If the Warden approves the recommendation, the Warden shall prepare a written request and submit it to the assigned Executive Director of Adult Facilities. The written request will include the following:
    - (1) A new Classification Designation Instrument;
    - (2) A State Form 44355, "Report of Inter-Facility Transfer," to include a summary of the offender's behavior which initiated the transfer request;
    - (3) A State Form 3412, "Report of Classification Hearing," completed in accordance with the Policy and Administrative Procedure 01-04-101; and,
    - (4) A copy of the State Form 53491 prepared by the qualified mental health professional indicating that the offender is not seriously mentally ill.

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 13	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

6. Following review of the information submitted by the Warden, the assigned Executive Director of Adult Facilities shall consult with the Deputy Commissioner of Operations and the Executive Director of Classification to determine the Department-wide unit that would be most appropriate.
7. The assigned Executive Director of Adult Facilities shall advise the Warden of the decision. If the decision is to place the offender in a Department-wide administrative restrictive status housing unit, the assigned Executive Director of Adult Facilities shall work with the Executive Director of Classification to ensure that the transfer is processed in a timely manner.
8. Within three (3) business days of admission to an administrative restrictive status housing unit a copy of State Form 56393, "Behavior Modification Plan," shall be reviewed with, and presented to, the offender.

**VII. REVIEW OF OFFENDER'S ADMINISTRATIVE RESTRICTIVE STATUS HOUSING STATUS:**

**A. Facility Administrative Restrictive Status Housing**

Offenders who are placed in administrative restrictive status housing by means of an administrative order shall have their assignment approved, denied, or modified within twenty-four (24) hours of the placement in administrative restrictive status housing. The Warden or designee shall conduct this review and shall prepare a written report indicating the outcome of this review. If the Warden gave the administrative order to place the offender in administrative restrictive status housing, the appropriate Executive Director of Adult Facilities shall conduct this review as a higher authority. If the decision is to continue the offender in administrative restrictive status housing, the facility shall conduct a Classification Committee Hearing within seventy-two (72) hours in accordance with Policy and Administrative Procedure 01-04-101, "Adult Offender Classification."

The need for and appropriateness of continued administrative restrictive status housing shall be reviewed by the Classification Committee or Treatment Team every seven (7) days for the first sixty (60) days that an offender is in administrative restrictive status housing. The initial review shall be documented in OCMS and by using State Form 3412, "Report of Classification Hearing." Subsequent reviews shall be documented in OCMS and by using State Form 56670, "Facility Restrictive Housing, Protective

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 14	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

Custody, and Department Wide Restrictive Housing (DWRH) Review.” After the first sixty (60) days, this review shall be conducted at least every thirty (30) days.

Each review shall be individualized and summarize the reason for assignment, the offender’s conduct, overall behavior, and any information that may be pertinent to the offender’s assignment. Each review form shall also provide referral information pertaining to the Classification Appeal process as outlined in Policy and Administrative Procedure 01-04-101, “Adult Offender Classification. Classification appeals pertaining to facility Administrative Restrictive Status Housing shall be forwarded to the Warden.

It shall not be necessary to hold a formal Classification Committee Hearing in order to complete this review. However, if the offender requests a reclassification from administrative restrictive status housing, the thirty (30) day review may be combined with a full Classification Committee Hearing, or combined with a Treatment Team review, if applicable.

A full Classification review shall include, but not be limited to:

1. A review of each offender’s classification in the Classification Designation instrument, Unit Placement Criteria;
2. A review of the offender’s adjustment or behavior on the unit;
3. Any relevant external information; and,
4. Staff’s recommendation(s).

A full review shall be documented in the Offender Case Management System (OCMS) and by completing State Form 3412, “Report of Classification Hearing.”

During the review of an offender, staff may determine that the offender should be considered for placement in a Department-wide administrative restrictive status housing unit. Staff shall prepare a written report to the Warden detailing the reasons that the offender should be considered for placement in a Department-wide unit. During the time that the offender is under consideration, the facility shall continue to conduct the reviews as indicated previously.

- B. Department-Wide Administrative Restrictive Status Housing

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 15	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

1. The need for and appropriateness of continued Department-wide administrative restrictive status housing shall be reviewed, if applicable, by the Classification Committee or Treatment Team at least every seven (7) days for the first sixty (60) days that an offender is in administrative restrictive status housing. After the first sixty (60) days, this review shall be conducted at least every thirty (30) days. The initial review shall be documented in OCMS and by using State Form 3412, "Report of Classification Hearing." Subsequent reviews shall be documented in OCMS and by using State Form 56670, "Facility Restrictive Housing, Protective Custody, and Department Wide Restrictive Housing (DWRH) Review, and State Form 56393, Behavior Modification Plan."

Thirty (30) day reviews shall be individualized and summarize the reason for assignment, the offender's conduct and overall behavior, and any information that may be pertinent to the offender's assignment. Each review form shall also provide referral information pertaining to the Classification Appeal Process as outlined in Policy and Administrative Procedure 01-04-101, "Adult Offender Classification." Classification Appeals pertaining to Department-wide Administrative Restrictive Status Housing shall be forwarded to the Deputy Commissioner of Operations. State Form 57076, "Department Wide Restrictive Housing Review Roster," shall be utilized to monitor the status of each offender's review(s) from admission to discharge from the unit.

A full Classification review shall include, but not be limited to:

- a. A review of each offender's classification in the Classification Designation instrument, Unit Placement Criteria;
- b. A review of the offender's adjustment or behavior on the unit;
- c. Any relevant external information;
- d. Staff's recommendation(s); and,
- e. State Form 56393, "Behavior Modification Plan."

A full review shall be documented in the Offender Case Management System (OCMS) and by completing State Form 3412, "Report of Classification Hearing."

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 16	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

Within three (3) business days of admission to a Department-wide administrative restrictive status housing unit a copy of State Form 56393, "Behavior Modification Plan," shall be reviewed with, and presented to, the offender.

2. If it is determined at any time that an offender housed in Department-wide administrative restrictive status housing is seriously mentally ill, is receiving treatment for such a disorder, or has been diagnosed with a mental disorder that is worsened by confinement in a Department-wide administrative restrictive status housing unit, the offender shall be reviewed by the Treatment Team for determination of an appropriate facility that can provide the needed mental health treatment.

Mental Health assessments and medical encounters shall be conducted in a manner that ensures confidentiality.

#### VIII. RELEASE FROM ADMINISTRATIVE RESTRICTIVE STATUS HOUSING (See Operational Procedure):

In the event that the release of an offender directly from administrative restrictive status housing into the community is imminent, the facility shall document the justification and receive agency level/designee approval by completing and submitting a Category 6 Monitoring request to the assigned Executive Director of Adult Facilities in accordance with Policy and Administrative Procedure 01-04-106, "Offender Monitoring Program." This does not apply to immediate court-ordered releases.

##### A. Facility Administrative Restrictive Status Housing

An offender shall be released from a facility administrative restrictive status housing unit whenever the Warden or designee determines that restrictive status housing is no longer necessary or when such a release is in the best interests of the facility and the offender, such as to allow for participation in Re-Entry programming. In reviewing the need for the offender's continued assignment to administrative restrictive status housing, staff shall review the offender's Case Plan, and other pertinent documentation. Releases from administrative restrictive status housing shall be in accordance with Policy and Administrative Procedure 01-04-101, "Adult Offender Classification."

An offender released from facility administrative restrictive status housing may be returned to the general population of the facility and given a work



<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 17	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

assignment if the offender meets the facility's eligibility criteria for a work assignment. If the offender does not meet the facility's eligibility criteria for placement in a work assignment, the offender may be assigned to an idle offender housing unit until the offender meets the work assignment eligibility criteria.

Facility operational procedures shall ensure that an offender released from an administrative restrictive status housing unit to an idle offender housing unit is given written documentation of this assignment, including the reason(s) for the assignment and the facility's eligibility criteria for a work assignment.

**B. Department-Wide Administrative Restrictive Status Housing**

**1. Release Due to Program Completion**

- a. An offender who has been assigned to a Department-wide administrative restrictive status housing unit shall be released only with the approval of the Treatment Team, the assigned Executive Director of Adult Facilities, the Executive Director of Classification, the Deputy Commissioner of Operations, or the Commissioner
- b. If staff at the Department-wide administrative restrictive status housing unit believes that an offender is ready for release, staff shall prepare a written recommendation for the offender's release.
- c. Prior to submitting a recommendation to release an offender from Department-wide administrative restrictive status housing, unit staff shall review the offender's Case Plan and Behavior Modification Plan, and other pertinent documentation to determine the need for continued restrictive status housing.
- d. This recommendation shall be forwarded to the Warden for review.
- e. If the Warden agrees with the recommendation, the Warden shall forward the recommendation (Report of Classification Hearing, Classification Designation, Transfer Report, State Form 56393, "Behavior Modification Plan," and the written

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 18	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

request) to the assigned Executive Director of Adult Facilities for review and approval.

- f. The assigned Executive Director of Adult Facilities shall consult with the Deputy Commissioner of Operations, and the Executive Director of Classification, if applicable, to render a final decision and determine to which facility the offender will be transferred.
- g. Whenever possible, offenders released from a Department-wide administrative restrictive status housing should be released to a transition unit, or other specialized housing unit to assist the offenders' transition to general population.

## 2. Mental Health Release

- a. If, as a result of a mental health evaluation, qualified mental health staff determine the offender is seriously mentally ill, the offender shall be recommended for transfer, including an alternate recommendation, to a facility where they can obtain needed mental health treatment.
- b. Upon transfer of a seriously mentally ill offender, the assigned Executive Director of Adult Facilities, with input from qualified mental health staff, shall determine whether the offender's administrative restrictive status housing status should be suspended or modified due to the offender's serious mental illness.
  - (1) The Treatment Team lead mental health professional shall report the transfer to the assigned Executive Director of Adult Facilities and provide documentation of the mental health diagnosis and status of the offender as of the time of transfer, together with any other information that the Treatment Team believes to be relevant to a determination under this part of this policy and administrative procedure.
  - (2) The assigned Executive Director of Adult Facilities, in consultation with the Executive Director of Classification, shall make a written record of the decision and the reason(s) for the decision and shall

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 19	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

ensure that a copy of this written record is filed in the offender's facility packet.

- (3) The assigned Executive Director of Adult Facilities shall ensure that a copy of this decision is provided to the Warden of the facility housing the offender and that the Warden advises appropriate staff of the decision.
- (4) Unit staff shall ensure that the offender is notified of the decision and shall explain the consequences of the decision to the offender.

Operational procedures shall be prepared to ensure that the release of offenders from administrative restrictive status housing is in compliance with this policy and administrative procedure.

**IX. CONDITIONS OF THE ADMINISTRATIVE RESTRICTIVE STATUS HOUSING UNIT (See Operational Procedure):**

Facility and Department-wide administrative restrictive status housing unit staff shall ensure that certain rights and privileges are provided to offenders housed in the administrative restrictive status housing unit(s). These units shall provide living conditions that approximate those of the general population.

Offenders in administrative restrictive status housing shall have access to programs and services that include, but are not limited to, the following: educational services, commissary services, library services, social services, counseling services, religious guidance, and recreational programs.

The following conditions shall be met in all facility and Department-wide administrative restrictive status housing units:

- A. Offenders who are pregnant, or under the age of eighteen (18) shall not be placed in administrative restrictive status housing for over thirty (30) days.
- B. Offenders shall be notified when a different gender individual is in the unit. Staff shall announce the presence of the different gender individual in the unit and shall log the presence and announcement.
- C. Offenders shall be afforded the same type of clothing items as the general population consistent with Policy and Administrative Procedure 02-01-101, "Offender Personal Property." The amount and type of clothing permitted may be reduced and/or substituted; however, the facility shall ensure that

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 20	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

the offender is provided with sufficient clothing to afford at least one (1) clean set of clothing while other clothing is laundered. Operational procedures shall specify the amount and type of clothing that an offender may possess while in administrative restrictive status housing.

- D. The facility shall determine the limits on possession of personal property in administrative restrictive status housing. Such limitations shall not be based upon punitive action; but shall be based upon the space limitations of the unit and the safety and security of the facility. Offenders shall be permitted to maintain, in their living area, basic personal items (eyeglasses, writing material, etc.), materials required for any programming in which they are participating based upon needs indicated in their Case Plans, unless there is imminent danger that an offender(s) will destroy an item or induce self-injury. Religious property may be restricted per Policy and Administrative Procedure 02-01-101 if the property is determined to be a specific safety and security risk to the facility. The Director of Religious Services shall be consulted for other religious restrictions. Operational procedures shall specify the type and amount of property that shall be permitted.
  
- E. Each offender is to receive the same meal provided the general population. Based on the security needs of the unit, substitutes may be permitted. Substitute food items shall be recorded on the unit log. Prescribed medical/therapeutic diets and approved religious/personal preference diets shall be provided in accordance with Policy and Administrative Procedure 04-01-301, "The Development and Delivery of Foodservices."
  
- F. Each offender shall retain mail service privileges on the same basis as the general population 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 limited, in accordance with the facility's operational procedures for Policy 02-01-101, "Offender Personal Property."
  
- G. Each offender shall retain visitation privileges as presented in Policy and Administrative Procedure 02-01-102, "Offender Visitation," unless there are substantial documented reasons for withholding such privileges. A facility may reduce the frequency of visits that an offender may have; however, at a minimum, an offender shall be allowed two (2) visits per month. Consideration shall be extended for additional visiting privileges to aid in the offender's Case Plan. A facility may establish a separate visiting area for administrative restrictive status housing offenders and may impose non-contact visitation. If the visitation schedule and rules for offenders in administrative restrictive status housing is different from that of offenders in the general population, the offender shall be advised of the visitation

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 21	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

schedule and rules and instructed to advise any potential visitors of these issues.

Operational procedures shall be developed which establish the manner and method of visitation.

- H. Offenders shall be allowed telephone privileges to access, at minimum, the judicial process and family emergencies in accordance with Policy and Administrative Procedure 02-01-105, "Telephone Privileges," and Policy and Administrative Procedure 02-01-119, "Offender Tablets," unless security or safety considerations dictate otherwise. The frequency and duration of the telephone calls may be limited. Generally, offenders in administrative restrictive housing shall be permitted to make at least one (1) telephone call per week, unless the offender abuses this privilege. Additional telephone calls may be permitted in accordance with the offender's Case Plan. Operational procedures shall specify the number and duration of telephone calls that an offender may make.
  
- I. 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." Each facility shall develop operational procedures to establish the manner and method to ensure this access. An offender's access to legal reference material may be in hard copy or electronic format. If the material is in an electronic format, the facility shall ensure that the offender is instructed how to access and use the material. The facility may limit the amount of legal material that an offender may possess in the 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 or other suitable secure location. If the facility stores an offender's excess legal materials, it shall ensure that the offender may have access to these materials within two (2) business days of the offender's request.
  
- J. Each offender shall be offered the opportunity to participate in physical recreation outside of the immediate living area (cell). Offenders shall be offered a minimum of one (1) hour of exercise/recreation five (5) days per week, unless safety or security considerations dictate otherwise. Based upon the security needs of the facility and the weather conditions, this recreation/exercise may be held outdoors or indoors. Group recreation activities and increased out-of-cell time for offender determined to be seriously mentally ill, may be considered based upon the past behavior of the offenders and the safety and security of the facility.

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 22	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

- K. 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 activity time (e.g. recreation). In instances where offenders are not allowed to shower or shave shall be documented. This documentation shall be reviewed by Custody Supervisor, or the Shift Supervisor in the Custody Supervisor's absence.
  
- L. Each offender shall receive laundry, barbering, and hair care services and are issued and exchange clothing, bedding, and linen on the same basis as offenders in general population. Exceptions shall only be permitted when found necessary by the highest ranking officer on duty. Any exception shall be recorded in the unit log and justified in writing via State Form 7212, "Incident Report Form." Operational procedures shall be developed to ensure that these general personal services are provided.
  
- M. Each offender shall be allowed access to the facility commissary. The facility may provide a reduced commissary list for offenders in administrative restrictive status housing; however, offenders shall have access to personal hygiene items. A list of allowable personal hygiene items shall be developed by the facility. The development of a reduced commissary list shall be in accordance with Policy and Administrative Procedure 02-01-108, "The Establishment and Operation of Commissaries." If a reduced commissary list is developed, a copy of it shall be attached to the operational procedures for this policy and administrative procedure and Policy and Administrative Procedure 02-01-108.

**No bottles of any kind are authorized for offender possession inside the cell.**

- N. Each offender shall have access to reading materials. The facility library shall provide access to reading materials. These services may be provided via a book cart or other method. Offenders may possess a limited number of personally-owned soft-cover books, magazines and newspapers. 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 an offender may possess.
  
- O. Programs and services shall be provided to offenders either in the living areas (cells) or on the unit, in accordance with the security needs of the facility. Programs and services may be provided via multi-media presentations, self-study programs, or other programming which does not impair the safety and security of the unit. Programs and services shall include, but are not limited to: counseling (individual and group), academic

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 23	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

education, health services, addiction recovery, religious guidance, commissary, Re-Entry, library, and recreational programs.

- P. The facility Chaplain shall visit the unit weekly to walk each range to review the religious needs of offenders. 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 addressed.
- Q. Program/Re-Entry staff designated by the facility's operational procedure shall visit the unit and offenders at least weekly.
- R. Sick call procedures shall be developed requiring Health Services personnel to evaluate offenders for illness or injury as requested by staff or offenders. Licensed nursing staff shall visit the administrative restrictive status housing unit daily and observe all offenders in the restrictive status housing unit. A record shall be made in the unit log that the Health Services staff visited the unit and met with offenders. An announcement to the offenders that Health Services staff persons are on the unit shall be recorded in the unit log. A record does not have to be made in the offender's health record unless health services are provided to an offender. All offenders shall be provided medication as prescribed by the facility practitioner. Prescribed medications shall be distributed only by qualified Health Services personnel. Offenders in administrative restrictive status housing may be permitted to possess "may carry" medications in accordance with applicable Policy and Administrative Procedure 01-02-101, "The Development and Delivery of Health Services," and applicable Health Care Services Directives.

No oral medication except prescribed nitroglycerin and inhalers, shall be distributed to offenders as keep-on-person (KOP) medications.

Operational procedures shall ensure that offenders in administrative restrictive status housing have adequate access to Health Services and shall specify the procedure that offenders may use to obtain this access.

- S. Each offender shall have access to the grievance process in accordance with Policy and Administrative Procedure 00-02-301, "The Offender Grievance Process."
- T. Each offender shall be placed in a "no pay" status in accordance with Policy and Administrative Procedure 02-01-106, "Offender Assignments and Pay Schedules," unless the offender is given a work assignment.

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 24	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

U. Facilities that operate multiple administrative restrictive status housing units shall ensure that all administrative restrictive status housing units are operated in the same manner and that all conditions as indicated in this procedure are the same.

X. OBSERVATION OF OFFENDERS:

The facility shall ensure that each offender is observed personally by a Correctional Officer assigned to the unit twice per hour, but no more than forty (40) minutes apart, on an irregular schedule. Those offenders appearing to be violent, mentally disturbed, or demonstrating unusual, bizarre, or self-harming behavior shall receive more frequent observation. Any offender who appears to be exhibiting suicidal ideation shall be maintained under constant observation until a qualified mental health professional examines the offender, provides further instruction as needed, and determines the type of observation (close or constant).

XI. STAFF ASSIGNMENTS:

Staff persons assigned to the 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 assigned Executive Director of Adult Facilities. Such decisions shall be based solely on operational and security needs.

Staff shall be given on-the-job training in accordance with Policy and Administrative Procedure 01-05-101, "Staff Development and Training." No staff member shall be assigned to work in a restrictive status housing unit for more than thirty (30) days in any twelve (12) month period without successfully completing the restrictive status housing certification program.

A staff person, Custody and non-Custody, assigned to an administrative restrictive status housing 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 Evaluation." SF 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, SF 51852 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



<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 25	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

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. DAILY INSPECTIONS:**

The highest-ranking Custody Supervisor on duty in the facility shall inspect the restrictive status housing unit daily to ensure safe, clean, and efficient operation. The inspection shall be documented in writing and shall be noted in the unit log book and the visitor's log for the unit. The highest-ranking Custody Supervisor on duty in the facility shall:

- A. Examine the general cleanliness of the unit;
- B. Ensure that personal hygiene opportunities are available;
- C. Review unit records for completeness, including shaving razors, tool, and key control; and,
- D. Examine all areas of the unit to ensure the rights and privileges as presented in this policy and administrative procedure are provided and to ensure the general operation of the unit is in accordance with the facility's operational procedures.

The highest-ranking Custody Supervisor conducting this inspection shall provide a written report to the Deputy Warden of Operations indicating all deficiencies found and the steps taken to correct them. The Deputy Warden shall advise the Warden of any deficiencies in the unit that cannot be corrected in a timely manner. The Warden shall take the appropriate action to correct these deficiencies.

The highest-ranking Custody Supervisor shall make themselves available to offenders housed in the administrative restrictive status housing unit on a daily basis. This staff person shall address any concerns presented by the offenders on the unit and ensure that all proper procedures are followed.

## **XIII. EMERGENCY RESTRICTIONS:**

A need may arise to restrict an offender from one or more of the previously addressed activities itemized in these procedures due to the offender's behavior or abuse of a particular activity indicated in these procedures that threatens the safety and/or security of the facility, staff or other offenders. In those cases where an offender is deprived of any usually authorized item or activity, State Form 16050, "Adult Restrictive Status Housing Restrictions Report," shall be completed. This report shall be forwarded to the Custody Supervisor for review, approval, signature, and appropriate distribution and a copy filed in the offender's packet.

<b>POLICY AND ADMINISTRATIVE PROCEDURE</b>			
Indiana Department of Correction			
<b>Manual of Policies and Procedures</b>			
Number 02-01-111	Effective Date 10/1/2021	Page 26	Total Pages 26
Title <b>ADMINISTRATIVE RESTRICTIVE STATUS HOUSING</b>			

When the Warden determines that an emergency situation exists as provided in Policy and Administrative Procedure 02-03-102, "Emergency Response Operations," any activities extended under these procedures may be suspended. In such cases, it shall not be necessary to advise each offender that these procedures have been suspended. When the emergency situation no longer exists, activities shall resume.

#### XIV. MAINTENANCE OF PERMANENT LOGS:

Each restrictive status housing unit shall maintain a permanent unit log. This log shall be used to record any activities as indicated in this policy and administrative procedure. Staff shall ensure that all entries into the unit log are made in a timely manner and are legible. The unit log shall be maintained in a safe and secure location in the unit where the offenders do not have access.

Anyone not assigned to work on the administrative restrictive status housing unit who enters the unit, except in emergency situations, shall sign a permanent unit visitor's log, including name, date, and time. State Form 37621, "Visitors Log-Restrictive Status Housing," shall be used for this purpose. Unit staff shall ensure that the State Form 37621 includes the name of the unit. **There shall be no exceptions to this procedure.**

In an emergency situation (such as when the emergency squad is activated), the staff person in charge of the unit shall obtain the names of all persons who enter the unit and record the names and titles of these persons in the visitation log. It will not be necessary for each person entering the unit to sign the log during an emergency situation.

#### XV. APPLICABILITY:

This policy and administrative procedure shall be applicable to all facilities housing adult offenders that maintain an administrative restrictive status housing unit and/or a Department-wide administrative restrictive status housing unit.

\_\_\_\_\_  
signature on file  
Robert E. Carter, Jr.  
Commissioner

\_\_\_\_\_  
Date