



State of Indiana
Indiana Department of Correction

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6/1/2013	14	02-04-102

POLICY AND ADMINISTRATIVE PROCEDURES
Manual of Policies and Procedures

Title
THE USE AND OPERATION OF ADULT OFFENDER DISCIPLINARY SEGREGATION UNITS

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 11-8-2-5 (a) (8) IC 11-10-1-7 IC 11-11-5 IC 11-11-6-1	00-02-102 01-01-101 01-02-101 01-03-105 01-04-101 02-01-101 02-01-102 02-01-103 02-01-104 02-01-105 02-01-108 02-01-110 02-04-101	ACA Standards: 4-4249, 4-4250, 4-4253, 4-4254, 4-4256 through 4-4271, 4-4273

I. PURPOSE

This Policy and Administrative Procedure establishes the standards for the use and operation of adult offender disciplinary segregation units.

II. POLICY

The Department of Correction shall operate adult offender disciplinary segregation units in a manner which ensures:

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

An offender shall only be placed on adult disciplinary segregation status after the finding of guilt in a disciplinary hearing and imposition of a disciplinary segregation sanction as established for Policy 02-04-101, "The Disciplinary Code for Adult Offenders."

The Department shall establish a continual monitoring system that ensures compliance with this Policy.

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III. DEFINITIONS:

For the purpose of these procedures, the following definitions are presented:

- A. **DISCIPLINARY SEGREGATION:** Segregation resulting from the regulations and actions of Policy 02-04-101, "The Disciplinary Code for Adult Offenders."
- B. **SEGREGATION:** Placement in a unit designed to provide activities and functions in a controlled fashion.
- C. **UNIT:** A sub-section of a facility.

IV. STANDARDS FOR PLACEMENT ON DISCIPLINARY SEGREGATION STATUS:

Offenders placed on disciplinary segregation status as a result of a disciplinary hearing shall be given a fixed period of time in segregation. This time may be reduced in accordance with Procedure VII. B., below. However, the length of time in disciplinary segregation cannot be increased unless the offender commits additional violations of the disciplinary code and additional segregation time is given as a sanction.

Offenders who have pending disciplinary hearings or are under investigative status shall not be placed on disciplinary segregation status. However, they may be segregated under administrative segregation status, in accordance with the administrative procedures for Policy 02-01-111, "The Use and Operation of Adult Offender Administrative Segregation Units," and Policy 02-04-101, "The Disciplinary Code for Adult Offenders," until their disciplinary hearings have been completed.

Standards for the placement of offenders on disciplinary segregation status shall be in accordance with Policy 02-04-101, "The Disciplinary Code for Adult Offenders," and this administrative procedure.

V. ADMISSION TO A DISCIPLINARY SEGREGATION UNIT:

- A. Admission of an offender to a Disciplinary Segregation Unit shall be documented in the unit log. The offender's name, identification number, date, time and any other information pertinent to the admission shall be recorded.

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- B. State Form 39588, SEGREGATION/CONFINEMENT REPORT, shall be completed at the time of admission to the disciplinary segregation unit.
- C. State Form 21255, OFFENDER SEGREGATION RECORD, shall be prepared for each offender. This record shall document all activities of the offender. The routine delivery of meals shall be recorded on the unit log. The delivery of meals does not need to be recorded on State Form 21255, unless the offender refuses the meal or there is some other unusual activity involving the meal.

The OFFENDER SEGREGATION RECORD is to be maintained by staff assigned to the unit in a controlled area of the disciplinary segregation unit. After the completion of the disciplinary segregation sanction, the form(s) shall be forwarded to the offender's facility packet. However, for offenders serving extended disciplinary segregation sanctions, the Facility Head may authorize that a portion of these records may be transferred to the offender's facility packet if it is determined that it is no longer needed on the unit.

- D. At the time of admission to a disciplinary segregation unit, the offender's property shall be inventoried. All items will be listed and the disposition of the property recorded on the State Form 40093, SEGREGATION UNIT INVENTORY LIST - PERSONAL PROPERTY.
- E. Immediately upon admission to a disciplinary segregation unit, the facility's Health Care Services staff shall be contacted. Upon notification of an offender being placed in segregation, the Health Care Services staff shall review the offender's health record to determine whether there are any health conditions which might be impacted by the offender's segregation. The contacting of the Health Care staff shall be recorded on the OFFENDER SEGREGATION RECORD. The review of the offender's health record shall be documented in the offender's health record.

VI. REVIEW OF OFFENDER'S DISCIPLINARY STATUS (See Operational Procedure):

Facility staff shall review the need for and appropriateness of continued disciplinary segregation of each offender at least every 30 days. Operational Procedures shall be developed to ensure that this review is conducted and who is responsible for conducting it.

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A qualified mental health professional (e.g. a behavioral clinician or psychologist) shall personally interview and prepare a written report on any offender remaining in disciplinary segregation for more than 30 days. If the offender remains in segregation beyond thirty (30) days, a mental health assessment shall be made at least every three (3) months. Operational procedures shall be developed which indicate how and by whom these interviews and assessments shall be conducted.

VII. RELEASE FROM SEGREGATION (See Operational Procedure):

- A. An offender may not remain on disciplinary segregation status longer than the given disciplinary sanction imposed in accordance with Policy 02-04-101.
- B. The Facility Head may review and/or order the early release of an offender from disciplinary segregation status. The early release shall be considered a “time served” sanction and shall not be considered a suspension of the segregation term. The effective date of the early release shall be the date that State Form 47455, APPROVAL FOR EARLY RELEASE FROM DISCIPLINARY SEGREGATION, is completed and signed by the Facility Head.

When a Facility Head authorizes an early release from disciplinary segregation status, State Form 47455, APPROVAL FOR EARLY RELEASE FROM DISCIPLINARY SEGREGATION, shall be completed. The Facility Head shall ensure that copies of the completed form are forwarded to the Chairperson of the Disciplinary Hearing Board and the facility’s Supervisor of Classification. The Chairperson shall ensure that the “Sanctions Screen” on the Offender Information System (OIS) is changed to reflect the early release. A narrative shall be added indicating that the Facility Head authorized the offender’s early release and the date of the release. The Supervisor of Classification shall ensure that the release form is reviewed and that the offender is still at the facility. Also, the Supervisor shall ensure that the status and condition of the offender has not changed in any manner that would impact a pending transfer request. If the offender’s status or condition has changed, the Supervisor shall ensure that the appropriate Classification staff in Central Office is notified as quickly as possible.

Operational procedures shall be developed to ensure that an offender is released from a disciplinary segregation unit in accordance with this administrative procedure.

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VIII. CONDITIONS OF THE DISCIPLINARY SEGREGATION UNIT (See Operational Procedure):

- A. State issued clothing shall be the only clothing allowed on the unit. Outerwear shall be a red jump suit. Shoes shall be State issue, Commissary purchased tennis shoes (white only), or personal tennis shoes that are equivalent to those purchased from Commissary. The Facility Head shall establish limits of State issued clothing items to be retained by the offender. Offenders shall be permitted to exchange clothing at least three (3) times per week. If possible, the clothing exchanges shall be in conjunction with when the offender is permitted to shower.

Operational procedures shall indicate the limits that shall be placed on the amounts and types of clothing permitted in the segregation unit and the manner in which clothing exchanges will be made.

- B. Other permitted property shall include:
1. Bedding in accordance with facility limits;
 2. Legal material;
 3. Personal mail and photographs;
 4. Printed religious material;
 5. Writing materials and stamps;
 6. Wedding Band; and,
 7. Prescribed medications that licensed Health Care staff determines must be carried on the offender's person.

No oral medications (prescribed or over-the-counter), except nitroglycerin and inhalers, shall be distributed as keep-on-person (KOP) to the following categories of offenders:

- a. Offenders assigned to the B, C, or D Mental Health Status Code classification;
- b. Offenders prescribed psychotropic medication; or,
- c. Offenders with a previous suicide attempt.

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The amounts of the items listed may be limited by the Facility Head based upon the security and/or safety of the facility, segregation unit, staff, and offenders. Operational procedures shall specify the amounts of these items that will be permissible.

C. Other property items may be retained in a controlled situation and provided to the offender on an as-needed basis, such as:

1. Towel and washcloth;
2. Bath soap and shampoo;
3. Toothbrush and toothpaste;
4. Plastic comb;
5. Shaving material;
6. Deodorant;
7. Over-the-counter medications available on commissary (except as directed by subsection B, 7 above; and,
8. Prescription medications that the offender is not authorized to carry.

Operational procedures shall specify which of these items the offender may keep and which items shall be kept by staff and issued on an as-needed basis.

D. In those facilities that permit offenders in the general offender population to possess a television, offenders in short-term disciplinary segregation may be permitted to possess a television. Prior to offenders in disciplinary segregation being allowed to possess a television, the facility must determine whether the segregation unit is capable of allowing the possession of individual televisions. Facilities shall not make renovations to a segregation unit solely to allow offenders in the unit to possess a television.

In those facilities that permit an offender in short-term disciplinary segregation to possess a television, the offender must have 90 days of clear conduct (No findings

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of guilt in a disciplinary hearing.) in order to be eligible to have a television. Additionally, in order to continue to possess the television, the offender must maintain a clear conduct record. If the offender receives a finding of guilt after being authorized to possess a television, the privilege to possess the television shall be revoked. (NOTE: The basis of the REPORT OF CONDUCT and the subsequent finding of guilt does not have to involve the use or possession of the television.) If the offender loses his/her privilege to possess a television while in segregation due to a finding of guilt in a disciplinary hearing, the offender must complete a period of 90 days of clear conduct from the date of the last disciplinary hearing before he/she is eligible to possess a television again.

- 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.
- F. Each offender shall retain the privilege of the mail service as presented in Policy 02-01-103, "Offender Correspondence." The amount of correspondence that an offender may possess, at any one time, may be restricted due to the size of the living area.
- G. Each offender shall retain the privilege of visitation as presented in Policy 02-01-102, "Offender Visitation." A facility may reduce the frequency of visits that an offender may have; however, unless the offender abuses the visitation privilege, an offender shall be permitted minimally one (1) visit per month. A facility may establish a separate visiting area for disciplinary segregation offenders. This area may be a non-contact visit setting. If the facility has the capability for video visitation, video visits are acceptable for disciplinary segregation units.

Operational procedures shall be developed which establish the frequency, manner and method of operation of the visitation program.

Offenders found guilty of certain violations of the applicable disciplinary code shall be subject to non-contact or video visits for prescribed periods of time as provided in Section XVII of Policy 02-01-102, "Offender Visitation."

- H. Each offender shall be permitted use of a telephone for calls related to access to an attorney of record in accordance with Policy 00-01-102, "Offender Access to the Courts." The facility may restrict the frequency and length of all calls, except those to an attorney. Offenders shall be permitted a minimum of two (2) telephone calls per month, unless the offender abuses this privilege. Offenders who are held

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in disciplinary segregation units for more than 60 days shall be given the same opportunity to make telephone calls as offenders held in administrative segregation. The facility shall develop operational procedures for offender access to the telephones.

- I. Each offender shall retain the right of access to legal materials in accordance with Policy 00-01-102, "Offender Access to the Courts." The facility may limit the amount of legal materials that an offender may possess in the immediate living area. This limit shall be based upon the amount of space available to the offender and the safety and security of the facility. Excess legal materials may be stored in another location, such as the facility's property room. 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, unless the offender can provide written documentation that a court has imposed a deadline that requires access to the materials sooner. Each facility shall develop operational procedures to establish the manner and method which ensures the offender's access to legal materials.

- J. Each offender shall be offered one hour of exercise per day outside his/her cell, five days per week, unless safety or security considerations dictate otherwise. Reasons for allowing less than one hour of exercise per day, five days per week shall be documented in the unit log. Based upon the security needs of the facility and the weather conditions this recreation may be held outdoors or indoors. Group recreation activities may be considered based upon the past behavior of the offenders and the safety and security of the facility.

- 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.

- L. Each offender shall be offered general personal services at the same frequency as provided to the general population. General personal services will include, but are not limited to: bedding and linen exchange and barbering. Operational procedures shall be developed to ensure that these general personal services are provided.

- M. Each offender may have limited access to the commissary to order personal hygiene items and over-the-counter medications. Operational procedures shall

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specify the manner in which the offender may order these items and which items will be available to the offender.

- N. Each offender shall have reasonable access to reading materials. Offenders in disciplinary segregation shall have access to library services based upon facility security and availability of Department/facility resources. This access does not require that these offenders be permitted to go to the library. The facility shall ensure that an alternative means of providing access to library services is implemented and that these offenders have access to a variety of materials that is rotated on a frequent basis.

The amount of reading materials allowed shall be determined by the Facility Head. Operational procedures shall be developed to ensure this access.

- O. Limited programs and services shall be provided to the offenders either in their living areas or on the unit, based upon the security needs of the facility. Offenders held on disciplinary segregation status for periods exceeding 60 days are provided the same program services and privileges as inmates in Administrative Segregation and Protective Custody. Programs and services shall include, but are not limited to: educational services, commissary services, library services, social services, counseling services, religious guidance, and recreational programs. Operational procedures shall be developed indicating the programs and services that are available to offenders on the unit and the manner in which offenders may access these programs and services.
- 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 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. An appropriate sick call procedure shall be developed which requires Health Care Services personnel to evaluate offenders for illness or injury. A qualified health care professional shall visit the unit daily to walk the ranges to determine the offenders' continuing health status. The presence of Health Care Services personnel shall be verbally announced to the offenders before the health care professional enters the ranges. Reports of contacts with an offender by the Health Care Services staff shall be recorded in the offender's medical packet. Requests

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for evaluation may be initiated by staff or offenders. Prescribed controlled medications shall be dispensed by medical personnel.

Operational procedures shall ensure that offenders in disciplinary segregation have adequate access to Health Care Services and shall specify the procedure that offenders may use to obtain this access.

- R. Each offender shall be afforded access to mental health care evaluation and treatment on an as needed basis. In addition to the interview and report indicated in Procedure IV, an offender held in disciplinary segregation shall be afforded mental health treatment by a qualified mental health professional if such a need is indicated. Operational procedures shall be developed to ensure that access to mental health professionals is available on an as needed basis.
- S. Offenders assigned to the disciplinary segregation unit following a finding of guilt shall not receive offender wages.
- T. Each offender shall have access to the offender grievance process.

IX. OBSERVATION OF OFFENDERS (See Operational Procedure):

Staff assigned to the disciplinary segregation unit shall personally observe each offender (as a living, breathing human being), at least once every thirty (30) minutes. This observation shall be on an irregular basis. Staff shall record in the unit log that such observations have been made.

Offenders that are violent, mentally disordered or who demonstrate unusual or bizarre behavior shall be observed more frequently. Offenders who are determined to be suicidal shall be maintained under continuing observation per orders from the qualified mental health professional.

Operational procedures shall be developed to ensure that these offender observations are made.

X. STAFF ASSIGNMENTS (See Operational Procedure):

Staff assignment to a disciplinary segregation unit is more demanding than other assignments. Additional security concerns and the types of offenders in a disciplinary segregation unit create an intense environment. The facility shall make assignments to

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and from a disciplinary segregation unit. Staff persons assigned to the unit who work routinely with offenders on a daily basis shall be rotated periodically in accordance with these administrative procedures. The need for such staff rotations is to be based upon the intensity of the assignment. Such reassignments shall be made in the best interests of the staff person, facility operations and security. The decision to deviate from this administrative procedure shall be made by the Custody Supervisor, in consultation with Facility Head, or Assistant Facility Head, and will be based solely on operational and security needs.

- A. All staff persons must have at least six (6) months of Departmental experience with satisfactory work performance before being assigned to a segregation unit. Staff persons, with less than six (6) months of Departmental experience, shall not be assigned duties in a segregation unit
- B. The length of time a staff person who has regular contact with offenders in a disciplinary segregation unit is assigned to the unit shall not exceed one (1) year. These staff persons shall be reassigned one (1) calendar year from the date the assignment to the disciplinary segregation began. Assignment to the disciplinary segregation unit may exceed one (1) calendar year based upon the operational and security needs for experienced staff in other assignments on the shift. Prior to being assigned to a disciplinary segregation unit, staff shall be advised as to the anticipated date when the staff person will be reassigned or transferred from the unit.
- C. Correctional Officers may transfer to or from a disciplinary segregation unit every six (6) months. Correctional Officers may request assignment to disciplinary segregation units or assignment from a disciplinary segregation unit to another assignment after six (6) months in their current assignments. .
- D. Staff persons who have been reassigned from a disciplinary segregation unit may request to be reassigned or transferred back to a disciplinary segregation unit after they have had a break from the unit. Generally, the length of time that a staff person is to be away from the unit is at least 30 days. Requests to be reassigned to a disciplinary segregation unit shall be made in writing to the Custody Supervisor.
- E. When staff rotations are being made, the Custody Supervisor and the Unit Supervisor shall take into consideration the need to maintain an adequate number of experienced staff in the unit at all times.

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F. Staff removed from a disciplinary segregation unit shall be replaced. Volunteers shall be given first consideration. The following selection criteria shall apply:

1. Documented satisfactory work performance; and,
2. Six (6) months of employment with the Department

If there is an insufficient number of acceptable volunteers, custody operations staff shall be reassigned to a disciplinary segregation unit based upon operational needs. Based upon operational and security needs, it may be necessary to deviate from these procedures when assigning staff to a disciplinary segregation unit or retaining staff in that unit.

H. Staff shall be given on-the-job training upon the initial assignment to a segregation unit. Staff shall be evaluated for the on-the-job performance consistent with State Personnel Department's rules for staff evaluation.

I. Staff assigned to disciplinary segregation units who have routine contact with offenders shall be reviewed periodically, not less than once every three (3) months, to determine whether these staff persons are experiencing job burn-out or are having other job-related problems. The staff person's immediate supervisor and the Shift Supervisor, if the staff person is a Correctional Officer, shall complete these reviews. Any review that indicates that the staff person may be affecting the security of the unit or that shows that the staff person's normal working habits have been impacted by the assignment to the disciplinary segregation unit shall be brought to the attention of the Unit Team Manager. The Assistant Superintendent of Operations and the Custody Supervisor shall review all staff evaluations to determine what actions, if any, are necessary to ensure that the proper level of unit security is maintained. The results of this review may include placing the staff person on a work improvement plan, reassignment from the segregation unit or other action necessary to correct the situation and maintain security in the unit.

The facility shall develop operational procedures to ensure that each of the above procedures is addressed.

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XI. DAILY INSPECTIONS:

The highest ranking custody supervisor on duty in the facility shall inspect the segregation unit daily to ensure efficient operation. The staff person is to:

- A. Examine the general cleanliness of the unit;
- B. Ensure that personal hygiene opportunities are being offered;
- C. Review unit records;
- D. Examine all areas in relation to the rights and privileges of the offender as well as general operation of the unit; and,
- E. Make him/herself available daily to communicate with offenders in the unit.

XII. EMERGENCY RESTRICTIONS:

A need may arise to restrict an offender from one or more of the previously addressed activities itemized in these procedures. A situation may arise when an offender abuses a particular activity which threatens the safety and/or security of the facility, staff or offenders. Should an offender be deprived of any activities normally offered, State Form 16050, ADULT SEGREGATION RESTRICTION REPORT, shall be completed. This report shall be forwarded to the Shift Supervisor for review, approval, signature and appropriate distribution.

When the Facility Head determines that an emergency situation exists as presented in Policy 02-03-102, "Emergency Response Operations," any activities under these procedures may be suspended. In such cases, it will not be necessary to advise each offender that these activities are suspended. When the emergency situation no longer exists, activities shall be reinstated.

XIII. MAINTENANCE OF PERMANENT VISITOR'S LOG:

Anyone not assigned to work on the disciplinary segregation unit who enters the unit, except in emergency situations, shall sign a permanent log. There are to be no exceptions to this procedure. State Form 37621, SEGREGATION UNIT VISITOR'S LOG, shall be used for this purpose.

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XIV. STAB-RESISTANT VEST:

For the Indiana State Prison (IDU and D Cellhouse), Pendleton Correctional Facility, and Wabash Valley Correctional Facility's Secure Confinement Unit, the wearing of a stab-resistant vest by all staff providing services to the offenders, both Custody and non-Custody, entering the segregation unit shall be mandatory. Visitors to the units that are not providing services to offenders may be offered the vests, but it is not mandated that the vests are worn.

For staff members with the rank of Major and above, the wearing of the stab-resistant vests shall be at the discretion of the Facility Head. If questions arise regarding a staff member below the rank of Major wearing or not wearing the vest, the decision of the Facility Head shall be final.

For the Westville Control Unit, staff members providing services to the offenders shall wear the vests, minimally, during times of movement or when cuff ports are unsecured.

XV. FACILITIES USING NON-DEPARTMENT SEGREGATION UNITS (See Operational Procedure of Applicable Facility):

Those facilities which use a non-department segregation facility (e.g., a county jail) as their segregation unit shall follow the procedures as established for the operation of the non-department segregation unit. These facilities shall develop operational procedures which indicate that the non-department segregation unit is used. The rules of the facility which are used for this purpose shall be attached.

XVI. APPLICABILITY:

This policy and administrative procedure shall be applicable to all Department facilities housing adult offenders which operate a disciplinary segregation unit or which use a non-departmental facility as a disciplinary segregation unit.

signature on file
Bruce Lemmon, Commissioner

Date