



MONTANA STATE PRISON POLICIES AND PROCEDURES

Policy No.: MSP 4.2.200	Subject: SPECIAL MANAGEMENT OF ATYPICAL INMATES
Chapter 4: INSTITUTIONAL SERVICES	Page 1 of 13, plus 3 attachments
Section 2: CLASSIFICATION	Revision Date: 10/16/00
Signature: /s/ Mike Mahoney	Effective Date: 9/1/98

I. POLICY: It is the policy of the Montana State Prison to manage the placement of atypical inmates for the purpose of providing for the safety of staff and inmates, and for the orderly operation of the institution.

II. AUTHORITY:

MSP 1.1.3 Organization and Responsibility

DOC 3.5.3 Mental Health Cases in Locked Unit Status

DOC 4.5.21 Health Evaluation of Offenders in Disciplinary Units/Lockup

DOC 4.2.2 Special Needs Offenders

III. DEFINITIONS:

Atypical Inmates: includes but is not limited to predatory and vulnerable inmates. For the purpose of this policy predatory inmates include but are not limited to those who have a tendency to victimize others for their own benefit, and gang affiliated inmates. For the purpose of this policy vulnerable inmates include but are not limited to disabled, mental health, or youthful inmates, witness/informants, or high profile inmates.

Special Management: means any designation which recognizes a need for a special housing assignment, additional or altered supervision, or other atypical handling.

Separation Needs: means a written directive to prevent potentially harmful contact between particular inmates.

IV. PROCEDURES:

A. Identification of Vulnerable and Predatory Inmates

1. Throughout an inmate's incarceration at MSP staff must monitor the individual for potential predatory behavior or vulnerability.

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2. Separation needs must be identified and used when making housing, cell, program and work assignments. This must be documented on the classification summary sheet and separation needs form.

B. Predatory Inmate Identification

1. When conducting initial classification, staff shall use the following information to attempt to identify potential predators:
 - a. Criminal history
 - b. Prior incarceration
 - c. Severity of prior predatory behavior
 - d. Frequency of prior predatory behavior
 - e. How recent was the prior predatory behavior
 - f. Prior history using physical force, extortion, or intimidation
2. When a predator is identified, he must be classified as a predator, and this information must be documented on his classification summary sheet. ***The inmate's ID must also be marked in a manner that alerts staff that the inmate is atypical and has special management needs.*** This marking must be discreet so that its purpose is not easily discernible to other than trained staff.
3. At any time after initial classification, an inmate may be identified by the Unit Management Team as a predator based upon institutional behavior and/or new information regarding predatory behavior.
4. In evaluating violent or predatory behavior to determine whether an inmate should be designated as a predator, staff should consider how frequent, recent, and serious the behavior was.
5. Inmates, whose behavior while in prison demonstrates a propensity for predatory behavior, should be reassessed to determine whether there is a need to reclassify the inmate to a higher custody level. Misconduct which involves sexual or other assaults,

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predatory behavior, or other violent behavior will result in disciplinary action and/or a reassessment of classification.

6. Certain predatory inmates identified by staff may require single cell housing. The Unit Management Team will determine single cell assignments.
7. Immediately upon receiving a report of a serious threat or violent act the accused inmate must be placed in to temporary lock up with approval by the Unit Manager or designee or Shift Commander.
8. Within 24 hours of the inmate's placement in T/L he must receive notification of a classification or disciplinary hearing. Within 72 hours of placement in TL, excluding weekends and holidays, a classification hearing must be held to determine the appropriate action. At the hearing, the Unit Management Team will utilize incident reports and any other pertinent information to make one of the following decisions:
 - a. Classify the inmate to administrative segregation;
 - b. Return the inmate to his previous status;
 - c. Increase the inmate's custody to a more appropriate supervision level;
 - d. Transfer the inmate to another institution.
9. If further investigation is needed for classification purposes, the staff member conducting the investigation may extend the temporary lockup placement for an additional 72 hours. In any case, a new Admission/Discharge Report (ADR) must be completed. Time in excess of 144 hours in temporary lockup will require signed approval by a Deputy Warden, and another ADR must be completed. At the time that the final disposition is reached, complete documentation must be forwarded to the Administrative Review Committee for approval.

C. Vulnerable Inmate Identification:

1. Montana State Prison staff shall consciously attempt to identify potentially vulnerable inmates as a routine aspect of their duties and responsibilities. The following information

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should be used as a guide in making a determination that an inmate is vulnerable to abuse, violence and/or threats from others in the inmate population.

- Criminal history
- Prior incarceration
- Type of crime
- Profile of crime
- Prior occupation (if in law enforcement or criminal justice)
- Informant or witness status
- Age
- Physical Stature
- Other pertinent information

2. An inmate may be identified as a vulnerable inmate at any point during their incarceration at the Montana State Prison. Institutional behavior, reported or suspected victimization, or any other pertinent information may be used in making a determination that an individual has separation needs after having been determined to be a vulnerable inmate.
3. In evaluating the vulnerability of an inmate, staff should consider all pertinent information, but at a minimum the following issues should be addressed:
 1. The immediacy of the threat;
 2. Whether the threat is short-term or ongoing;
 3. The inmate's desire/request to remain in general population;
 4. The number, custody levels and known/suspected actions of all inmates who pose a threat to the inmate in question; and
 5. The exact nature of the threat.

D. Separation Procedures:

1. If the Unit Management Team (UMT) receives a request for protection, or identifies a need to separate a vulnerable inmate, they must assess the validity of the request and the

need to separate. The UMT should determine whether the information requires the immediate removal of the inmate from his current housing assignment. Removal from a current housing assignment may be warranted before the accuracy of the request or situation is determined.

2. The UMT shall initiate a thorough investigation, and document the findings in a classification report.
3. If the need to separate the inmate is supported by the investigation, or the immediate situation, the following options must be explored, and the option that best protects the immediate needs of the inmate in question must be implemented at the earliest possible time:
 - Return the inmate to his current housing assignment with close observation and documentation of the scheduled observation times.
 - Crisis intervention/confrontation counseling between the involved inmates.
 - Reclassify the affected inmates to another housing unit.
 - Remove the vulnerable or predatory inmate from work assignments in order to attain separation.
 - Implement other appropriate solutions that will ensure that the vulnerable inmate is protected to the best of the facilities ability.
4. Once the need for separation has been determined, or the incident has been defused or resolved, documentation concerning the incident must be placed in the main files of every inmate that was involved.
5. If less restrictive means cannot be employed, or fail to work, the vulnerable inmate may be placed in temporary lock-up (T/L) by the Unit Management Team (UMT).
6. At the time of the inmate's placement in T/L he must receive notification of the schedule for his classification hearing. Within 72 hours of placement the classification hearing must be held to determine the appropriate placement or other actions required. Using

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evidence presented at the hearing, the UMT may recommend special management placement, or return the inmate to his previous status.

7. If further investigation is required to support and assist the classification assessment, the staff member conducting the investigation may extend the TL placement for an additional 72 hours, however a new Admission/Discharge Report (ADR) must be completed. Time in excess of 144 hours in TL requires signed approval by a Deputy Warden, and a new ADR must be completed. At the time that the final disposition is reached, the complete investigation and documentation must be forwarded to the Administrative Review Committee for consideration and approval.

E. Housing Assignments for Predatory and Vulnerable Inmates

1. Predatory Inmates

- a. Inmates who demonstrate serious assaultive, violent or predatory behavior should be classified as predatory. Housing assignments must be made that provide the appropriate degrees of isolation, supervision, and/or management to limit the potential for harm to other inmates and staff.
- b. Housing Assignments must be to the High Security Compound or the Maximum Security Unit unless other assignments can reasonably assure the safety of staff and inmates. Inmates who have been identified and classified as predatory should not be housed with inmates known to be vulnerable or at substantial risk of serious harm.
- c. In order to more effectively address the concerns associated with threats to vulnerable inmates, the names of inmates that pose a threat should be kept in the main file of the inmate for whom protection is required. (See Separation Needs form, sample attached)

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- d. Whenever predatory inmates are moved to different housing units/facilities, the appropriate Unit Management Team must supply the following information to the receiving unit or facility:
- An up-to-date unit file
 - Written documentation concerning safety and security precautions and separation needs

2. Vulnerable Inmate Housing Assignments

- a. Inmates who are identified as vulnerable to harm, or who have received serious threats from others should be housed in a manner which separates them from danger to the extent possible. Vulnerable inmates should not be housed with inmates who are believed to pose substantial risk to cause them serious harm.
- b. When determining housing assignments for vulnerable inmates, the following should be taken into consideration:
- Inmate reports of threats or bodily harm,
 - Staff observations of threats or bodily harm,
 - Staff observations of inmate behaviors and peer interaction
 - Interdepartmental sharing of new or additional information.
- c. Staff should supervise and manage vulnerable inmates consistent with the nature of the threat to the individual. Recreation schedules, work assignments, programming and other out-of-the cell activities must be made with the intent to ensure separation from inmates who pose a threat.
- d. Inmates who have been determined to be "vulnerable" may typically be housed in the following areas:
1. General population if deemed appropriate;
 2. General population units operated with special procedures to protect vulnerable inmates; (see monitoring form attached);

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3. C-Block in Maximum Security, provided that direct contact on a routine basis between vulnerable inmates and predatory inmates is not permitted;
or
 4. Other placement with special procedures to protect vulnerable inmates with the approval of the Administrative Review Committee.
- F. Housing assignments for vulnerable inmates shall be reviewed and approved by the Unit Manager of the sending unit, the Unit Manager of the receiving unit, and the Administrative Review Committee.
- G. When a determination has been made by the Unit Managers and the Administrative Review Committee that a vulnerable inmate can be housed in general population, special consideration must be given. The placement must ensure that the inmate is as compatible as possible with the other inmate in his cell and that other inmates on the block do not pose a known threat to the individual. The following precautions should be taken in every case:
1. Consideration of the nature of the threat to the vulnerable inmate.
 2. A determination of the individuals compatibility with the proposed cell mate(s);
 3. A determination of the need for heightened monitoring and surveillance of the inmate, especially during movement for meals, day room, recreation, medical care and other activities;
 4. Assurances that the vulnerable inmate is housed in a block/cube separate from predatory inmates;
 5. A determination of the appropriateness of single, double or multiple-occupancy housing for the vulnerable inmate.

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- H. In the event that a vulnerable inmate is placed in general population, the placement shall be regularly monitored and documented on the Special Management Placement Form until staff determine and document that monitoring is no longer necessary.
- I. In order to address threats that arise to individual inmates, Unit Management staff and others who observe threatening behavior to an inmate, shall maintain information in the inmate's main file that documents such threats. Included shall be the names of the inmate's who were the perpetrators. In addition, when appropriate, the record shall include recommendations relative to housing restrictions for specified inmates with other inmates that are known or believed to pose a threat to the vulnerable inmate.
- J. Staff may submit requests for the transfer of a vulnerable inmate to another correctional facility when an alternate placement is deemed to be in the best interests of the inmate.
- K. Whenever vulnerable inmates are moved within or outside of MSP, the Unit Management Team will supply the following information to the receiving unit or facility:
- An up-to-date Unit file
 - Written documentation to the receiving unit concerning safety and security precautions and separation needs
- L. In special circumstances Unit Management staff may determine that a vulnerable inmate, may require single cell housing in Close Unit III or segregation in the Maximum Security Unit. These requests must be documented and submitted to the Administrative Review Committee for approval. In the event of an emergency, such placements may be made immediately with approval to follow.
- M. Unless a vulnerable inmate has been shown to have a record of serious institutional infractions, the individual must have access to the following programs and privileges to the extent possible:
- Canteen privileges;
 - Telephone privileges;
 - Legal materials;

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- Day room/out of cell time;
- Recreation and yard privileges;
- Personal property consistent with the housing unit rules;
- All appropriate institutional rehabilitative programming;
- Visiting privileges consistent with his classification

N. Inmates assigned to C-Block in Maximum Security are not disqualified from access to required rehabilitative programs. C-block inmates closest to their parole and/or release date should be given priority for rehabilitative programs. To the extent possible, rehabilitative programs should be delivered to the C-Block inmates. In the event that an inmate housed on C-Block applies for Pre-Release Placement, the Unit Management Team will notify the Pre-Release Screening Committee in writing of the reasons for the inmate's placement in the Maximum Security Unit. A copy of the notification will be maintained in the inmate's file.

O. Placement in single cell assignment in Close III or the Maximum Security Unit should be made only when all other housing options have been considered.

3. Separation of Predatory and Vulnerable Inmates:

- a. Inmates identified and classified as vulnerable should not be housed in the same cell or on the same block with predatory inmates.
- b. Inmates identified as sexual predators shall not be housed in the same cell or on the same block with inmates who have been identified and designated as susceptible or vulnerable to sexual assaults or intimidation.
- c. Inmates identified as witnesses or informants should not be housed in the same cell or on the same block as inmates about whom it is known they have provided testimony or other information.

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- d. In the event that it becomes necessary to have predatory inmates in close proximity to move vulnerable inmates who are at a substantial risk of serious harm, staff must employ all necessary safeguards to ensure the safety of the at-risk inmate(s).

4. Maximum Security Placements of Predatory and Vulnerable Inmates:

- a. Staff shall schedule Maximum Security day room to ensure that C-block inmates are not in the day room with other maximum security inmates.
- b. Inmates are not permitted to set the day room schedule, and may not determine who shares the day room at any given time.

5. Screening for Cell Compatibility:

- a. Staff shall consider the compatibility of inmates prior to making cell assignments to protect vulnerable inmates and to control predatory inmates. The most important criteria in determining compatibility are those which affect staff and inmate safety. Criteria which must be considered includes, but is not limited to the following:
 - A history of predatory, intimidating, other dangerous behavior (i.e. Disciplinary history, prior criminal history).
 - Vulnerable characteristics (age, size, medical and mental health history).
 - Gang affiliation.
 - History of homosexual conduct.
 - Other factors which would create a substantial risk of serious harm (language or communication barriers, programming).
- b. When determining cell compatibility it is imperative that consideration be given to the individual needs and circumstances which are evident for each inmate. In every instance, staff should err on the side of trying to best ensure the safety of all involved inmates.

6. Criteria for Single Cell Assignments:

- a. Staff should identify inmates who are not suitable for double celling through the classification assessment.

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- b. Inmates who should be considered for single celling include:
 - 1. Those identified and classified as predatory;
 - 2. Those identified and classified as vulnerable;
 - 3. Homosexual inmates;
 - 4. Inmates with contagious diseases;
 - 5. Transsexuals, hermaphrodites, transvestites;
 - 6. Inmates who are physically, mentally or emotionally disabled.

- c. The basis for decisions regarding cell assignments of all atypical inmates must be documented on the Special Management Placement Form. Documentation must provide the justification for the cell assignment and any precautions that must be adhered to to reduce the risk of danger to all inmates and staff.

V. CLOSING: Questions concerning this policy should be directed to the Technical Correctional Services Manager.

CONFIDENTIAL

SAMPLE

SEPARATION NEEDS FORM

Date: /_____/____

Name: _____ AO#: _____ Custody Level: _____ Unit: _____
Last First

It is the policy of MSP to provide procedures for housing, monitoring, reviewing, and tracking inmates identified as needing separation from other inmates. Staff must research/ inquire into all inmate claims of, and threats to, personal safety and a need for separation.

The above named inmate should be separated from or separation needs should be removed for the following inmate:

NAME: _____ ID#: _____ UNIT: _____

Separation Needs

Removal of Separation

Comments and detailed explanation of the separation needs, including date of incident(s), *or* reason for removal of separation needs:

Verified and investigated by (print name): _____

Is additional information in the Investigators office? Yes No

If an inmate is identified as having separation needs, this form must be completed and turned in with every classification. If there is a change in separation needs, or an inmate no longer needs to be separated from another this form must be completed with changes noted and turned into the Classification and Placement Unit. Removal of separation needs may include one or both inmates leaving the Institution (Parole, Discharge, Pre-release, etc.). If the inmate returns to MSP the separation need must be reinvestigated at that time.

This form must be completed for all inmates named.

CC: Records (blue copy)

Mini File (blue copy)

SPECIAL MANAGEMENT PLACEMENT FORM

Name: _____
Last First

AO#: _____

Unit: _____ Cell: _____

Custody Level: _____

Identified and designated as:

PREDATORY [] VULNERABLE [] OTHER ATYPICAL [] _____

MANAGING VULNERABLE INMATES:

When, in the best professional judgement of MSP staff, a vulnerable inmate is housed in general population, cell compatibility and block placement will be given special consideration. Staff should take special precaution in determining the appropriate cell assignment. The inmate's adjustment to general population will be regularly monitored and documented until staff determine and document on the Observation notes form that monitoring is no longer necessary. USE THE ATTACHED OBSERVATION NOTES FORM TO DOCUMENT HOW THE INMATE HAS ADJUSTED. At a minimum, the respective Unit Management Team must have weekly contact with the inmate who has been identified as a vulnerable inmate and placed in general population. This contact can be through observation and/or personal contact with the inmate.

MANAGING PREDATORY INMATES:

An inmate whose behavior while in prison demonstrates a propensity for violence should be reassessed to determine whether there is a need to reclassify the inmate to a higher custody level. Any inmate found guilty of the following violent offenses must be assessed for reclassification:

- | | |
|------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Homicide | Assaulting any Person |
| Threats of Bodily Harm or Death to any Person | Extortion, Blackmail |
| Taking Hostages | Sexual Assault |
| Assault with Intent, or likelihood, to transmit a communicable disease | Attempting to commit, being an accomplice or a conspirator to any of the above |

Certain predatory inmates identified by staff may require single cell housing in general population. If this is the case, and the inmate is not single-celled, the respective Unit Management Team must make the appropriate justification in the space provided below explaining why the inmate will remain in general population.

CELL PLACEMENT JUSTIFICATION:

Any time special arrangements have been made to reduce an inmate's risk (cell/house change), the Unit Management Team must document below why the decision was made. Document any procedures to be implemented to reduce risk below.

cc: Blue – Records Blue – Unit Mini File