

<p align="center">State of Vermont Agency of Human Services Department of Corrections</p>	<p>Title: Responding to Inmate Behavior that Violates Facility Rules</p>		<p align="right">Page 1 of 3</p>						
<p>Chapter: Security and Supervision</p>	<p align="center">#410</p>	<p>Supersedes: #410 (dated 09/30/2003); #410.01 (dated 05/01/2012); Interim Memo: Changes to Administrative Directive #410.01 <i>Facility Rules & Inmate Discipline</i> (dated 04/25/2012); #410.03 (dated 05/01/2012); #410.05 (dated 12/18/2006); #410.06 (dated 12/18/2006); Interim Memo: Restrictive Housing Status, Conditions of Confinement (dated 12/06/2010).</p>							
<p>Attachments, Forms & Companion Documents 1. All attachments, forms, and companion documents will be available on the DOC website.</p>									
<p>Applies to: Facility Local Procedure(s) Required: No Applicability: All staff (including contractors and volunteers) Security Level: B - Anyone may have access to this document.</p>									
<p>Approved:</p> <table border="0" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; text-align: center; vertical-align: bottom;">SIGNED</td> <td style="width:33%; text-align: center; vertical-align: bottom;">1/11/2019</td> <td style="width:33%; text-align: center; vertical-align: bottom;">5/1/2019</td> </tr> <tr> <td style="border-top: 1px solid black; text-align: center;">Michael Touchette, Commissioner</td> <td style="border-top: 1px solid black; text-align: center;">Date Signed</td> <td style="border-top: 1px solid black; text-align: center;">Effective Date</td> </tr> </table>				SIGNED	1/11/2019	5/1/2019	Michael Touchette, Commissioner	Date Signed	Effective Date
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PURPOSE

The purpose of this administrative directive is to provide authorized Vermont Department of Corrections’ (DOC) staff with response standards when dealing with inmate behavior that violates facility rules within correctional facilities.

PHILOSOPHY

It is the philosophy of the DOC that inmates shall be held accountable for their actions, while keeping them in the least restrictive environment consistent with inmate and facility safety and security. In recognition that segregation may have adverse and unintended consequences to the inmate, the DOC shall adopt policies and procedures that ensures that inmates are housed in the least restrictive, most integrated setting commensurate to their risk and needs.

There is a continuum of responses that staff can use to address behavior that violates facility rules. Disciplinary sanctions are designed to promote offender change, allow the offender to take

responsibility, and to repair the harm caused by their violation. Sanctions imposed are designed to provide opportunities to repair the harm done.

At times, disciplinary sanctions may be insufficient to address safety and security concerns presented by an inmate and the formal administrative segregation process is necessary. Administrative segregation is considered when an inmate: is determined to be an escape risk, is a danger to others, is a danger to themselves, is deemed necessary by health services staff, has demonstrated to be a threat to the secure and orderly running of the facility, has requested protective custody, or any offender who is not permitted to have contact with other adult inmates pursuant to statute and/or policy.

POLICY

The DOC's response to inmate behavior shall be guided by the following:

1. Due Process

Due process shall be accomplished through the impartial application of a well-developed set of rules, regulations, hearing procedures and restorative justice principles. Disciplinary action and administrative segregation by the DOC shall be based on a preponderance of evidence and shall be timely, impartial and consistent.

Minor infractions are dealt with through an administrative process and do not fall under the formal due process requirements.

2. Disciplinary Reports (DRs) and Sanctions

When an offender violates a facility rule, the DOC staff member may respond to the violation by writing a DR. This DR may result in a sanction. Sanctions shall be progressive in nature and proportionate to the offense, and address the following:

- i) ensure facility safety;
- ii) provide the inmate the opportunity to accept responsibility; and
- iii) ensure that the inmate is held accountable for his/her behavior.

If an inmate with a Serious Functional Impairment violates a facility rule, a Qualified Mental Health Practitioner shall determine whether a mental health condition contributed to the behavior, and if so, recommend to the Hearing Officer disposition, sanction options, and alternatives.

3. Administrative Segregation

Administrative segregation is used to ensure the order and security of a correctional facility. Administrative segregation provides inmates who require higher level supervision with safe and secure housing. Administrative Segregation may also protect other inmates and staff while also ensuring that the correctional facility's safety and security are not compromised. This housing is used to manage the risks an inmate presents that cannot be otherwise managed in a less restrictive environment; thus, someone may start out in administrative segregation with highly restrictive conditions of confinement, but their conditions shall be made less restrictive for improved behavior or more restrictive for safety, security and the needs of the facility.

The DOC's administrative segregation is informed by national best practice standards and evidence-based research. To meet these standards, the DOC's administrative segregation adheres to the following:

- a. To provide a medical and mental health screening to all inmates placed in administrative segregation;
- b. To conduct real-time reviews of inmates in administrative segregation, including evaluating their conditions of confinement and their continued appropriateness for placement in segregation;
- c. To conduct multi-disciplinary reviews of inmates in administrative segregation at both the facility and central level;
- d. To ensure that administrative segregation is never used for punishment;
- e. To promote the least restrictive conditions of confinement that supports the safety and security needs of the inmate and the facility; and
- f. To ensure that each inmate placed in administrative segregation has a segregation plan created. This plan shall include goals to mitigate the risk that resulted in segregation placement, outline obligations and expectations for the inmate, and provide a roadmap to move the inmate into a less restrictive housing environment when appropriate.
- g. Recognizes the potential for elevated negative impacts of segregation on all individuals, particularly vulnerable populations and provides additional procedural steps for inmates who are designated seriously functionally impaired (SFI), pregnant and post-partum women, and inmates under the age of twenty-five.