

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 326.04

DATE: 15 November 2019

**SUBJECT: JUVENILE SPECIALIZED
HOUSING**

POLICY DIRECTIVE

PURPOSE:

To establish guidelines and procedures concerning the placement and housing of residents in temporary or long-term specialized housing for all Bureau of Juvenile Services residential facilities. Residents are given the opportunity to be housed in the least restrictive custody.

REFERENCE:

WV Code §15A-3-4 and §49-2-903; PbStandards – Order #2; Prison Rape Elimination Act (PREA), §115.342, §115.368 and §115.378.

RESPONSIBILITY:

Facility Superintendents shall be responsible for enacting Operational Procedures to ensure compliance with this Policy Directive.

CANCELLATION:

DJS Policy 332.00, dated January 1, 2018.

APPLICABILITY:

All Bureau of Juvenile Services' residential facilities within the Division of Corrections and Rehabilitation. This Policy is available for General Distribution and is to be made available for resident review.

DEFINITIONS:

Assistant Commissioner: For the purpose of this Policy, 'Assistant Commissioner' shall mean the Assistant Commissioner - Bureau of Juvenile Services (BJS).

Isolation: Any instance when a youth is confined alone for cause or punishment for fifteen (15) minutes or more in a room other than the room or cell in which he or she usually sleeps, by either order of staff or by a locking mechanism.

Room Confinement: Confined for cause or punishment for fifteen (15) minutes or more in the room or cell in which he or she usually sleeps, by either order of staff or by a locking mechanism.

Specialized Housing: An alternative housing program that deviates from general population due to a specialized need.

POLICY:

- I. Specialized housing is used for residents who are separated from others due to medical necessity, sanctions, behavioral concerns, court order, or protective custody.
 - A. An Observation Sheet (Attachment #1) will be used for every resident placed in specialized housing. Checks are to be at random intervals, but with no more than fifteen (15) minutes between each check.
 - B. All residents will be searched prior to placement in specialized housing.
- II. Any resident placed in any type of specialized housing is to be checked visually by staff randomly, but with no more than fifteen (15) minutes between each check. All checks are to be documented on the Observation Sheet, which is uploaded into Offender Information System (OIS).
- III. Specialized Housing types and course of action
 - A. Court Ordered Segregation
 1. If a facility receives a court order on a resident requiring segregation of any type, the Facility Superintendent will be notified immediately, and the appropriate Specialized Housing dialog will be initiated in OIS.
 2. The resident will be housed appropriately based on the reason for the segregation.
 3. Residents will be afforded the same privileges as the general population.
 - B. Medical Isolation
 1. If a medical or mental health professional determines that a resident needs to be segregated for medical or mental health reasons, the Facility Superintendent will be notified immediately, and the reason entered into OIS.

2. Residents can only be medically segregated for the following reasons:
 - a. Suicide,
 - b. Mental health concerns,
 - c. Medically necessary, or
 - d. Refusal of medical intake screening (until compliant).
3. The resident will be housed appropriately based on the reason for the segregation.
4. Residents will be afforded the same privileges as the general population when appropriate.

C. Protective Custody

1. A resident can request specialized housing for protective custody if they feel unsafe being around the other residents.
 - a. An incident report will be generated by the staff member receiving the protective custody request.
 - b. If approved by Facility Superintendent or designee, the resident will be placed in protective custody utilizing the appropriate Specialized Housing dialog in OIS. (Attachment #2 Protective Custody Form)
 - c. If denied, the reason for the denial will be documented under interactions in OIS.
2. A resident can be recommended for protective custody if facility staff determines such a need is necessary.
 - a. Each facility's chief of security or designee will compile an initial report with documentation to the Facility Superintendent for specialized housing utilizing the appropriate Specialized Housing dialog in OIS.
 - b. The Facility Superintendent will meet with the resident to discuss the reasons for the recommended protective custody.
 - c. If the Facility Superintendent determines the necessity of protective custody, he/she will enter their recommendation in OIS within two (2) calendar days for the Assistant Commissioner or designee's final approval or denial.
 - d. The Assistant Commissioner or designee will enter their final approval or denial in OIS within two (2) calendar days of notification from OIS that a recommendation has been submitted.
 - e. If approved, the basis for and the decision of the Assistant Commissioner or designee is printed and given to the resident.

3. A resident can be placed in protective custody immediately if imminent danger warrants such action or an emergency PREA grievance is filed. The process listed above will then be started immediately after separation from the threat.
4. Any resident placed in protective custody either by choice or by staff may only be placed in isolation as a last resort if less restrictive measures are not adequate to keep the resident safe and only until an alternative means of keeping him/her safe can be arranged.
5. Continuation of Specialized Housing for each resident will be based on a seven (7) day perpetual review by the Facility Superintendent and his or her recommendation to the Assistant Commissioner or designee for as long as the resident remains in Specialized Housing due to safety concerns.
6. Once the reason for protective custody has been removed or diminished, the Facility Superintendent can remove a resident from Protective Custody.

D. Segregation prior to hearing

1. Residents may be segregated prior to hearing if they are being physically aggressive with staff and/or residents and are not amenable to reasonable direction and control.
2. The shift supervisor must contact the Facility Superintendent or designee immediately following the resident being segregated and will document all information in OIS.
3. The Facility Superintendent or designee may approve the placement of residents in segregation for a twenty-four (24) hour period prior to the hearing. The Assistant Commissioner will be notified by OIS when segregation prior to hearing is used.
4. A resident placed in segregation prior to a hearing must have his/her hearing within twenty-four (24) hours and credit must be given for time served, if found guilty of the charge.

E. Hearing sanctions

1. Specialized housing can result from a guilty finding of a Category I rule violation by the hearing officer.
2. Specialized housing for each sanction will be no more than three (3) days for non-violent Category I offenses or no more than ten (10) days for violent Category I offenses.

3. The hearing officer must notify the Assistant Commissioner via email of any sanctions resulting in more than three (3) days of confinement.
 4. Residents placed on specialized housing due to hearing sanctions of more than three (3) days will be placed on a Behavioral Management Plan which will be developed by the treatment team within two (2) calendar days.
 - a. The behavioral management plan will remain in effect until the targeted goals have been completed by the resident.
 - b. A copy will be given to the resident.
 - c. The behavioral management plan will include, at a minimum:
 - 1) Expectations
 - 2) Goals and Objectives
 - 3) Incentives
 - 4) Consequences
- F. **Administrative Segregation – Treatment tool used for those residents demonstrating consistent negative behaviors who require segregation to maintain safety and security of the facility, staff and other residents while working on a specific behavior modification plan. This can also include residents who have served confinement for a Category sanction and are still demonstrating violent and active aggression towards staff or other residents.**
1. **Process**
 - a. Staff can make a recommendation to the Facility Superintendent for requesting a resident be placed on administrative segregation.
 - b. The facility staff making the recommendation will compile an initial report with documentation to the Facility Superintendent or designee who shall determine if a resident is to be recommended for segregated housing utilizing the appropriate Specialized Housing dialog in OIS.
 - c. The resident will be informed in writing of pending consideration for placement on administrative segregated housing. The Notice of Consideration for Administrative Segregation located in OIS will be completed and uploaded to the Specialized Housing entity.
 - d. The resident shall be permitted to receive assistance from a staff representative, if requested.
 - e. The Facility Superintendent or designee will meet with the resident to discuss the reasons for the recommended segregation.
 - f. If the Facility Superintendent or designee recommends the necessity of segregated housing, he/she will enter their recommendation for the Assistant Commissioner or designee for final approval in OIS within two (2) calendar days.
 - g. The evidence and decision of the Assistant Commissioner or

- designee is printed and given to the resident.
- h. Continuation of Segregated Housing for each resident will be based on a seven (7) day perpetual review by the Facility Superintendent or designee and his or her recommendation to Assistant Commissioner or designee for as long as the resident remains in Segregated Housing due to administrative segregation.
2. Residents placed on specialized housing due to administrative segregation will be placed on a Behavioral Modification Plan which will be developed by the treatment team within two (2) calendar days.
- a. The behavioral modification plan will remain in effect until the targeted goals have been completed by the resident.
 - b. A copy will be given to the resident.
 - c. This plan will be updated whenever the Assistant Commissioner or designee gives approval for continuation of segregated housing.
 - d. The behavioral modification plan will include, at a minimum:
 - 1) Expectations
 - 2) Goals and Objectives
 - 3) Time frames
 - 4) Incentives
 - 5) Consequences
 - e. The Facility Superintendent can have a resident removed from specialized housing when they feel the resident has completed the plan and is amenable to reasonable direction and control. This will be documented in OIS.
3. If a facility does not have the means to house a resident in Specialized Housing, the Facility Superintendent or designee can request to transfer a resident to a more secure facility through the Bureau's Movement Coordinator.
- IV. In addition to the above-mentioned specialized housing, residents may only be placed on room confinement/isolation:
- A. During sleeping hours
 - B. Timeout Periods – When a resident is demonstrating verbal and/or physical out of control behaviors or when a resident threatens to physically harm staff and is escalating towards out of control behavior.
 - 1. Verbal approval must be given by the shift supervisor.
 - 2. The shift supervisor will document all approved timeout periods into the OIS.

3. **As soon as a resident is amenable to reasonable direction and control, the resident will be released from the timeout period.**
 4. Timeouts are to be first tried on the unit. If behavior disrupts the entire unit, then with the Shift Supervisor's help, the resident can be moved to a different location within the facility to finish the Timeout.
 5. Timeout cannot exceed four (4) hours without approval from Facility Superintendent.
 6. If a resident is released from Timeout and immediately demonstrates out of control behavior and/or presents as a threat to staff or other residents, a new Timeout Period will be generated in OIS.
- C. The resident may request that their door be locked as a voluntary lockdown.
- D. Facility lockdown may be ordered when there is credible evidence to suggest imminent danger to staff, residents or the facility, such as residents actively and continually talking about and/or planning a riot or other serious disturbance.
- V. Any resident held in any type of specialized housing shall have:
- A. Daily access to a shower.
 - B. Daily access to large muscle activity/recreation, which is to be entered in OIS.
 - C. A healthy diet similar to that being served to all facility residents, unless under specific suicide watch conditions.
 - D. A full educational program.
 - E. Daily access to a health and mental health evaluation. Such conversations/reviews shall be conducted face-to-face, not through the opening of a cell door. If a resident is exhibiting threatening or assaultive behavior, a review may be conducted through the cell door, however a face-to-face follow-up conversation/review by a nurse or mental health professional must be conducted as soon as possible and within twenty-four (24) hours.
 - F. Access to a treatment staff person at least once daily. Any time a resident is involved in any activity, it must be entered in the Activities section of Specialized Housing in OIS.
- VI. For administration segregation, segregation prior to hearing, and room confinement or isolation due to hearing sanctions, all items will be removed from a resident's room including, but not limited to hygiene items, pencils, papers, and photos.

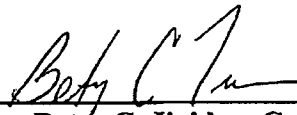
- A. Removal of bedding, except during sleeping hours, will be specified in the Behavior Modification Plan.
- B. Items may be returned to residents as incentives as outlined in their Behavior Modification Plan.

VII. All documents are to be uploaded to OIS.

ATTACHMENT(S):

- #1 Observation Sheet
- #2 Resident Request for Protective Custody

APPROVED SIGNATURE: _____


Betsy C. Jividen, Commissioner

11-8-19
Date

