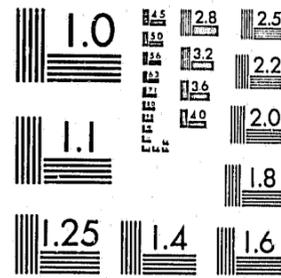


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**AMERICAN CORRECTIONAL ASSOCIATION**

H.G. "Gus" Moeller  
*President*

Anthony P. Trivisono  
*Executive Director*



Allen Breed  
*Director*

This project was supported by Grant #ED-0 awarded by the National Institute of Corrections, United States Department of Justice. Points of view or opinions stated in this publication are those of the American Correctional Association and do not necessarily represent the official position of the United States Department of Justice.

**PROTECTIVE CUSTODY  
in  
ADULT CORRECTIONAL FACILITIES**

**A Discussion of Causes,  
Conditions, Attitudes and Alternatives**

U.S. Department of Justice  
National Institute of Justice

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Prepared by the American Correctional Association  
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1983

**A STUDY OF PROTECTIVE CUSTODY  
in  
ADULT CORRECTIONAL FACILITIES**

H.G. "Gus" Moeller  
*President*  
*American Correctional Association*

Anthony P. Trivisono  
*Executive Director*  
*American Correctional Association*

Hardy Rauch  
*Project Director*

David Lanier  
*Principal Consultant*

Deborah H. Burgess, Typesetter	Kathy McAllistor, Research Associate
John Burkhead, Research Director	Bill Patrick, Architectural Review
Ann Dargis, Editor	Marty Pociask, Art Director
Brad Fisher, Technical Editor	Carol Sell, Staff Assistant
Brenda Glidden, Staff Assistant	Julie Tucker, Editor
Alonzo Winfield, Graphic Artist	

This publication may be ordered from:

American Correctional Association  
4321 Hartwick Road, Suite L-208  
College Park, Maryland 20740

ISBN 0-942974-46-8

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**COMMITTEE ON PROTECTIVE CUSTODY  
in  
ADULT CORRECTIONAL FACILITIES**

Paul A. Skelton, Jr., Chairman  
Assistant Secretary for Operations  
Department of Corrections  
Florida

John D. Burkhead  
Research Director  
Federal Correctional Institution  
Kentucky

James D. Henderson  
Correctional Consultant  
Kansas

David D. Lanier  
Clinical Psychologist  
Kentucky

Alfredo Murphy  
Associate Warden  
Metropolitan Correctional Center  
Florida

Carl Robinson  
Warden  
Connecticut Correctional Institution

George E. Sullivan  
Superintendent  
Oregon State Correctional Institution

George Sumner  
Superintendent  
Nevada State Prison

Anthony P. Trivisono  
Executive Director  
American Correctional Association  
Maryland

William K. Wilkey  
Chief, Prisons Division  
National Institute of Corrections  
Washington, D.C.

## RESOURCE AGENCIES

Capitol Communications Washington, D.C.	Massachusetts Department of Correction Michael V. Fair, Commissioner
Connecticut Department of Correction John R. Manson, Commissioner	Minnesota Department of Corrections Jack G. Young, Commissioner
Federal Correctional Institution Memphis, Tennessee Tony R. Young, Warden	Nevada Department of Prisons Vernon Housewright, Director
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Kansas Department of Corrections Patrick D. McManus, Secretary	

## RESOURCE INDIVIDUALS

Aaron A. Brown Program Manager, Prisons Division National Institute of Corrections Washington, D.C.	H. Ronald Miller Program Manager National Institute of Corrections Washington, D.C.
Harold L. Crockett Training and Staff Development Counsel Glynco, Georgia	James Murphy Correctional Specialist U.S. Marshal Service Washington, D.C.
Brad Fisher Director, Criminal Justice Resource Center Chapel Hill, North Carolina	Jerry A. O'Brien Warden Federal Correctional Institution Leavenworth, Kansas
Michael Gallagher Correctional Service of Canada Orleans, Ontario	Michael Quinlan, Warden Federal Correctional Institution New York
Roy E. Gerard Correctional Consultant Retired, Assistant Director Bureau of Prisons	James Vantour Correctional Service of Canada Orleans, Ontario
Betty A. Ginter Research Associate Winchester, Kentucky	Louis Vargas Legal Advisor Florida Department of Corrections
Howard Kitchener Research Director U.S. Bureau of Prisons Washington, D.C.	

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ACQUISITIONS

## PREFACE

This publication was prepared in response to requests from correctional administrators, judges and others from the criminal justice field.

*All conditions outlined in this publication do not apply to all jurisdictions*

*All ideas expressed are not applicable to all units*

*All suggestions are not adaptable to all situations*

*BUT*

*ALL CONDITIONS, IDEAS AND SUGGESTIONS CONTAINED IN THIS PUBLICATION SHOULD SERVE TO REMIND CORRECTIONAL PROFESSIONALS OF THE URGENT NEED TO DIRECT ATTENTION AND RESOURCES TO THE EXPLOSIVE PROBLEM OF PROTECTIVE CUSTODY.*



Anthony P. Trivisono  
Executive Director  
American Correctional Association

## FOREWORD

"LOCK ME UP!" How many times have correctional administrators heard this demand? Concerned about the increasing number of inmates seeking protective custody, the American Correctional Association applied for and received a grant from the National Institute of Corrections to review protective custody practices in state and federal institutions. The institutions selected housed adult offenders. However, the study did not include female institutions because, interestingly enough, there are few instances of women requesting to be placed in protective custody and it currently does not appear to be a major problem.

This report does not contain a panacea; instead, it hopes to define the scope of the problem, analyze programs and services being provided to inmates in protective custody, and discuss staff attitudes toward inmates so confined. Dr. John Burkhead developed the survey instrument, conducted appropriate site visits and coordinated the analysis of the research data. Dr. David Lanier was primarily responsible for preparing textual material and coordinating the publication. The Committee is deeply appreciative of the efforts and high level of expertise provided by Dr. Burkhead and Dr. Lanier.

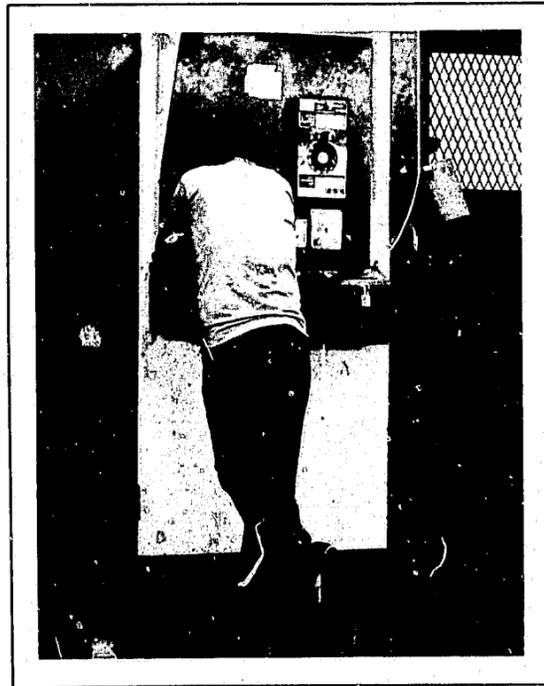
William Patrick, AIA, associate warden of the Federal Correctional Institution at Otisville, New York, has quite ably outlined an architectural program for a 150-person unit that may serve as a model for a state or other jurisdiction with a large number of protective custody inmates.

During the development of the material it became evident that one very important concern was the legal aspect of protective custody. We are indebted to H.L. "Babe" Crockett, Brad Fisher and Louis Vargas for their input into the legal section of this publication. It is clear that inmates (1) should be protected from unprovoked attacks; (2) should be provided living conditions consistent with the Eighth Amendment of the U.S. Constitution, and (3) must be insured due process of law when they are involuntarily placed in protective custody.

The contents of this report were prepared to give the correctional administrator a perspective on which to build a re-evaluation of the "program" called "protective custody." The Committee is well aware that this relatively short document examines the subject matter in limited depth; however, we hope this effort will encourage others to direct additional time and energy toward this subject.

Hardy Rauch  
Project Director

Paul Skelton  
Chairman



## INTRODUCTION

**T**he problem of providing protective custody has generated a considerable amount of new litigation because many jurisdictions treat persons in disciplinary detention and protective custody the same way. This, of course, is contrary to standards adopted by the American Correctional Association.

No pure statistics exist on the total number of inmates in protective custody today as opposed to 10 years ago; however, we do know from discussions with officials in various states that the number has dramatically increased. One state reported that 1,912 of 11,438 were in protective custody—17 percent of the total inmate population!

What factors have brought on the increase in number of inmates in protective custody? The following are some possibilities that were set out in an article by David A. Anderson entitled "I Can't Go Back Out There" in the August 1980 issue of *Corrections* magazine.

1. *The growth of the drug culture, which has generated a whole new class of informers.* When informers are used by police and then get sent to prison, their reputation as such becomes a known fact and this requires assignment to protective custody. Drug trafficking inside an institution contributes to protective custody demands, because addicted inmates finagle drugs from prison sources and then welsh on their debts.
2. *The growth of inmate gangs and cliques.* This is especially true in California, Arizona and Illinois. In other states, some ethnic groups tend to form cliques, while white inmates are less prone to group together to protect one another.
3. *The relaxation of rules governing inmates' communication by mail and telephone with the outside world and with inmates in other prisons.* Those seeking protection and granted a transfer no longer have assurance that word does not reach their destination before they do; thus, the purpose of a transfer for protection is defeated.
4. *Recent court decisions and new laws increasing the due process required to place inmates in disciplinary segregation.* Time was when prison wardens had total authority over such placements and acted swiftly to place aggressive and violent inmates into "the hole." While new laws and court opinions may have corrected abuses of this power, they also have limited wardens' ability to deal decisively with predatory inmates. The feeling is one of frustration because the predator receives all of the due process and then must at some point be again released to harass and intimidate.
5. *Inmates' increasing willingness and ability to sue for damages and the likelihood that prison officials may be held personally liable for injuries suffered by inmates in their care.* Procedures in most prisons permit officials to force inmates out of protective custody against their will if they decide the inmates' fears are groundless. This power is rarely used. As long as inmates insist they need protective custody, the administration is likely to let them stay. The legal consequences could be dire if they were hurt or killed by other inmates after their release to the general population.

While other reasons sometimes cause an inmate to request protective custody, those cited above appear to be the major reasons and also generally state the dilemma facing the administrator of a correctional unit with protective custody inmates.

The legal aspects of protective custody as examined herein appear to support the proposition that the inmate must show a legitimate need for protection. If this cannot be demonstrated and supported, case law may support leaving the inmate in the general population.

Twenty-three state facilities and eight federal institutions cooperated in the study. It is interesting to note the close relationship of the responses from the sample as a whole. There may not be any major surprises to the correctional professional, but there are some very thought-provoking statistics.

## CHAPTER I

### SCOPE OF THE PROBLEM

Protective custody is an escape hatch with a boomerang. It can be a sanctuary from which there is no return, a short-term solution at the cost of long-range consequences. (Lockwood, quoted in Toch, 1977, p. 211)

**A**lmost everyone involved in corrections readily admits that protective custody—PC—is a problem. Some find it a problem on philosophical grounds, others on legal grounds, while still others find that PC presents inordinate administrative burdens. Although there is a grudging admission that PC may be necessary, most will agree that PC and the conditions that spawn it are largely undesirable.

But when did PC become a problem? Most veteran administrators in the correctional field do not recall PC being much of an issue until the past few years. An investigation of the prison literature reveals no consistent mention of PC until the 1960s, and precious few actual numbers about the extent of PC even then. It was only in the 1970s that statistics were routinely kept on the PC population—an indication that it was not previously considered important, which is certainly no longer the case.

One writer referred to the “explosive growth” over the past decade of PC (Jacobs, 1982). According to a report of a 1978 national survey of every state and federal prison in America (Greenfeld, 1981), 2.3 percent of the nation’s incarcerated population was classified as PC. More recent figures suggest individual states have PC populations ranging from 4 percent to as high as 17 percent (Anderson, 1980). This rise in the number of PC cases does not seem to be limited to the United States. Figures from Canada indicate an increase from 2.5 percent of the total prison population in 1972 to 10.1 percent of the population in 1982 (Vantour, 1982). But whatever the actual numbers, it seems fair to say that PC has arrived and with a vengeance.

In an effort to explain this dramatic increase in PC, most administrators believe

the rising level of inmate-to-inmate violence within prisons is a chief factor causing expansion of PC units (Anderson, 1980; Vantour, 1979). Vantour goes on to discuss several other factors, both “internal” and “external,” that are increasing the potential for violence in the Canadian prison system. Many of these same factors would appear to be directly relevant to correctional practices in the United States. Among the “internal” factors Vantour (1979) mentions are:

1. Increased freedom of movement within an institution allows greater accessibility of one inmate to another;
2. The nature of institutional discipline has changed in the past several years in such a way as to provide less of a deterrent for rule breaking;
3. Modern practices of inmate classification and institution diversification have resulted in a greater concentration of hard-core inmates in certain institutions and have thereby increased the likelihood of violence in these institutions;
4. The major offense profile of inmates currently incarcerated indicates a history of a greater degree of violence and more drug-related offenses than was the case in the past;
5. Increasing numbers of first-time offenders arriving at institution doorsteps with very little practical experience with how to “do time”;
6. The recent practice of granting furloughs, day passes and temporary leaves has resulted in a greater commerce between, within and without the institution walls and has made inmates more vulnerable to pressure from other inmates to “do favors”;
7. The considerable publicity currently

given to potential “undesirable” inmates makes them easily recognized by current inmates and it is very difficult for such inmates to arrive in an institution unnoticed; and

8. The relative quietness and solitude of most PC units, which may make them especially attractive to certain inmates who see them as the preferred setting for serving their sentence.

Vantour goes on to list two additional factors he calls “external” to a given institution, which also help account for the increased numbers of inmates requesting PC. He includes:

1. The frequent practice of police and the judicial system of handling investigations and trials in such a way as to guarantee a particular offender will be in need of protective custody upon arrival at the institution;
2. A somewhat heightened general humanitarian concern both within and without the correctional community that argues for a more humane and safe environment for all inmates, especially those unable to protect themselves in the general population; and

If these factors are not enough, other commentators have suggested a few more, including:

1. The alarming growth of the “drug culture,” which has produced a whole new class of informers and, potentially, persons who will request PC placement;
2. The growth of inmate gangs, especially in more populous states, may have contributed to increased PC requests on at least two counts—fearful inmates wanting to avoid the possibility of retaliation by a gang, as well as active gang

members feigning a problem in order to enjoy what they perceive to be “rest and recreation” in the PC unit;

3. Recent court decisions have become progressively more insistent that placements into a disciplinary segregation area require full-fledged procedures of due process. At the same time the courts have upheld the correctional administrator’s right to place people in PC at their own request without complicated due process requirements. Therefore, many administrators find it simpler to lock up the prey rather than the predator; and
4. Although inmates have long been a litigious group, they are more likely than ever to sue prison officials and win in the case of demonstrated negligence. Therefore, in an effort to avoid such a possibility many prison officials will allow PC placement with no more justification than an inmate’s statement, “I want to lock up” (Anderson, 1980).

In the face of all these factors, a widespread call to restrict, or possibly even eliminate, the routine practice of protective custody still exists. Fleming and Sullivan argue for the total dismantling of all PC facilities on a number of grounds. Others, citing the atrocities performed on PC inmates during the 1980 riot in New Mexico, express the view that when PC is used as a place to house informers, it increases, rather than decreases, an institution’s potential violent outbreaks (Simmat, 1982). Some commentators are concerned that certain groups, such as homosexuals, are unfairly overrepresented in PC and are therefore being deprived of their civil liberties (Howarth, 1980). And a survey of correctional per-

sonnel will often find objections to PC based on fiscal and administrative grounds as well.

Legal activity in the PC area has centered on basically three questions. The first has to do with negligence: If an inmate can establish that he was injured, what must be demonstrated about the correctional administrator's actions before the inmate can successfully sue for damages? If an inmate requests PC placement and the correctional administrator refuses, will the administrator necessarily be held negligent if the inmate should subsequently be injured? These issues are detailed further in Chapter III of this publication in an analysis of how courts evaluate possible negligent performance of duty owed.

Currently, it appears that in order for the correctional staff to be found negligent it must be shown that:

1. They were aware, or should have been aware, that a threat existed; and
2. They made an inadequate investigation and/or response to a known threat.

It is obvious that a request for protection cannot simply be ignored (see *West v. Rowe*, 1978). On the other hand, immediate PC placement is not required simply because an inmate expresses fear (see *Weber v. Anderson*, 1971).

One of the more important cases in this area of negligence is *Parker v. State*, 1973. This was a case in which the inmate victim reported to authorities his fear of attack by a particular inmate. The victim and his suspected assailant were both homosexuals and had been involved in a homosexual relationship with each other in the past. Prison officials, in response to the allegations, summoned both inmates to an office, interrogated and counseled

them, and dealt with the case until it was believed the disagreement was resolved. Prison officials went so far as to search the assailant and his dormitory area for weapons. None were found. The next day the victim was stabbed by the assailant and serious injuries were inflicted. The court found that under such circumstances there was no negligence because the staff's response to the request for protection was reasonable under the circumstances. The court went on to say that "...an absolute requirement of isolation or reassignment to avoid liability in such cases would create chaos in prison administration" (Id. at 487). *Parker v. State* is an important case from which two conclusions may be drawn:

1. Prison officials are not negligent if they take steps that are reasonable under the circumstances in response to a prisoner's fear.
2. Such steps do not necessarily include isolation of the prisoner requesting protection.

On the second issue—the question of due process—it is critical to distinguish between the reasons that an inmate is placed in segregation. There is ample reason to require the use of standard due process procedure safeguards anytime a person is placed in special housing by prison officials for administrative or disciplinary reasons. This is especially the case if these more restrictive housing areas are without some of the facilities or programs available to the general population. If, however, an inmate requests this sort of housing, it would appear that such procedural safeguards are not required.

The last major question—what are the legal requirements for programming and accommodations within a PC area—was addressed in *Wojtezak v. Cuyler*, 1979. In this case the prisoner was convicted in a



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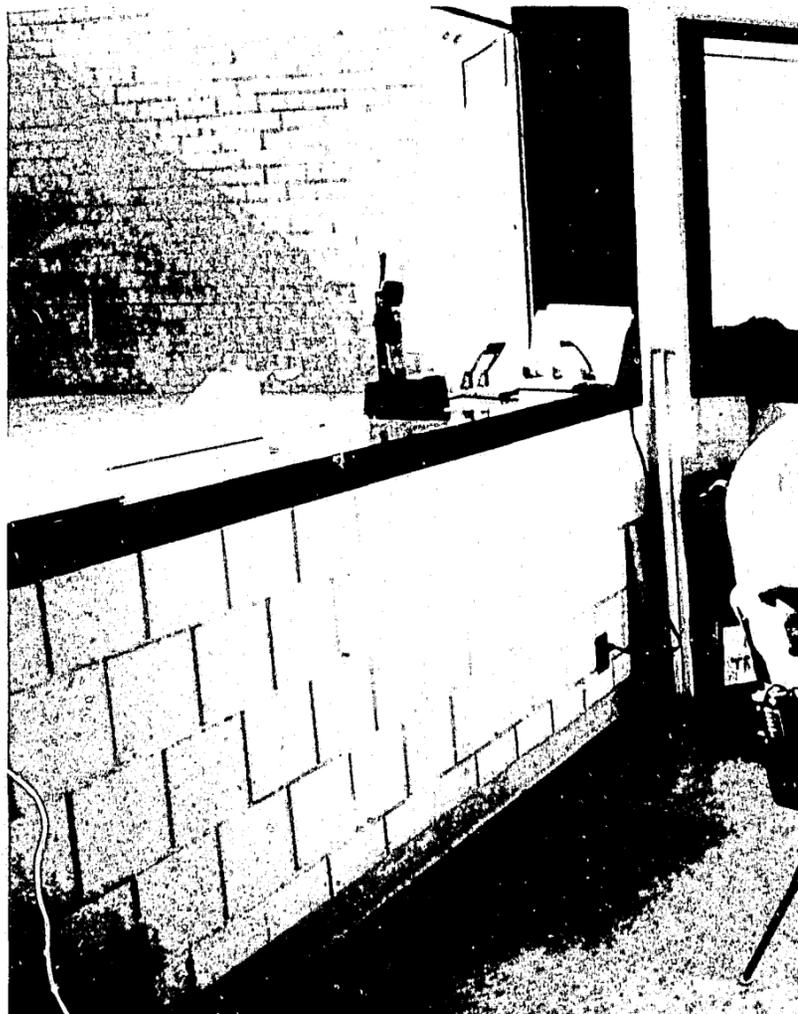
**"Prison officials *may* be found negligent if they were aware, or should have been aware, that a threat existed," and/or if they made an inadequate investigation to a known threat.**

highly publicized case involving the rape of several young girls. Wojtczak claimed to be in constant fear of his life as a result of the nature of his crime and said that he could survive his 40- to 80-year sentence only in PC. When he was placed in the PC area he found the accommodations to be somewhat spartan and contended that this violated his First, Eighth and Fourteenth Amendment rights.

The court agreed with the inmate on a number of issues and ordered that he be allowed visits by the chaplain in order to receive religious ministrations in his cell. The institution was also ordered to provide him with legal materials within 48 hours of written requests, to allow him to participate in educational activities in his cell through the assistance of a tutor and to either provide him with remunerative employment or idle pay. The judge ruled, furthermore, that the inmate should be provided a chair.

However, the judge denied Wojtczak's request for expanded visiting privileges, greater access to physical exercise and more frequent showers. In summary, it appears that PC areas are often ordered by the courts to be roughly equivalent in terms of programs and activities to those available to the institution's general population.

The American Correctional Association (ACA) has addressed itself to some of these issues, primarily in the form of standards (ACA, 1981) and guidelines (ACA, 1981). In the second edition of the *Standards for Adult Correctional Institutions*, several standards relate directly to the physical plant (2-4129 through 2-4136), inmate rules and discipline (2-4345 through 2-4368), and special management inmates (2-4214 through 2-4237). These standards set forth acceptable correctional practice in many areas, including square feet of living space per inmate,



The American Correctional Association has also addressed the issue of segregation

minimum furniture requirements, climate considerations, rules and procedures for admitting, maintaining and discharging inmates from special housing facilities, and the assurance that certain minimum standards for activities and programs are met.

Current ACA standards also distinguish between the two different kinds of

segregation: administrative segregation (AS) and disciplinary detention (DD). It is emphasized that the term "segregation" is a generic term and that the kinds of segregation are very different in purpose and use. The terms as defined by ACA are as follows:

*Administrative Segregation:* "A form of separation from the gen-



in the Standards Manual for Adult Correctional Institutions. Second Edition

eral population administered by the classification committee when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff or other inmates, or the security or orderly running of the institution. Inmates pending investigation for trial on a criminal

act or pending transfer can also be included."

*Disciplinary Detention:* "A form of separation from the general population in which inmates committing serious violations of conduct regulations are confined by the disciplinary committee for short periods of time to individual cells

removed from the general population. Placement in detention may only occur after an impartial hearing has established that there was a serious violation of conduct regulations and that there is no adequate alternative disposition to regulate the inmate's behavior."

So then, what are the questions to be asked in a study of protective custody? Because the literature is largely nonexistent or, when there, based primarily on anecdote and assumption, it was decided that a first step would be to survey the field and establish some baseline facts. Among the questions to be answered were:

- How many men are in PC in the United States today?
- Who are they? What is their offense, why were they put into PC, how long did they stay in PC, are they distinguished by any demographic characteristics, etc.?
- What are the conditions of their confinement? What is the level of programming, activities, services, physical comfort, etc., in the PC living quarters?
- Are protective custody, administrative segregation and disciplinary detention actually different in practice?

In addition to obtaining baseline information, the following areas were also seen as very important to the development of our study:

- How do correctional staff view PC inmates, working in the PC area, and the whole subject of PC in their institution?
- How do inmates view PC?
- What are the options in dealing with the PC issue now and in the future?
- What recommendations can be provided in this area?

## CHAPTER II

### STUDY RESULTS

The study reported herein is a first effort at obtaining hard data as well as quantifiable opinions on the extent and conditions of protective custody (PC) in the United States. A four-part questionnaire (see Appendix IV) was designed and delivered to 34 state and federal institutions throughout the United States. Data were received from 31 of these institutions and comprised the sample on which this report is based.\* Most of the questionnaires were completed in February or March 1982, although a few were received later. The selection of the facilities to be surveyed was partially a matter of randomness and partially a matter of convenience. An attempt was made to obtain representation from different parts of the country as well as a wide range of correctional philosophies.

The first two portions of the questionnaire—"Institution and Population Characteristics" and "Segregation Unit Information"—were administered by a researcher or other staff member at the facility. Material gathered in these two portions was primarily documentary facts obtained from records, log books and other sources. The third portion of the questionnaire, "Staff Survey," was administered to a random stratified sample of staff. This structured interview required 30 minutes to one hour for each of the five staff members (the number usually interviewed at each institution). The emphasis of this portion was on opinions, attitudes and suggestions rather than hard facts. The final portion of the questionnaire, "Inmate Survey," was administered to a random sample of inmates currently housed in segregation. Inmates who were unwilling to participate in the questionnaire were excused and replacements were obtained.

<b>Custody</b>	
Maximum	17
Medium	10
Mixed	4
<b># Staff (Average Per Institution)</b>	
Total	385
Security	212
<b>Management Style</b>	
Unitized	19
Traditional, Centralized	10
Other	2
<b>Budget (Average)</b>	
Per Year	\$10.5 million
Per Inmate/Year	\$10,830



Nearly two thirds of the institutions surveyed were organized into units which enabled the staff to react quickly to prisoner problems.

<b>Population, Total</b>	36,304
State	28,941
Federal	7,363
<b>Age (Average)</b>	
State	27.2 yr.
Federal	33.9 yr.
<b>Length of Sentence (Average)</b>	
State	7.4 yr.
Federal	13.0 yr.
<b>Assaults, Inmate to Inmate, Past 30 Days (Average)</b>	
State	5.85/1,000 inmates
Federal	2.82/1,000 inmates



A total of 31 institutions were surveyed, 23 state and 8 federal.

### INSTITUTION CHARACTERISTICS

A total of 31 institutions were surveyed in this report. Twenty-three of the institutions were operated by state governments while eight were operated by the Federal Bureau of Prisons. State and federal figures are combined in the following material unless otherwise specified.

Table 1 shows the basic demographics of the institutions surveyed. No exclusively minimum custody institutions were surveyed because of the low incidence of PC inmates in those facilities. The figures for both total staff and security staff were obtained in order to develop a ratio of security to total staff. The average security ratio for the state institutions was .60, while the average security ratio for the federal institutions was .43, reflecting a somewhat heavier concentration of security staff to total staff in the state institutions than in the federal institutions surveyed.

Nearly two thirds of the institutions were organized under some type of unit management, while the remaining 12 were either traditional centralized institutions or some other style. The average annual budget for the institutions was about \$10.5 million. The average annual cost per inmate for the institutions surveyed was found to be nearly \$11,000.

### POPULATION CHARACTERISTICS

Table 2 summarizes some of the inmate population demographics in the institutions surveyed.

The population of 36,304 inmates in the institutions surveyed was almost exactly 10 percent of the March 31, 1982, total U.S. state and federal male inmate population of 367,614. The size of the inmate populations ranged from 351 inmates to 4,254 inmates, but averaged a little under 1,200 per institution. Twenty-five of the 31 institutions reported increasing popula-

\*The sample included 23 state facilities as follows: California, 3; Connecticut, 2; Florida, 4; Idaho, 1; Kansas, 1; Massachusetts, 2; Minnesota, 2; Nebraska, 2; Oregon, 2; Washington, 3; Nevada, 1; and eight federal institutions around the country.

tions, while only six reported stable populations. The age and length of sentence figures show that federal inmates were slightly older than their state counterparts and they were sentenced to somewhat longer sentences as well.

The assault figures are provided to give some indication of the level of violence experienced in the institutions surveyed. They indicate that in the 30 days just before the survey the state institutions experienced about six inmate-to-inmate assaults per 1,000 inmates, while the federal institutions experienced about three inmate-to-inmate assaults per 1,000 inmates.

The racial composition of the sample is presented in Table 3.

### ESTIMATED TOTAL PC POPULATION

The percentage of inmates in PC was 6.5 percent. In an effort to obtain a conservative estimate of the total PC population in the United States, the following assumptions were made:

1. All other state institutions with similar custody classifications as the survey sample had the same percentage of PC inmates as did our sample.
2. All state institutions with lower custody classifications than our sample had no PC inmates.
3. All federal institutions had roughly similar PC populations as did our sample. (The federal institutions in our sample showed a 1.8 percent PC population.)
4. We obtained our comparison figures from the 1981 ACA Directory. Based on figures provided by the Bureau of Justice Statistics we assumed a 9.1 percent growth rate between those figures and those at the time of our sample.

Having made these assumptions and including all the other institutions with lower custody classifications, we derived a 6.2 percent estimated overall protective

**TABLE 3**  
Racial Composition of Inmate Population, in Percent

Race	Percentage
White	54
Black	33
Asian	not significant
Indian	2
Hispanic	10
Other	not significant

**Of the institutions surveyed, six and one half percent of the total population was in protective custody status.**

**TABLE 4**  
Number and Length of Stay of Inmates in Segregation (Per Facility)

	State and Federal Combined	State Only	Federal Only
Average number of men in segregation previous month			
PC	84	106	16
AS	37	39	33
DD	29	34	11
Average length of stay for random sample of current segregation inmates, in days.			
PC	281	292	122
AS	62	66	48
DD	57	58	51

**TABLE 5**  
Reasons for Segregation Placement, in Percentages

Reason	Percentage
PC: Gambling, Other Debts	15
Informants	12
Fear of Gangs	12
Unfounded Fears, Fears of Population	9
Holdovers	8
Protection, Unspecified	7
Other and Unspecified	37
AS: Detention Pending Investigation	13
Fear of Inmates	13
Inciting Disturbances	6
Other and Unspecified	68
DD: Assault on Others	12
Disobeying Orders	8
Disorderly Conduct	7
Possession of Weapons	6
Other and Unspecified	67

**The typical inmate's stay in protective custody is from two to five times longer than his counterpart in administrative segregation or disciplinary detention.**

custody rate for early 1982. Based on the March 31, 1982, figures for the total male prison population, a conservative estimate of the PC population was 22,792 inmates.

### UNIT CHARACTERISTICS

*Who is in PC and Why Are They There?*

Table 4 lists the findings on the number of men in PC and their current length of stay.

These figures indicate that, compared to AS and DD, there were more PC inmates and they were in PC for a considerably longer time. In both state and federal institutions there were fewer men in DD than in AS. However, the state institutions averaged considerably more men in PC than did the federal. This finding may be related to the assault figures previously mentioned in Table 2. It may be related to somewhat different philosophies on PC. Or it may be related to the greater freedom to transfer between institutions enjoyed by the federal system.

However, the length of stay figures were much more consistent: In both state and federal systems the typical PC inmate stayed in his cell from two to five times longer than his AS or DD counterpart. And all of these figures are conservative because they were obtained from men who were currently housed in these areas; the varying lengths of time these men will serve beyond when they were surveyed is not accounted for in these figures.

Unit logs were reviewed in order to obtain official reasons for segregation placement. Table 5 shows the main reasons for segregation unit placement for the PC, AS and DD men in the sample.

The reasons given in this table are not particularly surprising to experienced correctional workers and require little commentary. However, two of the reasons given require mention more for their location than their presence. According to the

figures, 13 percent of the inmates housed in AS were there because of "fear of inmates." It would appear that this sizeable group of inmates should be classified as PC inmates. Likewise, fully eight percent of this group should be in AS. There were other, less significant instances of misclassification, but this gives some indication that ACA distinctions are not being consistently followed in some institutions.

One of the complaints frequently heard about PC is that inmates in that unit cause more problems than other inmates. Records were obtained for 30 days immediately before the administration of the questionnaire. Table 6 shows the inci-

**PC inmates are less prone to be involved in disturbances than are inmates in other segregation categories.**

dence, per 100 segregation inmates, of different incidents occurring on those units in the 30 days before the questionnaire was administered.

A cursory review of the figures indicates that the PC inmates were not the troublemakers, at least on these measures. In fact, they were lower than either of the other groups on every measure. The troublemakers were primarily the DD inmates and secondarily the AS inmates. The complaints often voiced by staff about handling PC inmates must stem from another source, or may well be based upon erroneous information.

#### PC Locations and Accommodations

Of the 31 institutions surveyed, the

**TABLE 6**  
Average Number of Incidents on Segregation Units per 100 Segregation Inmates 30 Days Before the Questionnaire

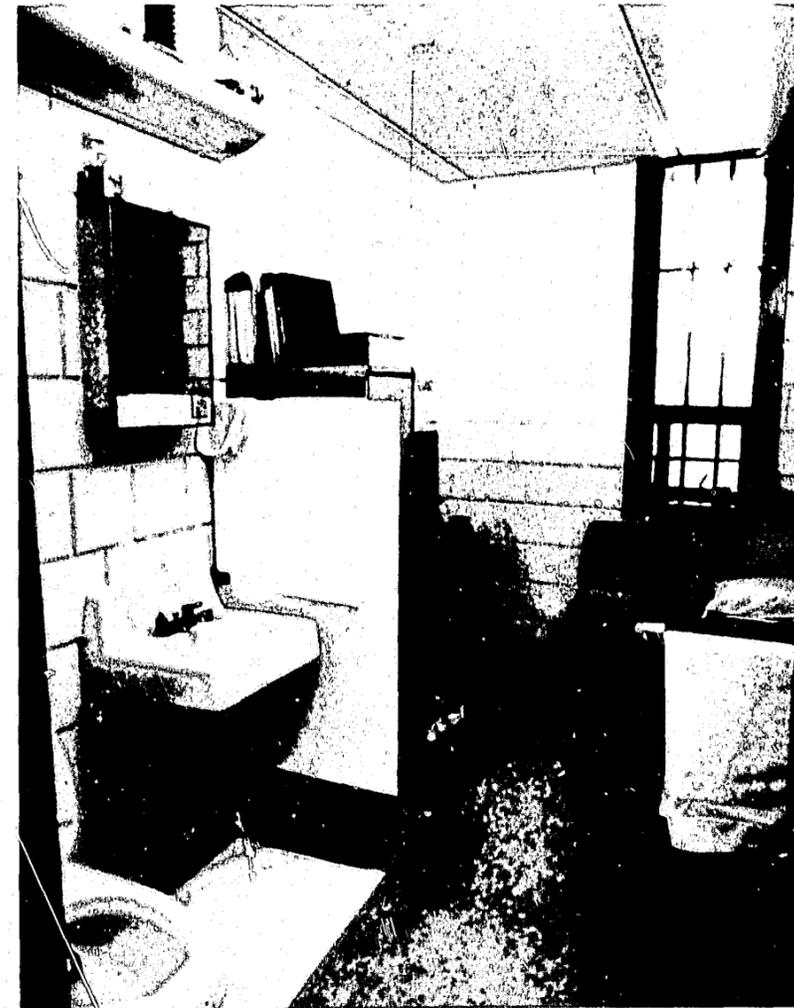
Type of Incident	Number		
	PC	AS	DD
Attempted Suicides	0.4	0.7	0.4
Suicides	—	—	—
Disturbances (req. staff assistance)	0.7	4.0	8.8
Fires	0.2	0.9	5.2
Attacks on Staff	0.1	2.0	3.3
Attacks on Inmates	1.1	1.4	2.6
Incident Reports Written	7.3	18.3	34.3
Attempted Escapes	—	—	0.3
Escapes	—	—	—



30% of the facilities surveyed maintained a completely separate facility for protection custody. These units tended to be located in facilities with a large number of PC inmates.

**TABLE 7**  
Percentage of Institutions Surveyed Having Certain PC Accommodations

Accommodation	Percentage
Single Bunks Only	62
Double Bunks Only	14
Single and Multiple Bunks	24
Occupant-Controlled Lighting	63
Occupant-Controlled Toilet	97
Outside Window	50
24-Hour Supervision	100



Even with older prisons, 65% of those surveyed had single cells for PC inmates.

PC unit was found in the following locations:

- Nine institutions had a PC unit separate and distinct from all other kinds of segregation;
- Two institutions included their PC unit within their DD unit;
- Four institutions included PC within the AS unit;
- Fifteen institutions had all three types of segregation—PC, AS and DD—in a common area or spread throughout the institution; and
- One institution claimed no PC unit whatsoever.

**Only one of the 31 facilities surveyed reported it was operating without a PC unit.**

It is obvious that there was no universally agreed-upon decision as to where the PC unit should be located.

Table 7 shows the percentages of institutions having particular kinds of accommodations:

Nearly two-thirds of the institutions surveyed had only single cells for PC, while about one-fourth of the sample had some combination of single- and multiple-cell facilities for PC. All institutions reported 24-hour supervision, although some indicated that the actual level of supervision varied with the nature of the inmate housed at a given time. Nearly all of the institutions had inmate-controlled toilets, about two thirds had inmate-

controlled lighting, but only half of the institutions provided PC inmates with a window. Current ACA standards speak to each of these aspects of segregation unit accommodations.

Table 8 provides a summary of the square footage in each of the three kinds of segregation unit cells.

As can be seen, the average segregation unit cell in the sample measured a little less than 60 square feet—a little smaller than a six-foot by 10-foot room. When allowances were made for multiple occupancies, the square feet provided each PC inmate shrank to a little over 45 square feet, which is roughly a five-foot by nine-foot room. ACA standard #2-4135 is directly relevant to this finding and, as measured by our investigators, only 7 percent of the cells included in the sample met or exceeded ACA requirements.

**TABLE 8**  
Number and Average Size of Segregation Cells in Surveyed Institutions

PC: Number of Cells	2,084
Square Feet/Cell	58.7
Square Feet/Inmate	46.7
-----	
AS: Number of Cells	1,272
Square Feet/Cell	60.4
-----	
DD: Number of Cells	1,199
Square Feet/Cell	55.4

\*Note: Square feet/inmate figures were not obtained for AS and DD cells.



83% of the institutions surveyed allowed PC inmates to obtain personal items from a canteen.

**TABLE 9**  
Percentage of Institutions Allowing Certain Personal Property Items to Segregation Inmates

Item	PC	AS	DD
Books	100	96	69
Magazines	93	91	55
Cigarettes	93	93	*52
Matches, Lighters	93	86	*41
* Personal Clothing	59	41	40
Radio	70	48	9
TV	52	35	7
Non-Food Service Food	87	73	*32
Photos	100	93	73
Toilet Items	100	96	85
* Jewelry	69	58	48
Composite	83	74	48

\* Indicates federal figures significantly lower

**TABLE 10**  
Percentage of Institutions Providing Certain Programs or Activities for Segregation Inmates

Program or Activity	PC	AS	DD	Location***
Commissary	90	83	63	on
Visiting	100	93	72	off
Telephone	100	93	80	on
Mail	100	100	100	on
Work, Not Orderly	*35	7	—	on
Outdoor Recreation	86	83	73**	on
Legal Services	97	90	86	on
Law Library	100	93	93	on
Composite	89	84	73	

\* Indicates federal figures significantly lower

\*\* Indicates federal figures significantly higher

\*\*\* Indicates On or Off the Segregation Unit

**The average PC inmate receives slightly more privileges than inmates in other segregation units.**

Each institution was asked to list the total number of PC cells in their institution as well as the total number of inmates these cells were designed to house. These total figures were 2,222 PC cells designed to house 2,558 inmates. The average number of inmates in PC in the 30 days immediately before the administration of the questionnaire was 2,566—they were full.

#### Program Availability

Each institution was asked to answer whether or not various personal items were allowed for inmates in segregation in their institution. Table 9 summarizes the findings.

It appears that PC inmates were treated rather well by this measure. Fully 83 percent of the institutions surveyed provided their PC inmates with the personal items listed in Table 9. The composite indicates that the AS inmates were given slightly fewer personal property items, while the DD inmates were provided significantly fewer items. Generally speaking, the state institutions appeared to be somewhat more generous than the federal institutions in this area. It may be one consequence of the fact that state segregation inmates are in segregation longer than federal inmates.

Table 10 shows the percentages of institutions providing certain programs and activities for their segregation unit inmates.

All three kinds of segregation did relatively well on these measures, with PC and AS inmates faring slightly better than DD inmates. The only glaring figures on the table have to do with non-orderly work opportunities. Even though the average PC inmate had been in PC for nearly three months already, on an average only one third of these men were given an opportunity to work in some setting other than as an orderly.

Each institution was asked to chart whether certain staff members visited the segregation area daily, weekly, monthly, seldom or never. Table 11 shows the percentages of institutions reporting that each category of staff members visited the segregation area either daily or weekly.

Generally, the staff doing the most visiting to the PC area were the medical and program staff, followed slightly less frequently by clergy, executive staff and mental health staff. Although recreation staff visit PC a little more often than they do either AS or DD, they were seriously underrepresented compared to the other staff members.

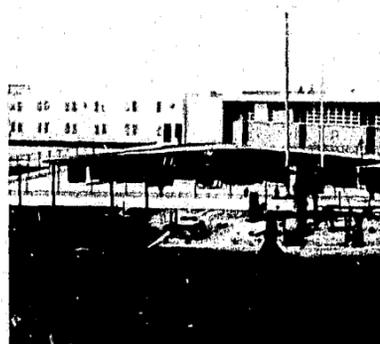
The level of staff participation with segregation unit inmates appears equivalent among the different types of segregation.

**TABLE 11**  
**Percentage of Institutions Reporting Visits as Often as Daily or Weekly by Certain Staff to Inmates in Segregation Cells**

Staff	PC	AS	DD
Clergy	86	80	81
Medical Staff	97	93	100
Program Staff	93	93	87
Executive Staff	73	75	80
Mental Health Staff	70	65	68
Recreation Staff	37	22	22
Composite	78	72	75

**TABLE 12**  
**Summary of Staff Feelings Toward PC Inmates in Percentages**

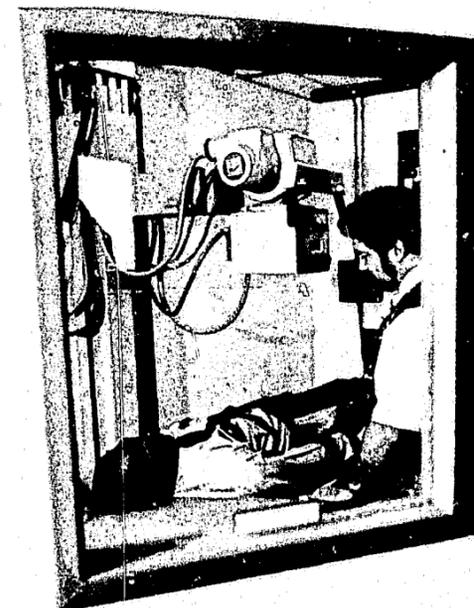
Attitude	Percentage
Favorable	5
Neutral	34
Unfavorable	45
Missing	16



86% provided some form of outdoor recreation.



100% of the institutions surveyed allowed liberal mail privileges for PC inmates.



97% of the institutions report at least weekly visits by the medical staff to the PC unit.



100% of the institutions report regular and frequent supervision by correctional officers who appear to have the greatest contact with the PC inmates.

## STAFF ATTITUDES

### Description of Sample

An open-ended, structured interview was conducted with a random, stratified sample of staff members from each institution surveyed. This group of 152 staff members was made up of 20 percent executive staff, 38 percent security staff and 42 percent program staff. The length of service at their current institution ranged from one month to 28.5 years, but averaged 6.8 years.

As mentioned earlier, this portion of the questionnaire was designed to elicit opinions, attitudes and ideas, rather than documented facts.

### Staff's View of PC Inmates

Table 12 shows the findings when staff were asked, "How do staff at your institution view PC inmates?"

These figures require little elaboration. It is obvious that PC inmates were by no means popular with correctional staff.

When staff members were asked if PC inmates present any unique problems compared to AS and DD inmates, fully 75 percent said "Yes, they do." When asked to enumerate the problems, the main answers were as follows:

- Protecting them from other inmates requires too much time;

**Most staff members correctly perceive that PC inmates present certain unique problems.**

- These inmates are too demanding; and
- There are special feeding problems.

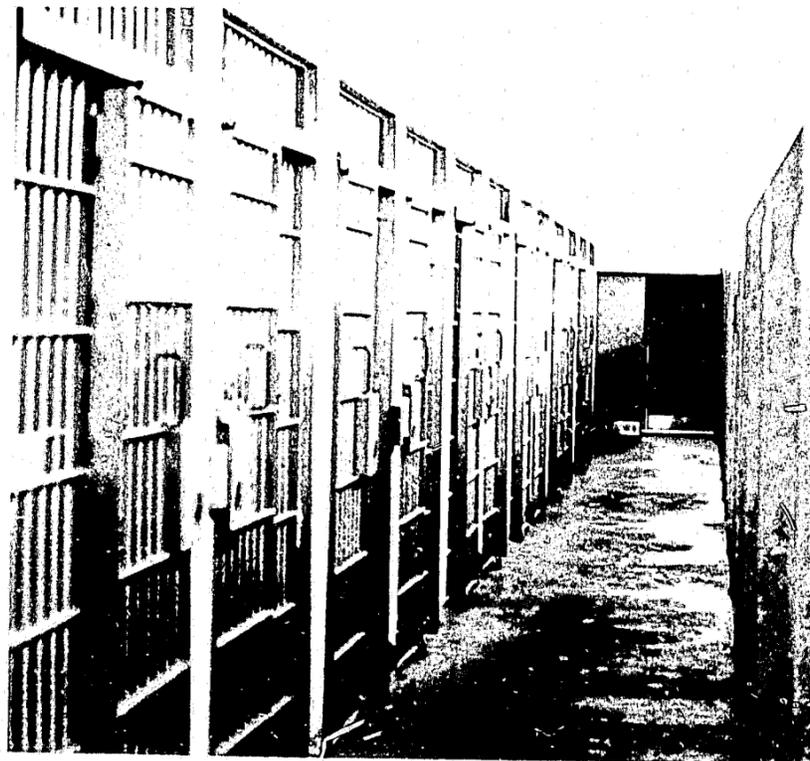
The staff members did not object to PC inmates on the basis of violent incidents, disciplinary reports or similar items (as shown in Table 6). Instead, they find working with PC inmates objectionable due to the nature of the inmates themselves. This is obviously a much more difficult quality to quantify than the items in Table 6, but nevertheless very objectionable to staff.

#### Why Are Inmates in PC?

Eighty-seven percent of the staff sample believed that inmates can be placed in PC at their own request at their institution. In the remaining cases, staff members reported that PC placement was done only with the approval of the classification committee or the correctional officer in charge.

Staff were asked to estimate the percentages of PC inmates currently housed in their institution for each of several reasons. Table 13 shows a breakdown of these responses.

Of the reasons listed, staff believed most of the people in their institution's PC unit were in because they were thought to be informers or they were there seeking protection from retaliation against them following arguments, bad debts, etc. These are among the most common officially documented reasons for PC placements, although an exact comparison with Table 5 is not possible. However, the staff estimated roughly twice as many inmates in PC for these reasons as the official documents would suggest. Is this discrepancy due to incomplete documentation on the segregation unit log, or is it a case where inmates in PC are thought to be informers or bad gamblers whether they are or not? That question cannot be answered at this point.



Less than half (44%) of the staff surveyed believe that there are adequate numbers of PC facilities available.

**TABLE 13**  
Estimates by Staff of Percent of Inmates at Their Institution in PC for Each of Several Reasons

Reason	Estimated Percentage
Protection from sexual assault	16
Thought to be informers	32
To avoid retaliation due to bad debts, arguments, etc.	29
Mentally disturbed inmates	5
To avoid work	7
Other	10



**TABLE 14**  
Staff Estimates of Program Availability to PC Inmates in Their Institutions

Program	% answering "yes"			If "no," should they be?
	Combined	State	Federal	
Education	61	64	51	yes
Religious Services	51	62	26	yes
Religious Counseling	95	96	92	yes
Release Planning	81	85	70	yes
Work, Not Orderly	31	39	5	yes
Psychological Counseling	97	96	100	yes
Self-Help Programs	42	51	14	yes
Composite	65	70	51	

#### How Do Staff View the Accommodations and Programs Available to PC Inmates?

When asked if their institution had sufficient segregation cells, a little less than half (44 percent) replied in the affirmative. Those answering "no" were further requested to estimate how many more segregation cells were required in their institution. They thought their institutions would need an average of 53 more PC cells, 48 more AS cells and 44 more DD cells. Thus, the attitude that housing for PC inmates is more of a problem than for other segregation inmates is again apparent in this measure.

Staff were then asked whether several particular programs were available to PC inmates in their institution and, furthermore, if they were not, if they should be. Table 14 shows their response to this question.

**Only 25%  
of the  
staff rate  
assignment  
to a PC unit  
as "Good  
Duty".**

Generally speaking, staff believed that religious and psychological counseling were almost universally provided to their PC inmates, followed a little less frequently by release planning. Of all the programs listed, the one they saw, quite correctly, as least available was non-orderly work opportunities. The staff members at the federal institutions perceived a lower degree of program availability for their PC inmates than did their state counterparts for their PC inmates. Again, in view of material previously discussed, this is an accurate perception. In every instance where staff believed that any of the seven programs was not available to PC inmates in their institutions, the majority of the staff believed that they should be.

*What Is Being Done to Limit PC Growth?*

Seventy-eight percent of the staff interviewed reported that their institution tried to deter inmates from requesting PC. They listed the main procedures for this deterrence as counseling, crisis intervention and thorough screening and investigation of individual cases. Eighty-nine percent of the staff interviewed said that once an inmate was in PC their institution tried to encourage him to return to general population. Again, the main procedures used for reintegration were counseling, crisis intervention and thorough screening and investigation of cases. Although these procedures are widespread and well understood, it would appear that they are insufficient to turn the tide of the increasing numbers of inmates requesting PC.

We asked the various staffs to speculate on the benefits to the inmates and institutions if there were a more comprehensive interstate or state-federal exchange program that allowed greater ability to transfer PC inmates to other facilities. Staff were generally enthusiastic

about this idea and listed the following possible benefits to inmates:

- Some could return to general population;
- Greater availability to programs and activities;
- Chance to start over; and
- Chance for security.

Anticipated benefits to the institution included the following:

- Reduce the number of PC inmates;
- Reduce the institution's demands to provide for PC inmates; and
- Temporarily reduce problems with individual inmates.

*How Staff View PC Duty, With an Eye Towards Improvement*

Staff were asked the following question, "How is PC duty seen by the correctional officers at your institution?" The responses were as follows:

- Good Duty: .....25%
- Average Duty: .....36%
- Undesirable Duty: .....38%

In line with previous findings it is apparent that working the PC unit is not an attractive duty station to the majority of correctional officers.

The staff were asked to list the best and worst things about working in the PC unit. Among the best things about PC duty were the following, in descending order of frequency:

- Good staff-inmate ratio;
- A more controlled environment;
- A smaller, nonviolent group of inmates; and
- The duty is only for a limited time.

Listed in descending order of frequency were the following worst things about PC duty:

- Inmates are too complaining and demanding;
- Excessive verbal abuse from inmates;
- Lower quality of inmates; and
- Staff is confined to a single area.

**TABLE 15  
Summary Description of Segregation Inmates Interviewed**

Inmates	PC	AS	DD
Total # Inmates	92	65	78
Average Age, in Years	31.3	29.6	24.8
Average Years Incarcerated, in Years	7.3	7.8	5.9
Average Length of Current Sentence in Years	22.1	24.4	23.6
Race, in Percent			
White	67	41	42
Black	17	34	37
Asian	3	3	3
American Indian	4	3	5
Hispanic	7	13	13
Other	1	5	1

**TABLE 16  
Offense by Type of Segregation**

Offenses	PC	AS	DD	Totals
<b>FBI Part I Crimes</b>				
Murder, Aggravated Assault, Forcible Rape, Robbery	20 (35%)	19 (33%)	18 (32%)	57 (100%)
<b>Other, Non-sex-related Crimes</b>				
Burglary, Firearms, Smuggling, Aliens, Escape, Auto Theft, Forgery, etc.	60 (38%)	42 (26%)	58 (36%)	160 (100%)
<b>Sex-related Crimes</b>				
Sexual Battery, Sexual Assault, Aggravated Sodomy, Indecent Liberties with Child, etc.	12 (67%)	4 (22%)	2 (11%)	18 (100%)
<b>Totals</b>	<b>92</b>	<b>65</b>	<b>78</b>	<b>235</b>
<b>Percent of Total</b>	<b>39%</b>	<b>28%</b>	<b>33%</b>	

These findings were consistent with all that has gone on before, suggesting that the nature of the inmates was the primary

reason that the correctional staff find PC duty a largely unpleasant task.

Staff were asked for their suggestions

on how PC could be improved. The most frequently mentioned were:

- Separate PC from other segregation areas;
- Develop a better system for discharging inmates from PC;
- Develop a better system for allowing inmates into PC; and
- Provide more recreation facilities for PC inmates.

Staff recommendations on how to improve PC centered around three primary themes: Separate the PC area from all other segregation areas, keep the absolute number of PC inmates to a minimum and provide more programs and services for the inmates who must be there.

**INMATE SURVEY**

*Description of Sample*

Any survey of the current status of protective custody in the United States would be incomplete without input from inmates. Therefore, a random sample of PC, AS and DD inmates was interviewed in each of the institutions surveyed.

Table 15 shows a breakdown of this sample.

The PC inmates were slightly older, on an average, than the AS inmates, who were, in turn, older than the DD inmates. Just as the DD inmates were the youngest inmates, they tended to have spent less of their life in jail than either PC or AS inmates. However, the current sentences of each of the three types of segregation inmates were comparable. Racially, whites tended to be overrepresented in PC and blacks underrepresented in PC, compared to AS and DD. There appear to be no other consistent racial differences.

In an effort to see if any systematic variation existed between current offense and type of segregation placement, a breakdown of these figures is provided in Table 16.

The current offenses of this sample of 235 randomly selected segregation inmates ranged from first degree murder to contempt of court. Of the three categories of offenses—FBI Part I, Other Non-sex-related and Sex-related—only the latter shows any significant deviation from the expected percentages. Although the number of such offenses was small (18 out of 235), a much higher percentage of those inmates were in PC than might have been expected (67 percent rather than 39 percent).

Additionally, figures were obtained from each inmate regarding how long he had spent on his current sentence, how long he had been at his current institution, and how long he had been serving in his current segregation placement. These figures are shown in Table 17.

These same figures are shown graphically in Figure 1.

Figure 1 shows a number of relationships clearly. First, regardless of which form of segregation under consideration, the federal inmates served considerably longer on their sentence before going into segregation than did their state counterparts. Once they arrived at their current institution, state and federal figures were similar. It would appear that the federal system's ability to transfer inmates from institution to institution may prolong their stay in general population.

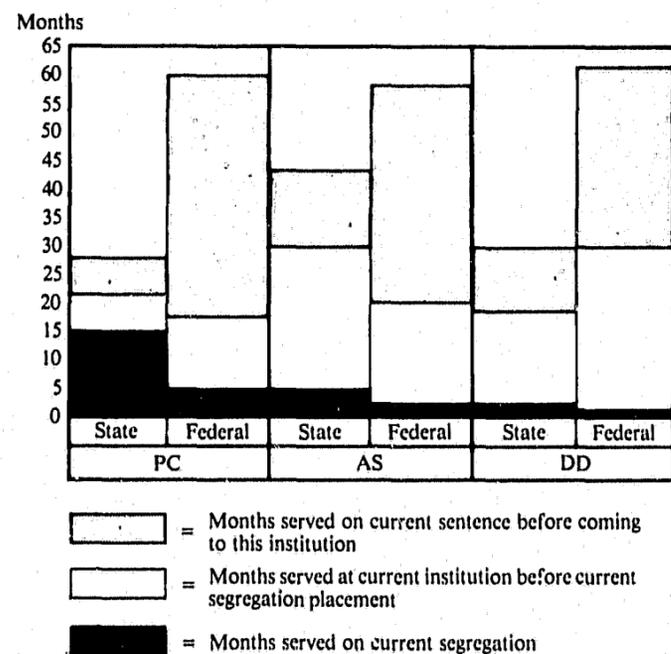
Secondly, comparing the PC figures with the AS and DD figures, it is clear that PC inmates spent a shorter period of time in the population of their current institution before going into PC than did either AS or DD inmates. On the average, PC inmates were in the population of their current institution for about 7 to 10 months before PC placement, while AS and DD inmates were in the general population of their current institution for an average of more than 20 months. In short, it does not take an inmate as long to decide that he needs PC as it does for the institution to decide an inmate needs AS or DD.

Although obviously significant, the differences between actual length of stay in

**TABLE 17**  
Time Served on Current Sentence, at Current Institution, and Current Segregation Placement of Segregation Inmates Surveyed (Average)

Time Served	Combined	State	Federal
Months Served on Current Sentence			
PC	44.9	28.0	60.0
AS	48.0	43.3	57.2
DD	37.4	30.0	62.0
Months Served at This Institution			
PC	21.2	22.0	18.0
AS	27.3	30.0	21.5
DD	22.2	20.0	30.0
Months Served on Current Segregation Placement			
PC	12.9	14.5	7.4
AS	5.6	7.2	2.5
DD	1.8	2.1	0.8

**FIGURE 1**



**TABLE 18**  
Percent of PC Inmates Willing to Serve the Remainder of Their Sentence in PC

Inmates	Percent
State and Federal Combined	71
State Only	77
Federal Only	52

**TABLE 19**  
Percent of PC Inmates Reporting Participation in Certain Activities

Activity		Reason for not Participating	
		Not Available	Not Interested
Commissary	87	not significant	not significant
Visiting	67		✓
Telephone	81	not significant	not significant
Mail	100	not significant	not significant
Outdoor Recreation	66	✓	
Legal Services	48		✓
Law Library	40		✓

PC, AS and DD have been discussed previously.

One last question was asked to each of the inmates in the segregation unit sample: "Have you ever been in PC before?" Forty-eight percent of the PC inmates had been in PC before, while only 13 and 12 percent of the AS and DD inmates, respectively, had been in PC before. According to the inmates, these previous PC placements averaged 14.3 months per placement.

Figures already presented demonstrate that there were more men in PC than any other segregation area, and that PC inmates average longer lengths of stay than other segregation inmates. These figures indicate that for every two inmates cur-

rently housed in PC, one was in PC at least once before. Taken together, these figures suggest that the potential PC population will continue to grow at an increasingly higher rate because of the large pool of potential candidates currently in PC.

*PC Inmates' Views on Why They Were There and How They Got There*

Inmates from AS and DD were excused from the interview at this point, and only inmates currently housed in PC were asked the remaining questions. The 92 PC inmates were asked if they requested PC placement and 79 percent answered "yes." When asked why they requested it, they listed "threats or fear of violence,"

"being a short timer" and "trouble over debts" as the main reasons for their requests. One hundred percent of the inmates who did not request PC placement stated that they knew why they were there and listed similar reasons. No inmates were found who were unaware of the reasons of their PC placement or who objected to that placement, whether it was requested by them or suggested to them by staff.

Each PC inmate was asked to rate on a scale from 1 to 5 how safe he felt in PC. A "1" on the scale meant totally safe and a "5" on the scale meant in constant fear of his life. The overall rating for the sample of PC inmates was 2.22, which indicates that they felt relatively safe in their PC unit.

They were then asked to rate on the same 5-point scale how they would feel if in general population right then. The average rating was 4.13, which suggests that they would have felt in constant fear of their life almost all of the time.

Inmates were then asked what would have to change before they would request to return to general population. By far the most common answer was that they would not return, period! The next most frequent answer was that certain inmate(s) must be out of the general population before they would return.

Table 18 shows the results when the inmates were asked if they would willingly remain in PC for the remainder of their sentence.

These figures show that nearly three quarters of the sample would be happy to stay in PC until their sentence was completed. The discrepancy between state and federal figures in this case may be another artifact of the ability of federal PC inmates to obtain transfers more readily than state PC inmates.

*PC Inmates' Views on Programs and Activities Available to Them*

Table 19 shows the percentages of inmates reporting that they participate in certain activities.

A high percentage of inmates reported

participating in commissary, telephone and mail activities. A smaller percentage participated in the other activities but many of the inmates showed no desire to do so. The only activities that were not participated in by PC inmates to a high degree but desired were non-orderly work opportunities and outdoor recreation activities.

Table 20 shows the percentages of inmates reporting participation in certain programs.

In this table inmates are shown to have reported relatively low participation in each of the programs. The only one of the listed programs they expressed no particular interest in becoming more involved

**TABLE 20**  
Percent of PC Inmates Reporting Participation in Certain Programs

Program		Reason for not Participating	
		Not Available	Not Interested
Education	18	✓	
Religious Services	23	✓	
Religious Counseling	40		✓
Release Planning	27	✓	
Work, not Orderly	24	✓	
Psychological Counseling	33	✓	
Self-Help Programs	13	✓	



**TABLE 21**  
Percent of PC Inmates Reporting Visits by Certain Staff as Often As Weekly.

Staff	Percent
Clergy	60
Medical Staff	90
Program Staff	62
Executive Staff*	24
Mental Health Staff	26
Recreation Staff	15
Composite	46

\* Indicates federal figures significantly higher



in was religious counseling. In all the others they expressed a wish to participate more fully if such programs were available.

Table 21 shows the percentages of inmates reporting visits as often as daily or weekly by certain staff members.

PC inmates report very regular visits by medical staff and somewhat frequent visits by program staff and clergy. According to them the executive and mental health staff visit only infrequently and the recreation staff is hardly ever seen. These figures are somewhat different from the figures in Table II. In all likelihood these staff members visit the PC area as often as indicated in Table II but do not see every single inmate while there, which is reflected in the inmates' lower estimates in Table 21.

*Inmate Attitudes About PC, With an Eye Towards Improvement*

PC inmates were asked to list the best things about being in PC. The two most popular aspects were:

- (1) They feel safe and secure; and
- (2) They are away from pressure on the compound.

PC inmates were then asked what was the worst thing about being in PC. Among their complaints were:

- Inactivity, isolation, restriction on the unit,
- Insufficient recreation, especially outdoor recreation,
- Social stigma of being a PC inmate.

Finally, the PC inmates were asked how could PC be improved. Their most frequent responses in descending order of occurrence were as follows:

- More and better recreation,
- More and better jobs,
- More and better education,
- Better food,
- Improve inmate-staff relations.

Inmate handball and basketball courts on the FCU yard.

## CONCLUSIONS

Conservative figures show the PC population in American adult correctional facilities to have grown almost 200 percent from 1978 to 1982. Estimates suggested a PC population of almost 23,000 in March 1982. Inmates remain in PC for considerably longer—often years—than inmates in either AS or DD.

Explanations for increased use of PC center on three main factors:

1. The increasingly menacing nature and level of violence in society has rendered the PC option more attractive to many. This problem is complicated by two related additional factors: First, that protective custody units are required to provide similar programming to that offered to the general population; and second, that the general population quarters may be overcrowded to the point where preferred single cells are unavailable, while necessarily still offered for inmates needing extensive protection.
2. Recent legal decisions have heightened correctional workers' concerns regarding the real or perceived threat that they may be found negligent in cases of inmate injuries.
3. Although humanitarian concerns have prompted many modern correctional reforms such as improved inmate classification, day passes and greater freedom of movement within the institution, these very reforms have, paradoxically, created a greater use of PC in some cases.

Since many of these changes are recent and ongoing, it is probably that PC issues will not only continue, but will take on new dimensions in the following areas:

- a) Legal changes relative to due process;
- b) Program access;
- c) Liability;
- d) Determinations of administrative negligence; and
- e) Defining the extent of an inmate's right to protection.

Unit designs are evolving from the current general practice of using existing areas for segregation towards new designs separating PC inmates (i.e., homosexuals, state's witnesses, etc.) according to differential needs assessment.

Screening processes for accurate determination of specific PC needs are just now being developed. Future MIS systems may help locate specific enemies and differential institution assignments can avoid unnecessary PC unit population increases. Legal issues centering on liability and refusal of PC inmates to name specific enemies remain unresolved.

The main improvements suggested by staff for PC include:

1. Separate the PC unit from other segregation areas. Within this overall recommendation, several related considerations may apply depending on the jurisdiction's PC statute and population dynamics. First, the administrator may choose to have differential assignment within PC (i.e., related to racial concerns, gang membership issues, policies regarding homosexuals, etc.). In addition, administrators may attempt to differentiate the extent of protection requested (i.e., total or specific to particular other areas and inmates) in making the best use of existing supervision resources.
2. Reduce the number of new PC placements while improving means to return current PC inmates to the general population. The goal of reducing PC placements is made more difficult because of the increasingly overcrowded conditions in the general population, together with required program access for PC. In those instances where PC inmates are provided single celling, and the general population is not, this problem becomes more acute. Since decreasing the desirability (programs offered) in PC is not an appropriate tool for the reduction of the PC population, more sophisticated validation and unit transfer processes seem to be the preferred mechanism to accomplish the PC population reduction goal.
3. Provide better recreation for PC inmates. The legal requirements for PC recreation and related program access continue to emerge, with most findings pointing towards access and participation similar to that provided for the general population. Modification of existing physical plants and program participation timetables will continue to be called for to meet these needs.

In this survey the average PC cell was 58.7 square feet. When allowances were made for multiple occupancy of some cells, the average square feet per inmate fell to 46.7.

Inmates convicted of sex-related crimes tend to be overrepresented and blacks slightly underrepresented in PC. Compared to AS and DD inmates, whites are slightly overrepresented and blacks slightly underrepresented in PC. One-half of the inmates in PC had been in PC at least once before.

Compared to AS and DD inmates, PC inmates are much less likely to present serious discipline problems such as suicide attempts, attacks on staff, starting fires, etc.

Although in most cases PC inmates enjoy the opportunity for similar activities as do general population inmates, the two exceptions to this rule are outside recreation and non-orderly work opportunities.

By and large PC inmates are provided appropriate amounts of personal property items.

In most cases the PC unit is combined with some other segregation area(s) rather than existing as a truly independent area.

Staff do not view the PC unit as an especially desirable place to work. Staff most often focus on negative personal qualities of PC inmates when describing their objections to the placement.

Only 20 percent of the PC inmates interviewed were placed in PC at someone else's suggestion; the remainder requested placement themselves.

## RECOMMENDATIONS

### 1. *Minimize PC Use When Possible*

The use of PC should be minimized or even eliminated if possible. Innovative programs designed to deter potential PC inmates from that option and to demonstrate the ability to safely transfer current PC inmates into a less restrictive setting should be encouraged.

Those institutions opening new PC units or enhancing existing units with increased program access may complicate the problem by creating areas perceived as preferable placement to possibly overcrowded general population sections. However, accurate screening will always demonstrate some legitimate PC candidates, with a general need for this group not to be punished (i.e., through program deprivation) for this classification.

### 2. *Where Used, Provide as Much Separation as Practical*

Agencies or institutions that are unable to provide totally separate PC units should provide as much separation as possible and use many of the programmatic suggestions contained throughout this publication.

While effective separation is essential, the extent of separation may differ within PC. Administrators may consider options such as establishing levels of PC through a waiver system. This approach leaves some inmates totally separated, while others sign waivers permitting specialized movement and program participation without separation and/or escort supervision.

### 3. *Legal Advice*

A thorough legal analysis should be prepared for each jurisdiction, outlining appropriate safeguards to assist correctional administrators deciding whether or not to use PC.

Chapter III of this publication has addressed some overview legal concerns for administration of PC. However, this chapter also pointed out that issues of due process and determination of negligence often depend on localized state and policy, and these should be considered.

### 4. *Program Development*

Program activities available to the general population should be available to PC inmates. Because research has indicated that outdoor recreation and non-orderly work opportunities are available less often than most other programs in PC units, special attention should be directed to these two programs.

While program development is essential, it is also important to acknowledge the possibility that these developments may result in even greater demand for PC placement. This is especially true in overcrowded prisons, where single cell PC placement may be preferable to most other placements, regardless of program access. Effective screening of PC candidates, as well as resolution of individual PC needs (i.e., through transfer of named predators) may minimize these potential problems.

### 5. *Training*

Specialized staff training programs relating to the problems of the PC inmate and the operation of a PC unit must be designed and implemented.

The staff needs to have the authority and commitment to help develop PC policies and procedures based on the local institution's specific needs. This is based on the high level of PC need variation across jurisdictions. These differentiations may be in the area of different legal requirements, as well as differential population dynamics (i.e., gang and race concerns), and PC units' desirability (i.e., related to overcrowding, general conditions, and single cell availability).

### 6. *Location*

PC units should be separate from AS or DD facilities.

Location issues will vary widely relative to institution size, security status, and physical plant characteristics. A key location issue is whether other institutions are available for transfer of PC inmates, or whether all candidates need to be separated within the same facility.

### 7. *Physical Plant Standards*

PC unit cells should be modified or constructed so that space and other factors are consistent with ACA standards. This is especially important for PC inmates, due to their typically lengthy commitment to the unit.

Because of the recency of the tremendous increase in need for protective custody, most institutions are modifying existing facilities to accommodate PC needs. Administrators need to emphasize communication with each other in order to take advantage of unit designs that seem to be successful in these ongoing attempts to create workable PC units.

### 8. *ACA Standards*

ACA policy guidelines distinguishing AS, DD and PC segregation status should be strictly followed.

### 9. *Research and Data Collection*

Criminal justice system data collection agencies should include PC status as a separate item to assist and encourage future studies in this area.

Research is especially critical because of the recent nature of PC unit needs and population increases. Research should consider specialized population dynamics, changes in legal issues, and experiences with differential design, screening, and program access across the country. This is especially critical in developing data related to design of new PC units.

### 10. *Separation of Inmates Within the Unit*

When establishing a PC unit, consideration should be given to the possible need for dividing PC inmates into appropriate groups (i.e., state witnesses, police officers, assault victims, and institutional informants).

In addition, other forms of separation might be considered as PC units of quite different design continue to evolve. One example would be differentiating the level of PC needs. This might be accomplished through a waiver system, with one level of PC having total separation, while the level signing waivers would be permitted some movement without escort, and specified program participation with the general population (the latter in cases where specific enemies are named, and location and movement can be determined).

### 11. *Verification of Information*

Criteria for placement in a PC unit should be clearly defined. Verification of allegations and statements should be thorough and in some jurisdictions, the use of a polygraph may be authorized within the limits allowed by statute.

Changes in the verification processes are currently being developed at most institutions. The procedure may vary widely depending on legal and policy considerations, each jurisdiction's different population demographics (i.e., are enemies more often individuals or larger groups such as gangs), and institution transfer capabilities.

## CHAPTER III

### LEGAL CONCERNS INVOLVING PROTECTIVE CUSTODY

This chapter further details legal activity related to protective custody assignment. The focus is on the extent of liability (negligent performance of duty owed), questions of negligence, legally required protective custody (the duty to protect), and due process concerns.

#### DETERMINING EXTENT OF LIABILITY

A frequent concern expressed by a jail or prison administrator is the perplexing question of whether the administrator will be held liable when one inmate assaults another. The fear of liability in such assault cases will often affect the decision whether or not to provide protective custody to a specific prisoner or to establish a protective custody area for a large segment of prisoners.

Cases arising from the assault of one prisoner by another are, unfortunately, not rare. The understanding of a potential for liability in the "protect or not protect" decision summarized in Chapter I requires a further review of certain legal concepts developed in assault cases.

Each state has laws that set out the circumstances under which an individual may be held liable. Generally, all states provide that no person will be held liable to another person without proof of negligence. To establish negligence, it must be demonstrated that the defendant owed a duty of care to the plaintiff, that the

defendant breached that duty, and that the plaintiff suffered as a result.

The preliminary factor to identify is what duty is owed the plaintiff. The current prevailing position is that a prisoner should be kept free from unnecessary harm and that reasonable care should be exercised for his life and health. This duty may vary from state to state based upon the actual language of a state statute setting out the special duty of a corrections department, prison or jail.

The most comprehensive general rule is that one who is required by law to take custody of another under circumstances that deprive the other of his normal power of self protection, is under a duty to exercise reasonable care in controlling the conduct of third persons to prevent them from intentionally harming the one in custody.<sup>1</sup> Custodians must conduct themselves in a manner which does not create an unreasonable risk of harm to those confined where the custodian knows, or should know, that he has the ability to control the conduct of third persons (and knows of the necessity and opportunity for exercising such control). Frequently, each state's specific statutes provide guidance to an administrator in understanding the specific duty owed a prisoner in his/her jurisdiction beyond this general standard.

The correctional administrator is not required to insure the safety of a prisoner unless state law so specifies.<sup>2</sup> State laws may control the nature of the duty owed, the amounts of damages that may be assessed, and the particular defendants and jurisdictions that may be assessed damages.

Correctional administrators under the law of some states are not liable to their prisoners under any circumstances. For example, several states have decided that a warden and his subordinates in charge of a penitentiary,<sup>3</sup> or a sheriff in charge of a county jail,<sup>4</sup> is immune from suit because he exercises a quasi-judicial function requiring the use of discretion. Another state has decided that a master of a house of correction has no duty of care

toward his prisoners which would make him liable for negligence.

#### QUESTIONS OF NEGLIGENCE (CASE HISTORIES)

To understand the duty owed it is helpful to review several of the more significant and controlling cases. In one of the few cases where the U.S. Supreme Court has addressed the duty owed a prisoner in an assault situation,<sup>5</sup> the Court concluded that the United States may be held liable where the acts were the result of "extreme negligence." In this case, plaintiff was attacked and pursued by twelve inmates into another dormitory of the federal facility. Rather than attempt to stop the fight, the correctional officer locked the door, choosing to confine the altercation rather than intercede. This left the inmates alone and free to beat their victim, who as a result suffered a skull fracture and loss of his right eye. The court held that the government was not liable under these facts:<sup>6</sup>

A warden is not liable in the absence of a showing that he had reason to anticipate violence and failed to prevent it. Generally, in order to hold a sheriff or jailer liable for assault by one prisoner of another, the sheriff or jailer must have actual knowledge of the dangerous character of the prisoner committing the assault. . . . The decision of the . . . warden as to the number and placement of guards is not a matter on which this Court is empowered to substitute its judgment.<sup>7, 8</sup>

Although some may question the guard's judgment to await reinforcements of staff to quell the disturbance, instead of favoring an immediate containment, the guard's response was found not to be negligent by the federal district court.

In a similar case, *Cohen v. U.S.*,<sup>9</sup> the United States was found to be negligent. In this case the assailant, McDonald, had been placed in administrative segregation based on information that he had threat-

ened another inmate. He had been previously identified as being involved in at least two prior series of assaultive incidents, and was perceived by staff as being "unmanageable" and "dangerous." Furthermore, the government was informed of McDonald's psychotic tendency and of the considerable likelihood of his having recurrent psychotic episodes. McDonald was in administrative segregation at the time of the assault, yet was allowed to roam in an exercise yard under limited supervision. McDonald managed to scale the ten-foot wall surrounding the yard and escape to another building, where he struck inmate Cohen three times in the skull with a pipe.

The negligence of the government? The court cited prominently that just two years prior to McDonald's escape from the detention area another inmate, who was only 5'5", succeeded in escaping over the same wall in the same exercise yard. Yet no changes were made in the yard or on the wall in the intervening period. The court concluded that here the government failed to provide protection when it had already decided protection was necessary.

In determining the extent of the duty owed a prisoner, the questions of foreseeability and prediction of human behavior play a significant role. In *Flaherty v. State*,<sup>10</sup> the Court held that it was not reasonably foreseeable that an inmate with whom plaintiff-prisoner had been quarreling would remove the acid contents of a fire extinguisher and pour it over the face and head of the sleeping plaintiff-prisoner. Courts have gone so far as to say there is no breach of duty even where inmates have been involved in an incident but have agreed to forget it. This was summarized by the court as follows: "[The] demands of effective penal administration and rehabilitation may afford prisoners less than absolute security from harm by other inmates."

In *Williams v. U.S.*,<sup>11</sup> the court cautioned against the widespread effect of an immediate resort to segregation in all cases of a threatened incident between prisoners. In the court's own words:

It might be noted, in addition to the recognized "fatal effect" on rehabilitation resultant from unnecessary confinements in segregation, that complete isolation for lengthy sentences in light of penological practices today, could raise grave constitutional issues of cruel and unusual punishment and due process of law.

An administrator's reasonable decision not to protect must be exempted from liability; otherwise, in time, an administrator might find the entire population in one form of segregation or isolation.

In further assessing the duty of ordinary, reasonable care, courts have recognized that this duty is affected by the realities of alternatives available to administrators. While it might be easy to state that the government has breached its duty by not always segregating those inmates who are likely victims from those who are likely assaulters, this might result in such an extent of isolation as to totally deprive the inmate of his needs for social interaction and opportunities to demonstrate rehabilitation.

All aspects of prison life which seek to encourage rehabilitation and responsible conduct by prisoners inevitably involve calculated risks. The risk is greater than that in normal society because most of those incarcerated have greater or lesser assaultive tendencies. The only way to actually insure against prison episodes is by complete isolation, which is physically difficult if not impossible, and also least likely to induce positive attitudes in and the rehabilitation of persons so treated.

**Summary:** A breach of the duty owed a prisoner may normally be found in assault cases:

1. Where the administrator has actual knowledge of the dangerous character of the prisoner committing the assault; or
2. Where the administrator has determined that protection is needed, but due to the negligent plan an assault occurs.

At the same time the case of *Parker v.*

*State*<sup>12</sup> concludes:

1. Prison officials are not negligent if they take steps that are reasonable under the circumstances in response to a prisoner's reported fears for his safety;
2. Such steps need not include isolation of the prisoner requesting protection.

The duty owed a prisoner is not normally breached where difficulties are known to exist between two inmates (or groups of inmates) and the administrator chooses not to segregate based upon a judgment that an assault or injuries probably would not result from further contact between the inmates.

Courts are not fond of situations where assault victims are not compensated, especially in situations where an inmate is injured through no fault of his own!

We ask prisoners to take risks in the process of attempting to rehabilitate as many as possible, a result greatly in the community interest. If, as a consequence, one is injured through no fault of his own it seems unfortunate and unfair that he be made to accept his injuries as additional punishment. To date at least the law gives a prisoner so injured no right to compensation. In the opinion of one judge, at least, it should.

With this kind of judicial sentiment in favor of some form of compensation, it is no surprise that in frequent cases courts have found sufficient facts to justify an award of damages, with some noteworthy exceptions described below.

**Negligent Acts in Related Situations.** The evidence of merely some casual relation or connection between negligence and injury is not sufficient to satisfy the laws under which liability for negligence generally operates. The connection between the negligence and the injury must be a direct and natural sequence of events, unbroken by intervening, efficient causes, so that it can be said that the negligence was a proximate cause of the injury.

This requirement cannot be satisfied by

merely stating that it was foreseeable that some inmate would assault another. Under the most common approach, the conduct of the jailer must be a *substantial* factor in the cause of the injury. Where a number of facts, of which the defendant's conduct is but one, have an appreciable effect in bringing about harm to another, it must be determined whether the defendant's conduct is significant in relation to the conduct of others.<sup>13</sup>

In protective custody cases (when a "victim type" has been assaulted), there will most frequently arise a number of allegations of negligence. The plaintiff may allege that the assailant was a dangerous individual who should have been segregated from the general population; that the jailer was negligent in allowing weapons (i.e., kitchen knives, eating utensils, or homemade shanks) to get into the hands of prisoners; that the jail or prison was poorly designed; or numerous similar allegations. But it is seldom that any of the factors, even if true, is the substantial factor to a protective case. The actual substantial factor in causing the harm was the conduct of the assailant.

In the individual protective custody circumstance it is rare that anyone knows who, individually, is going to assault the "victim type." Predicting this injury may be speculative guesswork. But naturally, after the assault has occurred it becomes a rather easy task to restep the decision-making path to determine how the injury could have been prevented.

The general posture of the law is that the act of a third person in committing an intentional assault is a superseding cause of the injuries to another, even though the jailer's negligent conduct created a situation which afforded an opportunity to the assailant to commit such an assault. The victim will always have the right to sue the assailant, for what little that is normally worth. Therefore, in the court's general desire to find a defendant with sufficient funds to pay the damages, the jailer may be held liable where, in the court's judgment, he should have realized the likelihood of such an assault. The plaintiff must be able to convince a court of the

fact that the assailant was such a probable assailant that his exposure to the plaintiff was negligent.

Although there are strong factors in favor of some form of compensation for the prisoner assault victim, there are policy considerations against extending liability further into this arena. One of the major factors in setting liability is that of prevention of future wrongdoing. In protective custody cases involving the alleged negligence of prison officials in failing to prevent an armed prison assault, the imposition of civil liability would serve no prophylactic purpose. Prison officials must, by the force of public review, be concerned with the safety of inmates, and additionally must exercise abundant caution to prevent assaults within the institution if only out of fear that they themselves would be the victims of the attack. This desire for self-preservation alone not only suggests that reasonable care will be taken but supports the view that prison officials will use every human effort to prevent inmate attacks on anyone, regardless of whether they face liability for failure to do so.

### LEGALLY REQUIRED PROTECTIVE CUSTODY (THE DUTY TO PROTECT)

Aside from the "standard" assault cases, there arises the question of whether the jailer or prison administrator has a duty to protect certain classes of prisoners from others.

This legal duty is not well-developed in the protective custody area. It may have to await some settlement of the issue on a professional basis first. As noted earlier in discussing assault prevention standards, there are the common law developments and there are the statutory law requirements. The state may dictate further classification to such a degree that it deems appropriate, barring some forms of insidious discrimination. Separation of prisoners based upon race, even when for their own protection, could not be ac-

cepted as a standard practice.<sup>14</sup> However, even such racial segregation when implemented as a device to relieve racial tension and prevent assaults among inmates may be permissible as a temporary measure under extreme circumstances.<sup>15</sup>

Protection of classes of prisoners through classification decisions has been a traditional correctional tool. The effects of such traditional classification decisions are to attempt to place prisoners in groupings of those similarly situated. No matter what factors are used in making classification decisions, the criteria for those decisions must be rational and reasonable rather than arbitrary and capricious. One of the more severe protective custody problems in a jail or prison setting is the difficulty of handling aggressive and submissive homosexual inmates. At least one court has called into question the practice of segregating homosexuals without a showing of each individual's presentment of some difficulty in the general population.

It is not the fact of the classification or the qualifications for placement into the protective custody status that has most frequently been the subject of litigation, it is the condition into which the "protected" class finds itself that generates the litigation. Merely labeling a highly restrictive, segregated area "administrative" does not convert such a unit into the "silver purse."

### DUE PROCESS AND THE RIGHT TO BE PROTECTED

*Due Process:* The United States Supreme Court should rule during this 1982-83 term, in *Hewitt v. Helms*, on the question of how much due process an inmate may expect when he is involuntarily placed into an "administrative" segregation status awaiting a disciplinary hearing where such a placement is arguably for the protection of others.

At least one court has held that where a prisoner declines the offer of protective custody, he is entitled to a due process

proceeding to determine the necessity and appropriateness of such a classification. In this circumstance, traditionally, the conditions in administrative segregation were substantially more onerous than those available in the general population.<sup>16</sup> The right to due process during classification decisions has not been firmly established as a matter of constitutional law.<sup>17</sup> There appears to be no controversy that the fact that a prisoner requests placement in administrative segregation for his own protection does not justify unconstitutional conditions of confinement.<sup>18</sup>

The conditions of a protective custody status have not been the frequent subject of litigation. There may not need to be a volume of litigation in this area; the constitution and the realms of "conditions of confinement" cases may serve as sufficient guidance to administrators of such units.

*A Right to be Protected.* Generally, law enforcement agencies owe a duty of protection only to the general public and not to any particular individual.<sup>19</sup> Yet where the private citizen can be said to have relied upon the law enforcement officials' assurances of safety or assistance, thereby letting their guard down, the failure of police to fulfill their offer of protection will create liability.

The protective custody area offers this relationship to the prisoner. Once undertaken, the jailer and prison administrator must see to it that it is sufficiently operated to meet the assurance of protection. The existence of a protective custody area within an institution provides an option to the administrator which previously did not exist. He/she must now consider an inmate's request for protection in light of a new option available to him.

Under current standards an administrator may elect not to totally isolate

the inmate seeking protection and to apply alternate protective measures. An administrator may not ignore a request for protection,<sup>20</sup> but is required only to take those measures reasonably calculated to prevent the assault.

In the prison context there are no guarantees of safety whether the inmate is placed within a special unit<sup>21</sup> or not.<sup>22</sup> It appears that we will have to await further time, study, and professional development before we can definitely conclude that the protective custody area reduces risk or increases litigation. Since the law in this area is not settled, current procedures need to examine the request to protect on a case-by-case basis. The crucial issue in a protection case is whether prison officials took reasonable steps in response to a prisoner's reported fears for his safety. What is reasonable will continue to depend on the facts of the particular case in question.

### FOOTNOTES

<sup>1</sup>Restatement of Torts, Torts 2d, Section 320.

<sup>2</sup>*Fleishour v. United States*, 244 F. Supp. 762, 767 (N.D. Ill., 1965); *aff'd* 365 F.2d 126 (7th Cir. 1966), cert. denied, 385 U.S. 987 (1966).

<sup>3</sup>*Carler v. Steiner*, 225 Md. 271, 170 A.2d 220.

<sup>4</sup>*Bush v. Babb*, 22 Ill. App. 2d 285, 162 N.E.2d 594.

<sup>5</sup>*United States v. Munitz*, 374 U.S. 150 (1963).

<sup>6</sup>280 F. Supp. 542.

<sup>7</sup>*Id.* at 547.

<sup>8</sup>*Id.* at 548.

<sup>9</sup>252 F. Supp. 679 (N.D. Ga. 1966).

<sup>10</sup>296 N.Y. 342, 73 N.E.2d 543 (1947).

<sup>11</sup>384 F. Supp. 579 (1974).

<sup>12</sup>282 So.2d 483 (La. 1973).

<sup>13</sup>Restatement, Torts 2d, Section 433.

<sup>14</sup>*Wilson v. Kelly*, 294 F. Supp. 1005 (N.D. Ga. 1968).

<sup>15</sup>*Mickens v. Winston*, 462 F. Supp. 910 (E.D. Va. 1978).

<sup>16</sup>*Wright v. Exonmoto*, 402 F. Supp. 397 (N.D. Ga. 1976).

<sup>17</sup>*Cardanopolli v. Norton*, 523 F.2d 990 (CA 2, 1975); *Machesani v. McCune*, 531 F.2d 459 (CA 10, 1976).

<sup>18</sup>*Sweet v. South Carolina Dept. of Corrections*, 529 F.2d 854 (4th Cir. 1975).

<sup>19</sup>46 A.L.R.3d 1084.

<sup>20</sup>*West v. Rowe*, 448 F. Supp. 58 (E.D. Ill. 1978).

<sup>21</sup>*Parker v. State*, 282 So.2d 483 (La. 1973).

<sup>22</sup>*Breerton v. Jackson*, 457 F.2d 578 (CA 4, 1972).

## CHAPTER IV

### INTRODUCTION

**A**lthough the number of inmates housed in PC should be minimized whenever possible, there may be instances where PC cannot be totally eliminated. When inmates legitimately need separation and protection from other segments of the population, the manner in which these individuals are housed must be considered very carefully. Whether an existing facility is used or new space is constructed to house inmates requiring PC, there are many philosophical, programmatic and operational aspects to be considered. These considerations will vary from correctional system to correctional system and should be dealt with on an individual basis.

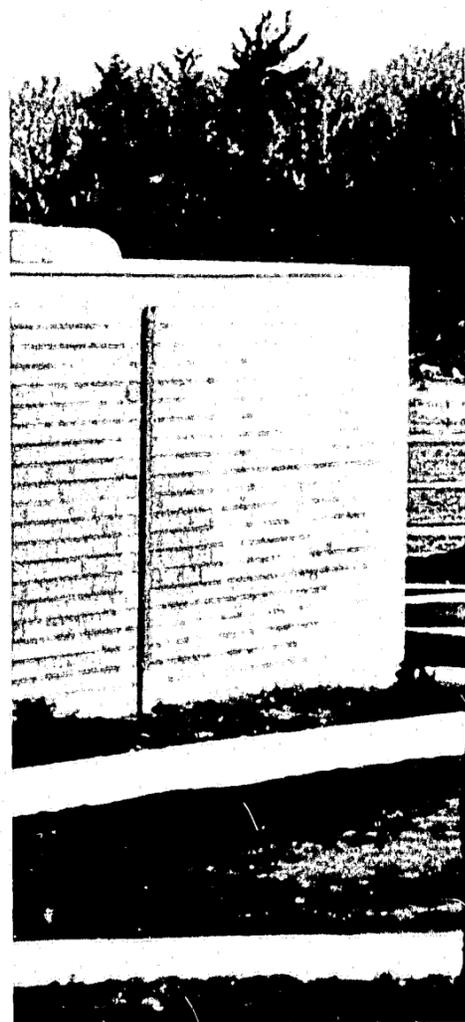
The following chapter will highlight factors considered crucial in any such individual analysis of the PC needs of a particular jurisdiction. It is designed to be used as a guideline only.

Perhaps the ideal way to develop a PC unit is to construct a completely new unit from the ground up, separate from other parts of the facility. Many jurisdictions, however, will not have the opportunity to do this, due to resource limitations, the presence of existing building space or the urgency of need. The discussions that follow can apply equally to those situations where existing space will be used, existing buildings are to be renovated or new space will be constructed. For the purpose of this example, a 150-bed unit will be described.

### AN ARCHITECTURAL PROGRAM

An architectural program is an effort to document, in as much detail as possible, a statement of the problem or the function that will ultimately be housed in the completed space. The first step in the design process of a PC unit is formulating such a program. This definitive statement should include an explanation of the vari-

ous processes and the flow of people and materials that are to take place in the spaces. Any special relationship between spaces should be identified. Good planning and well thought-out statements of purpose will expedite any complicated en-



terprise, architectural or otherwise. It is during this phase of the project that the criminal justice agency can have the greatest overall impact on the project, as well as minimize the overall project cost.

A good client is the single most effective resource a design team can have. In order to effectively solve clients' specific problems and to design functional spaces, designers must fully understand the problems. Because no two correctional sys-

fore sitting down with an architectural design team, a client should, for example, have adequate information to answer basic statistical questions such as:

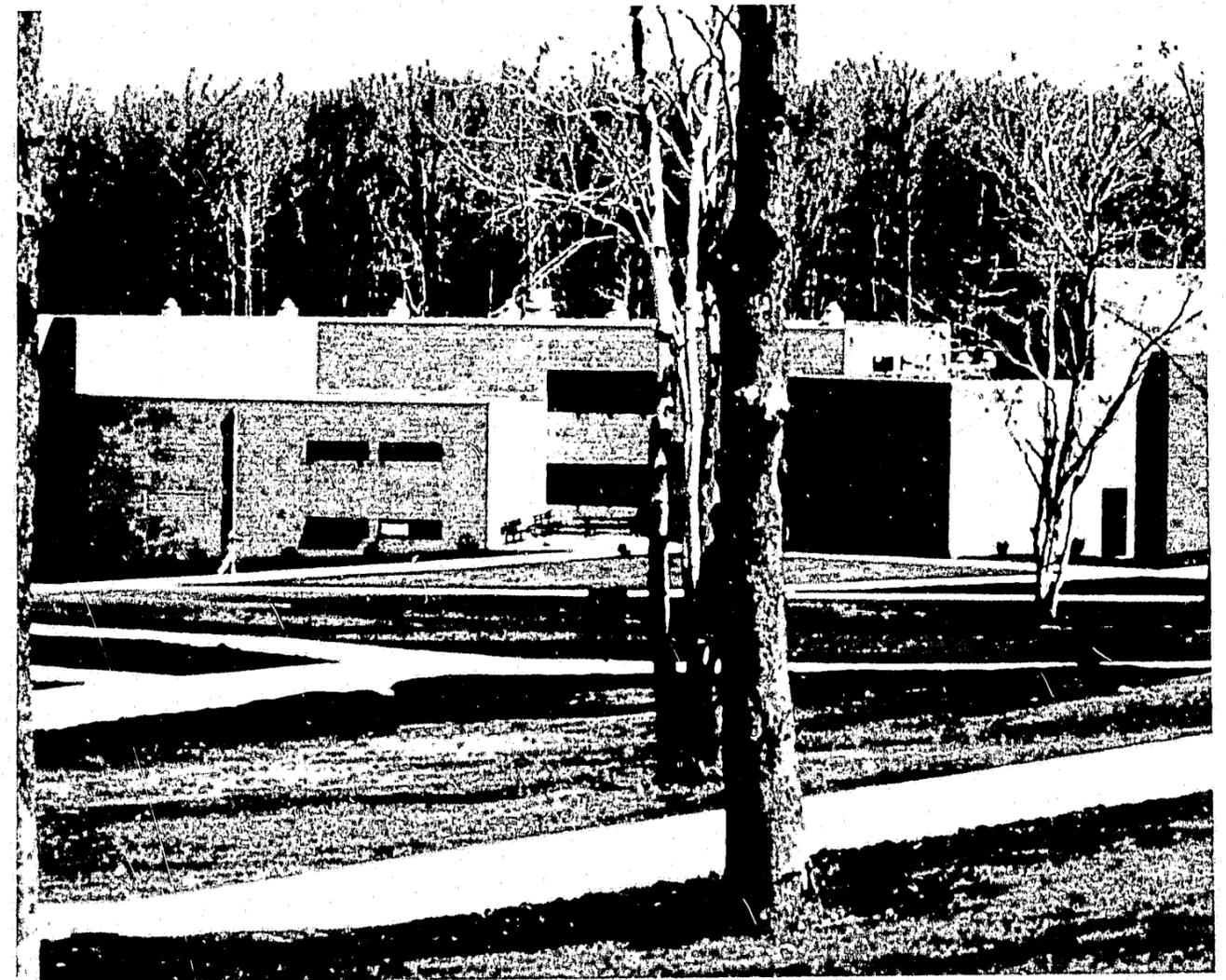
1. How many individuals will be housed?

requirements?

5. What are the turnover rates, in and out of the unit?

6. What security features are necessary?

7. What will be the staffing pattern?



Perhaps the ideal way to develop a PC unit is to construct a completely new unit from the ground up, separate from other parts of the facility.

tems will have the same problems or the exact same manner of dealing with these problems, clients must be prepared to give designers the necessary information to meet their specific functional needs. Be-

2. What are their custody classifications?

3. What are the separation requirements?

4. What are the medical and sick call

Additionally, the client should be able to conceptualize the operation of critical functions. It is not necessary that the client lay out the walls and hardware for the designer, but rather be able to explain the

process that needs to occur. This can be done either in writing or by the use of flow diagrams or conceptual drawings.

Where possible, the client should have firm positions on the basic operational issues that will affect the unit's design. Many of these basic processes and issues will be discussed in subsequent sections. Although it is difficult to develop a consensus on many issues regarding PC units, the discussion that follows represents recommendations that should be considered.



Designs which construct barriers between staff and inmates should be held to a minimum. In rare instances it may be necessary to use equipment such as pass-through slots for short periods of time.

## A MANAGEMENT CONCEPT

Many concepts of inmate management that are the foundation of contemporary corrections apply to a PC unit. Without attempting to document the present state of the art, it is necessary to emphasize concepts that should provide the basis for any well-managed unit.

### Staff/Inmate Interaction

Designs that construct barriers between staff and prisoners should be held to a minimum. The unit should be designed and constructed in a manner that encourages interaction between staff and inmates. As much as possible, inmates should have free access to staff. The opportunity to discuss problems and reach solutions before they reach crisis proportions is a critical element in developing a manageable unit.

### Unit Management

This concept is one that would place most, or all, staff members involved in the unit operation within the immediate area where inmates are housed. A management team directly responsible for the welfare of the PC unit inmates would typically include the following full-time staff:

- 1-Unit Manager
- 2-Case Workers
- 2-Counselors
- 1-Secretary/Clerk
- Correctional Coverage (24 hours)



It is important for the administrator to plan carefully the use of security equipment.

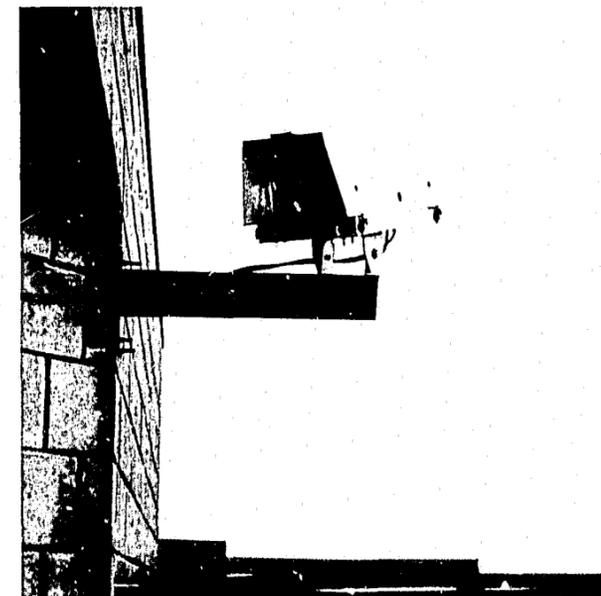
In addition, other support personnel required on a part-time basis should have space provided in the unit. At a minimum, this support staff should include the following members:

- Medical
- Psychological
- Food Service
- Education
- Recreation
- Maintenance
- Inmate Services (Commissary, Laundry, etc.)

### Normalization

To the extent possible, the operations and activities in the PC unit should reflect life outside the institution. This normalization, in the same context as normalization in any correctional setting, can play an important role in maintaining a manageable environment. Where the PC unit is operated within a larger institution, an additional criterion is added in that the unit's operation should, as closely as possible, reflect the operation of the main institution.

This last point deserves special emphasis. Legal constraints require that all segregation facilities bear substantial resemblance to housing available to the general population unless specific, documented security requirements dictate otherwise. Even if this were not demanded by the courts, most correctional administrators would not wish to make PC an inherently punishing ordeal, due to the nonpunitive nature of PC. However, one must be careful not to overreact to this humanitarian concern by making PC inordi-



One method of assuring appropriate security is provided by establishing a hierarchy of security needs including electronic surveillance.

nately desirable and push in the minds of the general population. If this should occur, it will increase the amount of PC requests from inmates desiring a "vacation" from the compound. The time and resources required to handle additional screening are not available to most correctional services.

As stated before, the best plan is to make PC facilities and services as comparable as possible to the facilities and services provided to the general population,

### Classification

Classification of inmates is recognized by correctional administrators as an indispensable element of effective correctional management. Management of a PC unit is no exception. Program and security decisions regarding each PC inmate will continue needing to be made, and these can best be accomplished when based on well-founded classification data.

Detailed consideration of classification issues can be found in another recent ACA publication, *Classification as a*

mented and well understood by each member of the staff.

A guideline for establishing policies and procedures for a PC unit is included in Appendix II.

### Physical Security

It is important that the correctional administrator understand that building excessive security into a structure is very expensive. Consequently, security requirements should be kept to the minimum necessary to achieve adequate protection



An often overlooked security need for PC units is destruction of records, reports, or other written material which might reveal the location or identity of protection cases.

### Management Tool: Theories and Models for Decision-Makers (ACA, 1982).

### Operating Policies and Procedures

No unit in a correctional setting can function without a good set of operational procedures. This is even more critical in a PC unit because failure to maintain the unit's security can greatly diminish the integrity of the unit and the program. To insure consistency in implementing these procedures, they should be well docu-

and containment of the unit members. One method of insuring that the appropriate security is provided is to establish a hierarchy of security needs, including electronic surveillance. For instance, in a typical correctional institution the perimeter security is the last defense against escape. As such, access through the perimeter should not diminish that system. Any penetration of this perimeter requires the use of a sally port, controlled by a centralized control center.

The security of the unit itself is the next line of defense and second in the hierarchy of security systems. If the building's security system is sound, greater freedom of movement may be allowed within the unit itself.

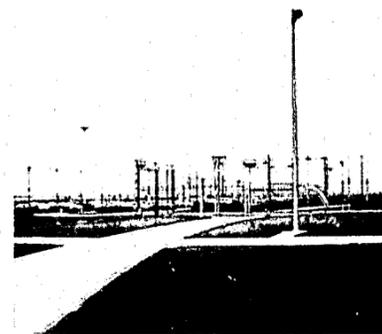
The third system within the hierarchy of security is for those areas within the unit that are off limits to the inmates. The spaces may include records offices, medical areas or pharmacy storage areas.

The fourth system is the individual in-

well as from the outside. Movement to and from the unit should be controlled with sally ports and a centralized control room.

#### Separation

A basic issue for any PC unit is separation. In the first place, the PC inmates must be separated from the general population, or at least those persons in the general population who have provoked their fear. There may also be requirements for



**The absolute need for separation of PC inmates from the general population, and often from each other, was mentioned frequently by the inmates interviewed.**



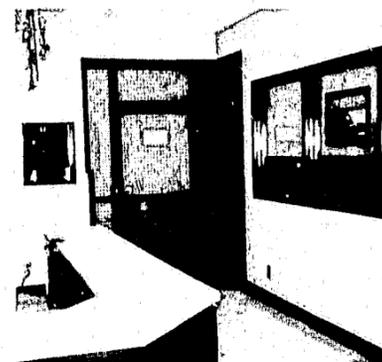
If the perimeter security system is sound then greater freedom of movement may be allowed within the unit.

mate room enclosure. These enclosures must be secure enough to control movement during certain periods and provide accountability for the inmate and his property.

The last security system is for spaces where security is not critical. These spaces may include some offices, conference rooms, recreation spaces and activity rooms.

In designing a PC unit it is necessary to consider the unit as an institution in itself to some degree. As part of a larger institution, it must have a perimeter separating it from the remainder of the institution as

separating individuals within the unit who may be under protective custody, yet be of such a classification as to require protection to some degree from others within the same unit. And finally, although uncommon, there may be those who act out and require disciplinary segregation because of serious rule infractions while in the unit. In conjunction with the hierarchy of physical security requirements and the unit classification system, a hierarchy of separation requirements should be established for each PC unit.



There are times when units within an existing facility are the only practical solution. Operating policy of these units should reduce contact with other prisoners to the lowest level possible.



The PC unit must be secure not only from escape but from persons trying to gain entry into the unit.

## ARCHITECTURAL PROGRAM AND SERVICE NEEDS

### Unit or Institution

There are advantages and disadvantages of housing all PC individuals in a totally separate institution. In some jurisdictions, however, the small number of individuals to be housed may make a separate institution economically impractical. Additionally, the custody classifications of the PC inmates may encourage the establishment of smaller specialized

**The trend appears to be moving toward the establishment of totally separate facilities for protective custody.**

units. For the purpose of this document, discussion will be based on a unit within a larger institution, but in most cases it will apply also to multiple units. Designing a separate institution would require, of course, adding areas for support functions such as food service, education, mechanical services, personnel and financial management, which will not be discussed in-depth here.

### Perimeter Security

The unit must be secure not only from escape by the persons being housed there, but also from persons trying to gain entry into the unit. Thus, perimeter security

must be maintained while allowing legitimate access to the unit from the larger institution or the outside, and it must allow for the movement of personnel and materials. This necessary movement can best be controlled without diminishing the perimeter security by using a sally port and a centralized control center. The control center function for the unit may be part of the institution control function. (Figure 2)

**Housing**

The very nature of a PC unit and the need for separation indicates that the housing should consist of individual rooms. These rooms should be grouped in a manner that will allow similarly classified individuals to be housed in the same area and should accommodate, with some flexibility, numerical groups of individuals requiring separation. Additionally, the individual rooms should be grouped in a manner that will accommodate good visual supervision using a minimal number of staff. The total number of inmates within one housing unit or management unit may vary depending on staffing patterns, population pressures and resources, but generally should not exceed 150 individuals per unit. Following are two examples of how a unit may be subdivided:

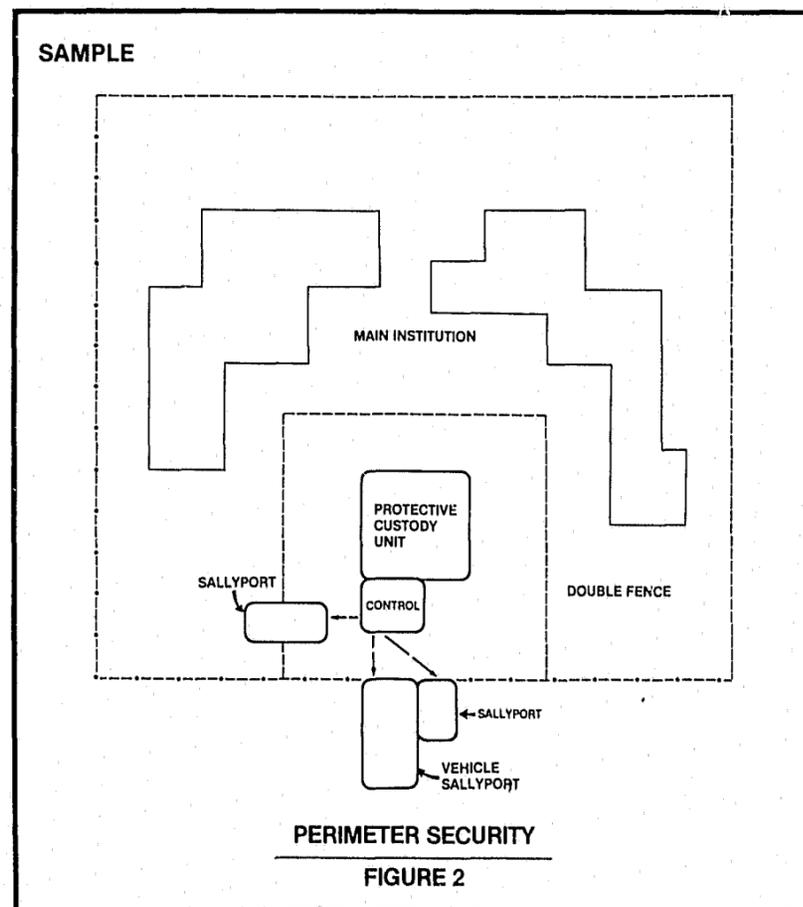
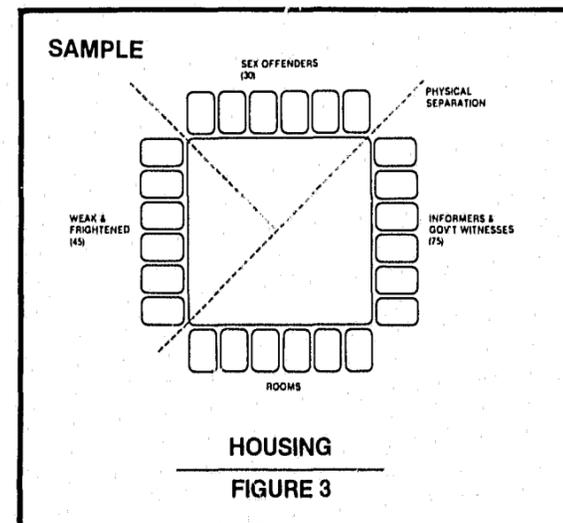
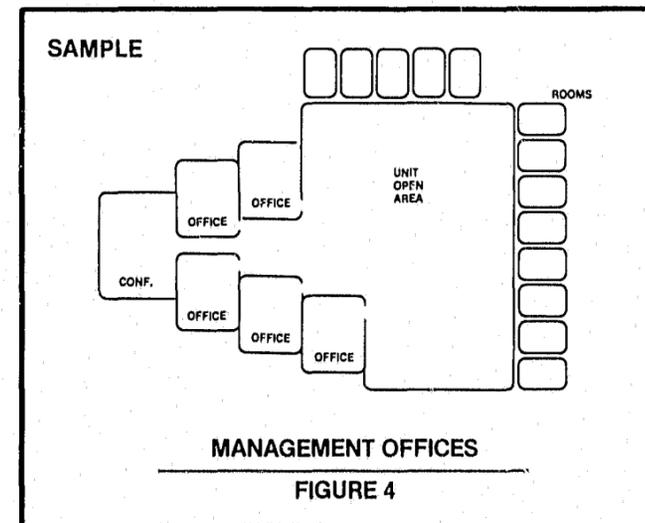


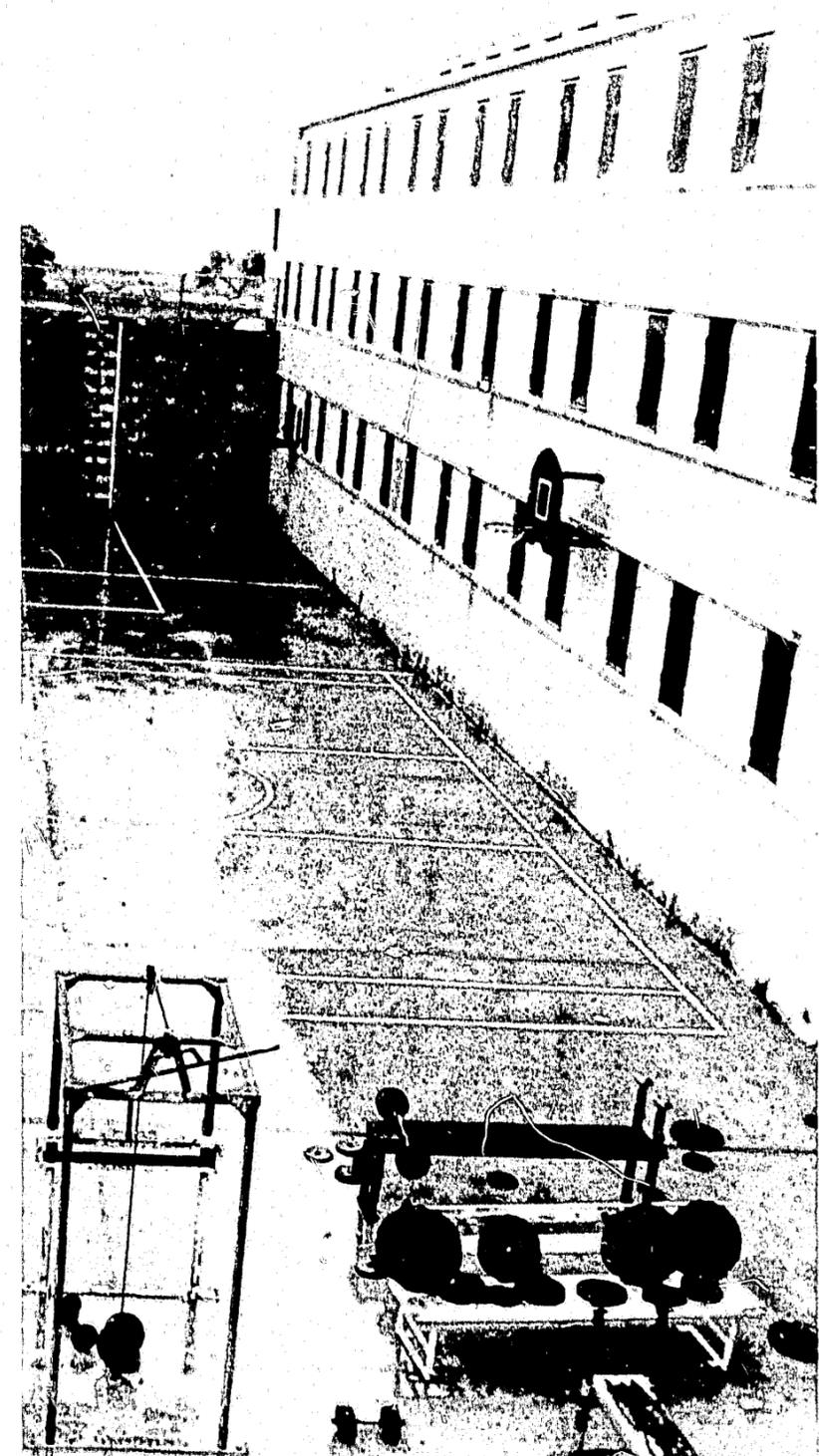
FIGURE 2



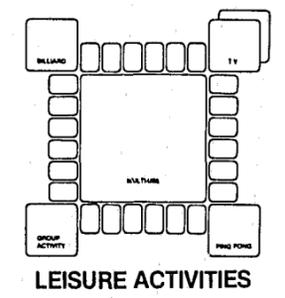
HOUSING  
FIGURE 3



MANAGEMENT OFFICES  
FIGURE 4



Some designs allow the use of a secure recreation field for use by carefully screened PC inmates, and with careful placement, supervision may be provided by an employee also assigned to other duties.



LEISURE ACTIVITIES

FIGURE 5

**Management**

Staff offices should be in the unit. They should be designed in a manner that will allow staff members the opportunity to visually supervise inmate movement and activities and still afford some privacy for confidential discussions.

**Recreation**

Space should be provided within the unit for leisure-time activities. Multi-use space can be used to provide for table games and quieter activities. Provisions should also be made for noisier activities, such as television viewing, billiards and pingpong. Appropriate quiet space for group meetings and program activities should be provided also. In addition to space for leisure-time activities, it is necessary to provide for physical activities for those confined to this unit. These activities can include indoor sports, such as weight lifting, within the unit but should also include larger spaces for running and other sports. If the size of the unit precludes the exclusive use of a gymnasium or a sports field, consideration should be given for movement to such spaces on a scheduled basis.

**Receiving and Discharge**

Space should be provided to accommodate the processing activities required to enter or leave the unit. This space should be in a location that will expedite the flow of inmates to and from the unit. This function will be particularly critical when witnesses are moved regularly to the courts.

**Medical**

Provisions should be made for an infirmary (sick call) function to take place within the unit. The size of the unit will dictate whether full-time medical coverage will be required. More extensive medical coverage may be offered in conjunction with a larger hospital in the main institution. Provisions for routine services

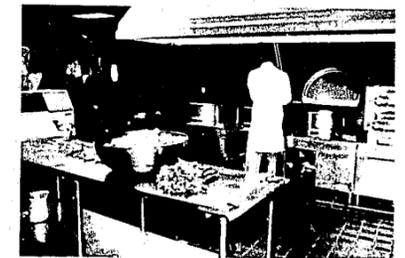
tion is to provide full preparation, serving and dining areas within the PC unit itself. However, this requires more area and a duplication of services and staff for a relatively small number of inmates.

A concerted effort should be made to ensure that the food reaching inmates in this unit is comparable to that received by the institution's general population. The

food servings in the unit should reflect the servings in the institution dining room, with similar restrictions and choices. If the size of the unit precludes a separate food preparation area, then there must be special procedures for food handling by staff only to ensure food gets to the unit without tampering by general population inmates.

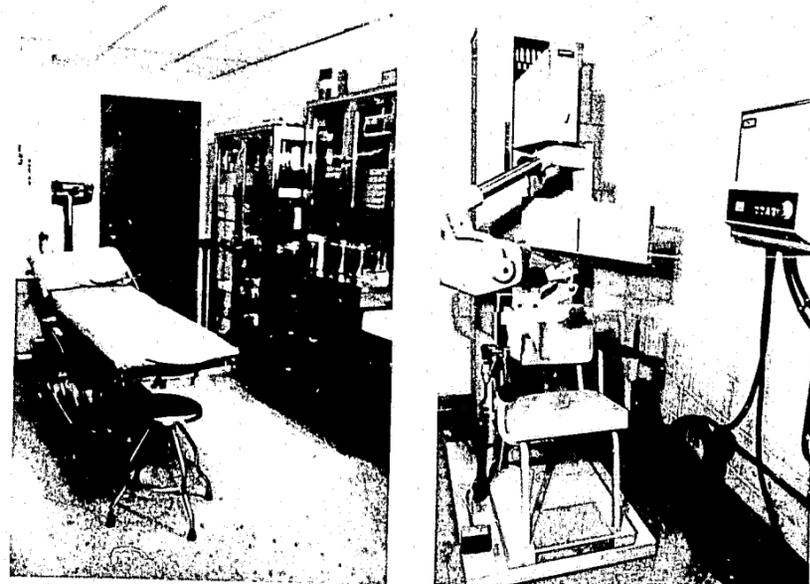
**Social and Religious Services**

The services of various professionals will be required to meet the needs of the PC inmates. Space should be provided to allow these persons to meet with and provide services to their clients. Where full-time staff are not provided for these services, a multi-use space may be provided.



The best solution for food service is to provide full service from within the PC unit itself.

**Figures 6 and 7 illustrate sample layouts which support the theory of separation.**



The secure PC unit should include a medical unit which reduces inter-action with inmates from other units

**Education**

Space should be provided to allow those persons confined in this unit to participate in educational activities. The size of the unit may not warrant full-time use of classroom space but such space should be considered in conjunction with other activities. Space should be provided for a library, law library and space to do legal work.



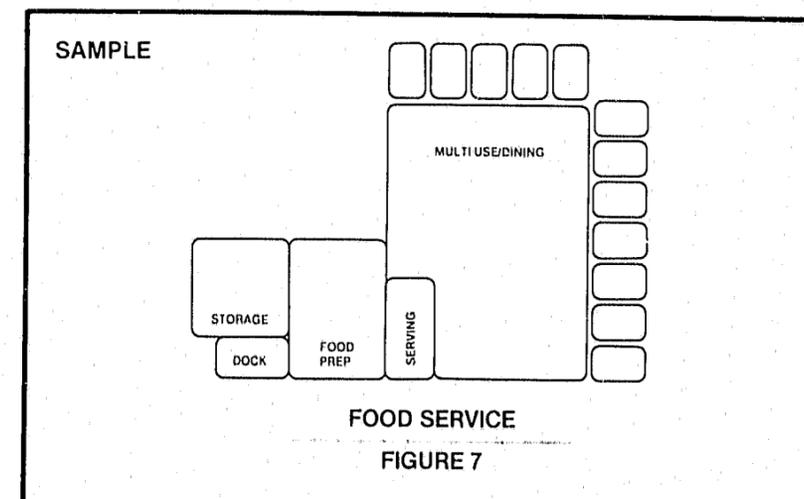
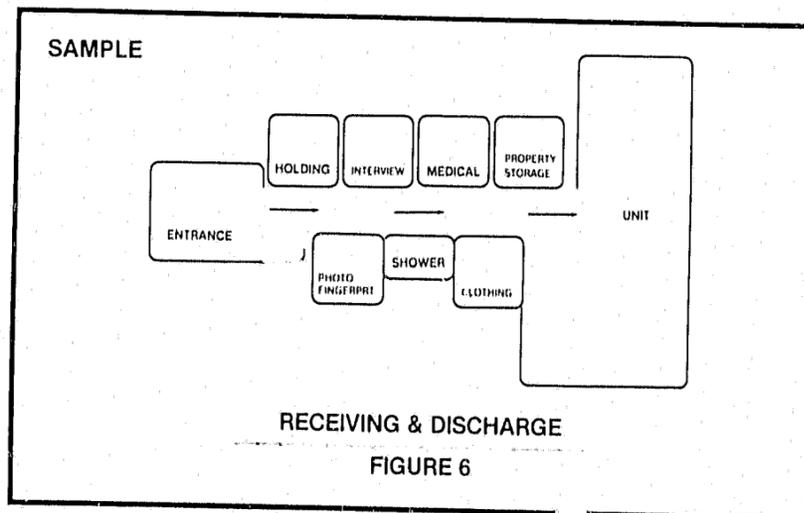
In smaller PC units a combination space is sometimes used for education, visiting and counseling programs.



within the unit will minimize movement through and exposure to the general population.

**Food Service**

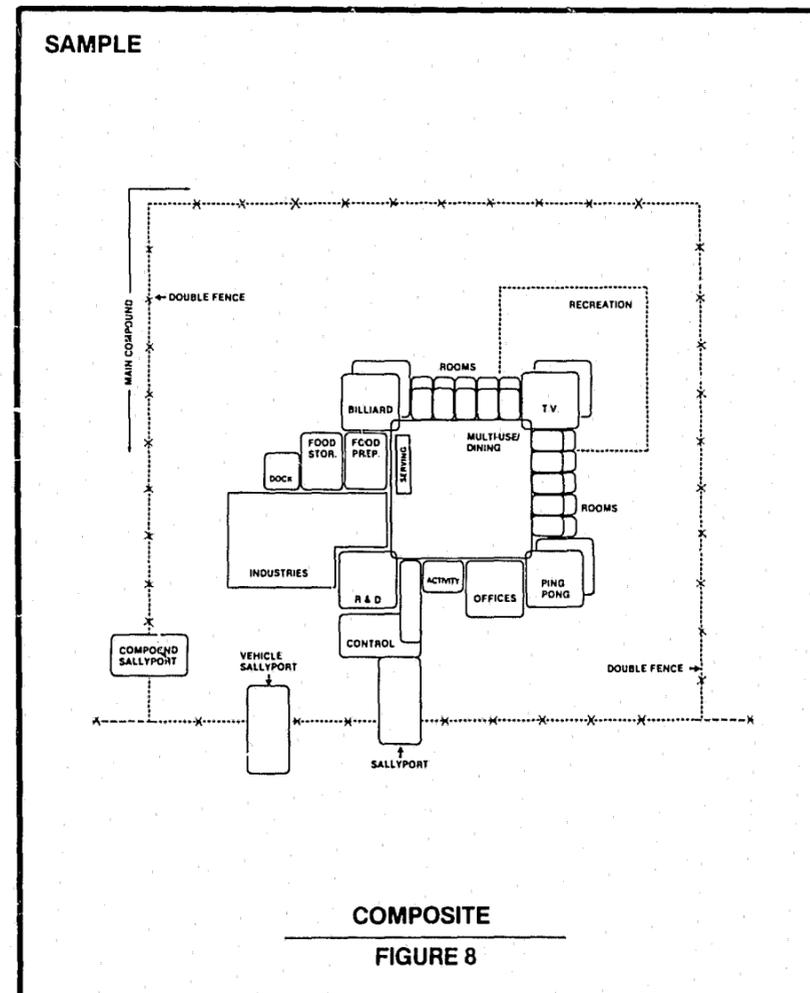
A very critical provision within a PC unit is good food service. A major concern in the food service operation is the assurance that food reaches the PC inmates without being tampered with or adulterated in any way by other inmates. The best solution for providing this func-



**Visiting**

Space for family and attorney visits must be provided. The location of the visiting room should accommodate easy access of visitors through the perimeter security and sally port without exposure to inmates in the main compound. Additionally, inmate access to the visiting area should include control to and from the unit and provision for shakedowns to control the introduction of contraband into the unit.

Figure 8 illustrates a sample overall layout of a PC unit located within another facility. Additional sample layouts are located on pages 48 and 49.



**Barbershop, Laundry and Commissary**

The inmates located in the PC unit will require provisions for barbering, laundry and commissary. These functions should be provided within the unit where they are easily accessible by the inmates and yet easily supervised. The commissary may also be a function that cannot be economically duplicated in the unit. If this is the case, provisions should be made to routinely transport this service to the unit without contact and contamination by inmates from the main institution.

**Segregation**

Provisions should be made for separating from the unit those individuals who violate institution rules or act in an unacceptable manner. Because this is a relatively rare occurrence, it may not be managerially necessary nor economically feasible to have a separate AS/DD area within PC. Generally, these cases can be adequately managed within the institution AS/DD areas. A separate AS/DD area may be required when the PC unit is larger than usual.

**Work Program**

Another primary concern in a PC unit is providing sufficient activity for the inmates housed there. An industrial operation should be provided for those not otherwise assigned the opportunity to work. The industrial space should include areas for receiving and storing raw materials and the shipment of finished goods. The movement of these materials should be through a vehicular sally port and should be subjected to appropriate shake-downs.

Function	Number Of Spaces	Space Criteria	Net Square Feet
Inmate Rooms	150	80	12,000
Showers	20	30	600
Control Center	1	200	200
Sallyport	1	100	100
Staff Offices	7	120	840
Multi-Use Activities	2	400	800
Table Game/Dining	1	1,500	1,500
Television	3	250	750
Outdoor Recreation	1	varies	—
Receiving and Discharge	1	300	300
Medical/Sick Call	1	300	300
Food Preparation/Storage		2,000	2,000
Serving Line	1	300	300
Education	2	300	600
Psychology/Social/Religious	2	200	400
Visiting		500	500
Barber Shop	1	100	100
Laundry	1	300	300
Telephone Rooms	4	20	80
Commissary	1	200	200
Outdoor Recreation	1	varies	—
Industries	100	300/	30,000
<b>Sub Total</b>			<b>51,870</b>
<b>Net to Gross</b>			<b>120%</b>
<b>Total Square Feet</b>			<b>62,244</b>

**FIGURE 9**

Figure 9 demonstrates the variety of functions provided by an ideal PC unit.

**PROJECTED SPACE REQUIREMENTS**

Special requirements for many functions will vary depending on the number of individuals to be served in that area and the manner in which the function is to operate. Following is a proposal based on a projected population of 150. Certain assumptions that were made to establish

space criteria may not be adequate for all systems. It must be emphasized that no two units will have precisely the same requirements. Therefore, it is crucial that the design of any such unit be customized to meet the needs of that individual system.

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## GLOSSARY

### *Administrative Segregation*

A form of separation from the general population administered by the classification committee when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff or other inmates, or to the security or orderly running of the institution. Inmates pending investigation for trial on a criminal act or pending transfer can also be included. (See Protective Custody and Segregation)

### *Adult Correctional Institution*

A confinement facility, usually under state or federal auspices, which has custodial authority over adults sentenced to confinement for more than a year.

### *Classification*

A process for determining the needs and requirements of those for whom confinement has been ordered and for assigning them to housing units and programs according to their needs and existing resources.

### *Contraband*

Items possessed by residents of the facility which are prohibited by program policy and regulations.

### *Counseling*

Planned use of interpersonal relationships to promote social adjustment. Counseling programs provide opportunities to express feelings verbally with the goal of resolving problems of individual residents. There are at least three types of counseling that may be provided: individual, in a one-to-one relationship; small group counseling; and large group counseling in a living unit (i.e., "therapeutic community").

### *Disciplinary Detention*

A form of separation from the general population in which inmates committing serious violations of conduct regulations are confined by the disciplinary committee for short periods of time to individual cells removed from the general population. Placement in detention may only occur after an impartial hearing has established that there was a serious violation of conduct regulations and that there is no adequate alternative disposition to regulate the inmate's behavior. (See Protective Custody and Segregation)

### *Educational Release*

The designated time when inmates leave the program or institution to attend school in the community, returning to custody after school hours.

### *Fiscal Position Control*

Process by which control is maintained to ensure that persons on the payroll are legally employed, that positions are authorized in the budget and that funds are available.

### *Health Authority*

The physician, health administrator or agency responsible for the provision of health care services at an institution or system of institutions; the responsible physician may be the health authority.

#### *Health Care*

The sum of all action taken, preventive and therapeutic, to provide for the physical and mental well-being of a population. Health care includes medical and dental services, mental health services, nursing, personal hygiene, dietary services, and environmental conditions.

#### *Health Care Personnel*

Individuals whose primary duties are to provide health services to inmates in keeping with their respective levels of health care training or experience. (See Qualified Health Personnel)

#### *Health-Trained Personnel (Medically-Trained Personnel)*

Correctional officers or other correctional personnel such as social workers, who may be trained and appropriately supervised to carry out certain specific duties with regard to the administration of health care.

#### *Hearing*

A proceeding in which arguments, witnesses or evidence are heard by a judicial officer and administrative officer or body.

#### *Holidays*

All days legally designated as nonworkdays by statute or by the chief governing authority of a jurisdiction.

#### *Indigent*

A person with no funds or source of income.

#### *Informed Consent*

The agreement by the patient to a treatment, examination or procedure after the patient receives the material facts regarding the nature, consequences, risks, and alternatives concerning the proposed treatment, examination and procedure.

#### *Life Safety Code*

A manual published by the National Fire Protection Association specifying minimum standards for fire safety necessary in the public interest, one chapter of which is devoted to correctional facilities.

#### *Management Information System*

The concepts, personnel and supporting technology for the collection, organization and delivery of information for administrative use. There are two such types of information: (1) standard information, consisting of the data required for operational control, such as the daily count, positive and negative release rates, escape or runaway rates, referral sources, and payroll data in a personnel office; and, (2) demand information, which can be generated when a report is required, such as the number of residents in educational and training programs, and duration of incarceration.

#### *Medical Restraints*

Either chemical restraints such as sedatives or physical restraints such as straight jackets applied only for medical or psychiatric purposes.

#### *Mentally Retarded*

The individual functions at a subaverage general intellectual level and is deficient in adaptive behavior or the degree to which the individual meets the standards of personal independence and social responsibility expected of individuals of this age and cultural group.

#### *Parent Agency*

The administrative department or division to whom the institution reports; it is the policy-setting body. This can be a correctional agency, part of a cabinet agency, or the governor's office.

#### *Permanent Status*

A personnel status which provides due process protection prior to dismissal.

#### *Policy*

A course or line of action adopted and pursued by an agency which guides and determines present and future decisions and actions. Policies indicate the general course or direction of an organization, within which the activities of the personnel and units must operate. They are statements of guiding principles which should be followed in directing activities toward the attainment of objectives. Their attainment may lead to compliance with standards as well as compliance with the overall goals of the agency/system.

#### *Population Center*

A geographical area containing at least 10,000 people and public safety services, professional services, employment and educational opportunities, and cultural/recreational opportunities.

#### *Procedure*

The detailed and sequential actions that must be executed to ensure that a policy is fully implemented. It is the method of performing an operation, or a manner of proceeding on a course of action. It differs from a policy in that it directs action in a particular situation to perform a specific task within the guidelines of policy.

#### *Program*

The plan or system through which a correctional agency works to meet its goals; often this program requires a distinct physical setting, such as a correctional institution.

#### *Protective Custody*

A form of separation from the general population for inmates requesting or requiring protection from other inmates. The inmate's status is reviewed periodically by the classification committee. (See Administrative Segregation and Disciplinary Detention)

#### *Qualified Health Personnel*

Physicians, dentists, and other professional and technical workers who by state law engage in activities that support, complement or supplement the functions of physicians and/or dentists and who are licensed, registered or certified as appropriate to their qualifications to practice. (See Health Care Personnel)

#### *Rated Bed Capacity*

Rated bed capacity is the number of inmates who may be properly housed and cared for in the facility as determined by a survey which excludes areas not adapted to housing, such as basements, attics, corridors and day rooms; housing facilities which, because of obsolescence or other reason, constitute a major fire or health hazard; facilities not available for regular inmate occupancy, such as hospital, isolation, and reception units; and temporary housing, such as a temporary dormitory. In determining institutional bed capacities, adequacy of the total facilities of the institution for program activities, such as dining, toilet, recreation, education, and religion are taken into consideration.

#### *Responsible Physician*

The physician at an institution with final responsibility for the medical judgments and other decisions related to medical judgments; this physician may also be the health authority for the institution.

#### *Safety Vestibule*

A grill cage (at least six feet square) with a minimum of 36 square feet located at the entry/exits that divides the inmate areas from the remainder of the institution. These safety vestibules have two doors or gates only one of which opens at a time to permit entry to or exit from inmate areas in a safe and controlled manner.

#### *Sally Port*

An enclosure situated in the perimeter wall or fence of the institution, containing gates or doors at both ends, only one of which opens at a time. This method of entry and exit ensures there will be no breach in the perimeter security of the institution. The sally port may be small to accommodate only pedestrian traffic, or large enough to handle large delivery trucks.

#### *Security*

The degree of restriction of inmate movement within a correctional facility, usually divided into maximum, medium and minimum levels.

#### *Segregation*

The confinement of an inmate to an individual cell that is separated from the general population. There are three forms of segregation: administrative segregation, disciplinary detention and protective custody.

#### *Self-Insurer*

When the parent agency or governmental jurisdiction acts as the insurer. For public agencies the self-insurance program is usually authorized by the legislature. A "memorandum of insurance" or similar document is required which acts as a policy, setting the limits of liability for various categories of risk, including deductible limits. Approval of the policy by a cabinet level official is also required.

#### *Serious Incident*

A situation in which injury serious enough to warrant medical attention occurs involving an inmate, employee, or visitor on the grounds of the institution. Also a situation containing an imminent threat to the security of the institution and/or to the safety of inmates, employees or visitors on the grounds of the institution.

#### *Severe Mental Disturbance*

The individual is a danger to himself, others, or is incapable of attending to basic physiological needs.

#### *Special Management Inmates*

Inmates whose behavior presents a serious threat to the safety and security of the institution, the inmate, the staff or the general inmate population. Special handling and/or housing is required in order to regulate their behavior.

#### *Special Needs Inmates*

Inmates whose mental and/or physical condition require special handling and treatment by staff. Special needs inmates include, but are not limited to, the drug addict, drug abuser, alcoholic, alcohol abuser, emotionally disturbed, mentally retarded, suspected mentally ill, physically handicapped, chronically ill, and those disabled or infirm.

#### *Temporary Release*

A period of time during which an inmate is allowed to leave the program or institution and go into the community unsupervised for various purposes consistent with the public interest.

#### *Training*

An organized, planned, and evaluated activity designed to achieve specific learning objectives. Training may occur on site, at an academy or training center, at an institution of higher learning, through contract service, at professional meetings or through closely supervised on-the-job training. Meetings of professional associations are considered training when there is clear evidence of the above elements.

#### *Treatment Plan*

A series of written statements which specify the particular course of therapy and the roles of medical and nonmedical personnel in carrying out the current course of therapy. It is individualized and based on assessment of the individual patient's needs and includes a statement of the short- and long-term goals, and the methods by which the goals will be pursued. When clinically indicated, the treatment plan provides inmates with access to a range of supportive and rehabilitative services, e.g., individual or group counseling and/or self-help groups that the physician deems appropriate.

#### *Volunteer*

Citizens from the community who donate their time and effort to enhance the activities of the program. They are selected on the basis of their skills or personal qualities to provide services in recreation, counseling, education, religious activities, etc.

#### *Warden/Superintendent*

The person in charge of the institution; the top executive or administrative officer. This position is sometimes referred to by titles other than warden/superintendent; but warden and superintendent are the most commonly used terms.

#### *Work Release*

A formal arrangement, sanctioned by law, whereby an inmate is permitted to leave confinement to maintain approved and regular employment in the community, returning to custody during nonworking hours.

## APPENDIX I RELATED ACA STANDARDS

All facility and program planners should become thoroughly familiar with *all* standards before embarking upon a design for the use of a protective custody unit. The standards listed below are especially related to the program development for special management inmates and their assignment to the segregation or protective custody units.

**2-4214 Written policy and procedure provide for the operation of segregation units for the supervision of inmates under administrative segregation, protective custody and disciplinary detention. (Essential)**

**DISCUSSION:** The classification committee or warden/superintendent, in an emergency, may place in administrative segregation an inmate whose continued presence in the general population poses a serious threat to life, property, self, staff or other inmates, or to the security or orderly running of the institution. While in administrative segregation as a result of behavioral problems, inmates should be provided with programs conducive to their well-being; however, access to programs is not to be interpreted as an entitlement to all programs or privileges afforded the general population. An inmate pending investigation for trial on a criminal act, or pending transfer, can also be placed in administrative segregation. This segregation may be for relatively extensive periods of time.

Inmates requesting or requiring protection from the general population may be placed in protective custody and should be allowed to participate in as many as possible of the programs afforded the general population, providing this does not impose a threat to the security of the institution. Care should be taken to ensure that inmates do not see placement in protective custody as desirable. Each case should be reviewed frequently with the goal of terminating the separate housing assignment as soon as possible.

The disciplinary committee may place inmates with serious rule violations in disciplinary detention only after an impartial hearing, and when other available alternative dispositions are inadequate to regulate an inmate's behavior within acceptable limits, and when the inmate's presence in the general inmate population poses a serious threat to the orderly operation or security of the institution. Removal of an inmate from the general inmate population and for a short period of time is an accepted correctional procedure and is used in the control and management of behavior.

**2-4215 The warden/superintendent or shift supervisor can order immediate segregation when it is necessary to protect the inmate or others. This action is reviewed within three working days by the appropriate committee. (Essential)**

**DISCUSSION:** The appropriate committee will either be the disciplinary or classification committee, depending on the type of segregation used.

**2-4216 Written policy and procedure specify that inmates are placed in disciplinary detention for a rule violation only after a hearing by the disciplinary committee. (Essential)**

**DISCUSSION:** None.

**2-4217 Written policy and procedure provide that inmates are placed in administrative segregation only after a hearing before the warden/superintendent or shift supervisor, classification committee, or other standing committee specifically designated for this purpose. (Essential)**

**DISCUSSION:** Placement in administrative segregation should be preceded by the inmate receiving notice of the intended placement, appearance at the hearing, and an opportunity to present his case to the hearing officers.

**2-4218 Written policy and procedure provide for a review of the status of inmates in administrative segregation and protective custody by the classification committee or other authorized staff group every seven days for the first two months and at least every 30 days thereafter. (Essential)**

**DISCUSSION:** The classification committee should review the status of every inmate who spends over seven continuous days in administrative segregation. The hearing should determine whether the reasons for initial placement in the unit still exist. If they do not, the inmate should be released from the unit. Provision should be made for the inmate to appear at the hearing, and the results of the review should be communicated to the inmate.

**2-4219 Written policy and procedure specify the review process that is used to release an inmate from administrative segregation. (Essential)**

**DISCUSSION:** An inmate should be released from administrative segregation by action of the appropriate committee having jurisdiction of the inmate's placement in this status, or the reviewing officer and/or the watch commander with later review. Based on the review, an inmate should be released from this special housing unit and either returned to the general inmate population and assigned a program or transferred to another institution.

**2-4220 Written policy and procedure provide that admission to the segregation unit for purposes of protective custody is made only when there is documentation that protective custody is warranted and no reasonable alternatives are available. (Essential)**

**DISCUSSION:** Protective custody should be used only for short periods of time, except when an inmate needs long-term protection, and the facts are well documented. When an inmate consents to protective custody it should be fully documented with a consent form signed by the inmate.

**2-4221 Written policy and procedure provide that all inmates in segregation are provided prescribed medication, clothing that is not degrading, and access to basic personal items for use in their cells, unless there is imminent danger that an inmate or any other inmate(s) will destroy an item or induce self-injury. (Essential)**

**DISCUSSION:** Inmates in segregation should be provided basic items needed for personal hygiene as well as items such as eyeglasses and writing materials. In accordance with the goal of providing all inmate decent and humane treatment, segregation inmates should be clothed like other inmates unless an adjustment is necessary for self-protection, such as removal of a belt to prevent a suicide attempt. Any clothing adjustment should be justified in writing by an appropriate official. If a supervisor judges that there is imminent danger an inmate will destroy an item or use it to induce self-injury, the inmate may be deprived of the item. In such cases, every effort should be made to supply a substitute for the item or to permit the inmate to use the item under the supervision of an officer.

**2-4222 Written policy and procedure provide that whenever an inmate in segregation is deprived of any usually authorized item or activity, a report of the action is made for the master file and forwarded to the chief security officer. (Essential)**

**DISCUSSION:** The report should identify the inmate, the item or activity he has been deprived of, and the reasons for the action. The report should be forwarded to the chief security officer as soon as possible. If circumstances warrant the removal of all inmate's personal items, approval for this action should be obtained in advance from the warden/superintendent or designee. No item or activity should be withheld longer than is necessary to ensure the inmate's safety and the well being of the staff and other inmates. In no case should an inmate be deprived of an item or activity for the purpose of punishment.

**2-4223 Written policy and procedure require that inmates in segregation receive the same meals served to the general inmate population. (Mandatory)**

**DISCUSSION:** Deprivation of food should never be used as punishment.

**2-4224 Written policy and procedure provide that inmates in segregation have the opportunity to shave and shower at least three times per week. (Essential)**

**DISCUSSION:** Inmates in segregation should have the opportunity to maintain an acceptable level of personal hygiene, including the opportunity to shave and shower at least three times per week, unless these procedures present an undue security hazard. If conditions permit, these inmates should be able to shower daily.

**2-4225 Written policy and procedure provide for the issue and exchange of clothing, bedding and linen, and for laundry, barbering and hair care services, for inmates in segregation on the same basis as inmates in the general inmate population; exceptions are permitted only when found necessary by the senior officer on duty, and are recorded in the unit log and justified in writing. (Essential)**

**DISCUSSION:** None.

**2-4226 Written policy and procedure provide that inmates in segregation are provided the same opportunities for the writing and receipt of letters available to the general inmate population. (Essential)**

**DISCUSSION:** Letters should be delivered promptly. If any item consistent with the policy and procedure is rejected, the inmate should be advised of the reason for the rejection, and the item should be returned to the sender.

**2-4227 Written policy and procedure provide that inmates in segregation are provided opportunities for visitation, unless there are substantial reasons for withholding such privileges. (Essential)**

**DISCUSSION:** Every effort should be made to notify approved visitors of any restrictions on visiting. This procedure will avoid disappointment and unnecessary inconvenience for visitors. If time allows, the burden of this notification may be placed on the inmate.

**2-4228 Written policy and procedure provide that inmates in disciplinary detention are allowed limited telephone privileges, except for calls related specifically to access to the attorney of record, unless authorized by the warden/superintendent or designee. (Essential)**

**DISCUSSION:** Inmates in disciplinary detention ordinarily may be provided telephone privileges. There should be only limited use of the telephone for emergency calls and calls to and from designated practicing attorneys in connection with prospective or pending litigation.

**2-4229 Written policy and procedure provide that inmates in administrative segregation and protective custody are allowed telephone privileges. (Essential)**

**DISCUSSION:** None.

**2-4230 Written policy and procedure provide that inmates in segregation have access to legal materials.**

**DISCUSSION:** To ensure legal rights, inmates in segregation should have access to both personal legal materials and to available legal reference materials. Reasonable arrangements should be made to assist these inmates in meeting court deadlines.

**2-4231 Written policy and procedure provide that inmates in segregation have access to reading materials. (Essential)**

**DISCUSSION:** In order to provide some activity, inmates in segregation should be provided a sufficient quantity of reading materials and an opportunity to borrow reading materials from the institution library.

**2-4232 Written policy and procedure provide that inmates in segregation receive a minimum of one hour per day, five days per week, of exercise outside their cells, unless security or safety considerations dictate otherwise. (Essential)**

**DISCUSSION:** Opportunities to maintain physical fitness are critical for inmates in disciplinary detention and administrative segregation because of the obvious limitations on their movement. They should be provided the opportunity to exercise in an area designated for this purpose, with opportunities to exercise outdoors, weather permitting, unless security

or safety considerations dictate otherwise. A written record should be kept of each inmate's participation, or lack of it, in the exercise program. Reasons for the imposition of constraints should be documented.

**2-4233 Written policy and procedure provide that inmates in administrative segregation and protective custody 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. (Essential)**

**DISCUSSION:** Inmates in the administrative segregation unit should be allowed to participate in institution programs to the same extent as the general inmate population, providing their participation is consistent with the safety and security of the institution and the community. They should also have the same opportunity to receive treatment from professionals, such as social workers, psychologists, counselors, and psychiatrists.

**2-4234 Written policy and procedure provide that staff members operating segregation units maintain a permanent log. (Essential)**

**DISCUSSION:** Admissions of all inmates to segregation units should be recorded with information on name, number, housing location, date admitted, type of infraction or reason for admission, tentative release date, and special medical or psychiatric problems or needs. The log also should be used to record all visits by officials who inspect the units or counsel inmates, all unusual inmate behavior, and all releases.

**2-4235 Written policy and procedure provide that inmates in segregation receive visits from the senior correctional supervisor in charge daily; members of the program staff upon request; and a qualified health care official daily unless medical attention is needed more frequently. (Essential)**

**DISCUSSION:** Inmates in segregation are restricted from normal movement within the institution. It is imperative, therefore, that they are visited by key staff members who can ensure that their health and well-being are maintained. Every effort should be used to safeguard against emergency situations going unnoticed.

**2-4236 Written policy and procedure govern selection criteria, supervision and rotation of staff who work with inmates on a regular and daily contact basis in segregation units. (Essential)**

**DISCUSSION:** Procedures should be established to supervise and evaluate the on-the-job performance of all staff members who work with inmates in segregation. Officers assigned to these units should have completed their probationary period. Administrative procedures should exist for promptly removing ineffective staff members from these positions. The need for rotation should be based on the intensity of the assignment.

**2-4237 Written policy and procedure provide that a personal interview is conducted and a written report is prepared by a qualified psychologist or psychiatrist when an inmate remains in segregation beyond 30 days. If confinement continues for an extended period, a psychological assessment is made at least every three months. (Essential)**

**DISCUSSION:** Inmates whose movements are restricted in segregation units may develop symptoms of acute anxiety or other mental health problems. To ensure the mental health of each inmate, a psychological assessment, including a personal interview and written report, should be made of each inmate whose confinement in one of these units exceeds 30 days.

## APPENDIX II

**Note:** The following sample protective custody policy and procedures document is intended to serve as a suggested draft for use by local institutions in developing their own comprehensive and individualized protective custody unit policy and procedures. This sample is adapted from another American Correctional Association publication (*Guidelines for the Development of Policies and Procedures in Adult Correctional Institutions*, 1981, pages 239-243) and is related to American Correctional Association Standards 2-4214, 2-4215, 2-4218, 2-4220-4227, and 2-4229-4237.

### SAMPLE PROTECTIVE CUSTODY UNIT POLICY AND PROCEDURES

**DEFINITIONS:** As used in this document, the following definitions shall apply:

*Protective Custody:* A form of separation from the general population for inmates requesting or requiring protection from other inmates. The inmate's status is reviewed periodically by the classification committee.

*Strip Cells:* Cells that contain no furnishings, bedding or equipment.

**POLICY:** This institution shall provide facilities and programming that enable each inmate to complete confinement with a minimum of deterioration.

- A. *Assignment to Protective Custody.* An inmate may be placed in protective custody by the warden, disciplinary committee, shift supervisor or members of an inmate's unit team. Placement in protective custody may occur when the inmate requests admission to protective custody for his own protection or the staff determines that admission to or continuation in protective custody is necessary for the inmate's own protection.
- B. *Documentation.* A memorandum detailing the reason for placing the inmate in protective custody shall be prepared and forwarded to members of the inmate's unit or classification team. Copies shall be given to the shift supervisor of the protective custody unit and to the inmate, provided this does not compromise institutional security.
- C. *Conditions of Protective Custody.* The basic level of conditions described below applies to protective custody. Inmates housed in protective custody shall be afforded the same general privileges given inmates in the general population, as is consistent with existing resources available and the security needs of the unit. Unless there are compelling reasons to the contrary, these inmates shall be allowed commissary privileges, reasonable amounts of personal property and exercise periods exceeding those provided for inmates housed in disciplinary detention. Visiting and correspondence privileges accorded the general population shall be allowed to inmates in protective custody. No restrictions shall be placed upon an inmate's contact with courts or legal counsel. The conditions of the unit shall comply with the following:
  1. Quarters shall be ventilated, adequately lighted, appropriately heated and maintained in a sanitary condition at all times. All cells will be equipped with beds that may be securely fastened to the wall or floor.
  2. Strip cells shall never be a part of protective custody. These cells are more appropriately located near the medical facility and under the supervision and control of the medical staff.
  3. Cell occupancy, except in emergencies, shall not exceed design capacity. When an emergency requires excess occupancy, a report shall be prepared immediately and delivered to the warden for review and corrective action.
  4. Cells in protective custody shall be equipped and furnished in a manner substantially similar to cells in the general population.
  5. Each inmate shall be provided the same opportunities for personal hygiene available to the

general population, except that an inmate may be limited to three showers per week.

6. Inmates shall retain all rights of access to the courts.
  7. Food provided inmates in protective custody shall be substantially the same quality and quantity as that provided inmates in the general population.
  8. Inmates shall be provided the same bedding supplies as are provided persons in the general population.
  9. Inmates shall be afforded visiting privileges that are, as much as is practical, equal to those available to persons in the general population.
  10. Inmates shall continue to receive the services of a counselor. Inmates may participate in such educational, vocational and/or rehabilitative programs as can be provided in a secure manner consistent with the security needs of the unit. Emphasis shall be placed on making rehabilitative programming available that has as its goal the return of persons to the general population.
  11. Inmates may order items from the commissary. Items from the commissary may be withheld if determined by the institution's chief correctional officer to be a threat to the security of the protective custody unit.
  12. Institution chaplains shall be available to persons in protective custody on at least a weekly basis.
- D. Exercise periods shall be available for a minimum of one hour per day, five days per week. This exercise shall be outside the cells, unless security or safety considerations dictate otherwise.
- E. A permanent log record of activities shall be maintained by unit staff.
- F. The unit shall be visited by the shift supervisor daily, the program staff upon request and a qualified health official daily.
- G. The staff of the unit shall be selected carefully, specially trained and regularly evaluated by supervisory personnel.
- H. Inmates housed in protective custody shall be interviewed, and a report written by a qualified psychologist or psychiatrist at the end of each 30-day period.

#### PROCEDURES:

##### A. *Review of Protective Custody*

1. The classification committee, unit team or disciplinary committee shall review the status of all inmates in protective custody at least every seven days for the first 30 days, and every 30 days thereafter. The inmate shall attend these review meetings and be afforded the same rights available to inmates in initial segregation meetings. The committee shall provide the inmate with a written decision stating the reasons and basis for the decision, as well as a summary of the information presented to and considered by the committee.
2. If the review committee determines the inmate should remain in protective custody, the inmate may appeal that decision to the warden.
3. Committee reviews shall consider the original reason for segregating an individual and his behavior during segregation. This must include reports from the unit staff. All cases where an individual has been held in protective custody longer than 90 days shall be referred to the warden for review and action. The committee shall consider any alternatives available and what, if any, assistance could be provided to the inmate to hasten return to the general population.
4. Each review shall include an evaluation of the following inmate information:
  - a. Disciplinary record,
  - b. Past criminal record,
  - c. Prison records from past institutionalizations,
  - d. Psychological makeup,
  - e. Involvement in criminal activity while in prison,
  - f. Attitude toward authority,
  - g. Institutional record on work assignments,

- h. Adjustment to institutional programs,
- i. Willingness and ability to live with other inmates,
- j. Record of violent reactions to stressful situations, and
- k. Habitual conduct or language of a type expected to provoke or instigate stressful, perhaps violent, situations.

**B. Staff Assignments**

1. Specially screened staff shall be assigned to work in the protective custody unit with consideration given to the nature of the inmates in the unit and the personality, training and performance record of staff members being considered.
2. The training officer shall provide a special orientation and training on the function of the unit, rules governing its operation and the needs and problems typical of inmates in the unit.
3. Procedures shall be established by the assistant warden (custody) for evaluating the on-the-job performance of all staff assigned to the unit and for prompt removal of ineffective staff.

**C. Records**

1. Permanent logs shall be maintained by the senior officer on duty. The record shall include:
  - a. A record of all admissions and releases including:
    - i. Date of action,
    - ii. Time of action,
    - iii. Reason for admission or release, and
    - iv. Authorizing official or committee.
  - b. A record of visitors including all official visits from staff, notations of unusual observations and time, date and signature of visitor.
  - c. Unusual behavior.
  - d. Information and/or observations of staff (which shall be forwarded for staff action and observation on future shifts).
2. Individual records shall be maintained for each inmate to provide a document listing daily activities. This record shall:
  - a. Be completed daily.
  - b. Contain a record of all activity required by policy such as bathing schedule, exercise, medical visits, medication administered and program activities including library, educational and religious activity and/or visits.
  - c. Be signed by the officer in charge of each shift.
  - d. Cite medical observations/visits and the medical officer conducting the visit.
  - e. Include comments of unusual occurrences or behavior.

**D. Release**

Release from protective custody may be authorized by the following persons or groups:

1. The committee/person authorizing the inmate's placement in the unit,
2. The disciplinary committee,
3. The classification committee,
4. The inmate's unit management team, and
5. The warden.

These releases may be authorized when one or more of the following conditions exist:

- a. The condition that prompted inmate placement in protective custody is no longer present.
- b. Information and/or evidence developed during the period of confinement indicates conditions have changed and the inmate is now able to successfully cope with the general population.
- c. The inmate is found guilty of accused behavior by the disciplinary committee and is transferred to a more restrictive unit as dictated by committee findings.

**E. Unit Inspection**

Monitoring of the unit shall be conducted on a regular basis. This monitoring enables responsible officials to observe and evaluate conditions of confinement and discuss individual program problems with confined inmates. These monitoring visits shall be conducted in accordance with

the following schedule:

1. Correctional shift supervisor in charge once each shift.
2. Health care official daily.
3. Social worker and departmental representative weekly.
4. Counselor weekly.
5. Psychologist or psychiatrist:
  - a. Shall visit as requested by staff or inmate; and
  - b. Shall interview each inmate confined in segregation for more than 30 days and prepare a report of evaluation and recommendation.
6. Assistant warden (custody) weekly.
7. Religious representative weekly.

**F. Temporary Placement in Disciplinary Detention**

An inmate causing a serious disruption (threatening life or property) in protective custody, who cannot be controlled within the physical confines of protective custody, and who cannot be safely transferred to the institution hospital, may be moved temporarily (not to exceed three days) to disciplinary detention pending a hearing before the institution disciplinary committee. The authority to order a temporary move into disciplinary detention is limited to the official in charge of the institution at the time of the move. A fully documented report of every such movement shall be forwarded to the warden immediately.

## APPENDIX III

### SAMPLE PROTECTIVE CUSTODY FUNCTIONAL UNIT PROTOTYPE

#### INTRODUCTION

Chapter IV of the book concisely described the design elements for a protective custody unit. Appendix II presented a sample protective custody unit policy and procedures document. Taking the concepts presented in these two sections, a sample prototype functional unit for protective custody inmates was developed. The prototype is presented as one approach that can be used to meet the standards presented in this book. This prototypical protective custody unit is self-contained and has the capabilities of site adaptation to an existing facility.

The schematic drawings along with the technical narrative will provide readers with a conceptual picture of an architectural program for a protective custody unit. This design meets the minimum ACA standards. It envisions a "separate but equal" approach to a functional protective custody unit within a larger institution setting.

#### FUNCTIONAL PROGRAM NARRATIVE

The following point by point narrative describes the functional elements of the proposed unit. Its internal unit functions and its relationship to the larger institution will be briefly described. Operational and staffing costs of protective custody units will generally exceed normal costs for inmates in the larger general population institution. These can be kept to a minimum, without compromising security, by incorporating elements of the prototype unit described herein.

A. The sample unit is located within the perimeter of the larger institution. It is operationally separated by a double fence with security wire and electronic detention equipment. Entry into the unit area is through an entry sally port reception building and/or a vehicular sally port. Entry to the main facility is not provided for in this program design.

B. The PC unit is designed to operate separately from the main institution on a daily basis.

C. The projected staffing pattern is:

- 1 Unit Manager
- 1 Case Manager
- 1 Correctional Counselor
- 1 Unit Secretary/Clerk
- 1 Security Supervisor (Lieutenant)
- 3 Shift Supervisors (Sergeants) Plus Relief
- 3 Unit Officers Plus Relief
- 2 Control Room Officers Plus Relief
- 1 Industry Supervisor
- ½ Time Psychologist
- ½ Time Education Specialist

Rotating Food Service Support with Main Institution

Religious, Recreation and Medical support will also be provided on a scheduled basis.

D. Individuals entering must enter a gatehouse and pass through a pedestrian sally port to enter the main PC unit. Another sally port must also be cleared to enter the unit building. Security doors are provided to divide the unit during periods of inactivity.

E. Although a strong/secure outer perimeter and a secure building envelope is provided, the internal layout of the unit provides a "non-barrier" design which maximizes staff-inmate interaction.

F. The first floor of the unit building includes:

- 1. 23 single cells.

2. Office space for:

- Unit manager
- Unit secretary
- Case manager

3. Medical examination room for daily sick call.

4. Visiting area for:

- Inside contact visiting
- Outside contact visiting
- Inmate search vestibule
- 2 Private attorney visit rooms
- Visitors toilet
- The visiting area can be used for other activities during non-visiting hours.

5. Food service area which provides for:

- Food storage
- Freezer
- Refrigerator
- Dishwasher
- Cooking and food preparation area
- Serving area

6. Inmate barber shop

7. Laundry

8. Commissary

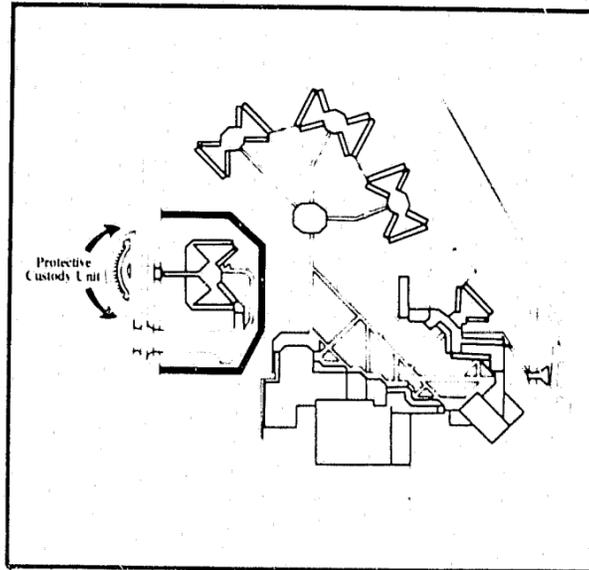
9. Commissary warehouse

10. Industry component including:

- Factory work area
- Storage room
- Warehouse
- Office
- Toilet
- Loading dock area

11. Inmate support space including:

- Day room area
- Multi-purpose room
- Weight lifting room
- Entry to outside recreation area



**COMPOSITE  
CONCEPTUAL  
DIAGRAM**

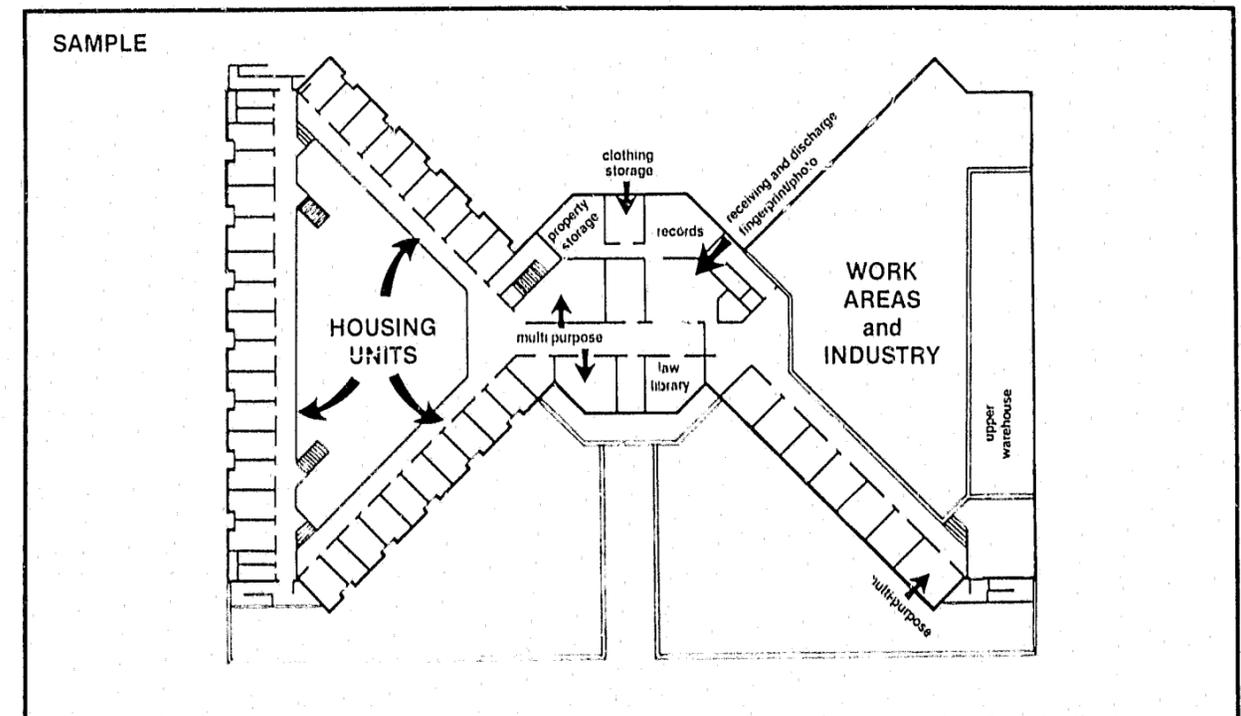
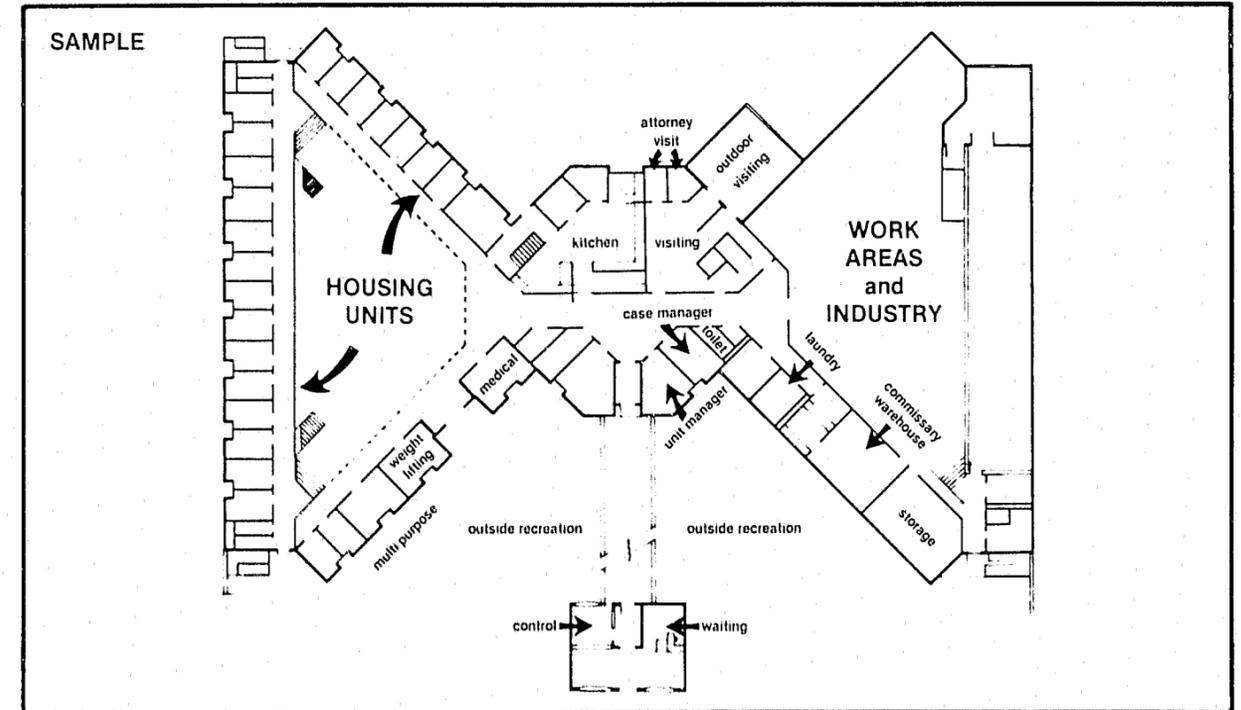
By combining the various conceptual diagrams generated thus far, a generalized diagram of the entire unit can be established.

**SAMPLE 1ST  
FLOOR LAYOUT**

This sample layout is the first floor of a 2 story PC unit. Note the abundance of service and program services available within the unit. By providing these functions within the unit the interaction between the inmates can be more carefully controlled by staff.

**SAMPLE 2ND  
FLOOR LAYOUT**

This 2nd floor of the 2 story sample unit serves as primary housing area with a capability for separating inmates within the PC unit into groups. This design recognizes the need for a compartmentalization of the inmates within the unit.



## APPENDIX IV SURVEY INSTRUMENTS

### I. A. INSTITUTION CHARACTERISTICS

1. Facility: \_\_\_\_\_ State \_\_\_\_\_ Federal
2. Security Level of Facility: \_\_\_\_\_ Maximum \_\_\_\_\_ Medium \_\_\_\_\_ Minimum
3. Management Style: \_\_\_\_\_ Unitized \_\_\_\_\_ Traditional Centralized  
\_\_\_\_\_ Other (Specify) \_\_\_\_\_
5. Total Annual Budget: \$ \_\_\_\_\_

### B. POPULATION CHARACTERISTICS

1. Current Inmate Population: \_\_\_\_\_
2. Population Stability: \_\_\_\_\_ Stable \_\_\_\_\_ Decreasing \_\_\_\_\_ Increasing
3. Age: \_\_\_\_\_ Youngest Inmate \_\_\_\_\_ Oldest Inmate \_\_\_\_\_ Average Age
4. Length of Sentence: Yrs. \_\_\_\_\_ Mos. \_\_\_\_\_ Shortest Yrs. \_\_\_\_\_ Mos. \_\_\_\_\_ Longest  
Yrs. \_\_\_\_\_ Mos. \_\_\_\_\_ Average Sentence
5. Racial Composition: Number of each race or ethnic group.  
\_\_\_\_\_ White  
\_\_\_\_\_ Black  
\_\_\_\_\_ Asian  
\_\_\_\_\_ American Indian  
\_\_\_\_\_ Hispanic  
\_\_\_\_\_ Other
6. Assault Data for *Past 30 Days*:  
\_\_\_\_\_ Inmates on Staff  
\_\_\_\_\_ Inmates on Inmates
7. Inmate Deaths During Past Year: Number due to  
\_\_\_\_\_ Natural Causes  
\_\_\_\_\_ Accidents  
\_\_\_\_\_ Suicide  
\_\_\_\_\_ Homicide  
\_\_\_\_\_ Other

### II. SEGREGATION UNIT INFORMATION

1. Location of Protective Custody Unit:  
\_\_\_\_\_ A separate unit outside the Administrative Segregation and Disciplinary Detention areas.  
\_\_\_\_\_ Within the Disciplinary Detention Unit.  
\_\_\_\_\_ Within the Administrative Segregation Unit.  
\_\_\_\_\_ All three, Protective Custody, Administrative Segregation, and Disciplinary Detention, occupy a common area.  
\_\_\_\_\_ Other (please specify) \_\_\_\_\_

2. Size of cells in the following areas:

#### *PROTECTIVE CUSTODY:*

# of \_\_\_\_\_ Cells \_\_\_\_\_ Feet by \_\_\_\_\_ Feet.  
# of \_\_\_\_\_ Cells \_\_\_\_\_ Feet by \_\_\_\_\_ Feet.  
# of \_\_\_\_\_ Cells \_\_\_\_\_ Feet by \_\_\_\_\_ Feet.  
# of \_\_\_\_\_ Cells \_\_\_\_\_ Feet by \_\_\_\_\_ Feet.  
# of \_\_\_\_\_ Cells \_\_\_\_\_ Feet by \_\_\_\_\_ Feet.

#### *ADMINISTRATIVE SEGREGATION:*

# of \_\_\_\_\_ Cells \_\_\_\_\_ Feet by \_\_\_\_\_ Feet.  
# of \_\_\_\_\_ Cells \_\_\_\_\_ Feet by \_\_\_\_\_ Feet.  
# of \_\_\_\_\_ Cells \_\_\_\_\_ Feet by \_\_\_\_\_ Feet.  
# of \_\_\_\_\_ Cells \_\_\_\_\_ Feet by \_\_\_\_\_ Feet.  
# of \_\_\_\_\_ Cells \_\_\_\_\_ Feet by \_\_\_\_\_ Feet.

#### *DISCIPLINARY DETENTION:*

# of \_\_\_\_\_ Cells \_\_\_\_\_ Feet by \_\_\_\_\_ Feet.  
# of \_\_\_\_\_ Cells \_\_\_\_\_ Feet by \_\_\_\_\_ Feet.  
# of \_\_\_\_\_ Cells \_\_\_\_\_ Feet by \_\_\_\_\_ Feet.  
# of \_\_\_\_\_ Cells \_\_\_\_\_ Feet by \_\_\_\_\_ Feet.  
# of \_\_\_\_\_ Cells \_\_\_\_\_ Feet by \_\_\_\_\_ Feet.

Please answer the following questions by reference to where protective custody inmates are held, regardless of whether this area is a separate unit or part of the administrative or disciplinary segregation unit.

3. Number of Protective Custody Cells: \_\_\_\_\_
4. Total Design Capacity of Protective Custody Unit.  
(The maximum number of inmates unit can house without overcrowding)  
\_\_\_\_\_ Number of Inmates
5. How many of the cells in protective custody are:  
\_\_\_\_\_ One-man cells  
\_\_\_\_\_ Two-man cells  
\_\_\_\_\_ Three-man cells  
\_\_\_\_\_ Four-man or more cells
6. Accommodations: (Please check all appropriate items.)  
\_\_\_\_\_ Single Bunks  
\_\_\_\_\_ Double Bunks  
\_\_\_\_\_ Occupant-Controlled Lighting  
\_\_\_\_\_ Occupant-Controlled Toilet  
\_\_\_\_\_ Outside Window  
\_\_\_\_\_ 24-Hour Supervision

7. Please check your log and report the number of men in

	Disciplinary Detention	Administrative Segregation	Protective Custody
On the 1st of last month	_____	_____	_____
On the 15th of last month	_____	_____	_____
On the 30th of last month	_____	_____	_____

We recognize that the following question will require some time to answer and will entail a review of the segregation unit log. However, this information is of vital importance to this project, and your cooperation is greatly appreciated.

If there are 10 or less inmates housed in any of the three categories, (10 or fewer in administrative segregation, 10 or fewer in disciplinary detention, 10 or fewer in protective custody) record the requested information for everyone. If there are 11 or more inmates housed in each of these three categories of segregation, choose a sample as follows:

- If 11-20 inmates, choose every other name from your log book.
- If 21-30 inmates, choose every third (3rd) name from your log book.
- If 31-40 inmates, choose every fourth (4th) name from your log book.
- If 41-50 inmates, choose every fifth (5th) name from your log book, and so forth. (This procedure will be clarified by phone.)

8. For each of the three categories of segregation, please count and record how many days each inmate included in your sample has been in segregation.

a. *Protective Custody:* As of the date of this report there are \_\_\_\_\_ inmates in protective custody. These inmates included in my sample have been in protective custody for the following length of time.

- Inmate 1 has been in protective custody for \_\_\_\_\_ days.
- Inmate 2 has been in protective custody for \_\_\_\_\_ days.
- Inmate 3 has been in protective custody for \_\_\_\_\_ days.

(Continue on back of page for inmates 4-10 as needed.)

b. *Administrative Segregation:* As of the date of this report there are \_\_\_\_\_ inmates in administrative segregation. Those inmates included in my sample have been in administrative segregation for the following length of time.

- Inmate 1 has been in administrative segregation for \_\_\_\_\_ days.
- Inmate 2 has been in administrative segregation for \_\_\_\_\_ days.
- Inmate 3 has been in administrative segregation for \_\_\_\_\_ days.

c. *Disciplinary Detention:* As of the date of this report there are \_\_\_\_\_ inmates in disciplinary detention. Those inmates included in my sample have been in disciplinary detention for the following length of time.

- Inmate 1 has been in disciplinary detention for \_\_\_\_\_ days.
- Inmate 2 has been in disciplinary detention for \_\_\_\_\_ days.
- Inmate 3 has been in disciplinary detention for \_\_\_\_\_ days.

(Continue on back of page for inmates 4-10 as needed.)

9. For those inmates in segregation at the present time, what are the three most common official documented reasons for their detention?

a. *Protective Custody*

Most common reason is \_\_\_\_\_

There are \_\_\_\_\_ inmates in protective custody for this reason.

Second most common reason is \_\_\_\_\_

There are \_\_\_\_\_ inmates in protective custody for this reason.

Third most common reason is \_\_\_\_\_

There are \_\_\_\_\_ inmates in protective custody for this reason.

b. *Administrative Segregation*

Most common reason is \_\_\_\_\_

There are \_\_\_\_\_ inmates in administrative segregation for this reason.

Second most common reason is \_\_\_\_\_

There are \_\_\_\_\_ inmates in administrative segregation for this reason.

Third most common reason is \_\_\_\_\_

There are \_\_\_\_\_ inmates in administrative segregation for this reason.

c. *Disciplinary Detention*

Most common reason is \_\_\_\_\_

There are \_\_\_\_\_ inmates in disciplinary detention for this reason.

Second most common reason is \_\_\_\_\_

There are \_\_\_\_\_ inmates in disciplinary detention for this reason.

Third most common reason is \_\_\_\_\_

There are \_\_\_\_\_ inmates in disciplinary detention for this reason.

10. Check personal property inmates are allowed in their possession.

	Protective Custody	Administrative Segregation	Disciplinary Detention
Books	___Yes___No	___Yes___No	___Yes___No
Magazines	___Yes___No	___Yes___No	___Yes___No
Cigarettes	___Yes___No	___Yes___No	___Yes___No
Matches - Lighters	___Yes___No	___Yes___No	___Yes___No
Personal Clothing	___Yes___No	___Yes___No	___Yes___No
Radio	___Yes___No	___Yes___No	___Yes___No
TV	___Yes___No	___Yes___No	___Yes___No
Food Items (Non-Food Service)	___Yes___No	___Yes___No	___Yes___No
Photos	___Yes___No	___Yes___No	___Yes___No
Toilet Items	___Yes___No	___Yes___No	___Yes___No
Jewelry	___Yes___No	___Yes___No	___Yes___No
Other (Specify) _____	___Yes___No	___Yes___No	___Yes___No
Other (Specify) _____	___Yes___No	___Yes___No	___Yes___No
Other (Specify) _____	___Yes___No	___Yes___No	___Yes___No
Other (Specify) _____	___Yes___No	___Yes___No	___Yes___No

11. Which of the following are provided for inmates?

	Protective Custody	Administrative Segregation	Disciplinary Detention
Commissary	___ Yes ___ No	___ Yes ___ No	___ Yes ___ No
If yes, does this activity take place:	___ On ___ Off Unit	___ On ___ Off Unit	___ On ___ Off Unit
Visiting	___ Yes ___ No	___ Yes ___ No	___ Yes ___ No
If yes, does this activity take place:	___ On ___ Off Unit	___ On ___ Off Unit	___ On ___ Off Unit
Telephone	___ Yes ___ No	___ Yes ___ No	___ Yes ___ No
If yes, does this activity take place:	___ On ___ Off Unit	___ On ___ Off Unit	___ On ___ Off Unit
Mail	___ Yes ___ No	___ Yes ___ No	___ Yes ___ No
If yes, does this activity take place:	___ On ___ Off Unit	___ On ___ Off Unit	___ On ___ Off Unit
Work Opportunity (Other Than Orderly)	___ Yes ___ No	___ Yes ___ No	___ Yes ___ No
If yes, does this activity take place:	___ On ___ Off Unit	___ On ___ Off Unit	___ On ___ Off Unit
Outdoor Recreation	___ Yes ___ No	___ Yes ___ No	___ Yes ___ No
If yes, does this activity take place:	___ On ___ Off Unit	___ On ___ Off Unit	___ On ___ Off Unit
Legal Services	___ Yes ___ No	___ Yes ___ No	___ Yes ___ No
If yes, does this activity take place:	___ On ___ Off Unit	___ On ___ Off Unit	___ On ___ Off Unit
Law Library Materials	___ Yes ___ No	___ Yes ___ No	___ Yes ___ No
If yes, does this activity take place:	___ On ___ Off Unit	___ On ___ Off Unit	___ On ___ Off Unit
Other (Specify)	___ Yes ___ No	___ Yes ___ No	___ Yes ___ No
If yes, does this activity take place:	___ On ___ Off Unit	___ On ___ Off Unit	___ On ___ Off Unit
Other (Specify)	___ Yes ___ No	___ Yes ___ No	___ Yes ___ No
If yes, does this activity take place:	___ On ___ Off Unit	___ On ___ Off Unit	___ On ___ Off Unit

12. How often are the following provided:

	PROTECTIVE CUSTODY				
	Never	Seldom	Monthly	Weekly	Daily
Visit by Clergy	___	___	___	___	___
Visit by Medical Staff	___	___	___	___	___
Visit by Programs Staff	___	___	___	___	___
Visit by Executive Staff (Warden or AW's)	___	___	___	___	___
Visit by Mental Health Staff (Psychologist or Psychiatrist)	___	___	___	___	___
Visit by Recreation Staff	___	___	___	___	___
	ADMINISTRATIVE SEGREGATION				
	Never	Seldom	Monthly	Weekly	Daily
Visit by Clergy	___	___	___	___	___
Visit by Medical Staff	___	___	___	___	___
Visit by Programs Staff	___	___	___	___	___
Visit by Executive Staff (Warden or AW's)	___	___	___	___	___
Visit by Mental Health Staff (Psychologist or Psychiatrist)	___	___	___	___	___
Visit by Recreation Staff	___	___	___	___	___
	DISCIPLINARY DETENTION				
	Never	Seldom	Monthly	Weekly	Daily
Visit by Clergy	___	___	___	___	___
Visit by Medical Staff	___	___	___	___	___
Visit by Programs Staff	___	___	___	___	___
Visit by Executive Staff (Warden or AW's)	___	___	___	___	___
Visit by Mental Health Staff (Psychologist or Psychiatrist)	___	___	___	___	___
Visit by Recreation Staff	___	___	___	___	___

13. How many times have the following occurred in segregation during the past 30 days?

	Protective Custody	Administrative Segregation	Disciplinary Detention
Attempted Suicides	_____	_____	_____
Suicides	_____	_____	_____
Disturbances (Requiring Staff Assistance)	_____	_____	_____
Fires	_____	_____	_____
Attacks on Staff	_____	_____	_____
Attacks on Inmates	_____	_____	_____
Incident Reports Written	_____	_____	_____
Attempted Escapes	_____	_____	_____
Escapes	_____	_____	_____
Other (Specify)	_____	_____	_____

14. If an inmate in segregation is found to be in violation of institutional rules, what form of punishment is most often imposed?

In protective custody?

In administrative segregation?

In disciplinary detention?

### III. STAFF SURVEY

- How long have you been employed at this institution? \_\_\_\_ Yrs. \_\_\_\_ Mos.
- Do inmates in protective custody present problems not common to inmates in disciplinary and administrative segregation?  
If yes, what are these problems?
- Correctional officers at your institution generally consider assignment to the protective custody unit as:  
Good Duty \_\_\_\_\_  
Average Duty \_\_\_\_\_  
Undesirable Duty \_\_\_\_\_  
  
What do you think is the best thing about working the protective custody unit?  
  
What do you think is the worst thing about working the protective custody unit?
- Do you have an adequate number of segregation cells in your institution? \_\_\_\_ Yes \_\_\_\_ No. If no, how many are needed in  
Protective Custody \_\_\_\_\_  
Administrative Segregation \_\_\_\_\_  
Disciplinary Detention \_\_\_\_\_
- How could the protective custody unit be improved?
- Can an inmate be placed in protective custody at his own request? \_\_\_\_ Yes \_\_\_\_ No. If no, what must he do to be placed in the protective custody unit.
- Does your institution recognize a difference between administrative segregation and protective custody?  
If no, should it? \_\_\_\_ Yes \_\_\_\_ No  
If yes, why?
- How do staff at your institution view protective custody inmates? (For example, do they view them in a favorable, neutral or unfavorable way? Do they have names for protective custody inmates that reflect this view? If so, what are they? Do staff have a name for the protective custody unit which indicates their feelings toward inmates housed there? If so, what are these names?)

10. Which of the following institutional programs are available to inmates in protective custody:

	Available	If Not Available, Should They Be
Education	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Religious Services	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Religious Counseling	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Release Planning	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Work Program		
(Other Than Orderly)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Psychological Counseling	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other Programs	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Drug Programs, Transactional Analysis, Self-Image, Etc.)		

11. Are you  Executive Staff  Security Staff  Program Staff

12. Estimate the percentage of your protective custody inmates which fall into the following categories?

- % for protection from sexual assault from other inmates.
- % for protection from those who consider them to be informers.
- % for protection from those who seek various forms of reprisals for unpaid debts, arguments, etc.
- % for protection because they are mentally disturbed.
- % who have themselves placed in protective custody to avoid work assignments.
- % Other (Specify) \_\_\_\_\_

13. Does your institution TRY TO DETER inmates from requesting to be placed in protective custody?

- Yes  No
- If yes, how?

14. Once an inmate is placed in protective custody, is anything done to promote his return to open population?  Yes  No

If yes, what?

15. If your state were to arrange to exchange protective custody inmates with other state facilities' or to house them at federal institutions, what would be the benefits to the inmate? The benefit to your facility?

#### IV. INMATE SURVEY

1. Are you assigned to the  
 Protective Custody Unit?  
 Administrative Segregation Unit?  
 Disciplinary Detention Unit?
2. Age \_\_\_\_\_
3. Race:  White  Black  Asian  American Indian  Hispanic  
 Other \_\_\_\_\_
4. Total Current Sentence \_\_\_\_\_ Years \_\_\_\_\_ Months
5. Offense \_\_\_\_\_
6. Total number of years incarcerated during entire life \_\_\_\_\_
7. Time in on current sentence \_\_\_\_\_
8. How long at this institution \_\_\_\_\_
9. How long have you been in segregation this time?  
Years \_\_\_\_\_ Months \_\_\_\_\_ Days \_\_\_\_\_
10. During the past (all periods of incarceration) have you ever been in protective custody?  
 Yes  No. If yes,  
1st For What \_\_\_\_\_ How Long \_\_\_\_\_  
2nd For What \_\_\_\_\_ How Long \_\_\_\_\_  
3rd For What \_\_\_\_\_ How Long \_\_\_\_\_  
(Use back of page if more space is needed)

#### Ask Only of Protective Custody Inmates

11. Currently, were you placed here at your request?  Yes  No
12. If you requested to be placed here, why did you make this request?
13. If you did not request to be placed here, do you know the reason you are here? If yes, what is it?
14. What would have to change before you would request to move back to open population?

15. A. How safe do you feel now in protective custody?  
(Circle One)

Totally Safe 1 2 3 4 5 Constant Fear of Life

B. How safe would you feel if you were in the general population right now?  
(Circle One)

Totally Safe 1 2 3 4 5 Constant Fear of Life

16. Would you be willing to spend the remainder of your sentence in protective custody?

Yes No

Why?

17. If you could suggest changes that would improve protective custody, what would they be?

18. What is the *worst* thing about being in protective custody?

19. What is the *best* thing about being in protective custody?

20. Do you participate in the following while in protective custody?  
(Possible to check both Not Available and Not Interested)

	Yes	No	If no, why?	Not Available	Not Interested
Commissar;	_____	_____		_____	_____
Visiting	_____	_____		_____	_____
Telephone	_____	_____		_____	_____
Mail	_____	_____		_____	_____
Work Opportunity (Other than Orderly)	_____	_____		_____	_____
Outdoor Recreation	_____	_____		_____	_____
Legal Services	_____	_____		_____	_____
Law Library Materials	_____	_____		_____	_____
Other (specify) _____	_____	_____		_____	_____
Other _____	_____	_____		_____	_____

21. How often are the following provided to you while in protective custody?

	Never	Seldom	Monthly	Weekly	Daily
Visit by Clergy	_____	_____	_____	_____	_____
Visit by Medical Staff	_____	_____	_____	_____	_____
Visit by Programs Staff	_____	_____	_____	_____	_____
Visit by Executive Staff (Warden or AW's)	_____	_____	_____	_____	_____
Visit by Mental Health Staff (Psychologist or Psychiatrist)	_____	_____	_____	_____	_____
Visit by Recreation Staff	_____	_____	_____	_____	_____

22. Program Areas: While in protective segregation, do you participate in the following? If no, why not?

- a. Education \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Not Available \_\_\_\_\_ Not Interested  
If not available, would you participate if made available? \_\_\_\_\_ Yes \_\_\_\_\_ No
- b. Religious Services \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Not Available \_\_\_\_\_ Not Interested  
If not available, would you participate if made available? \_\_\_\_\_ Yes \_\_\_\_\_ No
- c. Religious Counseling \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Not Available \_\_\_\_\_ Not Interested  
If not available, would you participate if made available? \_\_\_\_\_ Yes \_\_\_\_\_ No
- d. Release Planning \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Not Available \_\_\_\_\_ Not Interested  
If not available, would you participate if made available? \_\_\_\_\_ Yes \_\_\_\_\_ No
- e. Work Programs (Other than Orderly) \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Not Available \_\_\_\_\_ Not Interested  
If not available, would you participate if made available? \_\_\_\_\_ Yes \_\_\_\_\_ No
- f. Psychological Counseling \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Not Available \_\_\_\_\_ Not Interested  
If not available, would you participate if made available? \_\_\_\_\_ Yes \_\_\_\_\_ No
- g. Other Programs (Drug Programs, T.A., Self-Image, etc.) \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Not Available \_\_\_\_\_ Not Interested  
If not available, would you participate if made available? \_\_\_\_\_ Yes \_\_\_\_\_ No

**END**