DEPARTMENT OF CORRECTIONS
MONTANA STATE PRISON
OPERATIONAL PROCEDURE

Procedure:	**MSP 4.2.200 SPECIAL MANAGEMENT INMATES**
Effective Date:	October 6, 2000 Page 1 of 6 and 1 Attachment
Revision Date(s):	July 13, 2016, January 1, 2020, October 15, 2021
Reference(s):	DOC Policy 4.2.2
Signature:	/s/ Jim Salmonsen / Warden

I. PURPOSE

To manage the placement Special Management inmates for the purpose of providing for the safety of staff and inmates, and for the orderly operation of the institution.

II. DEFINITIONS

Atypical Inmate – Predatory and vulnerable inmates designated by classification.

Disability – A physical or mental impairment that substantially limits one or more of a person's major life activities, a person who has a history of such an impairment or a person who is regarded as having such an impairment. See Americans with Disabilities Act of 1990 42 USC 12010, as amended.

LGBTI – Lesbian, gay, bisexual, transgender, intersex.

Predatory Inmate – A designation of an inmate who has a notable history of preying on others as reflected through intimidating, assaultive, aggressive, or violent acts.

Separation Needs – A written directive to prevent potentially harmful contact between particular inmates.

Special Management – This term refers to inmates that are Atypical and/or Special Needs inmates. This is the outlining term under OMIS.

Special Needs – Offenders with health conditions (to include physical and mental disabilities that require development of an individualized treatment plan for optimum care).

Unit Management Team (UMT) – The housing unit staff consisting of the Unit Manager, Case Manager(s), Sergeants, Security Technicians, and Correctional Officers.

Vulnerable Inmate – A designation of an inmate who appears to be at risk to abuse, violence and/or threats from other in the inmate population due to criminal history, type of crime, profile of crime, prior occupation, informant or witness status, age, physical stature, other pertinent information.

III. PROCEDURES

A. General Requirements

1. Inmates classified under Special Management will follow under the categories of Atypical or Special Needs.
   a. Atypical inmates are designated by classification as being predatory and vulnerable; and
   b. Special Needs inmates may include, but are not limited to, developmentally disabled, mentally ill, physically handicapped, chronically ill, or chemically dependent.

2. Throughout an inmate's incarceration at MSP, staff must monitor the individual for potential Atypical behavior.

3. Separation needs must be identified and used when making housing, cell, program, and work assignments. Separation needs must be documented on the separations needs form.

4. When a Special Management inmate is identified, this information must be documented in his classification report and the *Special Management Designation Form*. The designation must be reviewed at each classification hearing.

5. Inmates designated as Special Management will be entered into the OMIS database listed in the safety tab under special management designation. Special Management designations will be entered by the Communication and Movement office.

6. Within 24 hours of their arrival at a new housing unit, inmates will be screened to identify potential Special Management. The cell compatibility tool in OMIS will be used to assist in the compatibility of inmates.

B. Special Management Programming

1. Inmates assigned to a protective custody unit/block/cube are not disqualified from access to required rehabilitative programs, and inmates with disabilities assigned to protective custody will be provided with all reasonable accommodations for them to participate in, and enjoy the benefits of programs, services, and activities.

2. Inmates closest to their parole and/or release date should be given priority for rehabilitative programs; to the extent possible, rehabilitative programs should be delivered to the inmates.

3. In the event that an inmate housed in the protective custody unit/block/cube applies for Pre-Release Placement, the Unit Management Team (UMT) will notify the Pre-Release Screening Committee in writing of the reasons for the inmate's placement in the protective custody unit/block/cube. A copy of the notification will be maintained in the inmate's file.

C. Predatory Inmate Identification

1. When conducting initial classification, staff shall use the following identifiers to attempt to identify potential predators:
   a. criminal history.
   b. prior incarceration.
   c. severity of prior predatory behavior.
   d. frequency of prior predatory behavior.
   e. how recent was the prior predatory behavior.
   f. prior history using physical force, extortion, or intimidation; and
   g. PREA Risk Assessment.

2. At any time after initial classification, an inmate may be identified by the UMT as predatory based upon institutional behavior and/or new information regarding predatory behavior.

3. No one single identifier should be used to designate an inmate as a predator. It should be a combination of different identifiers from the list above. The UMT should consider several factors when evaluating predatory behavior and the need for a special management designation. Specifically, staff should review the frequency and recency of predatory behaviors, the seriousness of the incidents at each classification review.

4. Inmates whose behavior while in prison demonstrates a propensity for predatory behavior should be reassessed to determine whether there is a need to reclassify the inmate to a higher custody level. Misconduct which involves assaults, sexual assaults, predatory behavior, or other violent behaviors will result in disciplinary action and/or a reassessment of classification.

D. Vulnerable Inmate Identification

1. When conducting initial classification, staff shall use the following identifiers to attempt to identify potential vulnerable inmates:
   a. criminal history.
   b. prior incarceration.
   c. type of crime.
   d. profile of crime.
   e. prior occupation (if in law enforcement or criminal justice).
   f. informant or witness status.
   g. age (e.g., criminally convicted youth, inmate under the age of 18).
   h. physical stature.
   i. other pertinent information; and
   j. PREA Risk Assessment.

2. At any time after initial classification, an inmate may be identified by the UMT as vulnerable based upon institutional behavior and/or new information regarding predatory behavior.

3. No one single identifier should be used to designate an inmate as a vulnerable. It should be a combination of different identifiers from the list above.

4. An inmate may be identified as a vulnerable inmate at any point during their incarceration at the Montana State Prison. Institutional behavior reported or suspected victimization, or any other pertinent information may be used in making a determination that an individual has separation needs after having been determined to be a vulnerable inmate.

5. In evaluating the vulnerability of an inmate, staff should consider all pertinent information, but at a minimum the following issues should be addressed:
   a. the immediacy of the threat.
   b. whether the threat is short-term or ongoing.
   c. the inmate's desire/request to remain in general population.
   d. the number, custody levels, and known/suspected actions of all inmates who pose a threat to the inmate in question; and
   e. the exact nature of the threat.

E. Housing Assignments for Predatory Inmates

1. The cell compatibility tool in OMIS will be used to assist in the compatibility of inmates.

2. Considerations that may be used in making decisions regarding the housing of predatory inmates include the following, but are not limited to:
   a. housing assignments must be made that provide the appropriate degree of supervision and/or management to limit the potential for harm to other inmates and staff.
   b. housing assignments are usually on the High Security Compound or in restrictive housing unless other assignments can reasonably assure the safety of staff and inmates.
   c. certain predatory inmates identified by staff may require single cell housing. The UMT will determine single cell assignments.

d. inmates who have been identified and classified as predatory or assaultive should not be housed with inmates known to be vulnerable or substantial risk of serious harm.
e. inmates who have been identified and classified as predatory or assaultive who also have disabilities will be provided with all reasonable accommodations to allow them to participate in, and enjoy the benefits of all programs, services, and activities that non-disabled predatory or assaultive inmates enjoy; and
f. whenever predatory inmates are moved to different housing units/facilities, the appropriate UMT/Contract Placement Bureau must supply the following information to the receiving unit or facility:
   1) an up-to-date unit file; and
   2) written documentation or chronological notes concerning safety and security precautions and separation needs.

F. Housing Assignments for Vulnerable Inmates

1. Inmates who are identified as vulnerable to harm, or who have received serious threats from others, should be housed in a manner which separates them from danger to the extent possible. Vulnerable inmates should not be housed with inmates who are believed to pose substantial risk to cause them serious harm.

2. When determining housing assignments for vulnerable inmates, the following should be taken into consideration:
   a. inmate reports of threats or bodily harm.
   b. staff observations of threats or bodily harm.
   c. staff observations of inmate behaviors and peer interaction; and
   d. interdepartmental sharing of new or additional information.

3. Staff should supervise and manage vulnerable inmates consistent with the nature of the threat to the individual. Recreation schedules, work assignments, programming, and other out-of-cell activities must be made with the intent to ensure separation from inmates who pose a threat or other inmates with separation needs.

4. Inmates who have been classified as vulnerable may typically be housed in the following areas:
   a. general population if deemed appropriate.
   b. general population units operated with special procedures to protect vulnerable inmates.
   c. in extreme security matters vulnerable inmates may be placed in Restrictive housing; or
   d. Other placement with special procedures to protect vulnerable inmates.

5. Housing assignments for vulnerable inmates shall be reviewed by the Unit Manager of the sending unit and the Unit Manager of the receiving unit. An Administrative Review will make the final determination of placement.

6. When a final determination has been made that a vulnerable inmate can be housed in general population, special consideration must be given. The placement must ensure that the inmate is as compatible as possible with the other inmate in his cell and that the other inmates on the block do not pose a known threat to the individual. The following precautions should be looked at in every case:
   a. totality of the circumstances surrounding the threat to the vulnerable inmate.
   b. a determination of the need for heightened monitoring and surveillance of the inmate, especially during movement for meals, day room, recreation, medical care, and other activities.
   c. assurances that the vulnerable inmate is housed in a block/cube separate from predatory inmates, unless deemed appropriate by the UMT; and
   d. a determination of the appropriateness of single, double, or multiple-occupancy housing for the vulnerable inmate.

7. In the event that a vulnerable inmate is placed in general population, the placement shall be regularly monitored and documented on the *Special Management Placement Form* and/or chronological notes in OMIS until the UMT determines and documents that monitoring is no longer necessary.

8. In order to address threats that arise against individual inmates, the UMT and others who observe threatening behavior to an inmate shall maintain information in the inmate's main file that documents such threats. Such record shall include the names of the inmates who were the perpetrators. In addition, when appropriate, the record shall include recommendations relative to housing restrictions for specified inmates with other inmates who are known or believed to pose a threat to the vulnerable inmate.

9. Staff may submit requests for the transfer of a vulnerable inmate to another correctional facility when an alternate placement is deemed to be in the best interests of the inmate.

10. Whenever vulnerable inmates are moved within or outside of MSP, the UMT or Contract Placement Bureau will supply the following information to the receiving unit or facility:
    a. an up-to-date Unit file; and
    b. written documentation to the receiving unit concerning safety and security precautions and separation needs.

11. In special circumstances Unit Management staff may determine that a vulnerable inmate requires single cell housing or placement in Restrictive Housing. These requests must be documented and submitted to AW of Technical Services or designee for approval. In the event of an emergency, such placements may be made immediately with approval from the AW of Technical Services or designee.

12. Placement in single cell assignment in restrictive housing should be made only when all other housing options have been considered and none will be provide adequate protection for the vulnerable inmate.

13. Unless a vulnerable inmate has been shown to have a record of serious institutional infractions, the individual must have access to the following programs and privileges:
    a. canteen privileges.
    b. telephone privileges.
    c. legal materials.
    d. day room/out of cell time.
    e. recreation and yard privileges.
    f. personal property consistent with the current property list.
    g. all appropriate institutional rehabilitative programming; and
    h. visiting privileges consistent with his classification.

14. Inmates who have been identified and classified as vulnerable who also have disabilities will be provided with all reasonable accommodations to allow them to participate in and enjoy the benefits of all programs, services, and activities that non-disabled inmates enjoy.

G. Separation of Predatory and Vulnerable Inmates

1. Inmates classified as vulnerable should not be housed in the same cell or on the same block with predatory inmates. Inmates classified as known predators (sexual predators) shall not be housed in the same cell or on the same block with inmates who have been classified as vulnerable to sexual assaults.

2. In the event that it becomes necessary to have predatory inmates in close proximity of vulnerable inmates, staff must employ all necessary safeguards to ensure the safety of the at-risk inmate(s).

3. Restrictive Housing placements of predatory and vulnerable inmates is as follows:

a. the UMT shall schedule day room to ensure that predatory/vulnerable inmates are not in the same day room together at the same time; and
b. inmates are not permitted to set the day room schedule and may not determine who shares the day room at any given time.

H. Cell Compatibility and Single Cell Assignments

1. Staff shall consider the compatibility of inmates prior to making cell assignments to protect vulnerable inmates and to control predatory inmates. The most important criteria in determining compatibility are those which affect staff and inmate safety. Criteria which must be considered includes, but is not limited to the following:
   a. a history of predatory, intimidating, other dangerous behavior (i.e. Disciplinary history, prior criminal history);
   b. vulnerable characteristics (age, size, medical and mental health history);
   c. gang affiliation.
   d. history of sexual misconduct; and
   e. other factors which would create a substantial risk of serious harm (language or communication barriers, programming).

2. When determining cell compatibility, it is imperative that consideration be given to the individual and institutional safety of the institution.

3. UMT's will use the cell compatibility program provided in OMIS to research the recommended criteria for housing.

4. The criteria for Single Cell Assignments is as follows:
   a. Staff should identify inmates who are not suitable for double celling through the classification assessment.
   b. Inmates who should be considered for single celling include the following:
      1) inmates classified as predatory (sexual predators).
      2) inmates classified as vulnerable.
      3) inmates identifying as being LGBTI.
      4) inmates with contagious diseases; and
      5) inmates classified as Special Needs.
   c. The basis for decisions regarding cell assignments of all Special Management inmates must be documented on the *Special Management Placement Form*. To reduce the risk of danger to all inmates and staff, documentation must provide the justification for the cell assignment and any precautions that must be adhered to.
   d. If single cell housing is not available, inmates with similar characteristics may be double celled together.

IV. CLOSING

Questions concerning this operational procedure will be directed to the AW of Technical Correctional Services

V. ATTACHMENTS

Special Management Placement Form Attachment A

MONTANA DEPARTMENT OF CORRECTIONS

SPECIAL MANAGEMENT PLACEMENT FORM

Name:_____ DOC#:_____
Last First

Unit:_____Cell:_____ Custody Level: _____

Identified and designated as:

PREDATORY [ ] VULNERABLE [ ] OTHER ATYPICAL [ ] _____

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

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

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

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

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

_____

_____

_____

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_____

cc: Blue – Records Blue – Unit Mini File