I. PURPOSE - an inmate may be temporarily confined for threatening and serious behaviors, safety, security, or other legitimate correctional interests.

II. DEFINITIONS:

Disability – See DOC 3.3.15 Americans with Disabilities Act (ADA) Offender Accommodations, for the definition and an explanation of disability.

Offender Americans with Disabilities Act (ADA) Coordinator - The individual assigned from the Clinical Services Division to facilitate ADA compliance for offenders.

OMIS – Acronym for the Department’s Offender Management Information System

Pre-hearing Confinement (PHC) – A short-term, non-punitive housing status that is used to safely and securely control high-risk or at-risk inmates.

Qualified Health Care Professionals – Physicians, physician assistants, nurses, nurse practitioners, dentists, mental health professionals and others who by virtue of their education, credentials, and experience are permitted by law to evaluate and care for offenders, including contracted or fee-for-service professionals.

Qualified Mental Health Professionals (QMHP) – includes psychiatrists, psychologists, psychiatric social workers, psychiatric nurses, licensed professional counselors and others who by virtue of their education, credentials, and experience are permitted by law to evaluate and care for the mental health needs of offenders.

III. PROCEDURES:

A. Criteria for Placement in PHC:

The criteria for imposing PHC may include:

1. An inmate may be at risk of serious harm and should be confined until the threat can be evaluated and appropriate action taken.

2. An inmate may present an immediate risk of serious harm to others and should be isolated until the risk can be evaluated and appropriate action taken.
3. An inmate presents and immediate risk of escape or other security threat and should be isolated until the risk can be evaluated and appropriate action taken.

4. Isolation is required to maintain or restore order, security, or safety following a disturbance, fight, assault, or other disorderly event, or to overcome inmate insubordination.

5. An inmate is facing an ongoing or pending disciplinary hearing, and PHC is required to:
   a. Protect others (staff or inmate) prior to a disciplinary hearing.
   b. Prevent an inmate form intimidating or coercing other inmates to give false testimony or to refuse to testify at a hearing.
   c. Facilitate an investigation of allegations

6. A criminal investigation is ongoing or pending and isolation is deemed reasonably necessary to facilitate the investigation.

7. Classification review / reassessment is ongoing or pending and isolation is deemed reasonably necessary to facilitate the investigation.

8. A circumstance exists which appears to require immediate, temporary isolation of one or more inmates to protect the legitimate correctional interest of the facility.

B. Initiating PHC:

1. PHC may be substantiated by:
   a. A staff member’s documented personal observations that can be supported by other evidence e.g., eyewitness accounts, physical evidence, inmate’s statement
   b. Evaluation of intelligence or reliable information.
   c. An inmate who:
      1) Claims others have threatened him with physical harm.
      2) Has disobeyed a Verbal Direct Order to return to his assigned cell
      3) Has committed self-harm;
      the inmate will not be disciplined for these behaviors if an investigation determines he did this solely out of concern for his own safety, these actions were clearly related to ensuring his own safety, and/or the result of a disability
   d. A staff members suspicion or perception of risk based on experience or training.
   e. Other information received regardless of the source.

2. Staff who believe PHC is appropriate will provide all information relevant to that determination. The timeliness of the notification should be consistent with the urgency of the need for PHC.
   a. The decision to impose PHC for classification review should be made by the Unit Manager or designee who shall ensure a Classification Review notification form (attachment A) is completed and personally served to the inmate within 24 hours of his placement in PHC.
   b. The decision to impose PHC for a disciplinary hearing should be made by the Shift Commander, who will ensure the Disciplinary Infraction Report(s) and all related
incident reports are completed and that the Disciplinary Infraction Report is served to
the inmate prior to the end of the shift.
c. In all cases the Unit Manager or designee or Shift Commander will ensure:
   1) the receiving PHC unit and Qualified Mental Health Professionals (QMHP)
      are notified as soon as possible, and in no case longer than 24 hours of the
      move.
   2) an Admission/Discharge Report (ADR) is completed and taken or sent
electronically to the Classification Placement Office.

C.  Review and Referral by Qualified Health Care and Mental Health Professionals (QMHP)

1. Upon notification that an inmate is placed in pre-hearing confinement, a qualified health care
   professional will:
   a. Review the inmate’s health record to determine whether existing medical, dental, or
      mental health needs contraindicate the placement or require accommodations. Such
      review is documented in the inmate’s health record, as well as in OMIS; and
   b. Immediately refer an inmate who is currently receiving mental health treatment to
      appropriate QMHP for further evaluation and document the referral in the inmate’s
      health record and in OMIS.

2. QMHP must evaluate the inmate and review the inmate’s mental health file and any other
   relevant documents within 48 hours of initial referral. QMHP shall take appropriate measures
   to ensure confidentiality of all information communicated, including but not limited to out-
   of-cell interviews, and make appropriate housing accommodations.

3. The QMHP will notify and consult with the facility administrator on inmate housing
   alternatives if there are mental health contraindications to placement in pre-hearing
   confinement.

4. No inmate shall be placed in pre-hearing confinement based solely upon the offender’s
   disability or upon behavior that is a product of the offender’s disability unless, after a prompt
   and appropriate evaluation by a QMHP, such staff determines that the inmate presents such
   and immediate and serious danger that there is no reasonable alternative. In such case, the
   inmate will be promptly and regularly re-evaluated with the goal of securing appropriate
   treatment and reintegrating into general population.

D.  Coordination of Movement

1. The staff member placing the inmate in PHC will contact the Classification Placement Office
   and/ or PHC unit to verify the availability of a PHC cell.
2. If all PHC cells are occupied, the Unit Manager or designee will coordinate with the Shift
   Commander to ensure appropriate placement of the inmate, which shall meet any
   accessibility requirements of any inmates with physical disabilities.
3. When an inmate is place in PHC, the staff member who placed the inmate in PHC will
   complete an ADR and forward it to the Classification Placement Office.
4. A Movement Coordinator will generate a list of inmates in PHC and distribute it to the respective Unit Management Team, Command Post, Warden, Deputy Warden, Associate Wardens, Mental Health Department, Infirmary, and Classification Officer.

E. 72-Hour Deadline

1. As required in MSP 3.4.1 Institutional Discipline, the Disciplinary Hearings Officer (DHO) shall coordinate all hearings for disciplinary PHC’s, completing an investigation and conducting a hearing, within 72 hours of the inmate’s placement in PHC, the warden or designee may extend the placement in PHC for another 72 hours if further investigation is needed to determine what action is appropriate.

2. The Unit Management Team of the sending unit shall conduct the classification review for an inmate placed in PHC, pending an investigation and classification decision. The review must be conducted within 72 hours of the inmate’s placement in PHC. After 72 hours if a decision cannot be reached, the inmate will be placed in the lease restrictive environment, which may include restricted housing or general population.

F. Conditions of PHC

1. Conditions of PHC will be outlined in the PHC unit’s policy, rules, and operational procedures.

2. Every inmate with a disability who is transferred to the PHC unit will receive reasonable accommodations as necessary while held in the unit, unless safety or security concerns render the accommodation unreasonable. Inmates who use wheelchairs who are not able to transfer into a shower stall will not be housed in pre-hearing confinement unless safety and security concerns for the inmate require otherwise.

3. An inmate placed in PHC will be allowed the personal property items as listed for PHC inmates on the current “MSP Approved Inmate Personal Property List” providing the privilege of having these items is not abused. Reasonable accommodation may be available to inmates with disabilities. See DOC 3.3.15 for a further explanation of the reasonable accommodation process and staff obligations to assist with it.

G. Terminating PHC

1. The individual initiating PHC termination must fill out an ADR and document the reason(s) for the termination on the Notification Form or an Incident Report attached to the ADR.

2. Reasons for terminating PHC:
   a. The Shift Commander and / or Unit Manager or designee determines PHC placement is no longer necessary.
   b. the disciplinary hearing or classification review has been completed and resolved.
   c. Results of the disciplinary or classification investigation are inconclusive.
   d. Institutional need.
e. A qualified mental health professional determines that PHC is not an appropriate housing designation for an inmate because of this disability.

IV. CLOSING: Questions concerning this policy shall be directed to the Warden

V. ATTACHMENTS:
MSP Classification Review Notification attachment A

VI. AUTHORITY
MSP 3.4.1 Institutional Discipline
MSP 4.2.1 Inmate Classification.
Montana Department of Corrections
Classification Review Notification

LAST NAME    FIRST NAME    AO#

Within a 72-hour period, an interview will be held addressing your present custody level and job assignment. You will be present at this review and have an opportunity to present evidence on your own behalf. If you have a disability, you can ask unit staff to offer you the option to have assistance in understanding this form and/or presenting your position.

REASON FOR NOTICE:____________________________________________________
                                                                
                                                                
                                                                


INMATE SIGNATURE:____________________________________________________

STAFF SIGNATURE:____________________________________________________


RESULTS:________________________________________________________________
                                                                
                                                                
                                                                
                                                                

STAFF SIGNATURE: ____________________________________________________

White - Main Records        Yellow - Counselor File        Pink - Inmate