

**NEW MEXICO ASSOCIATION OF COUNTIES
SAMPLE POLICY AND PROCEDURE
SPECIAL MANAGEMENT DETAINEES**

Approved: June 2014
Revised & Approved: June 2017

Revised & Approved March 2020

I. REFERENCES:

American Correctional Association Standards for Adult Local Detention Facilities, Fourth Edition. Standards: 4-ALDF-2A-44, 4-ALDF-2A-45, 4-ALDF-2A-46, 4-ALDF-2A-47, 4-ALDF-2A-48, 4-ALDF-2A-49, 4-ALDF-2A-50, 4-ALDF-2A-51, 4-ALDF-2A-52, 4-ALDF-2A-53, 4-ALDF-2A-54, 4-ALDF-2A-55, 4-ALDF-2A-56, 4-ALDF-2A-57, 4-ALDF-2A-58, 4-ALDF-2A-59, 4-ALDF-2A-60, 4-ALDF-2A-61, 4-ALDF-2A-62, 4-ALDF-2A-63, 4-ALDF-2A-64, 4-ALDF-2A-65, 4-ALDF-2A-66. NM Adult Detention Professional Standards SC-41, SC-42, SC-43, SC-44, SC-46, SC-47, SC-48, SC-49, SC-50, SC-51, SC-52, SC-53, SC-54, SC-55, SC-56, SC-57, SC-86. Federal Performance Based Detention Standards (FPBDS) B.3.4c, B.3.4d, B.6.8, B.6.9, B.10.4d, C.13, C.13.1, C.13.1a, C.13.1b, C.13.1c, C.13.1d, C.13.2, C.13.2a, C.13.2b, D.2.9, D.2.9a. New Mexico Restricted Housing Act NMSA 1978 §33-16-1 et seq.

II. PURPOSE:

The purpose of this policy is to provide guidelines for the management and supervision of Special Management Detainees including periodic review of their classification, provision of programs and services, and required documentation, in order to balance the health and well-being of Detainees with the safety and security needs of the facility by reducing the number of Detainees in restrictive housing and increasing their out of cell time.

III. POLICY STATEMENTS:

- A. () County shall provide appropriate housing and supervision for Special Management Detainees when they require protective custody, are under disciplinary sanctions, or have other special administrative housing needs.
- B. Special Management Detainees will be provided living conditions that approximate those of general population and Detainees placed in Special Management for non-disciplinary reasons shall have access to programs, privileges, education and work opportunities, to the extent possible.
- C. Special Management Detainees shall be provided with the maximum out-of-cell time that can be scheduled in order to enhance Detainees' mental and physical wellbeing and opportunities for, exercise, congregate activities and face-to-face interactions with staff commensurate with the security risk of the Detainee.
- D. Special Management Detainees shall receive more than two hours (2 hours) per day outside their cell seven (7) days per week, for exercise and other activities in accordance with the New Mexico Restricted Housing Act (NMSA 1978 §33-16-1 et seq.). Any exception to this policy statement shall be justified and clearly documented.

IV. DEFINITIONS:

- A. **Disciplinary Separation:** The separation of an Detainee from general population as a sanction for the finding of guilt of a [*Major*] disciplinary infraction, as defined by the Detainee Discipline Policy and Procedure [*cite policy and procedure number*].
- B. **Hearing Officer:** The individual designated by the Detention Administrator to preside over disciplinary hearings pursuant to the Detainee Disciplinary Policy & Procedure.
- C. **Involuntary Administrative Separation:** The separation of a Detainee from general population when the [*Detention Administrator*] determines that the Detainee's continued presence in general population presents a threat to the security of the institution or places the Detainee in danger of harm to self or others.

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- D. Medical/Mental Health Separation** : The separation of a Detainee from general population for the treatment or observation of a medical/mental health condition, or when the Detainee's medical equipment presents a potential threat to the security of the institution, if allowed in general population.
- E. Pre-Hearing Detention**: The separation of a Detainee from general population following the alleged commission of a [*Major*] disciplinary infraction, **AND** upon the determination that their presence in general population would disrupt the orderly operation of the facility.
- F. Special Management Review Committee**: A committee designated by the Detention Administrator that consists of key security, medical/mental health, and additional personnel as needed to review the security and housing status of special management Detainees.
- G. Restrictive Housing**: Confinement of a Detainee locked in a cell or similar living quarters for twenty-two or more hours each day without daily, meaningful, and sustained human interaction.
- H. Special Management Detainees**: Detainees who are separated from the general population for Voluntary Administrative Separation, Involuntary Administrative Separation, Disciplinary Separation, Pre-Hearing Detention, or Medical/Mental Health Separation.
- I. Threat to the Safety and/or Security of the Institution**: Any behavior which causes or is reasonably likely to cause acts of violence, escape, injury or death, substantial destruction of property or a state of emergency e.g., a circumstance caused by a riot, fire, or similar event not caused intentionally by the Detention Center or its employee(s).
- J. Voluntary Administrative Separation**: Separation of a Detainee from the general population at the request of the Detainee, which is based on a review of the circumstances and a determination that housing in the general population places the Detainee at risk of harm, and there are no reasonable alternatives available.
- V. PROCEDURES**:
- A. GENERAL GUIDELINES**:
1. **Living Conditions**:
Housing for Special Management Detainees will provide living conditions that approximate those of general population. All exceptions are clearly documented. Cells/rooms shall permit Detainees to converse with and be observed by staff.
 2. **Housing Order**:
 - a. Special Management Housing placement can be immediately ordered by a Shift Supervisor or higher authority for Pre-Hearing Detention when the Detainee is charged with a major rules violation or when it is necessary to protect the Detainee or others. All placements shall be reviewed within 24 hours from the date and time of placement. The review will be conducted by [*the Chief of Security or Designee*] to determine if separation from the general population is still necessary.

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- b. Restrictive Housing will only be used in compliance with the New Mexico Restricted Housing Act (NMSA 1978 §33-16-1 et seq.) and after a determination that no reasonable alternatives exist.
 - c. Highly restrictive housing conditions are only imposed on Detainees who are violent and severely disruptive.
 - d. Nonviolent, vulnerable, mentally ill, intellectually/developmentally delayed and Detainees with special medical treatment needs are housed with the least restrictions and most congregate opportunities.

3. **Detainee Hygiene:**

Special Management Detainees will have the opportunity to shower daily and to shave at least two times within a seven-day period. Any exceptions will be documented and will include specific justification. No Detainee may refuse to shower more than three (3) days in a row without supervisory staff intervention. A Shift Supervisor, following progressive interaction [and in consultation with medical/mental health staff], shall compel a Detainee to shower, and/or shave and receive a haircut for safety, security, and/or hygienic reasons at any time.

4. **Laundry and Linen Exchange:**

Special Management Detainees will receive laundry services and are issued and exchanged clothing, bedding, and linen on the same schedule as general population.

5. **Barber/Hair Care Services:**

Special Management Detainees will receive barbering and hair care services on the same or similar schedule as general population Detainees. Exceptions must be clearly justified and documented.

6. **Meals:**

Meals that can be eaten without utensils will be provided on an individual basis when the Detention Administrator or designee determines that the use of such utensils presents a risk to the Detainee or others. All food shall meet all basic nutritional requirements.

7. **Special Management Detainees will have access to:**

- a. Writing materials, writing implements, and postage, and will be allowed to write and receive letters under the same protocol as general population. Detainees who pose a risk to self or others will be provided alternative materials, such as markers or crayons.
- b. Visitation, unless there is a substantial, justified reason for withholding such privileges.
- c. Legal representation, materials, and research access, to include notarization services.
- d. Reading materials.

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- e. Programs similar to those offered in general population.
 - f. Religious services and materials.
 - g. All permitted issued and personal property.

B. MEDICAL NOTIFICATION AND RESPONSIBILITIES:

1. When a Detainee is placed into Restrictive Housing, healthcare personnel are immediately notified and shall conduct a medical and/or mental health screening and review of medical and mental health risk factors within *[insert]* hours, as established by the health provider.
2. Detainees suspected to have mental health problems or illnesses shall be referred for a mental health appraisal. Such appraisal shall include a determination whether the Detainee's mental health condition is being negatively affected by their housing placement. If so, the Special Management Review Committee shall identify alternative placement options and provide recommendations to the Detention Administrator.
3. Special Management Detainees who are violent, have a mental illness, or who demonstrate self-injurious, grossly abnormal and irrational behaviors, delusions or suicidal behavior will be assessed by health service personnel within *[insert]* hours, who will determine the level of supervision needed and the frequency of required observation, to include one-on-one monitoring.
4. Special Management Detainees shall be provided prescribed and/or non-prescribed medication, as deemed appropriate by medical and/or mental health staff.
5. Suicidal Detainees will be under continuous observation until seen by a medical or mental health professional. In accordance with this facility's suicide response policy, subsequent supervision will be in accordance with the health professional's orders. [Reference Facility's Suicide Policy and Procedure]
6. Unless the Detainee is dangerous or violent, all medical/mental health assessments and appraisals shall be conducted face-to-face and not through the door.

C. DETENTION STAFF REQUIREMENTS:

1. Special Management Detainees will be personally observed by a detention officer conducting rounds at least twice per hour, but not more than forty (40) minutes apart, on an irregular schedule.
2. Special Management Detainees will receive, at a minimum, visits from the following staff on the specified schedule. All visits will be recorded on a permanent log:
 - a. Daily visit by the Shift Supervisor
 - b. Programs staff/Classification Officer once each week
 - c. Weekly by the Detention Administrator
 - d. Three times each week by facility health care clinicians, unless medical/mental healthcare attention is required more frequently
 - e. Daily by the Special Management Unit Supervisor (*if applicable*)
 - i. Daily by the Chief of Security
 - ii. Weekly by the Fire Safety/Sanitation Officer

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iii. [Others as designated by facility requirements]

- f. Unless the Detainee is violent or dangerous, visits by healthcare clinicians shall be face-to- face and not through a closed cell door [address telemedicine here]
3. Staff assigned to work directly with Special Management Detainees will be selected based on criteria that includes:
- a. Suitability for type of population
 - b. Experience
 - c. Specialized training such as Mental Health First Aid and Crisis Intervention Training
 - d. Completed probationary period

D. DOCUMENTATION:

1. A permanent log shall be maintained throughout each shift that contains, at a minimum, the following information pertaining to each Special Management Detainee
 - e. Detainee Name
 - f. Detainee Number
 - g. Cell/Room Number Assigned
 - h. Type of infraction or reason for Special Management status
 - i. Date of next review
 - j. Special instructions or requirements imposed by medical/mental health staff
 - k. Daily time(s) of out of cell
 - l. All staff rounds, medical/mental health visits, maintenance visits, inspections, and/or attorney visits
2. Whenever a Special Management Detainee is denied access to any authorized item or activity, a report articulating the specific reasons for the denial shall be completed and forwarded to the Detention Administrator or designee for review and approval within 24 hours from the time of the action.
3. *All exceptions to the requirements listed in Sections A, B and C, of this Policy and Procedure must be specifically documented and approved by the Detention Administrator or designee.*

E. ADMINISTRATIVE SEPARATION PROTOCOLS:

1. A Detainee may be placed in Administrative Separation status for protective custody when there is documentation that protective custody is warranted, and no reasonable alternatives are available. Detainees in Administrative Separation will be given direct supervision whenever possible. Placement in Administrative Separation for purposes of protective custody may be voluntary or involuntary.
2. Detainees may be placed in Administrative Separation voluntarily or involuntarily for the treatment or observation of a medical condition when equipment is required that would represent a threat to the security of the institution in the general population or place the Detainee or others in danger of harm. Detainees may also be separated from general population as part of the
 - a. Facility's Infection Control Program.

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3. Voluntary Placement:

- a. A Detainee who requests voluntary protective custody shall be required to supply information stating the reason(s) for the request and shall sign and date documentation agreeing to the assignment.
- b. Detainees requesting to end voluntary protective custody must provide documented reasons as to why it is no longer requested and/or necessary. Such documentation shall include the Detainee's signature and date. The final determination of whether the Detainee is released to general population will be made by the Special Management Review Committee.

4. Involuntary Placement:

- a. A Detainee may be placed into Involuntary Administrative Separation status through the Classification process, pursuant to one or more of the following criteria:
 - i. The Detainee presents a threat to the safety and/or security of the institution.
 - ii. The Detainee is involved with a high profile case or can be considered high profile due to societal status, such as, an elected official, law enforcement officer, tribal official, or prominent member of the community.
 - iii. The Detainee is prone to victimize others, is a member of a known Security Threat Group, or displays continuous disruptive behavior.
 - iv. The Detainee is a danger to self or others
 - v. The Detainee is likely to be victimized.
 - vi. The Detainee is at high risk for sexual victimization. However, Detainees at high risk for sexual victimization shall not be separated from general population unless an assessment of all available alternatives has been made determining there is no available alternative means of separation from likely abusers.
- b. The Shift Supervisor may immediately place a Detainee in Administrative Separation based upon recent overt acts or reliable information, which leads the officer to reasonably believe a Detainee presents a threat to the safety and/or security of the institution or that the Detainee's own safety is in jeopardy. The Shift Supervisor who places a Detainee in Administrative Separation shall document the reasons for the action and shall provide written notice to the Detainee stating the reasons for the placement.
- c. Detainees who have mental health conditions will not be automatically separated from general population but may be separated if they display violent or menacing behavior, pose a safety threat to themselves or others, or if the Detainee requires protective custody, and only when no reasonable alternatives are available.
- d. A Detainee shall not be placed in Administrative Separation because of Gender Identity alone.

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- e. The opinions of medical/mental health staff shall be considered when determining whether to place a Detainee into Administrative Separation.
- f. Special Management Detainees will have access to programs and services including, but not necessarily limited to: *[edit list for your facility]*:
 - i. Educational;
 - ii. Commissary;
 - iii. Library;
 - iv. Social Services;
 - v. Counseling Services;
 - vi. Religious Guidance;
 - vii. Recreational Programs, including more than two (2) hours per day outside of cell time; and,
 - viii. Telephone Access.

F. PRE-HEARING DETENTION PROTOCOLS:

- 1. Detainees may be placed into prehearing detention pending the results of an investigation into alleged major violations of institutional Detainee rules and regulations, and upon determining their presence in general population would disrupt the safety, security and/or orderly operation of the facility. Justification for the Detainee's placement will be documented and a copy of the Detainee Disciplinary Report and witness statement, if applicable, will be completed. The Detainee shall be provided a copy of the documented report within 24 hours from the date and time of the alleged violation.
- 2. The Detainee's placement shall be reviewed within 24 hours from the date and time of the alleged violation, including weekends and holidays. The *[Chief of Security or Designee]* will determine if the Detainee can return to general population, or if they should remain in prehearing detention. This decision will be documented and maintained in the Detainee's file.

G. DISCIPLINARY SEPARATION PROTOCOLS:

- 1. Detainees may be placed in Disciplinary Separation status only after a hearing, finding of guilt of *[Major]* rule violations, and pursuant to disciplinary sanctions imposed by the *[Hearing Officer/Committee]*.
- 2. Disciplinary Separation will be used as a sanction under this section only for a maximum of *[60]* days for all violations arising out of one incident. Continuous Disciplinary Separation for more than *[60]* days requires the review and approval of the Detention Administrator.
- 3. Detainees on Disciplinary Separation status can lose *[state privileges here]* but are allowed limited telephone privileges to access the judicial process and family emergencies, as determined by the Detention Administrator or designee.

H. ADMINISTRATIVE SEPARATION REVIEWS:

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1. All placements or classifications into Administrative Separation will be reviewed within 24 hours from the date and time of placement.
 - a. The review will be conducted by [*Chief of Security or Designee*] who will determine if the separation from general population is still warranted.
 - b. Detainees will be advised of the specific reason(s) for their placement into Administrative Separation.
2. The Unit Supervisor shall conduct daily rounds and speak with all Special Management Detainees to ensure the following requirements are being met:
 - a. Time Out of Cell.
 - b. Receipt of Personal and Legal Mail.
 - c. Availability and Reception of Reading Material.
 - d. Recreation.
 - e. Hygiene needs.
 - f. Medical and Mental Health Care needs.
 - g. Legal Access; law library, legal calls, legal visits, legal telephone access.
 - h. Personal phone calls.
 - i. Personal visits.
 - j. Clothing and Linen Exchange.
 - k. Meals and/or Special Diet.
3. Daily Activities for Special Management Detainees will be documented in [*the Special Management Detainee Multi-Activities Tracking Form (attached to policy)*]
4. The Unit Supervisor [*or Equivalent*] will document and maintain a record of this daily review.
5. The Detention Administrator or designee will conduct [*regular*] inspection of Special Management Detainees to ensure policies and procedures are implemented and followed.

I. SPECIAL MANAGEMENT:

1. Detainees in Administrative Separation status will be reviewed by the Special Management Review Committee every week. The review shall include:
 - a. The statement or report detailing the alleged specific facts and reasons for classifying the Detainee into Administrative Separation status;
 - b. All reports and/or documentation which reflect the behavior of the Detainee while in Administrative Separation status;
 - c. Any information received that if the Detainee were returned to general population; it would pose a potential risk of harm to self or others and a threat to the safety and security of the facility.
 - d. Determinations of the circumstances justifying continued placement in Administrative Separation status and whether there is substantial basis to conclude that placement in Administrative Segregation is warranted under the criteria set forth in this policy. If not, the Detainee shall be reclassified, as appropriate.

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- e. All reviews will be documented and maintained in the Detainee's file.

- 2. The Detainee shall be given written notice of the basis for continued placement in Administrative Separation status and shall be given an opportunity to present facts on their own behalf regarding such reclassification.

VI. POLICY REVIEW:

This policy shall be reviewed, updated, and communicated to staff members and detainees at least annually, or as needed.

SAMPLE