

<p align="center"><b>State of Vermont Agency of Human Services Department of Corrections</b></p>	<p align="center"><b>Title: Responding to Inmate Violating Behavior</b></p>	<p align="right">Page 1 of 3</p>
<p><b>Chapter: Security and Supervision</b></p>	<p align="center"><b>#410</b></p>	<p><b>Supersedes:</b> #410 (dated 09/30/2003); #410.01 (dated 05/01/2012); Interim Memo: Changes to Administrative Directive #410.01 <i>Facility Rules &amp; Inmate Discipline</i> (dated 04/25/2012); #410.03 (dated 05/01/2012); #410.05 (dated 12/18/2006); #410.06 (dated 12/18/2006); Interim Memo: Restrictive Housing Status, Conditions of Confinement (dated 12/06/2010).</p>
<p><b>Attachments, Forms &amp; Companion Documents</b> 1. All attachments, forms, and companion documents will be available on the DOC website.</p>		
<p><b>Applies to:</b> Facility <b>Local Procedure(s) Required:</b> No <b>Applicability:</b> All staff (including contractors and volunteers) <b>Security Level:</b> B - Anyone may have access to this document.</p>		
<p><b>For Public Comment 9-27-18</b></p>		

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**PURPOSE**

The purpose of this administrative directive is to provide authorized Vermont Department of Corrections’ (DOC) staff with response standards when dealing with inmate violating behavior within correctional facilities.

It is the philosophy of the DOC that inmates shall be held accountable for their actions, while keeping them in the least restrictive environment consistent with inmate and facility safety and security. In recognition that segregation may have adverse and unintended consequences to the inmate, the DOC shall adopt policies and procedures that ensures that inmates are housed in the least restrictive, most integrated setting commensurate to their risk and needs.

There is a continuum of responses that staff can use to address violating behavior. Disciplinary sanctions are designed to promote offender change, allow the offender to take responsibility, and to repair the harm caused by their violation. Sanctions imposed are designed to provide opportunities to repair the harm done.

1 **POLICY**

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3 The DOC's response to inmate behavior shall be guided by the following:

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5 1. Due Process

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7 Due process shall be accomplished through the impartial application of a well-developed set of  
8 rules, regulations, hearing procedures and restorative justice principles. Disciplinary action and  
9 administrative segregation by the DOC shall be based on a preponderance of evidence and shall  
10 be timely, impartial, and consistent.

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12 Minor infractions are dealt with through an administrative process and do not fall under the  
13 formal due process requirements.

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15 2. Disciplinary Reports (DRs) and Sanctions

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17 When an offender violates a facility rule, the DOC staff member may respond to the violation by  
18 writing a DR. This DR may result in a sanction. Sanctions shall be progressive in nature and  
19 proportionate to the offense, and address the following:

- 20 i) ensure facility safety;  
21 ii) provide the inmate the opportunity to accept responsibility; and  
22 iii) ensure that the inmate is held accountable for his/her behavior.

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24 3. Administrative Segregation

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26 Administrative segregation is used to ensure the order and security of a correctional facility.  
27 Administrative segregation, provides inmates who require higher level supervision with safe and  
28 secure housing. Administrative Segregation may also protect other inmates and staff while also  
29 ensuring that the correctional facilities safety and security are not compromised. This housing is  
30 used to manage the risks an inmate presents that cannot be otherwise managed in a less  
31 restrictive environment. Thus, while someone may start out in administrative segregation with  
32 highly restrictive conditions of confinement, their conditions shall be made less restrictive for  
33 improved behavior and more restrictive for safety, security, and the needs of the facility.

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35 The DOC's administrative segregation is informed by national best practice standards and  
36 evidence-based research. In meeting these standards, the DOC's administrative segregation  
37 adheres to the following:

- 38 a. To provide a medical and mental health screening to all inmates placed in administrative  
39 segregation;  
40 b. To conduct real-time review of inmates in administrative segregation, inclusive of  
41 evaluating their conditions of confinement and their continued appropriateness for  
42 placement in segregation;  
43 c. To conduct multi-disciplinary reviews of inmates in administrative segregation at both  
44 the facility and central level;  
45 d. To ensure that administrative segregation is never used for punishment;

- 1 e. To promote the least restrictive conditions of confinement that supports the safety and
- 2 security needs of the inmate and the facility;
- 3 f. To ensure that each inmate placed in administrative segregation has a segregation plan
- 4 created. This plan shall include goals to mitigate the risk that resulted in segregation
- 5 placement, outline obligations and expectations for the inmate, and provides a roadmap to
- 6 move the inmate into a less restrictive housing environment when appropriate.
- 7 g. Recognizes the potential for elevated negative impacts of segregation on all individuals,
- 8 particularly vulnerable populations and provides additional procedural steps for inmates
- 9 who are designated seriously functionally impaired (SFI), pregnant and post-partum
- 10 women, and inmates under the age of twenty-five.
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