

State of Vermont Agency of Human Services Department of Corrections	Title: Inmate Observation Checks and Accountability	Page 1 of 11
Chapter: Facilities – General	#403.04	NEW
Attachments & Forms: 1. Segregation Confinement Check Sheet 2. Segregation Confinement Log Sheet 3. Special Observation Monitoring Sheet 4. Restrictive Housing Status Review Matrix Companion Documents: #306.01 <i>Incapacitated Persons (INCAPS)</i> #362 <i>Suicide Prevention & Intervention in Facilities</i> #403 <i>Post Orders</i> #403.02 <i>Facility Logbooks</i> #410.01 <i>Inmate Discipline</i> #410.03 <i>Placement on Administrative Segregation</i> #410.05 <i>Protective Custody</i> #410.06 <i>Restrictive Housing Status, Conditions of Confinement</i> #413.01 <i>Use of Force- Facilities</i> #413.08 <i>Use of Restraints</i> #413.10 <i>Use of Restraint Chair</i> #413.11 <i>Responses to Self-Harm</i>		
Local Procedure(s) Required: No Applicability: All Facility Staff (including contractors) Security Level: “B” – Anyone may have access to this document.		
Approved: <div style="display: flex; justify-content: space-between;"> <div data-bbox="167 1367 665 1440"> _____ Andrew A. Pallito, Commissioner </div> <div data-bbox="695 1367 959 1440"> <u>November 10, 2010</u> Date Signed </div> <div data-bbox="1154 1367 1419 1440"> <u>November 22, 2010</u> Effective Date </div> </div>		

PURPOSE

The purpose of this administrative directive is to describe the methods and practices needed to account for the safety, security, and presence of any inmate in a Vermont Department of Corrections facility that is required to be checked and observed on a mandated established schedule.

POLICY

It is the policy of the Vermont Department of Corrections to establish procedures of accountability for its staff to ensure the safety and security of any inmate determined to need a more established frequent level of monitoring. It is essential that related records be accurately completed, and serve as a reliable record of Department activity.

AUTHORITY

28 V.S.A. §§ 101 (1), 701 (a), 801, 853, 903.

REFERENCE

American Correctional Association Standards for Adult Correctional Institutions, 4th Edition 2003, Standards 4-4191, 4-4257, 4-4258, 4-4260, 4-4281, 4-4373, 4-4376. Administrative Directives #306.01, *Incapacitated Persons (INCAPS)*; #362, *Suicide Prevention & Intervention*; #410.03, *Administrative Segregation*; #410.05, *Protective Custody*; #410.06, *Restrictive Housing, Conditions of Confinement*; #413.08, *Use of Restraints*; #413.10, *Use of Restraint Chair*.

DEFINITIONS

Administrative Segregation: A form of separation from the general population 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 may also be included.

Close Observation/Dry Cell Status: The placement of an inmate in a room or cell for close observation until the inmate has voided the contraband or until sufficient time has elapsed to preclude the possibility that the inmate is concealing contraband.

Constant/Direct Observation: A continuous visual observation of an inmate to ensure that the inmate is not under physical duress or harming themselves.

Contraband: An item used by an inmate in an unauthorized or prohibited manner or altered in any way; property in excess of allowable property limits; any item that an inmate, staff person, volunteer, or contractor is not specifically authorized to have in their possession in a correctional facility; and/or anything that can pose a danger or risk to the safety and security of staff, the facility, or public.

Disciplinary Segregation: A form of separation from the general population in which inmates committing serious violations of conduct regulations are confined for short periods of time to individual cells separated from the general population. Placement in disciplinary segregation may only occur after finding of a rule violation at an impartial hearing and when there is not an adequate alternative disposition to regulate the inmate's behavior.

Dry Cell: A room, equipped with a bed, lighting and proper ventilation, which will prevent the disposal of waste material or contraband through flushing, drains, or trash.

Dry Cell Watch: The process of constant/direct observation of an inmate by correctional staff in an effort to obtain and search an inmate's bodily wastes to determine if an inmate may have ingested/swallowed contraband or otherwise concealed contraband within their body.

Incapacitated: When a person (INCAP), as a result of his or her use of alcohol and/or other drugs, is in a state of intoxication, or mental confusion resulting from withdrawal, such that the person:

- 1) Appears to need medical care or supervision by approved substance abuse treatment personnel, as defined in statute, to ensure his or her safety; or

2) Appears to present a direct active or passive threat to the safety of others.

Levels of Observation for Suicide Prevention:

- Routine Observation: Indicated for inmates who acknowledge some degree of suicidal ideation, but deny any intent or plan. They are deemed unlikely to self-injure. Inmates under routine observation may remain in general population and are subject to checks and documentation per usual head count procedures.
- Close Observation: Reserved for inmates who are not actively suicidal but express suicidal ideation, and/or have recent prior history of self-destructive behavior. At this level of observation, staff will observe an inmate at staggered intervals not to exceed every 15 minutes and document the inmate's behavior and general condition when the observation occurs.
- Constant Observation: Reserved for inmates who are actively suicidal or self-harming, either threatening or engaging in suicidal behavior. Staff will observe such inmates on a continuous, eye contact basis, unless clinically contradicted. This level of observation may require infirmary placement, mental health unit placement, or specialized housing as determined by the psychiatrist or advanced practice nurse.

Post: An established work assignment within a correctional facility that an employee may be given for part of or an entire work shift, that includes duties and responsibilities related to:

- A specific physical location within a correctional facility; or
- Multiple locations within a correctional facility; or
- A location outside a correctional facility, such as a medical facility or court.

Post Order: A document that contains specific procedures that an employee is required to follow when performing duties and responsibilities or responding to an incident related to a post.

Protective Custody: A form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health or safety.

Qualified Health Care Professional (QHCP): Any person who by virtue of their education, credentials and experience is permitted by law to evaluate and care for patients. This includes, but is not necessarily limited to, physicians, physicians' assistants, nurses, nurse practitioners, dentists and mental health professionals.

Qualified Mental Health Professional (QMHP): Any person with professional training, experience, and demonstrated competence in the treatment of mental illness, who is a physician, psychiatrist, psychologist, social worker, nurse, psychiatric nurse practitioner, or other qualified person eligible for licensure in the State of Vermont as a mental health clinician and approved by the Health Services Director to provide mental health services.

Restraint Chair: A chair with small wheels that has restraint and transport capabilities for an inmate even while they are handcuffed. Use of the restraint chair does not constitute 4-point restraint.

Restraints: Restraints include any mechanical device used to control the movement of an inmate's body and/or limbs. Only those restraint devices specifically authorized and disseminated by the Department of Corrections are allowable.

Restraint Status: The securing of an inmate with handcuffs behind the back and with leg irons while in a cell.

Serious Mental Illness/Serious Functional Impairment: (A) A disorder of thought, mood, perception, orientation, or memory, as diagnosed by a qualified mental health professional, which substantially impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life and which substantially impairs the ability to function within the correctional setting; or (B) A developmental disability, traumatic brain injury or other organic brain disorder, or various forms of dementia or other neurological disorders, as diagnosed by a qualified mental health professional, which substantially impairs the ability to function in the correctional setting. (28 V.S.A. §701, subdivision 906(1))

PROCEDURAL GUIDELINES

It is the responsibility of the Department of Corrections staff to ensure the safety and security of inmates who are on any mandated observation or schedule of checks.

1. Links to Policies, Directives, and Procedures

All correctional staff shall be familiar with and adhere to the procedures and guidelines established in the following policies, directives, and procedures that are linked to observations and checks of inmates:

- a. #306.01 *Incapacitated Person (INCAPS)*
- b. #362 *Suicide Prevention and Intervention in Facilities*
- c. #403 *Post Orders*
- d. #403.02 *Facility Logbooks*
- e. #410.01 *Facility Rules and Inmate Discipline*
- f. #410.03 *Placement on Administrative Segregation*
- g. #410.05 *Protective Custody*
- h. #410.06 *Restrictive Housing Status, Conditions of Confinement*
- i. #413.01 *Use of Force*
- j. #413.08 *Use of Restraints and Roles of Security and Health Care Professionals in Facilities*
- k. #413.10 *Use of Restraint Chair*
- l. #413.11 *Responses to Self-Harm.*

2. Categories of Inmates and Individuals Requiring Observation Checks

While it is the responsibility of assigned staff to know where all inmates are at any given time, certain designated inmates have a specific schedule of checks and observance. Inmates and those lodged in the following categories are represented in this grouping:

- a. Individuals who are on any type of suicide or self-harm watch;
- b. Incapacitated persons (INCAPS);
- c. Individuals on Protective Custody Status;
- d. Individuals on Administrative Segregation;
- e. Individuals on Disciplinary Segregation;
- f. Individuals separated from general population for medical or mental health reasons, or quarantined;
- g. Individuals on any type of restraint status, including placement in a restraint chair;
- h. Individuals on Dry Cell Status;
- i. Any inmate on whom a chemical agent has been used (see # 413.01 *Use of Force.*)

3. Inmates who are placed in a Restricted Housing Unit or Special Management Unit away from general population will be observed at intervals not to exceed thirty (30) minutes. All observation checks will be documented on the *Segregation Confinement Check Sheet (Attachment 1)*.
 - a. Observation checks will include visual observation of the inmate(s) in their cell – achieved by actually seeing the skin of the inmate and ensuring that they are not engaging in self-destructive behavior or other unauthorized behavior.
 - b. Observation checks will include visual observation of the rise and fall of the chest to verify that the inmate is breathing, or visual observation of other bodily movement to determine that they are alive. Should a staff member not be able to determine if the inmate is present and alive, they will contact a Supervisor immediately.
 - c. Observation checks will include a visual inspection of the cell walls and window (visible through the cell door window) to verify that they are intact and that the cell appears secure.
 - d. The Shift Supervisor will visit inmates in this status each shift. Each visit will be documented on the *Segregation Confinement Log Sheet (Attachment 2)*.
 - e. A Qualified Medical Health Professional will visit inmates in this status daily. Each visit will be documented on the *Segregation Confinement Log Sheet*.
 - f. A Qualified Mental Health Professional will visit inmates in this status weekly at a minimum, except they will visit SMI/SFI inmates at least three (3) times a week. Each visit will be documented on the *Segregation Confinement Log Sheet*.
4. Inmates who are placed on a special observation (i.e., suicide or self-harm watch, medical observation, restraint status, INCAP, or dry cell status) will be observed based upon the type of observation status they are placed on: *Constant/Direct Observation, Close Observation, or Routine Observation*, unless otherwise increased by a Supervisor. Observations will be documented on the *Special Observation Monitoring Sheet (Attachment 3)* at the intervals defined by the particular observation status.
 - a. Observation checks will include visual observation of the inmate, ensuring that they are not under physical duress, engaging in self-destructive behavior, or engaging in other unauthorized behavior.
 - b. Observation checks will include the visual observation of bodily movement or, if the inmate is awake, engaging in conversation to ensure that he/she is not under physical duress.
 - c. The Shift Supervisor will visit inmates on any observation status daily each shift, and document the visit on the *Special Observation Monitoring Sheet*.
 - d. Inmates on any observation status will receive visits from Qualified Medical and Mental Health Professionals in compliance with the governing directive for the observation status the inmate is on. The QHCP or QMHP will document each visit on the *Special Observation Monitoring Sheet*.

5. Intervals of Observation Checks

All observation checks, with the exception of constant observation, will be conducted on irregular intervals so as not to allow any individual an opportunity to determine when a staff person will be conducting their check. However, a staff person may not miss a scheduled check as a method of producing an irregular pattern of checks.

6. Documentation

Documentation and the recording of mandated checks shall be according to the procedures established by Directive, Post Order, Medical Order, or by a Supervisor or senior officer.

- a. All checks shall be documented on the *Segregation Confinement Check Sheet* or the *Special Observation Monitoring Sheet* depending on the type of observation.
- b. Documentation shall include the time and the specific behavior of the individual being observed or checked on.
- c. The time frames of irregular checks shall not be documented or written prior to the actual time of the observation or check being accomplished.
- d. The Logbook of any specific Post where an individual is being observed on any mandated schedule of checks or observation shall contain an entry that there is an individual or individuals needing to be observed at specific times.
- e. The documentation of any check or Logbook entry shall contain the legible initials or name of the staff person making the observation or check. It is essential that related records be accurately completed, and serve as a reliable record of Department activity.

7. Missed Checks

Situations arise which prevent Correctional Officers from completing a mandated check due to another emergency, distractions, or other unusual situations.

- a. Should a situation arise when a staff person cannot make a scheduled check of an individual, they should immediately notify a Supervisor and request assistance.
- b. If a staff person discovers that they have missed a mandated check, or someone else has missed a mandated check, they should immediately conduct a check of all inmates and then notify a Supervisor. A record of the discrepancy shall be recorded in the Post Log and in an Incident Report.
- c. Under no circumstance shall a staff person record or document a check that has not actually occurred, or falsify any related document(s) in any other way.
- d. A staff person who discovers that they have not documented a mandated check that was actually made, should contact a Supervisor immediately. A Post Log entry to that effect shall also be recorded.

8. Supervisor Responsibilities

- a. Shift Supervisor – While it is the responsibility of each Shift Supervisor to visit and review the operation of each post on their shift, they shall specifically:
 - i. Review the status of individuals on any mandated observation check;
 - ii. Observe that checks are being made according to established procedures;
 - iii. Ensure that Unit or Post staff are accomplishing and documenting all mandated checks;
 - iv. Complete an Incident Report documenting any irregularities regarding mandated checks;
 - v. Review and sign all observation/check sheets as mandated;
 - vi. Ensure that observation check sheets are completed in a timely fashion.
- b. Security and Operation Supervisor (SOS) shall:
 - i. When visiting any post or unit housing an inmate or individual on mandated checks, review all documentation associated with the observance of any such individual;
 - ii. Randomly review any video live feed or documentation to ensure that mandated checks and observations are being accomplished according to procedures.

9. Removal From Observations or Mandated Check Status

Scheduled or mandated checks may be terminated for any individual based on procedure established by Department administrative directive. Additionally, scheduled observances and checks may be terminated by order of a Qualified Health Care Professional authorized to do so. Above examples may include:

- a. Release from any form of segregation status;
- b. The discharge from protective custody of any INCAP;
- c. Release from any restraint status, including release from a restraint chair;
- d. Following review by any QHCP who has determined that an individual no longer presents a danger to themselves;
- e. Release by a QHCP who has determined that medical quarantine is no longer required.

TRAINING

It is the responsibility of the Facility Superintendent to ensure that all affected staff are trained in this administrative directive.

QUALITY ASSURANCE

The Director of Security, Operations, and Audits in conjunction with Quality Management will, through the use of established auditing procedures, monitor compliance with this directive.

ATTACHMENT 2 - SAMPLE

SEGREGATION CONFINEMENT LOG SHEET

This document must be completed accurately and shall not be falsified in any way.

Inmate Name: _____ DOB: _____

Date Placed on Restrictive Status: _____

Type of Restrictive Status:

_____ Administrative Segregation _____ Disciplinary Segregation _____ Protective Custody

Include Appropriate Information & Abbreviation in Each Box
I-Issued A-Approved E-Exchanged R-Refused X-Received Ret-Returned

ACTIVITY	Sunday Date:	Monday Date:	Tuesday Date:	Wednesday Date:	Thursday Date:	Friday Date:	Saturday Date:
Medical Services/Visit							
Mental Health Services/Visit							
Prescribed Medication							
Meals Served	B L D	B L D	B L D	B L D	B L D	B L D	B L D
Exercise (1 hr, 5 days)							
Canteen							
Shave/Shower (3 per week)*							
Hygiene/Indigent Items							
Telephone Privileges							
Clothing Exchange							
Laundry Exchange							
Mail Sent/Received							
Leisure Library/Reading Materials							
Barbering/Hair Care Services							
Educational Services							
Legal Visit/Calls							
Religious Guidance Visit							
Staff Visit							
Visits							
Shift Supervisor/Officer in Charge of Unit (once daily visit with inmate)							

* Unless on No Razor Status

REMOVAL:

Supervisor Review: _____

Signature

Date

ATTACHMENT 3 - SAMPLE

SPECIAL OBSERVATION MONITORING SHEET

This document must be completed accurately and shall not be falsified in any way.

Inmate Name: _____ DOB: _____

Facility: _____ Date: _____

Type of Observation: Suicide Watch Mental Health Physical Health

Start Date:	Start Time:	Cell Location:	Discontinuation Date/Time:
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Observation Conditions	
<input type="checkbox"/>	CLOSE OBSERVATION - Physical checks at staggered intervals not to exceed every 15 minutes (e.g.: 5, 10, or 12 minutes)
<input type="checkbox"/>	CONSTANT OBSERVATION – Continuous uninterrupted observation
<input type="checkbox"/>	Special Accommodations:

Code for Inmate Behavior and Staff Interventions	
A. Quiet	E. Eating
B. Sleeping	F. Threatening Behavior
C. Agitated Behavior	G. Out of Cell Activities
D. Destructive Behavior	H. Other

Time	Codes	Correctional Officer	Time	Codes	Correctional Officer	Time	Codes	Correctional Officer

Shift Supervisor's Signature: _____ Date: _____ Time: _____

ATTACHMENT 4 – SAMPLE

**VERMONT DEPARTMENT OF CORRECTIONS
RESTRICTIVE HOUSING STATUS REVIEW MATRIX**

This document must be completed accurately and shall not be falsified in any way.

Type of Restrictive Status:→	Administrative Segregation Phase I	Administrative Segregation Phase II	Disciplinary Segregation	Protective Custody	SMI/SFI Inmate on any form of Segregation
Staff Responsible:↓					
Correctional Officer	Every 30 minutes unless on a more frequent watch	Every 30 minutes unless on a more frequent watch	Every 30 minutes unless on a more frequent watch	Every 30 minutes unless on a more frequent watch	Every 30 minutes unless on a more frequent watch
Medical Staff	Once every day	Once every day	Once every day	Once every day	Once every day
Mental Health Staff	For first 60 days , weekly or more often as necessary	For first 60 days weekly or more often as necessary	For first 30 days, weekly or more often as necessary	Every 30 days weekly or more often as necessary	3x per week or more often as necessary
Casework Staff	One per business day	One per business day	One per business day	One per business day	One per business day
Shift Supervisor	Once per shift	Once per shift	Once per shift	Once per shift	Once per shift
Superintendent	Once per week	Once per week	Once per week	Once per week	Once per week
Facilities Executive	60 day review	60 day review	N/A	60 day review	Every 30 days
Segregation Review Committee	Every 7 days for 1 st 2 months and every 30 days thereafter	Every 7 days for 1 st 2 months and every 30 days thereafter	N/A	Every 7 days for 1 st 2 months and every 30 days thereafter	Every 7 days for 1 st 2 months and every 30 days thereafter

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