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| DATE: | NOVEMBER 7, 2023 |
| NUMBER: | J.3 |
| SUBJECT: | SEPARATION: DEFINITION AND USE |
| RELATED SECTIONS: | O.1 , R.3 , Q.9 , M.25 , M.26 , PRISON RAPE ELIMINATION ACT OF 2003 |

PURPOSE

To ensure all incarcerated persons are assessed and screened with an objective screening instrument.

POLICY

The guidelines for an incarcerated person's separation shall conform to all local, state and federal laws. Incarcerated persons shall not be separated solely because of their race, color, religion, national origin, gender identity or sexual orientation. Each person's housing assignment will be made based on an individual assessment. Separation shall be used only for those incarcerated persons who are classified for safety and/or security reasons, are pending disciplinary action or for investigative purposes.

PROCEDURE

After individual review of an incarcerated person's history, criminal charges and information obtained from the incarcerated person's interview and/or health staff, specified incarcerated persons will be properly separated from the general incarcerated population. Reasons include but are not limited to, incarcerated persons who require special housing for their own safety, staff safety, facility security, or those who are pending a disciplinary action hearing.

I. DEFINITIONS

Separation is a general term used to encompass the following types of housing for incarcerated persons who cannot remain in the general incarcerated population:

- A. Administrative separation
- B. Protective custody
- C. Acute mental health (Psychiatric Stabilization Unit/Jail Based Competency Treatment)
- D. Disciplinary separation

II. ADMINISTRATIVE SEPARATION

- A. Administrative separation shall consist of separate and secure housing, but shall not involve any other deprivation of privileges, other than is necessary to obtain the objective of protecting the incarcerated person, staff, or public.
- B. The following are types of incarcerated persons who may be placed into administrative separation housing:

1. Those pending a hearing or investigation for a rule violation or criminal act.
 2. Those who have displayed a continual failure to adjust and conform to the minimum standards expected of those in mainline housing or designated special housing. The incarcerated person's behavior is either criminal in nature or disruptive to the safe operation of the facility.
 3. Those who have shown a propensity for violence towards other incarcerated persons and/or staff, or participatory action in a conspiracy, or known premeditated thoughts or indications by a single incarcerated person, to assault or harm other incarcerated persons and/or staff.
 4. Incarcerated persons who have paroled from, been released from or are anticipated to be housed in a security housing unit (SHU), administrative segregation unit (ASU), or similar restrictive housing in a correctional setting.
 5. Those who have a case of a high-profile nature or an extreme act of violence which jeopardizes public safety.
 6. Those who demonstrate influence over other incarcerated persons, including influence to promote or direct action or behavior that is criminal or disruptive to the safety and security of other incarcerated persons and/or facility staff, as well as to the safe operation of the facility.
 7. Those suspected of being a juvenile. Any incarcerated person suspected of being a juvenile shall remain separated until they are determined to be an adult or are transported to Juvenile Hall.
 8. Incarcerated persons sentenced to death.
- C. All incarcerated persons placed in administrative separation housing will require a Jail Information Management System (JIMS) incident report or rule violation report, and a Separation Housing Order (J-72) form. Incarcerated persons in administrative separation housing shall be served a copy of the J-72 form signed by JPMU staff or a detentions supervisor.
- D. When administrative separation housing is used as pre-disciplinary housing pending a hearing, the decision must be based on the need to separate for security reasons, rather than an attempt to limit privileges pending a hearing.
- E. Upon placement of an incarcerated person into administrative separation housing or pre-disciplinary housing, sworn staff shall notify the facility charge nurse of the placement. A qualified health care professional will review the incarcerated person's health record. If existing medical, dental or mental health needs require accommodation, sworn staff will be notified. Sworn staff will document the name and ARJIS number of the nurse who received notification in the incident report or rule violation report.
- F. Incarcerated persons in administrative separation housing may be eligible to share the dayroom with another compatible incarcerated person or persons housed in

administrative separation housing. Incarcerated persons who agree to group dayroom may be provided with up to three hours of dayroom time per day. A shared dayroom program can serve as a step towards a return to mainline or designated special housing, but it is not required.

1. Group dayroom eligibility shall be determined by classification level compatibility and the incarcerated person's documented history of incidents while in custody.
2. JMPU shall be consulted when determining group dayroom eligibility.
3. Final determination of group dayroom eligibility shall be documented in an incident status report and approved by the Facility Commander.
4. Major rule violations and/or violations of Penal Code may result in revocation of group dayroom participation.

G. If after placement in separation, mental health or medical staff determine that an individual has serious mental illness or an intellectual disability, they shall be removed from disciplinary separation immediately upon this determination.

III. PROTECTIVE CUSTODY

- A. Protective custody (P/C) is the voluntary or involuntary placement of an incarcerated person into separate and secure housing when there is a verified threat against their life, whether stated or implied, or when an incarcerated person's circumstances render them a target for physical violence. Examples of use would be when an incarcerated person is a witness against another or the individual's relationships or affiliations may be unpopular or considered threatening by the general population (e.g., a law enforcement officer or prior law enforcement officer).
- B. Involuntary P/C housing should only be used after an assessment of all available housing alternatives have shown there are no other means of protecting the incarcerated person. Involuntarily housed P/C incarcerated persons shall have all possible access to programs and services for which the person is otherwise eligible.
- C. P/C shall consist of separate and secure housing but shall not involve any other deprivation of privileges other than is necessary to obtain the objective of protecting the incarcerated person, staff or public. The following examples are types of incarcerated persons who may warrant placement into P/C:
 1. Has been determined by the mental health staff to be developmentally disabled, and does not require treatment for a disease, injury or psychiatric disorder (e.g., Regional Center Clients [RCC]).
 2. By virtue of their small size, advanced age, gender nonconformance or other risk factors and characteristics, may be in danger of abuse or sexual victimization from incarcerated persons in the general population.

3. Has been accused of a crime of a nature and sufficient publicity that would place them in physical jeopardy if housed with the general population (e.g., child victim charges).
 4. Is a material witness in a high profile case.
 5. Employment in law enforcement (past or current).
 6. Are held pending the civil process under the sexually violent predator (SVP) law. SVP's shall be kept separate from all other incarcerated persons. When an SVP demonstrates a failure to conform to the rules of the facility or is a danger to staff or other SVP's, they may be placed into administrative separation housing.
 7. Has paroled from or is anticipated to be housed in a P/C environment [e.g., sensitive needs yard (SNY)] in a correctional setting.
 8. Separated at their own request after all other housing options have been exhausted and the individual has been interviewed by JPMU staff (requires JPMU supervisor approval).
- D. "Keep separate all" (KSA) is a housing status that further restricts housing options within P/C. Although KSA incarcerated persons are to be kept separate from other persons, they may be housed with other persons with similar KSA criteria. The following incarcerated persons may be placed in KSA for the safety and security of the incarcerated persons and the facility:
1. Prior or active members of law enforcement.
 2. Gang dropouts from Northern California gangs (e.g., "Nortefios" or "Fresno Bulldogs").
 3. RCC incarcerated persons may be classified P/C or KSA if they require separate and secure housing from the mainline incarcerated population per a mental health staff evaluation. If mental health staff does not require separate and secure housing, RCC incarcerated persons will be housed in mainline or designated special housing.
 4. Additional exceptions may be approved by the JPMU lieutenant.
- E. Lesbian, gay, bisexual, transgender, questioning and "plus" (LGBTQ+) persons will be individually assessed and placed in the most suitable housing, with consideration given to each individual's needs and the ability to maintain facility security. Staff will familiarize themselves with LGBTQ+ terminology to better understand LGBTQ+ individuals and make the best housing determination.
- F. Incarcerated persons initially being placed into P/C will require an incident report in JIMS and a J-72 form. Persons returning to custody who will remain in P/C will not require an incident report but will need a new J-72 form. All P/C incarcerated persons shall be served a copy of the J-72 form signed by JPMU staff or a detentions supervisor.

IV. ACUTE MENTAL HEALTH

J.3 SEPARATION: DEFINITION AND USE

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The Psychiatric Stabilization Unit (PSU) and the Jail Based Competency Treatment (JBCT) consist of a mixed classification population, where some incarcerated persons may have safety concerns in other housing assignments. Persons who are admitted to the PSU or the JBCT require separation from other populations. Persons who are housed in the PSU and the JBCT are admitted as patients, at the order of a mental health professional or by court order, without regard for the person's individual classification status. When an incarcerated person is discharged from the PSU or JBCT, JPMU must be consulted to determine the appropriate housing assignment for them.

V. DISCIPLINARY SEPARATION

- A. Disciplinary separation may be used when other less stringent methods have failed to correct behavior or when the violation is of such a nature that other methods would be ineffective or inappropriate. The use of separation as a disciplinary measure should be reserved for major sanctions and/or multiple sustained offenses. Examples include assaultive behavior or violence towards staff.
- B. All disciplinary separation actions against incarcerated persons must be approved by the disciplinary review officer prior to the discipline being imposed.

VI. BEDDING AND LINEN IN ADMINISTRATIVE SEPARATION HOUSING

Cotton/wool blankets and sheets are prohibited in administrative separation housing units. All persons in administrative separation housing will be provided with two safety blankets, one of which may be used as a mattress cover.

VII. MONITORING

- A. Sworn staff:
 - 1. JPMU will ensure the status of each separated person listed in sections II and III.D is reviewed at least every seven days. The objective is to return separated persons to the general incarcerated population or designated special housing when appropriate.
 - 2. The seven-day review will be documented in JIMS. Comments will be entered into each person's JIMS history to describe the need for continued placement. The removal of a person from administrative separation housing will be documented in JIMS on an incident report.
 - 3. JPMU will monitor the incarcerated person counts in all separation modules and cells to ensure maximum effectiveness and compliance with the Armstrong lawsuit agreement.
 - 4. If a request for placement in P/C or administrative separation housing is denied, it will be documented in JIMS on an incident report and approved by JPMU supervisors.
- B. Health Staff:

1. Health staff and mental health staff will receive a JIMS notification when an incarcerated person was placed into administrative separation housing based on a mental health recommendation due to a person's increased risk for self-harm. Mental health staff and medical staff will review the person's health record to determine whether existing medical, dental or mental health needs require accommodation. Examples of such conditions include but are not limited to: withdrawal, dementia, Alzheimer's, diagnosed mental illness, history of self-harm, prior Detentions Safety Program (DSP) placement or diagnosed obstructive sleep apnea. Health staff will document the review in the person's health record and notify the watch commander of any accommodation needed.
2. Health staff will monitor all incarcerated persons housed in administrative separation housing. A qualified health care professional will conduct a mental health follow-up three days each week on all separated persons. A Qualified Mental Health Provider (QMHP) will monitor and assess all separated persons at least one day each week. Documentation of separation rounds will be made in the person's health record and will include significant health findings, signs of physical and/or psychological deterioration and other signs or symptoms of failing health. Health staff shall notify the watch commander if any of the above are discovered during a "wellness check" (refer to Medical Services Division Operations Manual S.4, section I.D).