

### **33-602.221 Protective Management.**

#### **(1) Definitions.**

(a) Administrative Confinement – refers to the temporary separation of an inmate from inmates in general population in order to provide for security and safety until such time as a more permanent inmate management decision process can be concluded, such as a referral to disciplinary confinement, close management, protective management, or a transfer.

(b) Bureau of Braille and Talking Book Library – refers to the agency that provides books on tape, Braille books, and other auxiliary aids for individuals who are unable to read books in print due to a disability.

(c) Central Office ADA Coordinator – refers to the Department employee responsible for implementing the provisions of Title I and Title II of the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act within the Department.

(d) Classification – refers to the processes used to divide inmates into groups for a variety of purposes, including facility placement, custody assessment, work and program assessment and placement, housing assessment and placement, periodic reviews, and community, transition, and special needs assessments.

(e) Clinical Health Care Personnel – refers to a physician, clinical associate, nurse correctional medical technician certified, psychologist, psychology intern, psychology resident, or psychological specialist.

(f) Housing Supervisor – refers to the Correctional Officer Sergeant or above in charge of the protective management unit for a particular shift.

(g) Institutional Classification Team (ICT) – refers to the team consisting of the warden or assistant warden, classification supervisor, chief of security, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing, and inmate status decisions at an institution or facility and for making other classification recommendations to the State Classification Office. At private facilities, the Department's representative is to be considered a fourth member of the ICT when reviewing all job/program assignment, transfer, and custody recommendations/decisions. If a majority decision by the ICT is not possible, the decision of the Department's representative is final.

(h) Protective Management – refers to a special management status for the protection of inmates from other inmates in an environment as representative of that of inmates in general population as is safely possible.

(i) Security Pen – refers to a specially designed flexible ink pen that bends under pressure and has a tip that retracts under excessive pressure.

(j) Senior Correctional Officer – refers to a staff member with the rank of Correctional Officer Lieutenant or above.

(k) Special Management – refers to the separation of an inmate from inmates in general population in a structured environment for purposes of safety, security, and order of the facility.

(l) Special Risk Inmate – refers to any inmate who has demonstrated behavior that is or could be harmful to himself or herself.

(m) State Classification Office (SCO) – refers to the office or Department staff at the central office level that is responsible for the review of inmate classification decisions. Duties include the approving, disapproving, or modifying ICT recommendations.

(n) Review – refers to the evaluation of pertinent information or documentation concerning an inmate's protection status to determine if changes or modifications to the status are required or recommended.

(o) Visit – unless the content dictates otherwise, refers to the official inspection and tour of a protective management unit by a Department staff member.

#### **(2) Procedures for placement in Protective Management.**

(a) Protective management is not disciplinary in nature and inmates in protective management are not being punished and are not in confinement. The treatment of inmates in protective management shall be as near that of inmates in general population as the individual inmate's safety and security concerns permit.

(b) Inmates on death row, in close management or disciplinary confinement are not eligible for placement in protective management. However, if an inmate in one of these statuses requests protection, procedures outlined in Rule 33-602.220, F.A.C., shall be followed.

(c) If it is determined that an inmate on death row, close management, or disciplinary confinement needs protection, the inmate shall be afforded such protection in his or her current status. Upon completion of that special status, the ICT shall review the inmate's need for protection and make recommendations to the SCO, which shall determine the appropriate action to resolve the inmate's protection needs.

(d) When the SCO determines that protective management is appropriate for an inmate, the inmate shall be reviewed by the

housing supervisor to assess the inmate's potential risk to or from other inmates in the unit. The completion of this review shall be documented on Form DC6-235, Record of Protective Management. Form DC6-235 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 1-19-03. If the inmate cannot be placed for this reason, the housing supervisor shall place or maintain the inmate in administrative confinement until the issue can be expeditiously resolved. The case shall be immediately forwarded to the ICT for review. The ICT shall review the case and interview the inmate and forward recommendations to the SCO. The SCO shall review the case and may interview the inmate and make a final decision to resolve the inmate's protection needs.

(3) Protective Management Facilities.

(a) The number of inmates housed in a protective management cell shall not exceed the number of beds in the cell. Exceptions may be made during an emergency situation as approved by the warden or duty warden, but such exceptions shall not continue for more than 24 hours without the specific written authorization of the regional director of institutions. Prior to placing inmates in the same cell, a determination shall be made by the housing supervisor that none of the inmates constitute a threat to any of the others, and document such on Form DC6-235, Record of Protective Management.

(b) All protective management housing units shall be equipped with toilet facilities and running water for drinking and other sanitary purposes and other furnishings as are provided to comparable housing cells for inmates in general population at the particular institution.

(c) Prior to placement of an individual in a protective management cell, the cell shall be thoroughly inspected to ensure that the cell is in proper order. The officer conducting the inspection must complete and sign Form DC6-221, Cell Inspection, attesting to the condition of the cell. The inmate housed in that cell shall then be held responsible for the condition of the cell. Form DC6-221 is incorporated by reference in Rule 33-601.800, F.A.C.

(d) Whenever possible, protective management housing units shall be physically separate from other housing units given the physical design of the facility. The number of inmates housed in protective management shall not exceed the number of bunks in the protective housing unit. Whenever such location is not possible, physical barriers shall preclude the cross association of those inmates in protective management with those inmates in other statuses. Protective management housing units shall be built to permit verbal communication with and unobstructed observation by Department staff.

(4) Conditions and Privileges.

(a) Clothing – inmates in protective management may wear shower slides or personal canvas shoes while in their housing units, but regulation shoes shall be required for work assignments. Otherwise, the clothing for inmates in protective management shall be the same as that issued to and exchanged with inmates in general population except when this may create a potential security or health threat, or when additional clothing is required for a work assignment. In such cases the exceptions shall be documented on Form DC6-235, Record of Protective Management, and approved by the chief of security. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to himself, herself or others, to prevent the destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security. If an inmate's clothing is removed, a modesty garment shall be immediately given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be noted on Form DC6-235, Record of Protective Management, stating the reasons for such denial. Under no circumstances shall an inmate be left without a means to cover himself or herself.

(b) Bedding and linen – inmates in protective management shall have bedding and linen issued and exchanged in the same manner as is provided to inmates in general population. Any exception shall be based on the potential threat of harm to an individual or a potential threat to the security of the institution. The shift supervisor or the confinement lieutenant must approve the action initially. Such exceptions shall be documented on Form DC6-235, Record of Protective Management, and the chief of security shall make the final decision regarding the appropriateness of the action no later than the next working day following the action.

(c) Personal Property – inmates in protective management shall be allowed to retain the same property as is permitted inmates in general population unless the property poses a potential threat of harm to an individual or a potential threat to the security of the institution. In such case, the removal or denial of any item shall be documented on Form DC6-235, Record of Protective Management, and Form DC6-220, Inmate Impounded Property List, which must be completed by security staff and signed by the inmate designating what property was removed. The original shall be placed in the inmate's property file and a copy of the form shall be given to the inmate for his or her records. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C. All property retained by inmates must fit into the storage area provided, which shall be the same size as provided for inmates in general population.

(d) Comfort Items – inmates in protective management shall be permitted the same comfort items, personal hygiene items, and other medically necessary or prescribed items as is permitted inmates in general population unless an item poses a potential threat of harm to an individual or a potential threat to the security of the institution. If a comfort item is taken from an inmate in protective management, the senior correctional officer on duty shall be notified and must approve or disapprove the action taken. The action taken shall be documented on Form DC6-235, Record of Protective Management, which must be reviewed by the chief of security. As noted above, property receipts shall be given for any personal property removed. The following comfort items shall be provided at a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, toilet tissue, and feminine hygiene products for women.

(e) Personal Hygiene – inmates in protective management shall meet the same standards regarding personal hygiene as required of inmates in general population, including the following:

1. At a minimum, each inmate in protective management shall shower at least three times per week or every day that an inmate works, whichever is greater.

2. Any male inmate who elects to be clean shaven shall be clipper shaved three times per week. Any male inmate who elects to grow and maintain a half-inch beard shall have his beard maintained in accordance with Rule 33-602.101, F.A.C.

3. Hair care shall be the same as that provided to and required of inmates in general population.

(f) Diet and Meals – inmates in protective management shall be fed in the dining room unless individual circumstances adversely affecting the safety of a particular inmate preclude dining room feeding for that inmate. If particular security reasons as determined by institution staff prevent dining room feeding, the inmate's meal shall be served in the day room or the inmate's cell. Inmates in protective management shall receive the same institutional meals as are available to inmates in general population, except that if any item on the regular menu poses a potential threat of harm to an individual or a potential threat to the security of the institution, then another item of comparable quality and quantity shall be substituted. Any deviation from established meal service or substitutions shall be documented on Form DC6-209, Housing Unit Log, and Form DC6-210, Incident Report. Form DC6-209 is incorporated by reference in Rule 33-601.800, F.A.C., and Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(g) Canteen Items – inmates in protective management shall be allowed to make canteen purchases the same as inmates in general population. Items sold to protective management inmates shall be restricted only when reasonably necessary for institutional safety and security.

(h) Counseling Interviews – inmates in protective management shall be provided counseling services in-cell or out of cell when deemed necessary by mental health staff.

(i) Visiting – a visiting schedule shall be implemented to ensure a minimum of two hours a week for inmates in protective management to receive visits. Visiting shall take place in a separate facility from inmates in general population if a separate facility is available. If a separate facility is not available, the warden or duty warden shall schedule visiting either before or after visiting hours for inmates in general population or on different days from inmates in general population. Visiting shall be limited by the warden or his or her designee when it is determined that a threat to the inmate exists by allowing visitation in the visiting area or when supervision is limited. The warden or ICT is authorized to make exceptions for visitors who have traveled a great distance. Attorney-client visits shall be in accordance with Rule 33-601.711, F.A.C., and shall not be restricted except on evidence that the visit would pose a potential threat of harm to an individual or a potential threat to the security of the institution. The warden or designee must approve all visits in advance and is authorized to approve special visits pursuant to Rule 33-601.736, F.A.C. Inmates in protective management shall have video visitation privileges as provided for in Rule 33-602.901, F.A.C.

(j) Telephone – inmates in protective management shall be allowed to make one call per week of at least 15 minutes. However, if telephones are available in the dayroom, protective management inmates shall be allowed to make calls in the same manner as general population inmates.

(k) Kiosks, Kiosk Services, and Tablet Services – inmates in protective management are permitted access to kiosks, kiosk services, and tablet services as provided for in Rule 33-602.900, F.A.C.

(l) Legal Access – inmates in protective management shall have access to the law library during evening or other hours when inmates in general population inmates are not present. If security reasons prevent a visit, access shall be provided through correspondence or visits from the inmate research aide. All steps shall be taken to ensure the inmate is not denied needed legal access while in protective management. Inmates shall be provided paper and writing utensils in order to prepare legal papers. Typewriters or typing services are not considered required items and shall not be permitted in protective management housing units. However, an inmate with disabilities that hinder the preparation of legal correspondence shall be allowed the use of auxiliary aids. An inmate who is provided an auxiliary aid shall be allowed access to a certified research aide for the purpose of preparing legal

documents or legal mail, or filing a grievance.

(m) Correspondence – inmates in protective management shall have the same opportunities for correspondence and authorized self-improvement correspondence courses that are available to inmates in general population.

(n) Writing utensils – inmates in protective management shall be allowed to possess pens and pencils of the same type and number as inmates in general population. If it is determined that these items create a safety, security, or sanitation risk, these items shall be confiscated and stored until the inmate is released from protective management. In such case, the inmate shall be issued a security pen. If a security pen is unavailable, the inmate shall be allowed to sign out a regular pen from the housing officer. All care shall be taken to ensure that an indigent inmate who requests access to a pen in order to prepare legal documents or legal mail, or to file a grievance with the Department has access to a pen for a time period sufficient to prepare the legal documents, legal mail, or grievances. An inmate who has been provided an auxiliary aid shall be allowed access to such for the purpose of reading or preparing correspondence.

(o) Reading materials – reading materials, including scriptural and devotional materials and books that are in compliance with admissibility requirements in Rule 33-501.401, F.A.C., allowed for inmates in general population are allowed for those inmates in protective management unless they pose a potential threat to the safety, security, or sanitation of the institution. If it is determined that there is a safety, security, or sanitation risk, the items shall be removed. Such removal shall be documented on Form DC6-235, Record of Protective Management, in accordance with paragraph (4)(c) of this rule. An inmate who receives services from the Bureau of Braille and Talking Book Library shall be allowed to possess his or her tape player and devotional and scriptural materials and any other books on tape that are in compliance with the admissibility requirements set forth in Rule 33-501.401, F.A.C.

(p) Library – inmates in protective management shall be allowed to visit the library and check out books at least once weekly. Protective management inmates shall be allowed to check out the same number of books as allowed for inmates in general population.

(q) Exercise – an exercise schedule shall be implemented for inmates in protective management to ensure a minimum opportunity of three hours per week of exercise out of doors. The ICT is authorized to restrict exercise for an individual inmate when the inmate is found guilty of a major rule violation as defined in Rule 33-602.220, F.A.C. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. If the inmate requests a physical fitness program handout, the wellness specialist or the housing officer shall provide the inmate with an in-cell exercise guide and document such on Form DC6-235, Record of Protective Management. Medical restrictions may also place limitations on exercise periods. A disabled inmate who is unable to participate in the normal exercise program shall have an exercise program developed for him or her that will accomplish the need for exercise and take into account the particular inmate's limitations. Similar recreational equipment shall be available to inmates in protective management as is available for inmates in general population provided that such equipment does not compromise the safety or security of the institution. The reasons for any exercise restriction shall be documented on Form DC6-235, Report of Protective Management.

(r) Religious activities – a weekly non-denominational service shall be held in the chapel for inmates in protective management. This service shall be held at the protective management housing unit if security reasons prevent a chapel service. When requested, the chaplain shall arrange for religious consultations between inmates and outside volunteers, counsel with clergy, and the opportunity to receive religious sacraments similar to that afforded to inmates in general population.

(s) Self-improvement programs – inmates in protective management shall have access to self-improvement programs in their housing unit, or in separate locations within the institution that conform with the need for security. Self-improvement programs include academic education, vocational training, correspondence courses or self-directed study activities, religious activities, quiet activities, and letter writing.

(t) Inmates in protective management may refuse opportunities for out-of-cell activities, however, such refusals shall count against the inmate's required minimum hours of out-of-cell time. Refusals shall be documented on Form DC6-235, Record of Protective Management.

(u) Other privileges not listed above shall be restricted on a daily case-by-case basis when such restrictions are necessary for the security, order, or effective management of the institution. All such restrictions shall be documented on Form DC6-235, Record of Protective Management, and reported to the ICT. The ICT is authorized to restrict privileges on a continuing basis after a determination that such restrictions are necessary for the security, order, or effective management of the institution. The ICT's decision for continuing restriction shall be documented on Form DC6-235, Record of Protective Management.

(5) Work Assignments.

(a) Within 10 days of the protective management determination, work opportunities consistent with medical grades shall be available to inmates in protective management during the day, evening, or night hours. All inmates shall be provided the opportunity for work assignments regardless of medical grade except when precluded by doctor's orders for medical reasons. Work shall be cancelled for an individual inmate or a work squad when Department staff concludes the work or work assignment would subject the inmate to danger or if adequate protection is not available. Each occurrence of work cancellation must be documented with reasons for the action on Form DC6-210, Incident Report, and shall be reviewed by the warden or ICT the next working day. Refusal of a work assignment shall result in disciplinary action pursuant to Rules 33-601.301-.314, F.A.C. Inmates who refuse work assignments shall not be allowed other housing unit activities. Those who accept work assignments shall be subject to awards of gain time pursuant to Rule 33-601.101, F.A.C., in the same manner as inmates in general population.

(b) Inmates in protective management who are medically able to work and who work shall be afforded an opportunity for at least an additional 20 hours of out-of-cell time per week for activities. Each protective management unit shall have a day room or common area equipped with similar equipment, recreational and otherwise, as those for inmates in general population provided that such equipment does not compromise the safety or security of the institution.

(6) Restraint and Escort Requirements.

(a) Protective management inmates shall be handcuffed or otherwise restrained when individual security concerns associated with that inmate require such action.

(b) Protective management inmates shall be subject to searches in the same manner as inmates in general population in accordance with Rule 33-602.204, F.A.C.

(7) Contact by Staff.

(a) The following staff members shall be required to officially inspect and tour the protective management unit. All visits by staff shall be documented on Form DC6-228, Inspection of Special Housing Record. Form DC6-228 is incorporated by reference in Rule 33-601.800, F.A.C. The staff member shall also document his or her visit on Form DC6-235, Record of Protective Management, if, during the visit by staff, any discussion of significance, any action or behavior of the inmate occurs, or any information is obtained that may have an effect on the inmate's protective management status. These visits shall be conducted at a minimum of:

1. At least every 30 minutes by a correctional officer, but on an irregular schedule.
2. Daily by the housing supervisor.
3. Daily by the shift supervisor on duty for all shifts except in cases of riot or other institutional emergency.
4. Daily by a clinical health care personnel.
5. Weekly by the Chief of Security (when on duty at the facility) except in cases of riot or other institutional emergency.
6. Weekly by the chaplain. More frequent visits shall be made upon request of the inmate if the chaplain's schedule permits.
7. Weekly by the warden and assistant wardens.
8. At least once a week by a classification officer.
9. At least once a month by a member of the ICT to ensure that the inmate's welfare is properly provided for, and to determine the time and method of release or any program changes.

(b) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate exhibits bizarre, mentally disordered, or self-destructive behavior, the medical department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated. Suicidal inmates shall be removed to a designated area where a correctional officer or health care staff can provide observation. Visual checks shall be made in accordance with medical protocols or at least every 30 minutes and shall be documented on Form DC4-650, Observation Checklist, until the inmate is no longer considered a special risk inmate. Form DC4-650 is incorporated by reference in Rule 33-602.220, F.A.C. All actions taken by staff regarding special risk inmates shall be documented on Form DC6-229, Daily Record of Special Housing, and Form DC6-210, Incident Report. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C.

(8) Review of Protective Management Status.

(a) The ICT shall review inmates in protective management every week for the first 60 days. The goal shall be toward returning the inmate to general population as soon as the facts of the case indicate that this can be done safely.

(b) Any inmate assigned to protective management for more than 30 days shall be given a psychological screening assessment by a mental health professional to determine his or her mental condition. The assessment shall include a personal interview if

deemed necessary by the mental health professional. All such assessments shall be documented in the mental health record. The psychologist or psychological specialist shall prepare a report to the ICT regarding the results of the assessment with recommendations. The ICT shall then make a decision regarding continuation of the protection needs. Any recommendations by the psychologist or psychologist specialist that the inmate be released from protective management shall be forwarded by the ICT to the SCO. If the decision is to continue protective management, a psychological screening assessment shall be conducted at least every 90 days.

(c) In addition to the ICT's review as outlined in paragraph (8)(a) above, the ICT shall interview each inmate in protective management at least every 30 days and shall prepare a formal assessment and evaluation report. Such reports may be in a brief paragraph form detailing the basis for protection, what has transpired since the last report, the decision concerning continued protection, and the basis for that decision.

(d) The SCO shall review all reports prepared by the ICT concerning an inmate's protective management status and may interview the inmate before determining the final disposition of the inmate's protective management status. However, the State Classification Office shall conduct an onsite interview with each inmate at least once every six months or as often as necessary to determine if continuation, modification, or removal from protective management status is appropriate.

(e) If the inmate submits a request for release in writing at any time after being placed in protective management, the housing supervisor shall provide the inmate with a Form DC6-203, Protection Waiver/Appeal Decision. Form DC6-203 is incorporated by reference in Rule 33-602.220, F.A.C. The inmate shall complete Form DC6-203 and return it to the housing supervisor for submission to the ICT along with the inmate's written request. The ICT shall docket and review the inmate's request and interview the inmate. The ICT shall submit its recommendation along with Form DC6-203 and any other relevant documentation to the SCO for final consideration. The SCO review and decision shall be conducted during the next routine on-site visit.

(9) Protective Management Records.

(a) A printed copy of Form DC6-235, Report of Protective Management, shall be maintained for each inmate placed in protective management.

(b) Form DC6-228, Inspection of Special Housing Record, shall be maintained in each protective management unit. Each Department staff person shall sign the record when entering and leaving the protective management unit. Prior to leaving the protective management unit, each Department staff member shall indicate any specific problems including any inmate who requires medical attention. No other unit activities shall be recorded on Form DC6-228.

(c) Form DC6-235, Record of Protective Management, shall be maintained for each inmate as long as the inmate is in protective management. Once the inmate is released from protective management, Form DC6-235 shall be forwarded to classification to be filed in the institutional inmate record. This form shall be used to record any action, remarks, or disposition made on a specific inmate. Notations shall be made on Form DC6-235 by medical staff, the ICT, the SCO, and other Department staff who interacts directly with the inmate. If items are denied or removed from the inmate, the senior correctional officer on duty must approve the action. The central office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on the Form DC6-235 and the chief of security shall make the final decision regarding to the appropriateness of that action no later than the next working day following the action. The housing supervisor shall document any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be documented.

(d) Form DC6-209, Housing Unit Log, shall be maintained in each protective management unit. Officers shall record all daily unit activities on Form DC6-209, including any special problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review. Form DC6-209 is incorporated by reference in Rule 33-601.800, F.A.C.

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