
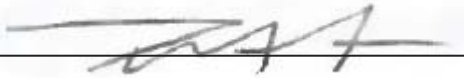


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POLICY NUMBER: 15.5		
CHAPTER 15: SPECIAL HOUSING		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VIII
	EFFECTIVE DATE: September 9, 2014	LATEST REVISION: July 1, 2020

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

All Department Adult Facilities

III. POLICY

The Department of Corrections recognizes that some prisoners in its adult facilities who are in a restrictive housing unit may need to be housed separately in special management housing for a period of intensive security and programming when a return to general population may pose a repeated or serious threat to the safety of others, risk of escape, or another repeated or serious threat to facility security. The purpose of this policy is to provide governance for the supervision of prisoners in the Administrative Control Unit (ACU). *5-ACI-4A-04*

This policy does not govern prisoners on disciplinary restriction, on disciplinary segregation status, administrative status, or protective custody status, or in the Intensive Mental Health Unit (IMHU).

IV. DEFINITIONS:

1. Administrative Control Unit – A special management housing unit in which a prisoner is confined in a cell for less than twenty-two (22) hours per day for a period of intensive security and programming when a return to general population may pose a repeated or serious threat to the safety of others, risk of escape, or another repeated or serious threat to facility security.

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2. Licensed clinician – A psychiatrist, psychologist, psychiatric nurse practitioner, licensed clinical social worker, licensed clinical professional counselor, or licensed marriage and family therapist.
3. Serious bodily injury – a bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for the recovery of physical health.
4. Special management housing – Housing that separates a prisoner from the general population and restricts the prisoner to his or her cell for the safe and secure operation of the facility, but for fewer than twenty-two (22) hours per day.

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VII. PROCEDURES

Procedure A: Referral to the Administrative Control Unit

1. Placement in the Administrative Control Unit (ACU) at the Maine State Prison may occur when a prisoner in a restrictive housing unit may need to be housed separately in special management housing for a period of intensive security and programming when a return to general population may pose a repeated or serious threat to the safety of others, risk of escape, or another repeated or serious threat to facility security.

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2. If a prisoner has been on administrative status or disciplinary segregation status in a Maine State Prison restrictive housing unit for sixty (60) days or more, the unit management team of the housing unit where the prisoner was housed prior to placement on that status may determine whether to refer the prisoner for placement in the Administrative Control Unit (ACU).
3. The Chief Administrative Officer, or designee, of another departmental adult facility may refer a prisoner on administrative status or disciplinary segregation status at that facility for placement in the ACU at the Prison by requesting the Department's Director of Classification, or designee, to approve the transfer of the prisoner to the Maine State Prison for consideration of placement in the ACU. The request and the decision on the request shall be documented in CORIS.
4. If the transfer is approved, the prisoner shall be placed in the appropriate restrictive housing unit at the Maine State Prison.
5. If a prisoner who has been transferred is retained on administrative status or disciplinary segregation status for sixty (60) days or more, the Unit Management Team of the housing unit where the prisoner was housed prior to the transfer shall determine whether to refer the prisoner for placement in the ACU.
6. A prisoner may be placed in the ACU when one or more of the following criteria is met:
 - a. the prisoner poses a repeated or serious threat to the safety of another person requiring a period of intensive security and programming;
 - b. the prisoner poses a risk of escape requiring a period of intensive security and programming; or
 - c. the prisoner poses another repeated or serious threat to facility security requiring a period of intensive security and programming.
7. Facts and circumstances that may lead to a determination that a prisoner meets one or more of the above criteria include that the prisoner:
 - a. intentionally caused or attempted to cause the death of another person while incarcerated;
 - b. intentionally caused or attempted to cause serious bodily injury to another person while incarcerated;
 - c. participated in a hostage or riot situation while incarcerated;
 - d. was in the possession of a deadly instrument while incarcerated;
 - e. was in the possession of an escape tool;
 - f. escaped or attempted an escape from a correctional facility with a secure perimeter, whether from the facility itself, during a transport, or otherwise while in the physical custody of facility staff, but not from a furlough or a

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community transition program, or otherwise while not in the physical custody of facility staff;

- g. has a documented pattern while incarcerated of assaultive behavior that places other persons at risk of death or serious bodily injury;
 - h. has a documented pattern while incarcerated of sexual aggressiveness that places other persons at risk of gross sexual assault; or
 - i. has planned, solicited (including by commanding or inducing), conspired about, or acted as an accessory to an action that placed another person at risk of death, serious bodily injury, or gross sexual assault or that posed a serious threat to facility security while incarcerated based on credible and documented intelligence and investigative information from a facility Special Investigations and Intelligence Unit or a facility correctional investigative officer (detective).
8. If the prisoner is referred for placement in the Administrative Control Unit (ACU), the Unit Manager, or designee, for the unit team making the referral shall document the rationale for referring the prisoner for placement in the ACU on the Administrative Control Unit Referral form (Attachment A) and shall specify which of the criteria as set out above and which of the behaviors as set out above form the basis for the referral for placement of the prisoner in the ACU.

Procedure B: Review of Referral for Administrative Control Unit Placement

- 1. If a prisoner is referred for placement in the ACU and the prisoner is still on administrative status or disciplinary segregation status, the Maine State Prison ACU Review Board shall conduct a review of the referral to determine whether placement in the ACU is appropriate based on whether one or more the criteria set out in Procedure A above is met.
- 2. The ACU Review Board shall be chaired by the Warden and shall include the Deputy Warden of Security, Deputy Warden of Programming, Prison Director of Security, Unit Manager of the Prison restrictive housing unit, Prison SII Lieutenant, and Prison Director of Behavioral Health, or their respective designees.
- 3. The review shall not occur sooner than sixty (60) days after the prisoner has been on administrative status or disciplinary segregation status at the Prison and/or other Department adult facility.
- 4. The Unit Manager, or designee, of the restrictive housing unit shall provide to the prisoner a copy of the Administrative Control Unit Referral form a minimum of forty-eight (48) hours prior to the ACU Review Board review. The prisoner may not waive the forty-eight (48) hour notice for this review.

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5. The staff providing the form to the prisoner shall record, on the original form, the date and time of provision of the copy of the form to the prisoner. The original shall be maintained in the prisoner's unit file.
6. The criteria and behaviors specified shall be read to the prisoner, who shall also be notified that he may attend the review and submit a written statement for the review.
7. Unless the prisoner's behavior warrants denying the prisoner's presence, the prisoner shall be allowed to attend the review.
8. If the prisoner's behavior warrants denying the prisoner's presence at the review, documentation of the denial and the behavior shall be made on the Administrative Control Unit Review Minutes form (Attachment B) and in CORIS and the review shall proceed in the prisoner's absence.
9. If a prisoner refuses to attend the review, the refusal shall be documented on the form and in CORIS and the review shall proceed in the prisoner's absence. The prisoner shall be given the opportunity to submit a written statement prior to the review and any written statement shall be attached to the form and summarized in CORIS.
10. If present at the review, the prisoner may respond orally or submit a statement in writing. A summary of the prisoner's oral statement, if any, shall be documented on the form and in CORIS and any written statement shall be attached to the form and summarized in CORIS.
11. The ACU Review Board may recommend that the prisoner:
 - a. be placed in the ACU; or
 - b. not be placed in the ACU.

The Unit Manager, or designee, shall ensure that the recommendation and the reason(s) for the recommendation are documented on the Administrative Control Unit Review Minutes form and in CORIS.

12. If the ACU Review Board recommends that the prisoner be placed in the ACU, the reason(s) shall include an explanation as to why the board believes one or more of the criteria set out in Procedure A is met based on facts known and circumstances in existence at the time of the review.
13. A prisoner shall not be recommended for placement in the ACU based solely on the nature of the crime which resulted in the prisoner's incarceration. However, the nature of the crime may be considered in combination with other facts and circumstances as set out above when making a recommendation.

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14. A prisoner shall not be recommended for placement in the ACU based solely on behavior during a previous incarceration. However, such behavior may be considered in combination with other facts and circumstances as set out above when making a recommendation.
15. It shall not be recommended that any prisoner be placed in the Administrative Control Unit (ACU) merely because there is an ongoing investigation or merely because there is a disciplinary write up, disciplinary hearing, or disciplinary appeal pending.
16. The Unit Manager, or designee, shall forward the form to the Department's Director of Classification, or designee.
17. After conferring with the Department's Director of Security, Regional Director of Behavioral Health, and other appropriate staff, the Department's Director of Classification shall decide whether the prisoner is to be placed in the ACU. The Director of Classification shall document his or her decision on the form and return it to the Unit Manager, or designee, of the restrictive housing unit, and the Unit Manager, or designee, shall document the decision in CORIS. The copy of the form returned by the Director of Classification shall be maintained in the prisoner's unit file.
18. If the prisoner is not placed in the ACU, the prisoner shall be reviewed by the restrictive housing unit team, in collaboration with other unit teams as appropriate, for a recommendation as to appropriate status and housing. The review shall be conducted in accordance with the applicable departmental policy.

Procedure C: Health Care Services

1. When a prisoner is placed in the ACU, the Unit Manager, or designee, of the ACU shall immediately notify the facility health care staff, who shall provide a screening and review as set out in Department Policy (AF) 18.5, Health Care Services. The notification shall be recorded in CORIS. *5-ACI-4A-01*
2. If there is any medical or mental health condition that might contraindicate the placement, the Unit Manager, or designee, of the ACU shall consult with the facility Health Services Administrator, or designee, to determine whether the identified problem(s) can be resolved. If not, the Unit Manager, or designee, shall notify the Warden, or designee, who shall notify the Commissioner, or designee, for a decision regarding how to proceed. Any consultation, decision(s), and notification shall be documented in CORIS.
3. Prisoners placed in the ACU shall receive the same medical and behavioral health services as provided to general population prisoners. An exception may be made by a security supervisor, provided the staff making the exception obtains the approval of the Unit Manager or, if the Unit Manager is not on duty, the Shift Commander, prior to or immediately after the exception. The exception may be

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made, on a case-by-case basis, when a prisoner's behavior indicates a threat to medical, behavioral health, or other staff. In such a case, if possible, the provision of medical or behavioral health services shall be modified to ensure the safety of staff.

4. Approval for a prisoner to receive modified medical or behavioral health services or for another exception to medical or behavioral health services shall be recorded in the unit log. In addition to recording the information in the unit log, the staff person making the request shall complete an Incident Report in CORIS, which shall be reviewed by the Unit Manager as soon as practicable. The exception shall last only as long as necessary, and the approval for the exception and the duration of the exception shall be recorded in CORIS. Any exception shall also be posted on the prisoner's cell door.
5. A prisoner in the Administrative Control Unit (ACU) shall be provided medication as prescribed by facility health care staff. *5-ACI-4A-15*
6. The facility physician shall visit prisoners in the ACU as determined necessary by the Department's contracted health care services provider. *5-ACI-4A-01*
7. A licensed clinician shall meet with a prisoner in the ACU and shall complete: *5-ACI-4A-10*
 - a. A mental health appraisal if the prisoner remains in the ACU for more than thirty (30) days;
 - b. A behavioral health assessment at least every thirty (30) days thereafter for a prisoner with a diagnosed behavioral health disorder and more frequently if clinically indicated; or
 - c. a behavioral health assessment at least every three (3) months thereafter for all other prisoners and more frequently if clinically indicated.

The licensed clinician staff shall record the meetings in the housing log and the prisoner's electronic health care record and shall include reports of the appraisal and assessments in the prisoner's electronic health care record.

8. The above reports or summaries of the reports shall be made available to the Unit Manager, or designee, and the Chief Administrative Officer, or designee, as applicable, so that this information can be taken into consideration prior to the prisoner's next ACU review.

Procedure D: Administrative Control Unit Reviews

1. The ACU Review Board shall conduct an ACU housing review to determine if continued placement in the ACU is appropriate based on whether one or more of the criteria set out in Procedure A, as applicable, above is met: *5-ACI-4A-07*

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- a. at least every thirty (30) days for the first six (6) months, which must include, but not necessarily be limited to, a determination of the need for continued placement in the ACU.

(The 7 day reviews conducted while the prisoner was on administrative status or disciplinary segregation status meet the requirement for 7 day reviews for the first sixty (60) days after a prisoner’s removal from the general population.)

- 2. Unless the prisoner’s behavior warrants denying the prisoner’s presence, the prisoner shall be allowed to attend each review. At least one day prior to each review, the Unit Manager, or designee, shall notify the prisoner of the review and the prisoner’s ability to attend and to submit a written statement for the review, and the Unit Manager, or designee shall document the notification in CORIS.
- 3. If the prisoner’s behavior warrants denying the prisoner’s presence at one of the reviews, documentation of the denial and the behavior shall be made on the Administrative Control Unit Review Minutes form (Attachment B) and in CORIS and the review shall proceed in the prisoner’s absence.
- 4. If a prisoner refuses to attend one of the reviews, the refusal shall be documented on the form and in CORIS and the review shall proceed in the prisoner’s absence. The prisoner shall be given the opportunity to submit a written statement prior to the review and any written statement shall be attached to the form and summarized in CORIS.
- 5. If present at the review, the prisoner may respond orally or submit a statement in writing. A summary of the prisoner’s oral statement, if any, shall be documented on the form and in CORIS and any written statement shall be attached to the form and summarized in CORIS.
- 6. The ACU Review Board shall recommend that the prisoner:
 - a. remains in the ACU, at least until the next review; or
 - b. be removed from the ACU.
- 7. The Unit Manager, or designee, shall ensure that the recommendation and the reason(s) for the recommendation are documented on the Administrative Control Unit Review Minutes and in CORIS.
- 8. If the board recommends that the prisoner remains in the ACU, the reason(s) shall include an explanation as to why the board believes one or more of the criteria set out in Procedure A is met based on facts known and circumstances in existence at the time of the review.
- 9. It shall not be recommended that any prisoner remain in the ACU merely because there is an ongoing investigation or merely because there is a disciplinary write up, disciplinary hearing, or disciplinary appeal pending.

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10. If a prisoner who is being retained in the ACU receives a disciplinary disposition of disciplinary segregation, the prisoner shall be moved to a restrictive housing unit to serve that disposition and shall be treated in accordance with Department Policy 15.2 (AF), Disciplinary Segregation Status. The prisoner shall be returned to the ACU after the disposition is over. A prisoner in the ACU who receives a disciplinary disposition of disciplinary restriction shall serve that disposition in the ACU and while serving that disposition shall not be allowed to participate in the ACU privilege level system.
11. When conducting a review of a prisoner who the board is recommending remain in the Administrative Control Unit (ACU), the board shall consider opportunities to increase a prisoner's time out of cell for program opportunities, prosocial activity, and/or an attempt to target the behaviors that led to the placement. The Unit Manager, or designee, shall document this consideration in CORIS.
12. The Unit Manager, or designee, shall forward the form to the Department's Director of Classification, or designee.
13. After conferring with the Department's Director of Security, Regional Director of Behavioral Health, and other appropriate staff, the Department's Director of Classification, or designee, shall decide whether the prisoner is to remain in the ACU. The Director of Classification shall document his or her decision on the form and return it to the Unit Manager, or designee, of the ACU, and the Unit Manager, or designee, shall document the decision in CORIS. The copy of the form returned by the Director of Classification shall be maintained in the prisoner's unit file.
14. The original of the form shall be maintained in the prisoner's unit file.
15. In addition, a prisoner shall not remain in the ACU for more than six (6) months unless that is reviewed and approved by the Commissioner, or designee. If the Director of Classification, or designee, has given approval for the prisoner to remain in the ACU, the Director of Classification, or designee, shall forward the Administrative Control Unit Review Minutes form to the Commissioner, or designee. The Commissioner, or designee, shall document his or her decision on the form and return it to the Unit Manager, or designee, and the Unit Manager, or designee, shall document the decision in CORIS. The copy of the form returned by the Commissioner, or designee, shall be maintained in the prisoner's unit file.
16. If the prisoner is retained in the ACU for more than six (6) months, the ACU Review Board shall conduct additional reviews of the status of the prisoner at least every ninety (90) days thereafter using the same process as set out above for reviews conducted by the unit team.

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17. The continued retention of the prisoner in the ACU as a result of these reviews by the board requires the review and approval of the Director of Classification, or designee, and the Commissioner, or designee, obtained in the same way as set out above for retention of the prisoner in the ACU for more than six (6) months.
18. If the prisoner has not signed a waiver of the right to appeal a recommendation of the ACU Review Board as set out in Procedure E. below, the Commissioner, or designee, shall not make a decision whether to approve the continued retention of the prisoner in the ACU until after reviewing any timely appeal from the prisoner or until the time for filing a timely appeal has passed, whichever is applicable.
19. After the 6th 30 day review by the ACU Review Board and in between any additional reviews by the ACU Review Board, the ACU unit team shall conduct additional, informal reviews of the status of the prisoner at least every thirty (30) days. These reviews shall not require notice to the prisoner, the prisoner's attendance, or the ability of the prisoner to submit an oral or written statement. These reviews shall be documented in CORIS.
20. Unless the unit team recommends the prisoner be removed from the ACU at one of the reviews, these reviews shall not be documented on a form and the Director of Classification, or designee, shall not be required to review and approve any recommendation. If the unit team recommends the prisoner's removal from the ACU, that recommendation shall be documented on the Administrative Control Unit Review Minutes (Unit Team) form (Attachment B-1), as well as in CORIS, and, if approved by the Warden, or designee, after consultation as necessary with appropriate other staff, the form shall be forwarded by the Unit Manager, or designee, to the Director of Classification, or designee, for review and final decision.
21. The Commissioner, or designee, may, at any time, remove a prisoner from the ACU, and the Unit Manager, or designee, shall document any such removal in CORIS.

Procedure E: Appeals

1. An appeal is not allowed of a decision made to refer a prisoner for placement in the ACU.
2. An appeal is not allowed of a decision of the Commissioner, or designee, to approve the retention of a prisoner in the ACU for more than six (6) months or of a decision of the Commissioner, or designee, to approve the retention of a prisoner in the ACU as a result of a review by the ACU Review Board.
3. An appeal is not allowed of an informal thirty (30) day review by the unit team or of a decision not to approve a recommendation by the unit team made at such a review to remove a prisoner from the ACU.

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4. If the Department's Director of Classification determines that a prisoner should be placed in the ACU, the Unit Manager, or designee, shall advise the prisoner that he may appeal the decision to the Commissioner, or designee.
5. The Unit Manager, or designee, shall ask the prisoner whether he wishes to waive the right to appeal. If the prisoner signs the waiver on the Administrative Control Unit Review Minutes form, no appeal shall be considered.
6. Any written waiver signed by a prisoner as part of the ACU placement process is final and may not be withdrawn.
7. If the prisoner signs a waiver of the right to appeal, the prisoner shall be placed in the Administrative Control Unit (ACU) as soon as possible.
8. If the prisoner does not sign the waiver, the Unit Manager, or designee, shall provide the prisoner with a copy of the Administrative Control Unit Review Minutes form and a Prisoner Appeal of Administrative Control Unit Housing form (Attachment C) and shall also inform the prisoner to submit any appeal to the Unit Clerk.
9. If the prisoner does not sign a waiver of the right to appeal, the prisoner may submit an appeal, which must be received by the Unit Clerk within five (5) days of the prisoner's receipt of the decision made by the Director of Classification.
10. If the prisoner does not submit a timely appeal, the prisoner shall be placed in the ACU five (5) days after the prisoner's receipt of the decision made by the Director of Classification..
11. An appeal that is submitted even though a waiver has been signed or an appeal that is submitted late shall not be acted upon and the prisoner shall remain in the ACU.
12. If the prisoner has not waived the right to appeal the placement and submits an appeal within the required time frame, the Unit Clerk shall forward the appeal to the Commissioner, or designee.
13. The prisoner shall not be placed in the Administrative Control Unit unless the Commissioner, or designee, makes a decision on the appeal approving the placement.
14. If a prisoner who is to be placed in the ACU still has disciplinary segregation time to serve, the placement shall be delayed until the disciplinary segregation time is over.
15. If a prisoner is retained in the ACU as a result of one of the ACU Review Board's reviews, the Unit Manager, or designee, shall advise the prisoner that he may appeal the decision to the Commissioner, or designee.

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16. The Unit Manager, or designee, shall ask the prisoner whether he wishes to waive the right to appeal. If the prisoner signs the waiver on the Administrative Control Unit Review Minutes form, no appeal shall be considered.
17. Any written waiver signed by a prisoner as part of the ACU review process is final and may not be withdrawn.
18. If the prisoner does not sign the waiver, the Unit Manager, or designee, shall provide the prisoner with a copy of the Administrative Control Unit Review Minutes form and a Prisoner Appeal of Administrative Control Unit Housing form (Attachment C) and shall also inform the prisoner that the appeal is to be submitted to the Unit Clerk.
19. If the prisoner does not sign a waiver of the right to appeal, the prisoner may submit an appeal, which must be received by the Unit Clerk within five (5) days of the prisoner's receipt of the decision made by the Warden, or designee, after the review.
20. Any appeal, whether of a decision to place a prisoner in the ACU, or to retain a prisoner in the ACU, if timely, must be decided within thirty (30) days of its receipt by the Commissioner, or designee.
21. Upon review of the appeal, the Commissioner, or designee, as applicable, may:
 - a. approve the decision; or
 - b. reverse the decision.
22. The Commissioner, or designee, is the final authority for this appeal (no further appeals are allowed).
23. A copy of the appeal and the decision on the appeal shall be provided to the prisoner and the original shall be maintained in the prisoner's unit file. The Unit Manager, or designee, shall document the decision in CORIS.

Procedure F: Conditions for Prisoners in the Administrative Control Unit

1. The Unit Manager, or designee, shall ensure prisoners receive an orientation to the Administrative Control Unit (ACU) within twenty-four (24) hours of placement and that the orientation is documented in CORIS. The orientation shall include written information regarding schedules and access to programs and services, as well as verbal explanation of this and other relevant information.
2. A prisoner in the ACU whose conduct is satisfactory is eligible to earn deductions (good time) for conduct on the same basis as prisoners in general population, as set out in Department Policy (AF) 11.5, Calculation of Prisoner Release Date, and is also eligible to earn deductions (good time) for work, education, or other programs, as set out in that policy.

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3. Posted on each cell door shall be the prisoner's photograph, MDOC number, status (ACU), any exceptions to the conditions below, any suicide and self-injury watch, and any other pertinent information.
4. Prisoners in the ACU shall be provided living conditions that approximate those of general population prisoners regarding cell size, lighting, heat, and ventilation, and *5-ACI-4A-02*
 - a. cell design shall permit the prisoners assigned to the cells to converse with and be observed by staff; and *5-ACI-4A-02*
 - b. prisoners in the unit shall be single-celled.
5. Space is available either inside the housing unit or external to the unit for behavioral health staff consultation with prisoners.
6. Commissary purchases shall be allowed for items needed for correspondence and personal hygiene items and otherwise in accordance with the ACU Privilege Level Chart (Attachment D).
7. Unless an exception is made in accordance with this policy, the following shall apply to prisoners in the Administrative Control Unit (ACU):
 - a. Mail: *5-ACI-4A-20*
 - 1) Incoming and outgoing mail shall be permitted as per Department Policy (AF) 21.2, Prisoner Mail.
 - 2) The prisoner shall be provided envelopes, paper, and writing instruments as necessary for outgoing correspondence, if not purchased through the commissary.
 - b. Phone calls:
 - 1) The prisoner may make privileged phone calls in accordance with Department Policy 21.3 (AF), Prisoner Telephone System.
 - 2) Unless further restrictions have been imposed on other phone calls pursuant to applicable Department policies, the prisoner shall be allowed other phone calls in accordance with the ACU Privilege Level Chart.
 - c. Visits: *5-ACI-4A-21*
 - 1) The prisoner shall be allowed professional visits in accordance with Department Policy 21.4 (AF), Prisoner Visitation.
 - 2) Unless further restrictions have been imposed on regular visits pursuant to applicable Department policies, the prisoner shall be allowed one (1) regular visit per week.

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- 3) All regular and professional visits may be non-contact, which may include video visitation.
- d. Legal Materials: *5-ACI-4A-22*
- 1) Prisoners shall be permitted to access legal materials using electronic legal research service terminal(s) in the ACU, if available, or by requesting access to legal materials from the law library in accordance with Department Policy 24.4 (AF), Library Services and facility practices.
 - 2) Access to the legal research terminals in the unit may be scheduled for up to one (1) hour per day, five (5) days per week.
 - 3) Additional access may be permitted by the Unit Management Team as determined necessary in connection with an active case.
- e. Out of Cell time of more than two (2) hours daily shall be offered:
- 1) to leave the cell for core programs (programs identified by the unit management team as necessary to address high risk areas specific to the prisoner, e.g., substance use treatment, domestic violence program, cognitive-behavior therapy, etc.);
 - 2) to leave the cell for group religious ceremonies for the prisoner's faith group;
 - 3) to leave the cell or the housing unit for meals or law library services if allowed by facility practice;
 - 4) for out-of-cell exercise for two (2) hours per day, seven (7) days per week, outdoors (weather permitting). If weather does not permit exercise outdoors, out-of-cell exercise shall be offered indoors; and
 - 5) otherwise in accordance with the ACU Privilege Level Chart. *5-ACI-4A-24*
- f. Health care items shall be permitted as determined necessary by the facility health care provider. If an item might create a risk to safety or security, the Unit Manager, or designee, shall consult with the health care provider about other alternatives.
- g. Reading materials may be accessed on a weekly basis from the library in accordance with facility practices. A prisoner may not have hard cover books and may only have only fifteen (15) soft cover books at a time. *5-ACI-4A-23*
- h. Except for any personal electronic entertainment items or musical instruments, the prisoner may retain allowable personal property items, including, but not limited to:
- 1) personal legal materials, written religious materials, correspondence and writing materials that can be contained in the approved storage

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box/container. Any additional legal materials shall be stored and made available within a reasonable period of time, upon written request, on an even exchange basis;

- 2) personal religious items that prisoners in general population are permitted to keep in their cells;
- 3) personal hygiene items listed below;
- 4) personal photos that prisoners in general population are permitted to keep in their cells;
- 5) personal reading materials that prisoners in general population are permitted to keep in their cells; and
- 6) a wedding ring, if applicable.

i. The prisoners shall receive the following services on the same basis as prisoners in general population: *5-ACI-4A-17*

- 1) laundry;
- 2) barbering and hair care services;
- 3) at least three (3) clothing exchanges per week;
- 4) issuance and exchange of bedding and linen; and
- 5) opportunity to shower and shave at least three (3) times per week.

5-ACI-4A-16

j. The prisoners shall be provided the following: *5-ACI-4A-15*

- 1) toilet, sink and running water;
- 2) personal hygiene items:
 - a) toothbrush
 - b) toothpaste
 - c) comb or brush
 - d) soap
 - e) deodorant
 - f) feminine hygiene items, as gender-appropriate
 - g) toilet paper
 - h) access to shaving implements
 - i) drinking cup
- 3) linens and bedding:
 - a) 1 towel
 - b) 1 washcloth
 - c) 2 bed sheets
 - d) 1 pillowcase

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- e) 2 blankets
 - f) 1 pillow
 - g) 1 mattress
- 4) clothing, which shall be similar to that provided to general population prisoners: *5-ACI-4A-15*
- a) 3 sets of pants and shirts
 - b) 3 complete sets of underwear, appropriate by gender
 - c) 3 pairs of socks
 - d) 2 pairs of footwear
 - e) access to a jacket or coat, hat, and gloves for outdoor exercise or transport, when seasonally necessary.
8. An exception to any of the above may be made by a security supervisor, provided the staff making the exception obtains the approval of the Unit Manager or, if the Unit Manager is not on duty, the Shift Commander, prior to or immediately after the exception. The exception may be made, on a case-by-case basis, when it is necessary to prevent suicide or other self-injurious behavior, injury to others, damage to property of others, or risk to security.
9. Approval for an exception to any of the above shall be recorded in the housing unit log. In addition to recording the information in the unit log, the staff making the request shall complete an Incident Report in CORIS, which shall be reviewed by the Unit Manager as soon as practicable. The exception shall last only as long as necessary, and the approval for and duration of the exception shall be recorded in CORIS. Any exception shall also be posted on the prisoner's cell door. *5-ACI-4A-19*
10. If a prisoner is on a suicide and self-injury watch, the applicable provisions of Department Policy 18.6.2 (AF), Suicide and Self-Injury Prevention Plan shall be followed.
11. The prisoners may be served meals with trays and utensils consistent with reasonable precautions designed to protect safety, security, and orderly management of the facility.
12. The prisoners shall receive the same meals as provided to general population prisoners. An exception may be made when a prisoner is throwing food or otherwise using food or a food service implement in a manner that is hazardous to self, staff, or other prisoners. Alternative meal service shall be on a case-by-case basis, based only on safety or security considerations, shall meet basic nutritional requirements, and shall only occur if an exception is made by a security supervisor, provided the staff making the exception obtains the written approval of the Chief Administrative Officer, or designee, and the facility physician, physician assistant, or nurse practitioner, prior to the exception. In

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such a case, the prisoner may be given the same meal in a different form or a different meal of similar nutritional value up to seven (7) days.

13. The approvals for a prisoner to receive alternative meal service shall be recorded in the unit log. In addition to recording the information in the unit log, the staff person making the request shall complete an Incident Report in CORIS, which shall be reviewed by the Unit Manager as soon as practicable. The exception shall last only as long as necessary, and the approvals for and duration of the exception shall be recorded in CORIS. The alternative meal service shall also be posted on the prisoner's cell door. The alternative meal service shall not exceed seven (7) days at any one time. *5-ACI-4A-18*
14. Prisoners in the Administrative Control Unit (ACU), except those serving a disciplinary restriction disposition, may receive privileges in addition to those set out above in accordance with the ACU Privilege Level Chart (Attachment D).

Procedure G: Case Plans, Programs, and Services for Prisoners in the Administrative Control Unit

1. If after the first thirty (30) day review, the prisoner is approved for continued placement in the ACU, the case manager shall update the individualized case plan with the prisoner and update it after subsequent reviews as necessary.
2. The case plan shall include action steps and activities for the prisoner to engage in on a daily basis and for completion in the housing unit, preferably in cell. The case plan shall include steps to transition to less restrictive housing.
3. When updating the case plan, the case manager shall consider that prisoners in the ACU are to have access to programs and services that include, but are not limited to, the following: educational programs, commissary services (as set out above), library services, social services, behavioral health services, religious guidance, and recreational programs.
4. If programs and services are permitted to be provided by volunteers, they shall be provided on a non-contact basis only.
5. Prisoners may have access to programs and services using tablets if allowed by Department Policy (AF) 24.10.1, Computer Tablets, and facility practice.

Procedure H: Security Procedures

1. At a minimum, all prisoners in the ACU shall be observed in person by a correctional officer at least every twice per hour, but no more than thirty (30) minutes apart, on an irregular schedule. *5-ACI-4A-11*
2. Prisoners who are violent or mentally ill or who demonstrate unusual or bizarre behavior shall receive more frequent observation. The rationale for more

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frequent observation shall be documented in the unit log book and CORIS. *5-ACI-4A-11*

3. Prisoners in the ACU:
 - a. shall be in restraints and controlled by security staff when transported outside of the facility;
 - b. may be in restraints and controlled by security staff when escorted out of the housing unit in accordance with the ACU Privilege Level Chart; and
 - c. may otherwise be in restraints only when necessary for safety, security, or orderly management of the facility.
4. A prisoner may be temporarily restrained using stationary restraints (restraints attached to the floor, a wall or an immovable object) provided the use of stationary restraints is approved by the Commissioner, or designee, for prisoners in the ACU during a particular type of activity (e.g., while making a phone call, during group therapy, etc.) and provided the stationary restraints are used only under the conditions approved by the Commissioner, or designee, and only for the duration of the activity.
5. Staff may utilize shields or other barriers in front of cells to prevent or reduce the throwing of body fluids, food, drinks, or other items. Use of these barriers shall be approved by the Unit Manager, Shift Commander, or higher authority. They shall only be used as long as necessary to preserve safety, security, and sanitation. The barriers shall not impair staff view into the cell.

Procedure I: Additional Requirements for Staff *5-ACI-4A-12*

1. The assigned Correctional Sergeant shall visit the Administrative Control Unit (ACU) at least twice daily.
2. The Shift Commander shall visit the housing unit at least daily.
3. The Unit Manager, or designee, shall visit the housing unit at least daily.
4. The Chief Administrative Officer, or designee, shall visit the housing unit at least weekly.
5. At a minimum, visits to a prisoner in the ACU shall be made by facility health care staff daily (unless medical attention is needed more frequently) to ensure the prisoner has access to appropriate health care.
 - a. the presence of the health care staff shall be announced to the prisoners in the unit and recorded in the housing unit log by security staff; and
 - b. the health care staff shall observe each prisoner and inquire of each prisoner as to the prisoner's well-being. *5-ACI-4A-01*

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6. Staff from all programs available to prisoners in the ACU shall visit the housing unit at least weekly.
7. Case managers assigned to prisoners in the ACU shall personally visit each prisoner on his or her caseload a minimum of once per week.
8. Prisoners in the ACU shall be provided the opportunity to receive weekly visits from the facility chaplain to provide religious guidance. Prisoners may request further religious counseling through the chaplain.
9. Security staff shall inspect the cell of each prisoner in the ACU at least daily.
10. Staff who supervise or work with prisoners in in the Administrative Control Unit (ACU) on a regular basis shall be appropriately trained to perform duties relating to prisoners in that unit. The Chief Administrative Officer, or designee, shall establish practices to supervise and evaluate the performance of all staff who supervise or work with prisoners in the ACU on a regular basis and develop criteria for rotation of staff as necessary. *5-ACI-4A-13*

Procedure J: Release from the Administrative Control Unit

1. A prisoner shall be released from the ACU when the Director of Classification, or designee, determines retention in the ACU is no longer necessary as set out above or if the Commissioner, or designee, decides not to approve the retention of the prisoner in the ACU. The Unit Management Team for the ACU shall determine the appropriate housing unit for the prisoner to be placed in. Any disagreement about the appropriate placement shall be resolved by the Warden, or designee.
2. If appropriate, prior to release from the ACU, the ACU Unit Team, in consultation with the receiving housing unit’s unit management team, shall complete a plan for the transition of the prisoner into general population in accordance with applicable Department policies.

Procedure K: Intensive Mental Health Unit

1. A prisoner may not be placed in the ACU if, after evaluation in accordance with Department Policy 18.6.1, Intensive Mental Unit, it is determined the prisoner is more appropriate for placement in the Maine State Prison Intensive Mental Health Unit (IMHU).
2. If after placement in the ACU, a prisoner apparently becomes more appropriate for placement in the IMHU, the prisoner shall be evaluated in accordance with Department Policy 18.6.1, Intensive Mental Health Unit.
3. If a decision is made to release or discharge a prisoner from the IMHU who was transferred to the IMHU from the Administrative Control Unit, prior to the release

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or discharge, the Unit Management Team for the ACU, after consulting with IMHU behavioral health care staff, shall determine whether to recommend the prisoner's transfer back to the Administrative Control Unit by holding a review in accordance with Procedure D above. The Warden, or designee, shall make a determination whether to accept the team's recommendation.

Procedure L: Record Keeping

1. A log book shall be maintained within the ACU and shall be reviewed by the Unit Manager, or designee, at least daily. *5-ACI-4A-14*
2. All documentation pertaining to placement and reviews shall be done on forms as set out above and in CORIS for each prisoner in the ACU.
3. All other documentation shall be made in accordance with applicable Department policies and facility practice, including, but not limited to, in the unit log book, in activity and other logs, and in CORIS, as applicable, to include, but not be limited to:
 - a. counts;
 - b. security rounds and the observations made during those rounds;
 - c. major incidents of any type;
 - d. unusual occurrences and/or behavior;
 - e. visits by staff as set out in Procedure H.
 - f. daily cell inspections by staff
 - g. sick call and medication distribution;
 - h. when showers were offered and whether they were taken and by which prisoners:
 - i. when exercise was offered and whether it was taken and by which prisoners;
 - j. regular and professional visits;
 - k. privileged and emergency telephone calls;
 - l. requests to use legal research terminals in the unit and the responses to those requests;
 - m. alternative meals;
 - n. programs and services offered (e.g., education, religious services);
 - o. contact by health care staff;
 - p. reasons for any decision to refuse a property item, program, service, or activity;
 - q. any restrictions, exceptions, and special precautions; and

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- r. any deviations from a schedule along with the explanation.

VIII. PROFESSIONAL STANDARDS

ACA:

- 5-ACI-4A-01** (MANDATORY) When an offender is transferred to special management housing, health care staff will be informed immediately and will provide a screening and review, as indicated by the protocols established by the health authority. Unless medical attention is needed more frequently, each offender in special management housing receives a daily visit from a qualified health care professional. The visit ensures that offenders have access to the health care system. The presence of a health care provider in special management housing is announced and recorded. The frequency of physician visits to special management housing is determined by the health authority.
- 5-ACI-4A-02** Special management units provide living conditions that approximate those of the general inmate population; all exceptions are clearly documented. Special management cells/rooms permit the inmates assigned to them to converse with and be observed by staff members.
- 5-ACI-4A-04** When special management housing units exist, written policy and procedure govern their operation for the supervision of inmates under administrative status, protective custody, and disciplinary detention.
- 5-ACI-4A-07** Written policy, procedure, and practice provide for a review of the status of inmates in special management housing by the classification committee or other authorized staff group every seven days for the first two months and at least every 30 days thereafter.
- 5-ACI-4A-10** Written policy, procedure, and practice provide that a qualified mental health professional personally interviews and prepares a written report on any inmate remaining in special management housing for more than 30 days. If confinement continues beyond 30 days, a mental health assessment by a qualified mental health professional is made at least every 30 days for inmates who have an identified mental health need and every three months for all other inmates—more frequently if prescribed by the chief medical authority.
- 5-ACI-4A-11** Written policy, procedure, and practice require that all special management inmates are personally observed by a correctional officer twice per hour, but no more than 40 minutes apart, on an irregular schedule. Inmates who are violent or mentally disordered or who demonstrate unusual or bizarre behavior receive more frequent observation; suicidal inmates are under continuing or continuous observation.

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- 5-ACI-4A-12** Written policy, procedure, and practice provide that inmates in special management housing receive daily visits from the senior correctional supervisor in charge, daily visits from a qualified health care official (unless medical attention is needed more frequently), and visits from members of the program staff upon request.
- 5-ACI-4A-13** Written policy and procedure govern the selection criteria, supervision, and rotation of staff who work directly with inmates in special management housing on a regular and daily basis.
- 5-ACI-4A-14** Written policy, procedure, and practice provide that staff operating special management housing units maintain a permanent log.
- 5-ACI-4A-15** Written policy, procedure, and practice provide that all inmates in special management housing are provided prescribed medication, clothing that is not degrading, and access to basic personal items for use in their cells unless there is imminent danger that an inmate or any other inmate(s) will destroy an item or induce self-injury.
- 5-ACI-4A-16** Written policy, procedure, and practice provide that inmates in special management housing have the opportunity to shave and shower at least three times per week.
- 5-ACI-4A-17** Written policy, procedure, and practice provide that inmates in special management housing receive laundry, barbering, and hair care services and are issued and exchange clothing, bedding, and linen on the same basis as inmates in the general population. Exceptions are permitted only when found necessary by the senior officer on duty; any exception is recorded in the unit log and justified in writing.
- 5-ACI-4A-18** Alternative meal service may be provided to an inmate in special management housing who uses food or food service equipment in a manner that is hazardous to self, staff, or other inmates. Alternative meal service is on an individual basis, is based on health or safety considerations only, meets basic nutritional requirements, and occurs with the written approval of the warden/ superintendent, or designee and responsible health authority, or designee. The substitution period shall not exceed seven days.
- 5-ACI-4A-19** Written policy, procedure, and practice provide that whenever an inmate in special management housing is deprived of any usually authorized item or activity, a report of the action is filed in the inmate's case record and forwarded to the chief security officer.
- 5-ACI-4A-20** Written policy, procedure, and practice provide that inmates in special management housing can write and receive letters on the same basis as inmates in the general population.
- 5-ACI-4A-21** Written policy, procedure, and practice provide that inmates in special management housing have opportunities for visitation unless there are substantial reasons for withholding such privileges.
- 5-ACI-4A-22** Written policy, procedure, and practice provide that inmates in special management housing have access to legal materials.
- 5-ACI-4A-23** Written policy, procedure, and practice provide that inmates in special management housing have access to reading materials.

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5-ACI-4A-24

Written policy, procedure, and practice provide that inmates in special management housing receive a minimum of one hour of exercise per day outside their cells, five days per week, unless security or safety considerations dictate otherwise.

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