



<b>INTERNAL MANAGEMENT POLICY &amp; PROCEDURE</b>	<b>SECTION NUMBER</b>  14-105	<b>PAGE NUMBER</b>  1 of 8
	<b>CHAPTER &amp; SUBJECT:</b>  <b>SEGREGATION: Administrative Segregation Review Board</b>	
<b>Approved By:</b>    <b>Commissioner of the Juvenile Justice Authority</b>		<b>Original Date Issued:</b> 02/22/10
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**POLICY**

Youth shall be provided with a fair review process for admission to and release from segregation.

**DEFINITIONS**

Administrative Segregation: The non-punitive separation of a youth from the general population who is determined:

- To pose a threat to the safety or security of the facility;
- To pose a threat to self or others;
- To pose a threat to property;
- For his/her personal safety; or
- To meet medical or mental health care needs.

Administrative Segregation Review Board (Board): A committee who reviews the placement and status of youth in segregation.

Disciplinary Segregation: Confinement of a youth in a unit or on a status separate from the general population to serve a sentence imposed under established disciplinary procedures.

Emergency: An unforeseen circumstance or combination of circumstances that results in a threat to the safety and security of the facility and requires immediate action, such as:

- A youth disturbance;
- Hostage incident;
- Fire;
- Natural disasters; or
- Other immediate threats that cause a disruption of normal agency or facility operations.

Employee: For the purposes of this policy, any person:

- Employed on a full time or part-time basis by the Juvenile Justice Authority (JJA);
- Employed on a temporary appointment to JJA; or
- Employed by an entity under contract to provide services to JJA.

Intervention Plan (IP): A detailed, individual program used to:

- Help change youth behavior and understand the benefits of change;
- Establish behavioral, personal and educational goals;
- Identify ways to cope with stressors, change thoughts and behaviors, and the benefits of change; and
- Identify privileges and/or incentives that can be used to encourage positive behavior while on segregation status.

Security Risk: The actions, behaviors or conditions of a youth that present an imminent threat to:

- The safety of self;
- Other youth;
- Employees;
- Visitors;
- The public; or
- The facility.

Segregation: The temporary physical separation of a youth resident from the general population for:

- Health;
- Safety;
- Disciplinary; or
- Security reasons.

## **PROCEDURES**

### **I. Composition of Administrative Segregation Review Board**

- A. The superintendent shall appoint the Board.
1. The composition and effectiveness of the Board shall be reviewed by the superintendent at least annually.
  2. Whenever necessary, the superintendent may replace or substitute board members so that the goals of this policy can be met.
- B. The Board shall consist of the following:
1. One (1) member from the security staff of a Lieutenant's rank or higher;
  2. One (1) psychologist or psychiatrist; and
  3. The Health Services Administrator or a Registered Nurse.
- C. The superintendent shall appoint a chairperson from among the Board members who shall be responsible for:
1. Convening the Board meetings; and
  2. Preparing and distributing the Hearing Summary Report, Attachment A, Form #14-105-001.

### **II. Board's Review of Initial Placement of Youth on Administrative Segregation Status**

- A. The Board shall hold a hearing within 48 hours to review a youth's initial placement on administrative segregation status.
1. Saturdays, Sundays and holidays shall not be counted when establishing the 48 hour time period.

2. The Board shall not be required to review the status of a youth who is not held more than 24 hours.
- B. The Board shall explain to the youth in sufficient detail the reasons for initial placement on administrative segregation status to:
1. Permit the youth to understand the reason(s) for placement; and
  2. Respond to the Board.
- C. A youth shall be given an opportunity to personally present information to the Board that is related to his/her initial placement on administrative segregation status.
- D. The Board shall be authorized to obtain additional clarifying information from:
1. Employees involved in the youth's initial placement; or
  2. Other employees as deemed necessary by the Board to make an informed decision.
- E. All employees shall be required to cooperate with and provide information to the Board as requested.
1. Failure to comply with the Board's requests may subject an employee to:
    - a. Progressive discipline, up to and including dismissal; or
    - b. Result in being denied access to the facility.
- F. If the Board determines the youth is a security risk, the Board may remove or exclude the youth from the hearing.
1. If the decision is to remove or exclude a youth from a hearing, the Board shall:
    - a. Document it on the Hearing Summary Report Form;
    - b. Include the reasons justifying the decision and any supporting documentation; and
    - c. Attempt to gain information from the youth concerning his/her initial or continued placement on segregation status by:
      - (1) Interviewing the youth at his/her room door; or
      - (2) Obtaining a written statement from the youth.
        - (a) The Board chairperson shall ensure a youth wishing to provide a written statement receives any necessary assistance.
- G. At the conclusion of the hearing, the Board shall make a recommendation as to whether the youth shall remain on or be released from administrative segregation status.
1. The Board's recommendation shall:
    - a. Be documented on the Hearing Summary Report; and
    - b. Include the reasons for the continued placement or release.
  2. The Board may also amend the youth's IP.
  3. The Hearing Summary Report form shall be sent to the superintendent or designee for review.

4. The Board shall verbally advise the youth of the recommendation.
- H. Within 24 hours of receiving the Board's recommendation, the superintendent or designee:
1. May agree with or reverse the Board's recommendation;
    - a. Saturdays, Sundays and holidays shall not be counted when establishing the 24 hour time period.
  2. Shall document his/her decision on the Hearing Summary Report form;
  3. Include his/her reason(s) for the continued placement or release; and
  4. Provide the youth with a copy of the final decision.
- I. A youth released from administrative segregation may be:
1. Transferred to another facility if applicable;
  2. Returned to general population;
  3. Placed in another living unit; or
  4. Placed on another status suitable to his/her classification.
- J. The original Hearing Summary Report form shall be maintained in the youth's facility master file.

### **III. Regular Review of Youth's Administrative Segregation Status**

- A. The Board shall review the status of each youth twice a week using the hearing process outlined in Section II. of this policy until the youth is released from administrative segregation.
- B. The Board shall explain the reasons for continued placement on administrative segregation status in sufficient detail to permit the youth to:
  1. Understand the reason(s) for his/her placement; and
  2. Respond to the Board.
- C. Each youth shall be given the opportunity to personally present information related to his/her continued placement on administrative segregation status to the Board.
- D. A youth may submit a written request for release from administrative segregation to the Board.
  1. The request shall be reviewed at the next regular meeting of the Board after receipt of the request.

### **IV. Regular Review of Youth in Disciplinary Segregation**

- A. The Board shall review the status of each youth on disciplinary segregation status twice a week until the youth is released.
  1. The status review shall be used to determine whether the youth has maintained exceptionally good behavior while on disciplinary segregation status.
  2. The Board shall not be required to personally interview the youth before making a recommendation.

3. A youth may submit a written request for release from disciplinary segregation to the Board.
  - a. The request shall be reviewed at the next regular meeting of the Board after receipt of the request.
4. A youth may request to be interviewed by the Board before a recommendation is made.
  - a. The Board shall grant the request unless the youth is a security risk.
- B. If a hearing is held, the Board shall follow the hearing process outlined in Section II. of this policy.
- C. If the youth has maintained exceptionally good behavior, the Board may recommend that the superintendent modify the youth's sentence to suspend the remaining disciplinary segregation sentence.
- D. The superintendent may:
  1. Suspend the remaining time left on the disciplinary segregation sentence; or
  2. Decline to suspend the remaining time left on the disciplinary segregation sentence.
- E. The superintendent shall:
  1. Document the decision on the Hearing Summary Report;
  2. Include the reasons for suspending or declining to suspend the remaining time left on the disciplinary segregation sentence; and
  3. Provide the youth with a copy of the final decision.
- F. A youth released from disciplinary segregation may be:
  1. Transferred to another facility if applicable;
  2. Returned to general population; or
  2. Placed in another living unit or
  3. Placed on another status suitable to his/her classification.

**V. Emergency Suspension of Hearings**

- A. In the event of an emergency, the superintendent:
  1. May suspending the hearing requirements of this policy; and
  2. Shall notify the youth in writing of the hearing suspension.
- B. The hearings shall resume as soon as possible after the emergency has been resolved.

**VI. Staff Assistance for Youth**

- A. The superintendent or designee shall appoint a staff representative to assist the youth before the Board whenever it appears that the youth is not able to effectively represent himself/herself due to:
  1. The lack of mental acumen;
  2. The youth's developmental stage;

3. A language barrier; or
  4. Any other circumstance(s) that interfere with the youth's ability to comprehend or participate in the hearing process.
- B. The staff representative shall continue to assist the youth as long as he/she:
1. Remains on segregation status; and
  2. Is not able to communicate effectively to represent himself/herself.
- C. The superintendent may periodically assess the need for a staff representative.
- D. The superintendent or designee may appoint the same or a different staff representative to provide assistance if the youth:
1. Is returned to administrative segregation status in the future; and
  2. Remains unable to communicate effectively to represent himself/herself.

**VII. Youth's Absence from Facility**

- A. A youth's segregation status shall not be required to be reviewed during his/her absence from the facility.
1. Immediately upon the youth's return, the superintendent or designee shall review his/her status to:
    - a. Assess the continued need for segregation;
    - b. Consider the youth's reported conduct while away from the facility; and
    - c. Determine whether a less restrictive status is appropriate.
  2. If returned to segregation status, the youth's status shall be reviewed again at the next regularly scheduled Board hearing.

**VIII. Monthly Reports by Superintendent Concerning Youth on Segregation Status**

- A. The superintendent shall submit a monthly report to the Deputy Commissioner on youth held in any segregation status for the past 30 days.
1. The Deputy Commissioner may request the superintendent provide the report on a more frequent basis.
- B. The report shall contain the following information:
1. Name of youth;
  2. Age;
  3. Race or ethnic origin;
  4. Reason for segregation;
  5. Length of time in segregation;
  6. A brief summary of all efforts made to move the youth to a less restrictive status;

7. Health and medical condition;
8. A brief summary of any temporary deprivations of necessities or services; and
9. A brief summary of any other problems encountered by the youth during the time spent in segregation.

**IX. Facility Orders**

- A. This IMPP shall serve as the final agency policy statement concerning administrative segregation review boards.
  1. No Facility Order shall be permitted to alter the policy statements described herein.
- B. Facility Orders shall be developed to:
  1. Establish a set of procedures to carry out the operation of administrative segregation review boards consistent with this and other relevant IMPPs; and
  2. Identify the specific position, title or rank of the individual authorized to act as the superintendent's designee.
    - a. The superintendent shall ensure the following individuals know who is authorized to act as the superintendent's designee:
      - (1) Commissioner;
      - (2) Deputy Commissioner;
      - (3) General Counsel; and
      - (4) Facility staff.

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and juveniles and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or juveniles, or an independent duty owed by the Juvenile Justice Authority to employees, juveniles, or third parties. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

**REPORTS REQUIRED**

None.

**REFERENCES**

K.A.R. 123-13-706

**ATTACHMENTS**

Attachment A: Hearing Summary Report, Form #14-105-001, 1 Page.

**KANSAS JUVENILE JUSTICE AUTHORITY  
ADMINISTRATIVE SEGREGATION REVIEW BOARD HEARING SUMMARY REPORT**

Youth's Name/JJIS #: \_\_\_\_\_ Date/Time Youth Placed on Segregation Status: \_\_\_\_\_

- 1. **DATE/TIME/LOCATION OF HEARING:** \_\_\_\_\_
- 2. **TYPE OF HEARING:** (circle one) Initial Placement / Continuing Placement
- 3. **YOUTH REPRESENTED?** (circle one) **YES / NO** **If yes, by whom:** \_\_\_\_\_  
**Describe reason for representation:** \_\_\_\_\_
- 4. **YOUTH PRESENT / INTERVIEWED:** (circle one) **YES / NO**  
**If no, describe reason:** \_\_\_\_\_

**REVIEW BOARD RECOMMENDATION:**

- Continue Placement on Administrative Segregation on the following status:
  - Protective Custody       Pending Investigation       Pre-hearing detention       Protection from Self-Injury
  - Communicable Disease       Prevention of Communication/Collaboration/Intimidation       Security Risk
- Release to General Population       Release to Other Custody Status: \_\_\_\_\_
- Continue Placement on Disciplinary Segregation Status       Modify Disciplinary Segregation Sentence

**Findings of Fact:** (attach supporting documentation; use additional pages if necessary) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

_____ Committee Chairperson Name and Rank/Title	_____ Signature	_____ Date
_____ Committee Member Name, Rank/Title	_____ Signature	_____ Date
_____ Committee Member Name, Rank/Title	_____ Signature	_____ Date

**SUPERINTENDENT'S REVIEW/DECISION**

- Concur with recommendation for continued placement on administrative segregation status.
- Administrative segregation recommendation reversed as follows: \_\_\_\_\_
- Concur with recommendation to modify disciplinary segregation sentence as follows: \_\_\_\_\_
- Recommendation to modify disciplinary segregation sentence disapproved.

**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Superintendent's Name      Signature      Date

Date/Time Youth Released from Segregation: \_\_\_\_\_ Unit Transferred to: \_\_\_\_\_  
Date/Time Copy Given To Youth: \_\_\_\_\_ Name of Officer Delivering Results: \_\_\_\_\_

Original to Master File