



*State of North Carolina  
Department of Public Safety  
Prisons*

Chapter: O  
Section: .0200  
Title: **Protective Control**  
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***POLICY AND PROCEDURE***

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References	5 <sup>th</sup> Edition Standards for Adult Correctional Institutions
Related ACA Standards	5-ACI-4A-05, 5-ACI-4A-08
North Carolina General Statute (NCGS)	none

**.0201 GENERAL**

Protective Control (PCON) is the reassignment of an offender from the general population to confinement in a secure area to protect the offender involved from self-injury or threat of harm by others. An offender's request to be placed in Protective Control does not alone constitute grounds for reassignment. The officer in charge must evaluate all the circumstances of each case. A determination must be made that the offender's request is legitimate and that Restrictive Housing is necessary for the continued well-being of the offender. ***The only purpose for protective control is the protection of the offender when it is apparent that the offender's life or well-being may be threatened if the subject remains in the general population and there are no reasonable alternatives (5-ACI-4A-05).***

Generally, Protective Control measures will be employed in accordance with the following criteria:

- (a) Alternative assignments have proven insufficient to provide adequate safeguards.
- (b) A determination has been made that the offender is unable or unwilling to adjust to the regular population.
- (c) Generally, offenders will not be assigned to Protective Control as a result of failure to meet racketeering obligations or other illicit activities before completion of other applicable administrative, disciplinary, or classification action.
- (d) Any request for placement in Protective Control will be thoroughly investigated by correctional personnel. If the investigation fails to substantiate a need for Protective Control the denial will be documented by the Warden or designee within a reasonable length of time. Should the investigation support the need for Protective Control, appropriate measures should be taken to safeguard the offender in accordance with Prisons Policy and Procedures.

- (e) Offenders placed in Protective Control status are afforded access to programs and privileges consistent with the Protective Control requirements and the interests of the offender.

### **.0202 PROCEDURE**

- (a) Assignment to and removal from Protective Control housing, for up to a maximum of 60 days will be made in accordance with normal Restrictive Housing for Administrative Purposes (RHAP) procedures (Prison's policy O .0100). The procedure will be as follows:
  - (1) Offenders may be assigned to RHAP for 72 hours or less at the discretion of the officer in charge as a "cooling-off" measure. The reasons for the action will be documented through the Control Action (IS11) automated record screen process with appropriate comment and justification for the isolation assignment. No offender may be placed in Protective Control for more than 72 hours without the documented approval of the Warden or designee.
  - (2) Offenders may be assigned to RHAP for an additional period not to exceed a total of 15 days (including the initial 72 hours) with approval of the Warden or designee. The approval will be documented through the Control Action (IS11) automated record screen process with appropriate comment and justification documenting the assignment to isolation.
  - (3) In cases where an offender is assigned to Protective Control for a period greater than 15 days, the offender shall be reviewed before a Facility Classification Committee. The offender shall receive written notice on form DC-123 of the reasons that Protective Control is being considered at least 48 hours before the review is held.
  - (4) The committee shall consist of at least three members, one of which must be a member of the programs staff. At the review, the offender will be informed of the reasons they are being held in Protective Control and will be given an opportunity to speak on their own behalf about any matter relevant to the classification control status. If the committee determines that continued confinement is appropriate, it will note its findings through the Control Action (IS11) automated record screen process with committee rationale and justification for the control action assignment noted on the appropriate comment screens. All committee decisions must be approved by the Warden or designee.
  - (5) ***Removal from Protective Control may be considered if an offender requests in writing to be removed from Protective Control status. The request will be verified, and, provided no apparent constraints to the offender's health or personal safety can be determined, the offender will be removed from protective control (5-ACI-4A-08).***

- (6) In those cases where the facility staff, including Behavioral Health, find the offender should be removed from protective control, appropriate steps will be taken and documented on the Control Action (IS11) automated record process with final approval by the Warden to remove the offender from Protective Control. Following final approval such action will be taken and the offender reassigned appropriately.
  - (7) No offender shall be confined in Protective Control for more than 60 days unless authorized by a Director's Classification Committee. Referrals for extended periods of isolation beyond 60 days, if necessary, must be reviewed by a Director's Classification Committee.
- (b) Assignments by a Director's Classification Committee (DCC) to Protective Control:
- (1) All referrals for Protective Control (PCON) must be evaluated by the Manager of Classification prior to initiation. The Manager of Classification should receive the PCON investigative report or other evidence supporting the request for PCON consideration. The Manager of Classification will ensure that the request is complete, thorough and acceptable and that the circumstances involved are appropriate for PCON consideration. This permission to pursue shall not be construed as an automatic approval but merely that the case meets the applicable standards to be considered for PCON.
  - (2) Assignments to protective control status for periods beyond 60 days are subject to review by a Director's Classification Committee for offenders. The final approving authority shall be the Assistant Director of Operations, Region Directors or designees, Manager of Classification, or other authorities as designated by the Commissioner of Prisons. Such action may be taken without an offender's request for assignment to Protective Control. Protective Control housing assignments in which the DCC and the referring facility disagree are referred by the presiding Division Classification Coordinator to the Manager of Classification, Assistant Director of Operations or designee who will confer with the appropriate Region Director or designee prior to rendering a final decision.
  - (3) Cases referred to the Director's Classification Committee for Protective Control beyond 60 days must be thoroughly documented using the Control Action (IS11) screen process. Completed referrals shall be forwarded to the Manager of Classification Services or designee for review and scheduling. Offenders considered for Protective Control status by the Director's Classification Committee must be given advance written notice by the Warden or a respective designee of the review meeting on a form DC-123 at least 48 hours before the review.

- (4) The status of offenders assigned to Protective Control shall be reviewed at least every 6 months by a Director's Classification Committee.
- (5) *If an offender requests in writing to be removed from Protective Control, the Warden or designee may review the request to determine that the life or personal safety issues are no longer implicated in the specific case and remove the requesting offender from protective control if appropriate. All such actions shall be documented using the Control Action (IS11) screen process and shall be forwarded to the Manager of Classification Services or designee for administrative review with a comment notation confirming that the written request by the offender for removal from Protective Control is on file in the offender's facility jacket (5-ACI-4A-08).*
- (6) Offenders assigned to protective control will be subject to all controlling rules and regulations for Restrictive Housing for Administrative Purposes and subject to the conditions of confinement established according to the Prisons policy governing offenders assigned to Protective Control.



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Interim Commissioner of Prisons

October 19, 2022

Date

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