



*State of North Carolina
Department of Public Safety
Prisons*

Chapter: O
Section: .0400
Title: **Restrictive Housing for Control
Purposes (RHCP)**
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POLICY AND PROCEDURE

.0401 GENERAL

Define – Restrictive Housing for Control Purposes

Restrictive Housing for Control Purposes is a housing assignment requiring 22 or more hours per day in a single cell.

- (a) Restrictive Housing for Control Purposes (RHCP) is a long-term restrictive housing assignment for the removal of close custody felon or minimum custody level I misdemeanor offenders from the general offender population to confinement in a secure area. The intent is the control of offenders due to behavior deemed to be repeatedly disruptive to the orderly operations of the facility, threats to the safety of staff or other offenders, threats to the security and operational integrity of the facility, or as a transition following assignment to High Security Maximum Control (HCON) status. Restrictive Housing for Control Purposes is authorized at any point during an offender's confinement if needed to contain the offender in a more secure environment over a long period of time. Procedures for authorizing such long-term restrictive housing will be accomplished through referrals to and actions by a Director's Classification Committee (DCC) for all offenders.
- (b) Generally, such actions may be taken in response to the following circumstances:
- (1) to protect staff and other offenders from the threat of harm by the offender;
 - (2) to minimize the risk of escape by the offender or others influenced by his actions;
 - (3) to preserve order where other methods of control have failed; or
 - (4) to provide necessary control while completing an investigation.

Additionally, restrictive housing for control purposes will be authorized for any offender found guilty of a major conduct rule violation involving a **serious** assault, **a staff assault resulting in physical injury**, active or passive participation in a riot or mutiny, or seizing or holding a hostage or in any manner unlawfully detaining any person against their will. Restrictive housing for control purposes can be considered in cases where there has been no overt act of violence and no offense has been proven when the officer in charge has good cause to believe that in light of all circumstances, the offender's presence in the general population poses a clear and present danger to the physical well-being of other offenders or members of the staff.

.0402 PROCEDURE

- (a) Offenders referred for consideration for an assignment to Restrictive Housing for Control Purposes will typically have been confined through Restrictive Housing for Administrative Purposes (RHAP) prior to facility classification committee referral for Restrictive Housing for Control Purposes. In exceptional cases, referral may be made directly by facility administrator or designee, but typically referrals will be initiated subsequent to a facility classification action properly reviewed and documented.
- (b) Referrals for Restrictive Housing for Control Purposes will be initiated at the facility level and referred to the appropriate Division Classification Coordinator. Such requests and action will be processed through the use of the Control Action (IS11) automated record screen process and supported by explanatory comments by appropriate authorizing reviews. Comments are required at each level of action.
- (c) The Facility Classification Committee for all offenders shall consist of at least three members. After review, the offender will be informed of the reasons **restrictive housing** is being imposed and will be given the opportunity to speak about any matters relevant to the control action circumstance currently under review. Should the facility committee determine that continued control confinement is appropriate, its' findings will be noted in the appropriate comment section of the Control Action (IS11) automated screen record process. All decisions must be reviewed and approved by the appropriate authorizing authorities.
- (d) Procedures for the Director's Classification Committee (DCC).
 - (1) Every offender considered for Restrictive Housing for Control Purposes shall be entitled to an impartial hearing before the Director's Classification Committee (DCC). No staff member who provides information against the accused or initiates the referral action may serve as a member of the Director's Classification Committee. The offender shall receive written notice of the hearing at least forty-eight (48) hours before the hearing takes place. This written notice must reasonably inform the offender of the reasons for Restrictive Housing for Control Purposes consideration. (4-4302) Specific operational guidelines for the Director's Classification Committee can be found in Chapter C, Section .0100 "Classification Process".
 - (2) At the hearing, the offender shall be confronted with any relevant information tending to indicate that confinement on Restrictive Housing for Control Purposes is necessary. The content of psychiatric, psychological and classification reports need not be released since release may undermine the subsequent efforts to treat mental disorders or other significant problems and to rehabilitate offenders. The name of the person supplying the information need not be disclosed where the threat of reprisal exists. The offender will be given the opportunity to refute the information as presented and may submit any relevant information in his or her own behalf.
 - (3) If the offender has been found guilty of a major rule violation by a disciplinary hearing authority as a result of the incident from which the classification review arises, the Director's Classification Committee may rely on these findings. Otherwise, the DCC must

make its own findings of facts. In these cases, the DCC will determine whether the complexity of the issue or the illiteracy of the offender makes it unlikely that he or she will be able to collect and present the evidence necessary for an adequate presentation of the case. If so, the DCC shall appoint a member of the staff of the facility to which the offender is assigned to assist the offender with his or her presentation.

- (4) At the hearing, the Director's Classification Committee will review the factors relevant to a final decision. Neither the staff member presenting the case nor representatives of the referring unit shall be allowed to participate in the actual decision-making process. If the Director's Classification Committee determines that, based on the disciplinary report or the information presented, Restrictive Housing for Control Purposes is appropriate, the offender will be classified in that status. In all such cases, the offender involved shall be entitled to a written summary of the facts upon which the DCC relied in making the determination. If the DCC differs with the referring facility's recommendation and decides Restrictive Housing for Control Purposes is inappropriate, the DCC shall make a recommendation to the Manager of Classification, the Assistant Director of Auxiliary Services or other designated approving authority who will confer with the appropriate Region Director or designee prior to rendering a final decision.

- (e) Offenders assigned to Restrictive Housing for Control Purposes due to an assault on staff resulting in physical injury will have their assignments reviewed by a Director's Classification Committee at 12 months. Subsequent reviews will be conducted on an annual basis. Offenders assigned to Restrictive Housing for Control Purposes for other infractions or behaviors will have their assignments reviewed by a Director's Classification Committee at least every six months. Facility authorities may, with appropriate documentation, authorize the release of an offender from (RHCP). Offenders who are validated Level III SRG members must be reviewed by a Division Classification Committee for release. It will be the responsibility of the facility to refer all validated offenders to the Division Classification Coordinator. The Divisional Classification Coordinator will then ensure a DCC hearing. If an offender was placed in restrictive housing due to an assault on staff resulting in physical injury, upon the release from Restrictive Housing for Control Purposes, the offender will be placed in the Rehabilitative Diversion Unit (RDU) Program.

Offenders assigned to the Rehabilitative Diversion Unit Program (RDU) or the Therapeutic Diversion Unit (TDU) Program in lieu of RHCP will not be reviewed by the DCC for continuation purposes. The facility Treatment Teams will perform all reviews for progression, regression, and completion. If an offender assigned to the TDU or RDU program is removed from the program for negative behavior, the offender shall be reviewed by the DCC for appropriate housing.

- (f) In an effort to return the offender to the regular population, the facility may in the scope of providing mental health treatment, employ other techniques and strategies that may not be afforded to offenders assigned to RHCP housing. The following facilities may submit a petition for temporary suspension of Conditions of Confinement (DC-556) thru the appropriate chain of command for review by the facility head:

NCCIW
Central Prison

Maury Correctional Institution

If temporary suspension is approved, strict security measures should be maintained.

.0403 TEMPORARY TRANSFER

Offenders considered for RHCP can be considered for a temporary assignment to an institution pending their hearing before the DCC. If a hearing is held at the receiving institution, the chairperson of the reviewing classification committee will see that the necessary information to complete the record is gathered from both the sending and receiving facilities and that a full record is immediately forwarded through the appropriate chain of command to the appropriate Division Classification Coordinator.

.0404 APPROVING AUTHORITY

- (a) The approving authority for assignment to Restrictive Housing for Control Purposes is the Director of Prisons or designee, e.g. Deputy Director for Auxiliary Services, Region Directors or designees, Assistant Director for Auxiliary Services, and Manager of Classification or designee. The results of each request will be forwarded to the approving authority for final action through the automated Control Action (IS11) record process.



Commissioner of Prisons

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