

<b>GEORGIA DEPARTMENT OF CORRECTIONS</b> <b>Standard Operating Procedures</b>		
<b>Policy Name:</b> Special Management Unit - Tier III Program		
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**I. Introduction and Summary:**

The Special Management Unit (SMU): Tier III Program (Tier III Program) is established to protect staff, offenders, and the public from offenders who commit or lead others to commit violent, disruptive, predatory, or riotous actions, or who otherwise participated in or was associated with activity such that greater management of the offender's interaction with other persons is necessary or ensure the safety, security, or orderly operation of Georgia Department of Corrections (GDC) facilities, or protection of the public.

The purpose of the Tier III Program is to establish an incentive program based on an increased level of privileges for demonstrated appropriate offender behavior and program compliance. The goal is for an offender to make the appropriate adjustments so that he or she may be returned to a general population housing assignment.

The Tier III Program will consist of five (5) separate phases. Phase 1, Phase 2, Phase 3, Phase 4, and Phase 5 will be the identified phases. The stratification location of these phases will be identified by the Director, Field Operations (or designee).

**II. Authority:**

A. GDC Board Rule: 125-3-2-.10;

B. GDC Standard Operating Procedures (SOPs): 103.58, Security Threat Group Management Program; 107.02, Access to Services and Programs; 107.05, Program Management; 203.03, Incident Reports; 204.10, Use of the GOAL Device; 205.07, Post Orders; 206.01, Offender Personal Property Standards; 209.01, Offender Discipline; 209.04, Use of Force and Restraint for Offender Control; 209.05, Stripped Cells and Temporary Confiscation of Personal Property; 209.55, SMU Segregated Transition Education Program (STEP); 219.01, Case Management-Records Maintenance; 220.02, Security Classification; 220.03, Classification Committee; 220.04, Offender Orientation; 222.01, Inter-Institutional Transfer; 222.10, Security Procedures during Transport of Offenders; 226.01 Searches, Security Inspections, and Use of Permanent Logs; 227.01, Offender Access to Telephones; 227.03, Access to Courts; 227.05, Visitation of Offenders; 228.01, Safety and Sanitation Inspection; 409.04.28, Alternative Entrée Program; 507.04.35, Examination Following Use of Force and Monitoring of Offenders in

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Restraints; 508.01, Mental Health Organization and Administration; 508.15, Mental Health Evaluations; 508.20, Mental Health Rounds in Isolation/Administrative Segregation Units; 508.23, Specialized Mental Health Treatment Units (SMHTU); 508.27, Time Out, Seclusion and Physical Restraint; 508.28, Managing Potentially Suicidal/Self Injurious and Aggressive Behavior; 508.29, Suicide Precautions; 508.30, Mental Health Acute Care Unit; and

C. A.C.A. Standards: 4-4249, 4-4250, 4-4251, 4-4252, 4-4253, 4-4254, 4-4255, 4-4256, 4-4257, 4-4258, 4-4259, 4-4260, 4-4261, 4-4262, 4-4263, 4-4264, 4-4265, 4-4266, 4-4267, 4-4268, 4-4269, 4-4270, 4-4271, 4-4272, and 4-4273.

**III. Definitions:**

A. **Tier III Program Classification Committee** - The Institutional Classification Committee created in SOP 220.03, Classification Committee: The group of staff appointed by the Warden to review offender progress through the Tier III Program. A security member of the Committee also conducts any disciplinary hearings for offenders assigned to the Tier III Program. At a minimum, the committee shall include: (1) the Tier III Program Deputy Warden of Security; (2) a Mental Health (MH) Counselor or other MH Professional and/or a General Population Counselor; and (3) the Tier III Program Chief of Security.

B. **Notoriety** - The state of being famous or well known for some bad quality or deed.

**IV. Statement of Policy and Applicable Procedures:**

**A. Overview:**

1. An offender assigned to the Tier III Program is given the opportunity to progress through the program’s phases based upon his or her behavior and ability to adjust under reduced levels of supervision.
  - a. The Tier III Program is a minimum 13-month (390 days) program. Offenders, if successful at each phase, shall spend sixty (60) days in E-Wing, sixty (60) days in F-Wing, ninety (90) days in D-Wing, ninety (90) days in C-Wing, and ninety (90) days in B-Wing.

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- b. There are five (5) phases, from the most restrictive (Phase 1) to the least restrictive (Phase 5): Phase 1, Phase 2, Phase 3, Phase 4, and Phase 5.
- c. Each phase offers progressively more privileges (see Attachment 6).
- d. Offenders shall be initially placed in E-Wing upon placement in the Tier III Program.
- e. Offenders that have progressed past E-Wing and F-Wing may not be returned to E-Wing or F-Wing unless the offender has received a Disciplinary Report of Great or higher. If the offender is recommended to be returned to E-Wing or F-Wing, the offender will be processed under the same procedures found in IV.C.
- f. Offenders shall not be held in the Tier III Program for more than 24-months. However, the Department reserves the right to retain offenders in the Tier III Program for a longer period of time if they meet one (1) of the following criteria:
  - i. Committed a murder while incarcerated;
  - ii. Escaped outside the secure fencing of a facility;
  - iii. Caused serious bodily injury to an offender, GDC employee, contractor, or volunteer;
  - iv. Has taken an offender, GDC employee, contractor, or volunteer hostage;
  - v. Offenders whose crimes are so egregious that the offender was placed in the Tier III Program immediately upon being placed in GDC custody; or
  - vi. The offender, due to unique position of influence and authority over others, poses such an exceptional, credible, and articulable risk to the safe operation of the prison system or to the public that no facility other than the Tier III Program facility is sufficient to contain the risk.
- g. Offenders that have been in the Tier III Program more than 24 months and have completed the requirements of the Tier III Program but cannot be

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removed from the Tier III Program due to the offender meeting the requirements in IV.A(1)(f), shall be placed in Phase 5. The physical location of the offender will not change the Phase, unless the offender commits another act that would qualify for placement in the Tier III Program. If the offender is returned to the Tier III Program for a new infraction, the offender will be processed under the same procedures found in IV.C.

- h. Offenders recommended to remain in the Tier III Program past 24-months shall be reviewed quarterly, utilizing Attachment 12, by a panel made up of the Director, Field Operations, the Statewide Mental Health Director, the Statewide Medical Director, and a member of the Office of Legal Services. In the event a panel member is unavailable due to illness, family emergency, or other exigent circumstances to participate in the quarterly review, the panel member may select a designee in the senior management of his or her particular department to participate in the review.
  - i. The Commissioner or Assistant Commissioner for Facilities must personally approve any decision by the panel to retain an offender in the Tier III Program past 24-months.
  - j. The criteria governing the panel's determination shall include:
    - i. Length of time in current phase;
    - ii. Perceived risk of release from the SMU;
    - iii. Number, type, and frequency of disciplinary reports;
    - iv. Involvement in self-improvement activities;
    - v. Behavior while in the SMU;
    - vi. The offender's 60-day or 90-day mental health evaluation;
    - vii. Progress on the Offender's Management Plan; and
    - viii. Total duration of the offender's confinement in the SMU.
2. All offenders assigned to the Tier III Program are classified as Close Security.

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3. If the offender successfully completes the Tier III Program, he or she will be considered for reassignment to the Tier III STEP Program with a Close Security status.

**B. Criteria for Admission to the Tier III Program.** To be eligible for placement in the Tier III Program an offender must have at least one (1) of the following at the time of the request:

1. Participated in or was associated with activity such that greater management of the offender’s interaction with other persons is necessary to ensure the safety, security, or orderly operation of GDC facilities, or protection of the public;
2. Escape involving violence or serious threat of violence;
3. Multiple escapes or escape attempts within the previous three (3) years from a secure correctional facility or law enforcement custody;
4. Participation in a major disturbance or riot during the previous five (5) years involving: (a) ten (10) or more offenders; and/or (b) the serious threat of loss of life or actual major property damage;
5. Killing or causing serious injury to another person within the previous five (5) years;
6. Participation in a hostage taking within the previous five (5) years;
7. Possession of a firearm or an explosive device within the previous five (5) years;
8. Two (2) or more disciplinary infractions for possession of a weapon within the previous five (5) years;
9. Three (3) or more disciplinary charges within the previous 12-months that involve excessive disruptive behavior of either a Great or High severity level as defined in SOP 209.01, Offender Discipline;

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10. Offenders with assaultive histories; and
11. Offenders that are considered to be a person of notoriety and placement in the Tier III Program is necessary to maintain the safety and security of a facility or the GDC system.

**Note: The criteria listed above for admission to Tier III only apply to offenders whose mental health level is classified as MH Level II or less. MH Level III/IV offenders who meet the criteria above shall be screened by MH Staff and considered for placement in a Specialized Mental Health Treatment Units (SMHTU). Refer to SOP 508.23, SMHTU.**

**C. Process for Assignment to the Tier III Program:**

1. A request to assign an offender to the Tier III Program begins as a recommendation to the Tier III Program Classification Committee. The request must be made on the Tier III Program Assignment Request Form (Attachment 1).
2. The Tier III Program Classification Committee will review the request for assignment to the Tier III Program. If the Tier III Program Classification Committee recommends approval of the Tier III Program Assignment Request, the recommendation shall be made on the Tier III Program Assignment Memo (Attachment 2) and will contain specific reasons for the offender's assignment, including but not limited to, specific reference to the activity participated in or associated with, the stated need for additional management, and the precise concern for the safe and secure operation of the facilities or the need for further protection from the public. The Tier III Program Classification Committee Chair will sign and forward the Tier III Program Assignment Memo (Attachment 2) to the Warden for further review.

**Note: An offender placed in the Tier III Program due to allegations of criminal activity, and that activity is under investigation, then the Department may withhold information from the offender that may impact the ongoing investigation.**

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3. The Warden will review the Tier III Program Assignment Memo (Attachment 2) within seven (7) calendar days. If the Warden recommends disapproval of the Tier III Program assignment request, then the process is complete, and no further action is required.
4. If the Warden recommends approval, he or she must forward the Tier III Program Assignment Request Form, Attachment 1, and the Tier III Program Assignment Memo (Attachment 2) to the Regional Director. The Warden must include in detail all sufficient information for recommending assignment to the Tier III Program. The Regional Director will recommend approval or disapproval of assignment. A decision must be rendered within seven (7) calendar days.
5. If the Regional Director approves the request for assignment to the Tier III Program, the offender must be served with a copy of this action (Attachment 2) and that service must be documented.
6. A formal hearing will be convened to advise the offender that he or she is being assigned to the Tier III Program. The offender must be given an opportunity to be present at this hearing, which must include the following:
  - a. At least 48-hours prior to the hearing, the offender must be served with a copy of the Tier III Program Assignment Request Form;
  - b. The offender has the right to attend the hearing. The offender may forfeit this right if he or she is disruptive, and this disruption shall be documented;
  - c. The offender has the right to make a statement and to present documents. However, the offender does not have the right to call witnesses; and
  - d. The offender has the right to submit a written statement.
7. The offender may submit written objections to this recommendation. Those objections must be submitted to the Director, Field Operations (or designee), utilizing the Tier III Program Assignment Appeal Form, Attachment 3, within

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fourteen (14) calendar days from receipt of the Notice of the Assignment to the Tier III Program.

The offender shall provide the Tier III Program Assignment Appeal Form, Attachment 3, to the offender's assigned counselor, who will sign and date that the appeal was received. The offender shall sign and date the Tier III Program Assignment Appeal Form, Attachment 3, acknowledging that the counselor has received the appeal. The assigned counselor will provide a copy of the signed Tier III Program Assignment Appeal Form, Attachment 3, to the offender.

The assigned counselor shall then forward the signed Tier III Program Assignment Appeal Form, Attachment 3, to the Director, Field Operations within three (3) calendar days of receipt of the offender's appeal.

8. The Director, Field Operations shall review and render a decision on the assignment to the Tier III Program within seven (7) calendar days of receipt of the offender's appeal.
9. If the Director, Field Operations (or designee) disapproves the recommendation for placement in the Tier III Program, then the offender shall remain or be returned (if previously moved under IV.C.12) to the offender's current facility. The Director, Field Operations (or designee) may also transfer the offender to another facility if appropriate.

If the Director, Field Operations (or designee) approves the recommendation for placement in the Tier III Program, then the offenders written objections and Tier III Program Assignment Appeal Form, Attachment 3, must be forwarded to the Assistant Commissioner for Facilities within three (3) calendar days.

10. The Assistant Commissioner for Facilities shall have three (3) calendar days to make the final decision on the offender's assignment to the Tier III Program. The Assistant Commissioner for Facilities final decision shall be provided to the offender, who will acknowledge receipt of the final decision on the Tier III Program Assignment Appeal Form, Attachment 3.

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11. Formal placement of the offender to the Tier III Program must not be made until after the time for the offender to submit objections expires.
12. In emergency situations, the Director, Field Operations (or designee) may authorize a direct transport of an offender to the Tier III Program. Upon arrival, the offender will be placed in the Phase 1 while awaiting process approval to determine if appropriate for Tier III Program placement. The sending facility will provide details of the referral electronically on the Tier III Program Assignment Request Form, Attachment 1, within 24-hours. Within seven (7) calendar days of arrival, the Tier III Program request will be processed by the Tier III Program Classification Committee.
13. If the Tier III Program assignment request is approved, the identified staff from the Special Management Unit will enter, within three (3) business days, a formal transfer request into the Scribe assignment application to implement the transfer to the Tier III Program.
14. The Classification Unit at Offender Administration will finalize the transfer request and assign the applicable profile in the Scribe. If applicable, the Classification Committee at the facility where the offender is currently housed must meet with the offender no earlier than one (1) workday prior to transport at which time the offender will be advised of his or her placement in the Tier III Program. Immediately following this session, the offender must be placed in segregation and telephone privileges must be suspended, except for calls to the offender's attorney.
15. Upon arrival at the Tier III Program, the offender shall receive a mental health evaluation by a licensed mental health provider. If the mental health evaluation finds the offender is not suitable for placement in the Tier III Program, the offender shall not be placed in the program. If the offender's mental health evaluation allows placement in the Tier III Program, then the offender will be placed in Phase 1. Upon completion of the official orientation, the Tier III Program Classification Committee has the discretion of placing the offender in Phase 2 of the program, if it is determined the offense and/or behavior which initiated the offender's referral to Tier III Program merits that consideration.

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**D. Tier III Program Orientation:**

1. Within seven (7) calendar days of arrival at the Tier III Program, the Unit staff must provide the offender with an orientation program.
2. The orientation must contain the following:
  - a. A review of the overall rules governing offender behavior within the Tier III Program;
  - b. A review of the rules governing each phase of the program. This must include a review of the behavioral expectations and privileges for each phase and how they provide the offender a road map as to how the offender can progress through each Phase;
  - c. A description of the periodic review process that determines if the offender progresses to the next phase (found in Paragraph VI.F of this SOP);
  - d. A review of the steps required to be completed to exit the Tier III Program and be placed in the Tier III STEP Program; and
  - e. A copy of the Offenders' Management Plan.

**E. Conditions and Privileges in the Tier III Program:**

1. Subject to the ordinary restrictions that apply as a result of offender misconduct, the following general rules apply:
  - a. All cells are single occupancy. This applies to offenders in Phase 1, 2, 3, 4, and 5.
  - b. All cells must be equipped and furnished in a manner consistent with cells in the general population.
  - c. Each offender must be provided prescribed medication, clothing that is not degrading, and access to basic personal items (as set out in the privilege

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chart, Attachment 6) for use in their cells unless there is imminent danger that an offender will destroy an item or induce self-injury.

- d. Toiletries and personal hygiene items must be provided on the same basis as the general population.
- e. Each offender must be provided the opportunity for a shower and shave three (3) times per week.
- f. Food provided to offenders in the Tier III Program must be the same quality and quantity as that provided in general population. Special or substitute meals shall be handled in accordance with SOP 409.04.28, Alternative Entrée Meal.
- g. Alternative meal service may be provided to an offender in segregation who uses food or food service equipment in a manner that is hazardous to self, staff or other offenders. 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 or designee and responsible health authority. The substitution period shall not exceed seven (7) calendar days.
- h. Offenders must be provided the same bedding supplies as are provided offenders in the general population.
- i. Offenders must be provided the same laundry and barbering services and are issued and exchanged clothing on the same basis as offenders in general population. Exceptions are permitted only when found necessary by the Warden or designee; any exception is recorded in the unit log and justified in writing.
- j. Offenders must receive the services of a counselor. Offenders may participate in such educational, vocational and/or rehabilitative programs as can be provided within the confines of the Tier III Program, consistent with the security needs of the unit. Offenders shall be notified of available programming and such notification should be documented in Case Notes.

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- k. Offenders will receive a minimum of one (1) hour of recreation per day, Monday through Friday, unless security or safety considerations dictate otherwise, which shall be documented. This recreation time must be outside in the recreation pens, unless security or safety considerations dictate otherwise. Recreation times will be documented on Attachment 8, Tier III Program Check List for each offender. Time out and time back in will be listed. Recreation time will also be broadly notated in the Log Book.
  
- l. All offenders will receive a minimum of four (4) hours out of cell time Monday through Friday, unless security or safety considerations dictate otherwise, which shall be documented. Offenders are not required to participate in out of cell time if they choose. Any such refusal to participate shall be documented on the offender’s door sheet.

The four (4) hours out of cell time will encompass up to three (3) hours spent in a common area using restraint tables and the one (1) hour out of cell recreation time, for a total of four (4) hours out of cell time. An offender’s visitation time Monday through Friday may be included in the four (4) hours out of cell time. Legal visits will not be included in the four (4) hours out of cell time. Visitation time that occurs on the weekend shall not be used to reduce the Monday through Friday out of cell time. Out of cell time will be documented on Attachment 8, Tier III Program Check List for each offender. Time out and time back in will be listed. Out of cell time will also be broadly notated in the Log Book.

**Note: If out of cell time for an individual wing or the entire SMU is canceled or shortened for three (3) or more consecutive days, then the SMU Warden will promptly notify the Regional Director in writing and explain the circumstances resulting in the cancellation, the steps taken to resolve the issues resulting in the cancellation, and an estimated timeline for resuming out of cell time.**

**Note: Denial of out of cell time as punishment will not be allowed unless the offender has committed a “Great” or higher severity level**

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**disciplinary offense, during out of cell time or during transport to or from out of cell time.**

- m. All telephone calls are limited to 15-minutes in duration.
- n. The Warden will deal with emergency telephone calls on a case-by-case basis. The highest-ranking official present may authorize an emergency call for a serious illness or death of a family member if the Warden is not available. The staff member who authorizes the call must verify and document that the situation warrants an emergency call.
- o. All visits shall follow the Tier III Program Privilege Chart (Attachment 6) for Phases 1-5 and shall be noncontact visits. This does not apply to attorney visits. Contact visits for attorneys must be approved by the Warden.
- p. All offenders in the Tier III Program must be allowed legal access as provided in SOP 227.03, Access to Courts.
- q. All offenders in the Tier III Program shall have access to Chaplaincy Services. An offender may make a request for Chaplaincy Services in case of an emergency, death in family, serious illness, injury to a family member, divorce, or other such family trauma. The request can be made to any available officer or staff member. The officer or staff member receiving the request shall notify the facility Chaplain of the request as soon possible. Religious materials are available upon request to the Chaplain, including approved religious texts, and books on a variety of subjects and services. Volunteers from religious organizations may visit with offenders and conduct religious services for individuals or small groups of Tier III offenders at the discretion of the Warden.
- r. All offenders in the Tier III Program must be allowed access to reading materials through the institution's library upon request at least once per week. Use of the mobile book carts shall be utilized.

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- s. All offenders shall have access to write and receive letters on the same basis as offenders in general population.
  - t. All offenders shall have access to the GOAL Devices and Kiosks. Offenders will be allowed to recharge the devices daily and access the Kiosk at least twice a week. Repair and replacement of devices shall be done in accordance with SOP 204.10, Use of the GOAL Device.
2. Offenders in different phases of the program are entitled to different specific privileges. Those privileges are outlined in the Tier III Program Privileges Chart (Attachment 6).

**F. Progression through the Program:**

1. The Warden (or designee) must informally review each offender every thirty (30) days to evaluate the offender’s progress and to develop new goals and objectives if needed. The review will be recorded in the SCRIBE case notes.

Goals shall be communicated verbally to the offender in a clear, concise, and professional manner. Progress shall be monitored and positively reinforced. This informal review provides documentation about the offender’s progress or failure with his or her management plan.

2. Mental Health Evaluations:
- a. All offenders in Phase 1 and 2 (or if housed in E and F Wings regardless of phase) shall receive an out of cell mental health evaluation, from a licensed mental health provider, once every 60-days.
  - b. All offenders in D, C, and B Wings shall receive an out of cell mental health evaluation, from a licensed mental health provider, once every 90-days.
  - c. The purpose of the mental health evaluations shall be to determine if the offender is mentally capable of continuing in the Tier III Program. If the licensed mental health provider finds that the offender is not capable of continuing in the Tier III Program, then the Director, Field Operations (or

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designee) shall place the offender in a suitable housing assignment that meets the offender's mental health needs.

3. 90-day review (B, C, and D Wings):
  - a. At least every ninety (90) days the Tier III Program Classification Committee must review the offender's status and make a recommendation to the Warden (or designee). This recommendation is to determine if the offender will be:
    - 1) Transitioned to the next phase;
    - 2) Retained in the current phase;
    - 3) Reassigned to a previous phase; or
    - 4) Released to the Tier III STEP Program.
  - b. This review must be documented on the 90-day Review Hearing Form, Attachment 4. The Tier III Program Classification Committee must give specific reasons for its recommendation.
  - c. The Tier III Program Classification Committee must consider the following factors when formulating its recommendation:
    - 1) Length of time in current phase;
    - 2) Continued facility risk;
    - 3) Number, type, and frequency of disciplinary reports;
    - 4) Involvement in self-improvement activities;
    - 5) Behavior as documented on offender's Checklist (Attachment 11);
    - 6) The offender's 60-day/90-day mental health evaluation;

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- 7) Progress on the offender's Management Plan;
  - 8) The offender's demeanor with staff, during periodic reviews; and
  - 9) If the offender is within 12-months or 6-months of their maximum release date (MRD), then the Tier III Program Classification Committee shall consider the offender for placement in the Tier III STEP Program. If the offender is denied placement in the Tier III STEP Program, then the Tier III Program Classification Committee shall document the specific reasons for the denial on Attachment 4. Offender appeals of denial for placement in the Tier III STEP Program shall be reviewed by the Assistant Commissioner for Facilities.
- d. If circumstances warrant, the Warden (or designee) may convene the Tier III Program Classification Committee at an earlier time. These circumstances include exemplary behavior or significant misbehavior.
  - e. As part of this 90-day review, the Tier III Program Classification Committee must offer the offender an opportunity for a hearing, which must include:
    - 1) At least 48-hours before the hearing, the offender must be served with a copy of the 90-Day Hearing/Review Form, (Attachment 4).
    - 2) The offender may attend the hearing. The offender may forfeit this right if he or she is disruptive, and this disruption shall be documented.
    - 3) The offender may make a statement and present documents. However, the offender does not have the right to call witnesses.
    - 4) The offender may submit a written statement.
  - f. If the recommendation of the Tier III Program Classification Committee is that the offender be retained in the current phase or reassigned to the previous phase, then Attachment 4, 90-Day Review Hearing Form, must be forwarded to the Warden (or designee).

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- g. The Warden (or designee) shall have ten (10) business days to review the packet and render a recommendation. If the Warden (or designee) recommends that the offender be retained in the current phase or reassigned to the previous phase, then Attachment 4, 90-Day Review Hearing Form and any supporting documents, must be forwarded to the Director, Field Operations (or designee).
- h. The Director, Field Operations (or designee) shall have ten (10) business days to review the packet and render a recommendation. If the Director, Field Operations (or designee) approves the recommendation to retain the offender in the current phase or be reassigned to the previous phase, then Attachment 4, 90-Day Review Hearing Form and any supporting documents must be forwarded to the Assistant Commissioner for Facilities.
- i. The Assistant Commissioner for Facilities shall have ten (10) business days to review the packet and render the final decision. The Assistant Commissioner for Facilities final decision shall be provided to the offender, who will acknowledge receipt of the final decision on the 90-Day Review Hearing Form, Attachment 4.
- j. If the Tier III Program Classification Committee recommends the offender be released to the Tier III STEP Program, then the recommendation, using Attachment 4, 90-Day Review Hearing Form shall be sent directly to the Director, Field Operations (or designee) for review.
  - 1) The Director, Field Operations (or designee) shall have ten (10) business days to review the recommendation for transfer to the Tier III STEP Program.
  - 2) If the Director, Field Operations (or designee) approves the transfer to the Tier III STEP Program, then staff at the Tier III Program facility must submit the request to Offender Administration to initiate the transfer.
  - 3) If the Director, Field Operations (or designee) disapproves of the recommendation to release the offender from the Tier III Program, then

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the offender must be served with a copy of the 90-day Review Form, Attachment 4, and advised he or she is being denied assignment to Tier III STEP Program.

- 4) The offender may submit a formal appeal utilizing Attachment 7, Review/Classification Appeal Form. The appeal must be submitted to the Director, Field Operations (or designee) within five (5) business days from the date of notification.

The offender shall provide the 90-Day Review/Classification Appeal Form, Attachment 7, to the offender's assigned counselor, who will sign and date that the appeal was received. The offender shall sign and date the 90-Day Review/Classification Appeal Form, Attachment 7, acknowledging that the counselor has received the appeal. The assigned counselor will provide a copy of the signed 90-Day Review/Classification Appeal Form, Attachment 7, to the offender.

The assigned counselor shall then forward the signed 90- Day Review/Classification Appeal Form, Attachment 7, to the Director, Field Operations (or designee) within three (3) calendar days of receipt of the offender's appeal.

- 5) The Director, Field Operations (or designee) shall have ten (10) business days to review the offender's appeal and approve or disapprove assignment to the Tier III STEP Program. If the offender's appeal is denied, the Director, Field Operations (or designee) shall forward the offender's appeal and any supporting documents to the Assistant Commissioner for Facilities within three (3) business days.
- 6) The Assistant Commissioner for Facilities shall have five (5) business days to review the offender's appeal and approve or disapprove assignment to the Tier III STEP Program. The Assistant Commissioner for Facilities' decision is final. The Assistant Commissioner for Facilities final decision shall be provided to the offender, who will acknowledge receipt of the final decision on the 90-Day Review/Classification Appeal Form, Attachment 7.

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4. 90-day Review Appeal:

- a. If the final approved recommendation on the 90-day Hearing Form is that the offender be retained in the current phase or reassigned to the previous phase, then the offender may submit written objections to the recommendation using Attachment 7, 90-Day Review/Classification Appeal Form. The offender must submit those objections to the Warden (or designee) within five (5) business days from receipt of the Tier III Program Classification Committee's decision.
- b. The Warden (or designee) shall have ten (10) business days to review the offender's appeal. If the Warden (or designee) recommends that the offender be retained in the current phase or reassigned to the previous phase, then Attachment 7, 90-Review/Classification Appeal Form and any supporting documents, must be forwarded to the Director, Field Operations (or designee).
- c. The Director, Field Operations (or designee) shall have ten (10) business days to review the offender's appeal. If the Director, Field Operations (or designee) recommends that the offender be retained in the current phase or reassigned to the previous phase, then Attachment 7, 90-Day Review/Classification Appeal Form and any supporting documents, must be forwarded to the Assistant Commissioner for Facilities.
- d. The Assistant Commissioner for Facilities shall have ten (10) business days to review the offender's appeal and render the final decision. The Assistant Commissioner for Facilities final decision shall be provided to the offender, who will acknowledge receipt of the final decision on the 90-Day Review/Classification Appeal Form, Attachment 7.

5. 60-day review (E and F Wings):

- a. At least every sixty (60) days the Tier III Program Classification Committee must review the offender's status and make a recommendation to the Warden (or designee). This recommendation is to determine if the offender will be:

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- 1) Transitioned to the next phase;
  - 2) Retained in the current phase;
  - 3) Reassigned to a previous phase; or
  - 4) Released to the Tier III STEP Program.
- b. This review must be documented on the 60-day Review Hearing Form, Attachment 5. The Tier III Program Classification Committee must give specific reasons for its recommendation.
- c. The Tier III Program Classification Committee must consider the following factors when formulating its recommendation:
- 1) Length of time in current phase;
  - 2) Continued facility risk;
  - 3) Number, type, and frequency of disciplinary reports;
  - 4) Involvement in self-improvement activities;
  - 5) Behavior as documented on offender's Checklist (Attachment 11);
  - 6) The offender's 60-day/90-day mental health evaluation;
  - 7) Progress on the offender's Management Plan;
  - 8) The offender's demeanor with staff, during periodic reviews; and
  - 9) If the offender is within 12-months or 6-months of their maximum release date (MRD), then the Tier III Program Classification Committee shall consider the offender for placement in the Tier III STEP Program. If the offender is denied placement in the Tier III STEP Program, then the Tier III Program Classification Committee shall

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document the specific reasons for the denial on Attachment 5. Offender appeals of denial for placement in the Tier III STEP Program shall be reviewed by the Assistant Commissioner for Facilities.

- d. If circumstances warrant, the Warden (or designee) may convene the Tier III Program Classification Committee at an earlier time. These circumstances include exemplary behavior or significant misbehavior.
- e. As part of this 60-day review, the Tier III Program Classification Committee must offer the offender an opportunity for a hearing, which must include:
  - 1) At least 48-hours before the hearing, the offender must be served with a copy of the 60-Day Hearing/Review Form, (Attachment 5).
  - 2) The offender may attend the hearing. The offender may forfeit this right if he or she is disruptive, and this disruption shall be documented.
  - 3) The offender may make a statement and present documents. However, the offender does not have the right to call witnesses.
  - 4) The offender may submit a written statement.
- f. If the recommendation of the Tier III Program Classification Committee is that the offender be retained in the current phase or reassigned to the previous phase, then Attachment 5, 60-Day Review Hearing Form, must be forwarded to the Warden (or designee).
- g. The Warden (or designee) shall have ten (10) business days to review the packet and render a recommendation. If the Warden (or designee) recommends that the offender be retained in the current phase or reassigned to the previous phase, then Attachment 5, 60-Day Review Hearing Form and any supporting documentation, must be forwarded to the Director, Field Operations (or designee).

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- h. The Director, Field Operations (or designee) shall have ten (10) business days to review the packet. If the Director, Field Operations (or designee) approves the recommendation to retain the offender in the current phase or be reassigned to the previous phase, then Attachment 5, 60-Day Review Hearing Form and any supporting documentation, must be forwarded to the Assistant Commissioner for Facilities.
- i. The Assistant Commissioner for Facilities shall have ten (10) business days to review the packet and render the final decision. The Assistant Commissioner for Facilities final decision shall be provided to the offender, who will acknowledge receipt of the final decision on the 60-Day Review Hearing Form, Attachment 5.
- j. If the Tier III Program Classification Committee recommends the offender be released to the Tier III STEP Program, then the recommendation, using Attachment 5, 60-Day Review Hearing Form, shall be sent directly to the Director, Field Operations (or designee) for review.
  - 1) The Director, Field Operations (or designee) shall have ten (10) business days to review the recommendation for transfer to the Tier III STEP Program.
  - 2) If the Director, Field Operations (or designee) approves the transfer to the Tier III STEP Program, then staff at the Tier III Program facility must submit the request to Offender Administration to initiate the transfer.
  - 3) If the Director, Field Operations (or designee) disapproves of the recommendation to release the offender from the Tier III Program, then the offender must be served with a copy of the 60-day Review Form, Attachment 5, and advised he or she is being denied assignment to Tier III STEP Program.
  - 4) The offender may submit a formal appeal utilizing Attachment 8, 60-Day Review/Classification Appeal Form. The appeal must be

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submitted to the Director, Field Operations (or designee) within five (5) business days from the date of notification.

The offender shall provide the 60-Day Review/Classification Appeal Form, Attachment 8, to the offender's assigned counselor, who will sign and date that the appeal was received. The offender shall sign and date the 60-Day Review/Classification Appeal Form, Attachment 8, acknowledging that the counselor has received the appeal. The assigned counselor will provide a copy of the signed 60-Day Review/Classification Appeal Form, Attachment 8, to the offender.

The assigned counselor shall then forward the signed 60-Day Review/Classification Appeal Form, Attachment 8, to the Director, Field Operations (or designee) within three (3) calendar days of receipt of the offender's appeal.

- 5) The Director, Field Operations (or designee) shall have ten (10) business days to review the offender's appeal and approve or disapprove assignment to Tier III STEP Program. If the offender's appeal is denied, the Director, Field Operations (or designee) shall forward the offender's appeal to the Assistant Commissioner for Facilities within three (3) business days.
  - 6) The Assistant Commissioner for Facilities shall have five (5) business days to review the offender's appeal and approve or disapprove assignment to the Tier III STEP Program. The Assistant Commissioner for Facilities' decision is final. The Assistant Commissioner for Facilities final decision shall be provided to the offender, who will acknowledge receipt of the final decision on the 60-Day Review/Classification Appeal Form, Attachment 8.
6. 60-day Review Appeal:
- a. If the final approved recommendation on the 60-day Hearing Form is that the offender be retained in the current phase or reassigned to the previous phase, then the offender may submit written objections to the

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recommendation using Attachment 8, 60-Day Review/Classification Appeal Form. The offender must submit those objections to the Warden (or designee) within five (5) business days from receipt of the Tier III Program Classification Committee's decision.

- b. The Warden (or designee) shall have ten (10) business days to review the offender's appeal. If the Warden (or designee) recommends that the offender be retained in the current phase or reassigned to the previous phase, then Attachment 8, 60-Review/Classification Appeal Form and any supporting documents, must be forwarded to the Director, Field Operations (or designee).
- c. The Director, Field Operations (or designee) shall have ten (10) business days to review the offender's appeal. If the Director, Field Operations (or designee) recommends that the offender be retained in the current phase or reassigned to the previous phase, then Attachment 8, 60-Day Review/Classification Appeal Form and any supporting documents, must be forwarded to the Assistant Commissioner for Facilities.
- d. The Assistant Commissioner for Facilities shall have ten (10) business days to review the offender's appeal and render the final decision. The Assistant Commissioner for Facilities final decision shall be provided to the offender, who will acknowledge receipt of the final decision on the 60-Day Review/Classification Appeal Form, Attachment 8.

**G. Criteria for completion of the Tier III Program and admission to the Tier III STEP Program.** To be eligible for placement in the STEP Program an offender must have met the following at the time of the request:

- 1. Completed the Tier III Program with positive behavior on performance recording sheets;
- 2. Completion of the O.U.T. Program; and
- 3. No Great or High Disciplinary Reports within the previous 390 days.

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#### **H. Staffing of the Tier III Program:**

1. Assignment to duty in the Tier III Program is regarded as hazardous. Personnel assigned are expected to deal professionally with unpleasant and irrational behavior.
2. Because of the unusual difficulty of the work to be done, the Warden (or designee) must specifically approve the assignment of uniformed officers, counselors, medical or other staff members to the Tier III Program. The Warden (or designee) shall supervise and evaluate the on-the-job performance of all correctional staff who work with offenders in the Tier III Program and establish rotation procedures due to intensity of the assignment.
3. All staff shall have training to recognize and respond to signs of mental illness, including suicidal ideation and acts.

#### **I. Security in General:**

1. The Warden is responsible for:
  - a. The care, secure confinement, and control of all offenders assigned to the Tier III Program;
  - b. The overall security of the Tier III Program; and
  - c. The effective accomplishment of assigned tasks.
  - d. Implementing and participating in quarterly training conducted by Tier Manager, GDC Facility Operations.
2. The use of all available security equipment shall be assigned and utilized to the fullest to ensure that the mission of the Department is met.
3. The Warden must ensure strict compliance with SOP 209.09, Use of Force and Restraint for Offender Control and all other related SOPs.

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4. Hand-held metal detectors or a suitable device must be placed in or near all control rooms and utilized by all officers whenever an offender leaves the living unit (i.e. yard call, call outs, visitation etc.) There are no exceptions – all officers must follow this procedure. The hand-held metal detectors must be utilized on all cell searches (i.e. mattresses, pillow and shoes).
  
5. The Warden is responsible for ensuring that a thorough security inspection of the SMU Tier III Program is conducted and recorded at a minimum of once per day. All control panels, cell doors, windows, locks, and chases must be inspected. A rubber mallet must be utilized in the inspection of all yards, wings, chases, exterior, and interior fences. (See SOP 226.01, Searches, Security Inspections, and Use of Permanent Logs)
  
6. Incident Reports: When any incident occurs, the correctional officers or employees involved must prepare an Incident Report and submit it for review to the Shift Supervisor, Chief of Security, and Warden. The report will follow reporting procedures as outlined in SOP 203.03, Incident Reports. All use of force reports must be forwarded by the Warden or designee to the Office of Professional Standards within five (5) business days after the incident. (See SOP 209.04, Use of Force and Restraint for Offender Control)

J. Transports:

1. Tier III offenders must be escorted by at least three (3) Correctional Officers when being transported, two (2) of whom must be armed. The unarmed officer is tasked with removing the offender’s restraints.
  
2. Transfer officers must restrain all offenders utilizing:
  - a. Handcuffs with Black Box;
  
  - b. Waist chains;
  
  - c. Leg irons; and

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- d. Bandit or Remote, Electronically, Activated, Control Technology (R.E.A.C.T.) Restraint System.
3. The Warden is authorized to make individual exceptions or enhancements to the above guidelines. Any exceptions or enhancements made must be documented in the Security Log Book.

**K. Opening of Cells, Feeding/Handcuff Slot and Cell Door Windows:**

- 1. Except for immediate, life threatening circumstance or emergency (ex. suicide attempt, fire evacuation), the following process shall be followed in opening of cells:

**Note: In the event of an emergency, an officer must make a radio call for assistance and at least two (2) Correctional security staff shall be present at the cell door before opening a single man cell.**

- a. A cell door must not be opened unless at least two (2) Correctional Officers are present at the cell.
- b. Prior to the offender being brought out of the cell for any reason:
  - 1) The offender must strip down to tee shirt, underwear, and shower shoes;
  - 2) The offender must hand each clothing item (jumpsuit, state pants, state shirt, etc.) out to the officer;
  - 3) The officer must thoroughly check each item for contraband. Hand held metal detectors should be utilized for checking the clothing. Clothing items shall then be returned to the offender to put back on prior to exiting the cell; and
  - 4) The offender must be restrained with handcuffs behind the back and with leg irons.

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- c. After an offender is placed in the cell and the door is closed, an officer must pull the door to ensure that it is locked. Only then may the handcuffs be removed.
2. Feeding/Handcuff Slot:
- a. Cell lighting must be sufficient to ensure the safety of staff and offenders before the feeding/handcuff slot is opened.
  - b. The feeding/handcuff slot of each cell door may be in the open position only: (1) when items are actually being issued to or received from an offender (meals, medication, commissary, laundry, etc.); or (2) for the purpose of placing or removing handcuffs on/from an offender.
  - c. Staff must order the offender to move to the back of the cell with the offender's hands visible and palms up. Staff must observe whether the offender has any objects in his or her hands.
  - d. When issuing items, the slot is to be opened and the items are to be placed in the opening. The staff member is then to step back from the cell door far enough to ensure that the offender cannot grab him/her through the slot.
  - e. Upon the offender taking the item from the opening, the offender must be instructed to step away from the door. When the offender has moved away from the door, the officer must then close the slot.
  - f. When receiving items from an offender, the slot is to be opened and the staff member is to step back from the door. The offender is then instructed to approach the door, place the item in the opening, and then step back away from the door. The staff member may approach the door and take the item only after the offender has stepped away from the door. The officer must then close the slot.
3. Sliding covers attached to cell door windows shall remain open at all times, unless articulable security or safety considerations dictate otherwise. Sliding covers shall

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not remain closed once the security or safety consideration has been resolved. Closure of the sliding covers will be broadly noted in the Log Book.

**L. Exterior Cell Windows and Cell Lighting:**

1. Offenders shall not be held in a cell lacking an exterior window unless the offender damaged the exterior window in the offender’s assigned cell.
2. Cells shall be equipped with operable lighting. Broken or inoperable lighting shall be promptly repaired. If the repair cannot be done promptly, the offender should be moved to another cell, if one is available.
3. Cell lights shall not be constantly lit. Cell lights shall be turned off during time periods designated for sleeping, unless otherwise requested by the offender or deemed necessary for the safety and security of the offender.

**M. Cell Searches:**

1. All shift supervisors are responsible for ensuring the continuous searches of cells. Cells must be thoroughly searched whenever an offender is removed from the cell.
2. The Chief of Security is responsible for ensuring the entire building is searched every thirty (30) days.
3. All cell searches must be documented in the logbook. Any deficiencies detrimental to security must be immediately reported and logged.

**N. Property Control:**

1. The Tier III Program Warden must assign a Property Officer. This officer is responsible for inventory, control, securing, receiving, and issuing of all offender property. However, all staff must ensure that the property control procedures are followed, as per SOP 206.01, Offender Personal Property Standards.

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2. The property must be stored in an identified property room, properly inventoried, logged in the property log, and properly labeled.
3. Property may be confiscated from any offender who is abusing the property or fashioning it in such a way that it provides a threat to security or safety. The Warden must make that decision.
4. Whenever an offender in the Tier III Program is deprived of any usually authorized item or activity, the Warden will be notified, and a case note will be made in SCRIBE.

**O. Security Inspections:**

1. The Warden and Chief of Security must ensure compliance with SOP 226.01, Searches, Security Inspections and Use of Permanent Logs.
2. The Warden and Chief of Security must ensure that a thorough security inspection of the Tier III Program is conducted and recorded at least once a day.
3. Shift Supervisors or their designees must conduct daily living and work area inspections using the Security Inspection Form, Attachment 1 of SOP 226.01.

**Note:** Utilizing the same daily inspection form, each Monday, the Shift Supervisors or their designees must send a weekly Security Inspection Report to the Chief of Security.

**P. Safety/Sanitation Inspections:**

1. The highest possible standards of cleanliness, sanitation, and safety must be maintained in the Tier III Program.
2. Offenders shall be provided the opportunity to clean their cells in the same manner as offenders in general population.

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3. The Warden and Chief of Security are responsible for compliance with SOP 228.01, Safety/Sanitation Inspections.
4. The Warden is responsible for the direction, coordination, and supervision of all activities associated with the maintenance of high standards of sanitation, cleanliness, and safety in the Tier III Program.

**Q. Staff Inspection Visits:**

1. The unit must be inspected on a regular basis. These inspections enable responsible officials to observe and evaluate conditions of confinement and speak with confined offenders.
2. These inspection visits must be conducted at least as often as listed in the following schedule:
  - a. The Correctional Shift Supervisor in charge will conduct visits once during each shift.
  - b. Healthcare officials will conduct an initial medical round within the first 24-hours after placement in the Tier III Program and then conduct visits daily, excluding weekends and holidays.
  - c. A Psychologist or Psychiatrist will conduct visits when requested by staff or as described in the Mental Health policy.
  - d. The Mental Health Counselor will conduct visits daily, excluding weekends and holidays.
  - e. The Mental Health Counselor personally interviews and prepares a report on any offender remaining in the Tier III Program for more than 30 days.
  - f. The General Population Counselor will conduct visits once per week.
  - g. The Chief of Security will conduct visits daily, excluding weekends and holidays.

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- h. The Warden will conduct visits daily, excluding weekends and holidays.
  - i. The Special Management Unit Duty Officer will conduct visits daily, excluding weekends and holidays.
  - j. The Warden at the Special Management Unit will conduct visits daily, excluding weekends and holidays.
  - k. The Warden will conduct visits once per week.
3. Documentation of rounds - It shall be the responsibility of each individual to document in the appropriate colored ink, so as to provide a clear record of who has visited the segregation unit. **Wardens and Supervisors** shall document in **Red ink**. **Healthcare staff** shall document in **Green ink**. **Counselors** shall document in **Blue ink** and **Officers** shall document in **Black ink**. This documentation is for the sign in log and all SMU Tier III Program Housing Unit program flow sheets.

**R. Staff Observations and Record Keeping:**

- 1. When an offender is admitted to the Tier III Program, the Chief of Security must complete a Cell Check Form (Attachment 9).
- 2. Correctional officers are required to conduct daily observation checks of offenders every 30-minutes while on their assigned floor. These observations will be documented using "Checklist" (Attachment 10).
- 3. The "Checklist" (Attachment 10) of this SOP must be used as described below:
  - a. Be completed daily with 30-minute documented checks. The 30-minute checks should be documented when they occur, not at the end of the shift.
  - b. Contain a record of all activities such as out of cell time, bathing, recreation time, medical visits, program participation, and religious visits.
  - c. Be signed by the officer in charge of each shift.

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- d. Cite medical observations/visits.
  - e. Include comments of unusual occurrences or behavior.
4. Individual records providing a listing of daily activities must be maintained for each offender in the Tier III Program. (Attachment 10)

The floor officers and staff must maintain a cumulative record of all offender activities for the duration of an offender’s confinement in the unit and must record any deviations from normal along with the explanations and reasons on Attachment 11, Performance Recording Sheet.

5. **Accountability Log:** The housing unit officer must maintain an accountability log accurate to the minute, making it possible to give an accountability of the whereabouts of each offender assigned to that housing unit. This log must include cell number, bed number, offender name, offender number, race, in or out time, assignment of offender, and destination of offender.
- a. The accountability logs must be printed daily after 1800 hours (6:00 p.m.), once all daily scheduled offender moves have been completed in both SCRIBE and the offender-housing unit.
  - b. All unscheduled offender movement must be hand-written by the assigned dorm officer on the accountability log with all information recorded as it is on the printed log (including the cell number, bed number, race, in or out time, assignment of the offender, and destination of the offender).
  - c. Accountability logs must be distributed daily by the second shift supervisor/designee.
6. The shift supervisor must ensure that all required documentation is completed on his/her shift.

**V. Attachments:**

- Attachment 1: Tier III Program Assignment Request Form
- Attachment 2: Tier III Program Assignment Memo

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- Attachment 3: Tier III Program Assignment Appeal Form
- Attachment 4: Tier III Program 90-day Review Hearing Form
- Attachment 5: Tier III Program 60-day Review Hearing Form
- Attachment 6: Tier III Program Privileges Chart
- Attachment 7: Tier III Program 90-Day Review/Classification Appeal Form
- Attachment 8: Tier III Program 60-Day Review/Classification Appeal Form
- Attachment 9: Tier III Program Cell Check Sheet
- Attachment 10: Tier III Program Checklist and 30 or 15 Minute Watch Observation Record
- Attachment 11: Tier III Program Performance Recording Sheet
- Attachment 12: Tier III Program Over 2-Years 90-Day Quarterly Review Hearing Form

**VI. Record Retention of Forms Relevant to this Policy:** Upon completion, Attachments 1, 2, 3, 4, 5, 7, 8, 9, 10, 11 and 12 shall be placed in the offenders institutional file and shall be retained according to the official records retention schedule of that file. Attachment 6, does not have a retention schedule as it is for staff use only.