


Idaho Department of Correction 	Standard Operating Procedure	Title: Protective Custody		Page: 1 of 5
		Control Number: 319.02.01.004	Version: 1.0	Adopted: 08/30/1995

Chad Page, chief of the Division of Prisons, approved this document on 12/16/2019.

Open to the public: Yes

SCOPE

This standard operating procedure (SOP) applies to all IDOC facilities that refer or house individuals in protective custody.

Revision History
Revision date (<u>12/16/2019</u>): This document is new in its entirety. Previously, protective custody procedures resided in <i>Restrictive Housing</i> , SOP 319.02.01.001.

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BOARD OF CORRECTIONS IDAPA RULE NUMBER

None

POLICY CONTROL NUMBER 319

Specialized Housing

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PURPOSE

This SOP establishes procedures for referral and placement into protective custody, describes staff responsibilities regarding protective custody, and describes the conditions of confinement and applicable timelines.

RESPONSIBILITY

Facility heads are responsible for implementing this SOP and monitoring staff compliance with the procedures and practices contained herein.

STANDARD PROCEDURES

1. Protective Custody

Protective custody (PC) is a housing assignment that separates an individual from the general population for that individual's safety. An incarcerated individual's situation, circumstances, or behavior may contribute to the need for protection. Most can correct such behaviors and successfully return to the general population. In most cases, the goal is to integrate the individual back into the general population when it is reasonably safe to do so.

The IDOC provides those in PC, to the extent possible, the same access to education, treatment, recreation, and amenities as those of the same custody level. Personal property is the same as the facility custody level in accordance with *State Issued and Inmate Personal Property*, SOP [320.02.01.001](#).

Facilities with protective custody housing must develop field memorandums that outline the management of individuals in protective custody describing any limits to access recreation, education, property or other things that are available to general population, and methods of separating individuals housed in PC from those housed in general population during movement, recreation, religious activities, etc.

2. Protective Custody Requests

To ensure confidentiality, the IDOC does not require a specific procedure or form for an individual to initiate a request for protection. They can initially request protective custody by notifying staff verbally or in writing. They can also have someone outside the facility make the request for them or a staff member can refer them for PC.

The IDOC bases the placement decision on available information and may place someone in protective custody whether that individual requests the placement or not.

3. Protective Custody Investigation Process

The facility investigative unit or designee conducts the investigation. The purpose of the investigation is to gather information for the facility head to determine if protective custody placement is necessary. The investigation and report must be handled with discretion and the information contained within it is limited to the placement authority, facility administrative staff, and other staff on a need to know basis. The investigation includes, but is not limited to, the following areas:

- Age of the individual being considered
- Any disabilities or other factors that put the individual at risk
- Circumstances surrounding the PC request
- Classification

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- Disciplinary history
- Security Threat Group (STG) involvement
- *Protective Custody Request for Protection* (if applicable)
- The individual's physical size
- Interview(s) of staff members who have knowledge about the circumstances (This may include contacting unit staff to obtain their observations of the individual in the housing unit.)
- Interview with the individual (mandatory)
- Consult with mental health professional if mental health concerns are present
- *Protective Custody Reception and Diagnostic Unit Inmate Safety Questionnaire*
- Reports or involvement in sexual activity while incarcerated
- Reports or involvement in violence
- *Protective Custody Staff Referral* (if applicable)
- Threats – validate names, circumstances, other specifics, etc.

Documentation

All documentation, statements, questionnaires, investigative reports are combined into a protective custody investigation packet. Photocopies are not made of the documents. The packet is confidential because sharing or releasing the information could put the inmate at risk. Access to the information is limited to those involved with the review and placement process and is on a need to know basis.

The protective custody investigation packet is transferred to the same facility the individual was transferred to and will be maintained in an administrative area of the facility. Once the individual is released from protective custody, facility investigators will send the hard copy to the investigation unit at the facility in which the incident occurred and will scan the electronic copy via Laserfiche to be stored electronically.

Protective Custody File

A two divider, four-part classification type file is used for protective custody files. The following documents (if available) must be included in the file.

Part One

- Protective custody request
- Investigative summary
- Offender Management System (OMS) inmate summary (face sheet)
- DOR summary (indicate relevant DORs)
- Classification sheet

Part Two

- Protective Custody Referral (with picture)
- Investigation documents
- Mental health level of care
- Program treatment

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Section Three

- Safety concerns
- Transport and facility cautions
- Detainers or holds
- *Protective Custody Request for Protection*
- *Protective Custody Staff Referral*
- Related reports (*Information Reports*, 105 Incident Reports, etc.)

Part Four

C-notes from OMS (at least prior year)

4. Placement Evaluation Process

An individual requesting protection or a staff member recognizing that someone may need protection initiates an evaluation for protective custody housing.

When either an individual requests protection or staff believes there is a need for protection (complete a [Protective Custody Staff Referral](#)), use the following steps.

Functional Roles and Responsibilities	Step	Tasks
IDOC Staff	1	Keep the individual in a safe environment. Contact the shift commander.
Shift Commander or Designee	2	Meet with the individual to determine if placement in segregation pending investigation (SPI) is needed and if yes, complete a Restrictive Housing Order (RHO) in accordance with <i>Short-term Restrictive Housing</i> , SOP 319.02.01.001 . Explain the process to the individual. Request that the designated investigating staff complete an investigation packet
Investigating Staff	3	Investigate the referral in accordance with section 3 of this SOP.
Investigating Staff	4	Complete the investigation within seven days (the facility head or deputy warden can extend the investigation up to an additional five days.) Complete the Protective Custody Investigation Checklist , create an investigation file, and forward the entire investigation packet to the facility head.

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Functional Roles and Responsibilities	Step	Tasks
Facility Head	5	<p>Within five business days, (ensuring the 15-day short-term restrictive housing time line is not exceeded), review the PC investigation report/packet.</p> <p>Determine if the inmate requires protective custody.</p> <p>If protective custody is warranted:</p> <ul style="list-style-type: none"> • Ensure the individual is moved to a PC unit. • Ensure a PC caution is entered in OMS. • If the individual is moved to another facility for PC housing, ensure the protective custody file, including the investigation packet, is transferred to that facility.
Receiving Facility Head	6	If an individual is received from another facility, and the PC placement seems unwarranted, contact the division chief.
Division Chief	7	If applicable, review the case and make a final decision regarding the individual's placement.

5. Review of Protective Custody Status

Facility heads at facilities with PC housing must have a field memorandum that outlines the review committee membership, responsibilities, and procedures. The PC review committee determines housing assignment and provides an ongoing review of those assigned to protective custody to monitor each individual's PC status. Each review of status must be summarized in OMS. Whenever possible, the PC review committee should develop an exit plan for each individual in PC status.

At a minimum, the PC review committee must conduct a formal review annually of each individual in PC and provide the facility head with a recommendation. The facility head makes the final decision to retain or release the individual from protective custody.

When the individual is moved from protective custody, staff must ensure the protective custody move caution is removed from OMS.

DEFINITIONS

None

REFERENCES

[Protective Custody Request for Protection](#)

[Protective Custody Investigation Checklist](#)

[Protective Custody Reception and Diagnostic Unit Safety Questionnaire](#)

[Restrictive Housing Order](#)

[Protective Custody Staff Referral](#)

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