

STATE OF VERMONT AGENCY OF HUMAN SERVICES DEPARTMENT OF CORRECTIONS	Facility Designation and Housing	
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Jon Murad, Interim Commissioner	Date Signed	Date Effective

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PURPOSE

This policy outlines the criteria DOC staff use to determine where incarcerated individuals should be housed within a correctional facility and when they may be transferred.

AUTHORITY

28 V.S.A. §§ 101 (1) (5), 102 (5), 702

POLICY

The DOC's policy is to house each incarcerated individual in the least restrictive available setting, consistent with safety and security. With this in mind, there are many factors to consider when determining where an incarcerated individual should be housed within a facility. The personal safety of the incarcerated individual, including the risk of identity-based harm, and the safety of staff and others, shall be paramount in determining each individual's housing assignment.

It is also DOC policy to have a system for transfers between correctional facilities. This document outlines the procedures staff use in these situations.

HOUSING DETERMINATIONS

Generally, the Correctional Living Unit Supervisor (CLUS), or designee, shall make housing determinations within a correctional facility, after consideration of all the relevant factors outlined under this Heading. Sometimes, these decisions may require the collaboration of a multi-disciplinary team (MDT), including when Prison Rape Elimination Act (PREA), or mental health factors exist.

A. Placement in General Population

1. After an incarcerated individual is lodged, the CLUS may assign housing in general population if:

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- 1 a. The individual has been screened by contracted health services staff
2 and all emergency and urgent health and mental health needs have
3 been addressed;
- 4 b. The intake process has been completed; and
5 c. The incarcerated individual has been arraigned.
- 6 2. When possible, the CLUS shall not assign an incarcerated individual
7 housing in general population until the individual's five-day classification
8 has been completed.
- 9 3. Incarcerated individuals lodged solely for civil contempt shall not be
10 assigned housing in general population until after the individual's first
11 court hearing.

B. Unit Role and Space Management

- 1 1. The Superintendent, or designee, may designate units within the facility
2 to be used primarily for housing incarcerated individuals sharing similar
3 characteristics (e.g., facility workers, individuals engaged in risk
4 intervention services, individuals with similar language access needs). For
5 the purposes of this section, "similar characteristics" shall not include
6 race, gender, or sexual orientation.
- 7 2. The CLUS shall balance the available beds to limit overcrowding in units.

C. Assaulative or Disruptive Behavior

The CLUS shall:

- 1 1. Consider safety and security when determining a housing placement and
2 selecting a cellmate for an incarcerated individual with a history of
3 assaultive or disruptive behavior; and
- 4 2. House incarcerated individuals who have a history of, or who are
5 currently engaging in, disruptive behavior in the least restrictive available
6 setting, consistent with safety and security. When lesser interventions
7 are insufficient to allow such an individual's safe placement in the
8 general population, the CLUS may place the individual in a restrictive
9 housing unit (RHU), in accordance with the policies on facility rules and
30 responses to violations and administrative segregation.

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1 **D. Incarcerated Individuals with Serious Mental Health Concerns or Designated
2 as a Delayed Placement Person (DPP) or as Having a Serious Functional
3 Impairment (SFI)**

4 1. A multi-disciplinary team that includes a contracted mental health
5 services staff member shall determine an appropriate housing
6 assignment that meets the individual's needs, for incarcerated
7 individuals who:
8 a. Screen at the orange or red level on the Columbia-Suicide Severity
9 Rating Scale (C-SSRS), or
10 b. Have been identified as displaying behaviors that raise mental health
11 concerns.
12 2. The MDT shall only designate a housing placement in an RHU in
13 accordance with the rule on the classification, treatment, and use of
14 administrative and disciplinary segregation for incarcerated individuals
15 with serious mental illness.

16 **E. PREA Designations**

17 Following the use of the conviction violation summary (CVS) and the sexual
18 violence screening tool (SVST) in accordance with the policy on PREA, the
19 CLUS:

20 1. Shall house all incarcerated individuals who are designated at risk of
21 victimization, at risk for abusiveness, or dual designation, in a manner
22 that provides for the individual's safety and the safety of others; and
23 2. Shall not house an incarcerated individual designated at risk of
24 victimization with an individual designated at risk for abusiveness.

25 **F. Separations or "Keep-Aparts"**

26 1. There are situations in which the DOC designates that specific individuals
27 shall remain separated or "kept-apart" from one another, in the interest
28 of preserving safety. Staff shall consider these separations when making
29 a housing determination.
30 2. Separations may result from many types of circumstances, including:
31 a. A court-ordered separation;
32 b. A staff member, or the immediate family member of a staff member,
33 is the victim of the incarcerated individual's offense;
34 c. Sexualized behavior constituting a substantiated PREA incident;
35 d. The incarcerated individual was involved in a significant assault;

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- 1 e. An allegation of staff gross misconduct;
- 2 f. Activities of an identified and approved Security Threat Group (STG),
3 in accordance with the policy on STGs;
- 4 g. The incarcerated individual's role as an informant; or
- 5 h. The recommendation of another law-enforcement agency.
- 6 3. When known, the CLUS shall not house an incarcerated individual with
7 another:
 - 8 a. Who was the direct victim or perpetrator of an offense in which the
9 individual was involved; or
 - 10 b. With whom the court has ordered the individual not be housed.
- 11 4. The CLUS, or designee, shall review any potential placement with the
12 Superintendent, or designee, for an incarcerated individual who is known
13 to have any of the following relationships with a staff member who is
14 regularly assigned at the correctional facility:
 - 15 a. A kinship relationship by blood or law;
 - 16 b. An intimate or close relationship; or
 - 17 c. The incarcerated individual was the perpetrator, or suspected
18 perpetrator, of an offense in which the staff member, or a family
19 member of a staff member, was a victim.
- 20 5. Staff shall follow the following process when they identify a possible
21 need for separation:
 - 22 a. The staff member who identified the possible need shall:
 - 23 i. Document the concern in a written report that specifies the
24 individuals who should be separated and the reason for the
25 requested separation; and
 - 26 ii. Submit the request to:
 - 27 a) The CLUS, or designee, if all the involved individuals are
28 incarcerated; or
 - 29 b) The Superintendent, or designee, if a staff member is
30 involved.
 - 31 b. The CLUS or Superintendent, or a designee, shall review the request.
32 If it is determined that the individuals should remain separated, the
33 reviewer shall submit the request to the Classification Unit Director
34 for review.

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- 1 c. If the Classification Unit Director approves the separation request,
2 the Director:
 - 3 i. Shall specify if the individuals involved must be in separate
4 buildings or units, or if they must be in separate correctional
5 facilities;
 - 6 ii. May limit the approval to a specific timeframe (e.g., until
7 charges are resolved, for one year); and
 - 8 iii. May specify alternative mitigation strategies, based on housing
9 needs.
- 10 d. Upon approval, the CLUS shall enter a “keep-apart” alert in the
11 Offender Management System (OMS).
- 12 6. Separations shall be reviewed by staff every three years as follows:
 - 13 a. The assigned CSS shall notify the CLUS, Superintendent, or a
14 designee, as appropriate, when a separation review is due.
 - 15 i. If all the involved individuals are incarcerated, the CLUS, or
16 designee, shall perform the review.
 - 17 ii. If a staff member is involved, the Superintendent shall perform
18 the review.
 - 19 b. The CLUS, Superintendent, or a designee, shall review the separation
20 and recommend whether the separation is still necessary to the
21 Classification Unit Director. Whenever the Superintendent considers
22 removing a separation involving a staff member, the Superintendent
23 shall have a conversation with the affected staff member prior to
24 removing the separation.
 - 25 c. The Classification Unit Director will review the recommendation and
26 determine if the separation shall be continued or removed.
 - 27 d. Upon notification of the Classification Unit Director’s determination,
28 the CLUS shall:
 - 29 i. Inactivate the OMS alert, for removed separations; or
 - 30 ii. Enter a new date in the OMS alert, for continued separations.

G. STG Designations

The CLUS, or designee, shall give extra consideration to the housing of any incarcerated individual who has been validated as a member or leader of an STG, with regard to housing the individual with:

1. Other validated members or leaders of the same or a different STG;
2. An incarcerated individual who is designated at risk of victimization; or

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3. An individual who is at risk for identity-based harm from the STG to which the validated individual belongs.

H. Medical or Mobility Concerns or Americans with Disabilities Act (ADA) Accommodations

When making a housing determination, the CLUS shall, in coordination with contracted health services staff, consider any medical or mobility concerns and any Americans with Disabilities Act (ADA) accommodations that apply to the incarcerated individual to ensure that the housing assignment is suitable to the individual's specific situation.

I. Individuals Who Are Transgender, Intersex, or Gender-Diverse

An MDT shall make all housing determinations for incarcerated individuals who are transgender, intersex, or gender-diverse, in accordance with the policy on gender identification, care, and custody.

J. Custody Level

The CLUS shall house an incarcerated individual at the individual's designated custody level, in accordance with the policy on custody or security assignment in a correctional facility.

1. If the custody level is overridden and approved by the Superintendent, or designee, the CLUS shall consider the override level as the individual's custody level for the purposes of housing.
2. In cases when the CLUS determined the individual's housing placement prior to the custody level being completed (e.g., at the time of initial housing placement after intake), the CLUS shall reassign the incarcerated individual's housing placement if there is a difference between custody level and where the individual was initially housed, unless an override of custody level is granted.

K. Other Factors That May Impact Housing Determinations

In addition to the specific items described above, the CLUS shall consider other factors that may impact housing determinations. These include:

1. The incarcerated individual's:
 - a. Institutional history;
 - b. Charges or offense;
 - c. Legal status;

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- 1 2. Notoriety or community sentiment;
- 2 3. The population and current role of existing units;
- 3 4. Facility structure; and
- 4 5. Engagement in special education services, when known.

TRANSFER REQUEST

A. Transfer Requests

- 1 1. The CLUS, or designee, shall submit all transfer requests to the Classification Unit Director in writing.
- 2 2. Prior to making a non-emergent transfer request for a cisgender male, the CLUS, or designee, shall ensure all the tasks required as part of the five-day classification process, as outlined in the policy on case management, are completed.
- 3 3. The CLUS, or designee, shall include the following information in the request:
 - a. To what facility the incarcerated individual should be transferred;
 - b. The reason the transfer is being requested;
 - c. The timeframe for the transfer; and
 - d. Any other pertinent information regarding the incarcerated individual.
- 4 4. The Classification Unit Director shall review all transfer requests, for approval or denial.
 - a. When considering a transfer request, the Classification Unit Director shall consider all the same factors as when determining the individual's initial housing placement.
 - b. Upon approval of a transfer request, the Classification Unit Director shall schedule the transfer.

B. Transfer Priorities

Several factors may lead facility staff to request a transfer of an incarcerated individual to a different facility, including:

1. Gender

- a. Following the arraignment of a cisgender female housed at any facility other than Chittenden Regional Correctional Facility (CRCF),

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1 the CLUS shall make notification to CRCF and arrange for the
2 individual's transfer.

3 b. The CLUS shall request the transfer of an individual with an
4 approved plan that requires housing in a different facility, in
5 accordance with the policy on gender identification, care, and
6 placement.

2. Risk-Intervention Services

8 a. While an incarcerated individual is engaged in risk-intervention
9 services, the DOC shall house the individual at a correctional facility
10 that is consistent with the services in which the individual is required
11 to engage.

12 b. The Risk-Intervention Services Coordinator shall request the transfer
13 of an incarcerated individual preparing to enter risk-intervention
14 services that are not provided at the facility in which the individual is
15 housed.

3. Medical or Mental Health Needs

17 a. Contracted health services or mental health staff may identify
18 incarcerated individuals with specific needs that should be
19 considered in housing placement decisions.

20 b. The Classification Unit Director, or designee, shall work with
21 contracted health services staff to ensure that housing is
22 appropriate to provide for the medical and mental health needs of
23 these incarcerated individuals.

4. Court Appearances

25 a. Upon notification that an incarcerated individual housed in a male
26 facility has an upcoming in-person court appearance, the
27 Classification Unit Director shall, when feasible, arrange for the
28 transfer of that individual to the facility closest to the applicable
29 court.

30 b. These transfers may not be feasible in some situations, including
31 when:

32 i. The notification is received less than one week prior to the
33 scheduled court appearance;

34 ii. The needs of the incarcerated individual cannot be met in the
35 closest facility; or

36 iii. Safety and security needs preclude the placement of the
37 individual in the closest facility.

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5. Population Management

The Classification Unit Director, or designee, shall work with each facility to support effective behavioral management of the incarcerated population. This may include considerations such as STG membership or leadership, separations, and institutional behavior.

6. Bed-Space Management

The Classification Unit Director, or designee, shall work with each facility to ensure that incarcerated individuals are housed consistent with the above listed needs and anticipated facility bed-space needs, based on population trends.

C. Mobility Transfer Considerations

1. DOC uses mobility codes (“M-codes”) when making determinations about where in-State incarcerated individuals shall be housed.
2. M-codes are assigned upon an incarcerated individual’s admission to a correctional facility, by:
 - a. DOC health services staff for individuals designated as DPP or SFI; or
 - b. Contracted health services staff for all other incarcerated individuals.
3. The Health Services Administrator shall ensure that M-codes are regularly updated to reflect the medical status of the incarcerated individual, including a comment explaining any designation above M1.
4. In cases when a female is lodged at a male facility, the female shall be transported to CRCF regardless of her M-code, unless special situations dictate otherwise.

5. Mobility Code Descriptions

- a. M1 – Mobile without Restriction

This category includes incarcerated individuals who may be housed anywhere, because their health care needs can be met at all facilities.

- b. M2 – Mobile with Special Consideration

This category includes incarcerated individuals who may be housed anywhere, because their health care needs can be met at all facilities, however there are special considerations when moving such individual, such as the individual:

- i. Is undergoing assessments (e.g., blood pressure checks), dressing changes, or special treatments;

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- ii. Needs or uses a(n):
 - a) Bottom bunk pass;
 - b) Continuous positive airway pressure (CPAP) machine;
 - c) One-level facility;
 - d) ADA accommodation. In these cases, the Superintendent, or designee, at the receiving facility shall review the accommodation to verify whether the facility has the capacity to provide the accommodation;
 - e) Mobility device (e.g., wheelchair, case, crutches, walker);
- iii. Is pregnant;
- iv. Is scheduled for assessment or induction for medication for opiate use disorder (MOUD); or
- v. Has been cleared for work camp;

M3 – Mobile with Approval or Consultation

- i. This category includes incarcerated individuals for whom contracted health services staff must:
 - a) Approve their movement, when it is discretionary; or
 - b) Be consulted about their movement, when it is non-discretionary.
- ii. This category includes incarcerated individuals who are:
 - a) Under detoxification protocol;
 - b) On methadone;
 - c) Awaiting scheduled outside appointments;
 - d) Designated as SFI or in a mental health unit;
 - e) Decompensating, suicidal, or in acute mental health distress;
 - f) On 15-minute or more frequent observations;
 - g) On oxygen therapy;
 - h) Diagnosed, or being assessed for, age-related cognitive impairment;
 - i) Receiving active physical therapy service; or
 - j) Receiving, or pending treatment for, an acute dental or medical issue.

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1 with medical or mental health approval. This category includes
2 incarcerated individuals:

3 i. With acute medical or mental health changes requiring constant
4 observation;

5 ii. In the infirmary or other special medical housing;

6 iii. On dialysis;

7 iv. On full suicide precautions;

8 v. Designated as DPP.

9