

Right to Know Request

The public information identified below is requested in accordance with NH RSA 91-A

Information requested from	Cheshire County House Of Corrections
Address	825 Marlboro Rd
City, State, Zip	Keene, NH 03431

Nature of Request:

All documents related to the HOC policies involving the use of solitary confinement, including but not limited to the placement of individuals in solitary confinement who are incarcerated for failure to pay a fine.

Name of person submitting request	Darryl W. Perry
Address	63 Emerald St #369
City, State, Zip	Keene, NH 03431

Signature of person making request

Date

I hereby attest that I have received a copy of this public information request on behalf of the public body named above at _____ AM/PM on _____, 20____
(month and day)

Printed name

Signature



Richard N. Van Wickler, Superintendent

Gemma Lantry, Executive Assistant

www.co.cheshire.nh.us/hoc

825 MARLBORO ROAD KEENE, NEW HAMPSHIRE 03431

Phone: (603) 903-1600

Fax: (603) 352-4044

Major **John Mousseau**, Director of Safety & Security

CPT **Kevin Clark**, Director of Classification

Maj **Hank Colby**, Director of Programs

CPT **Scott McLaughlin**, Federal Liaison & Transportation

CPT **David Morey**, Booking Commander

CPT **Tim Knowles**, Director of Training

SHIFT COMMANDERS: CPT ERWIN, LT BARRETT, LT HALL

Barnes Peterson, Mental Health

Douglas Iosue, Case Management

Brenda Wright, Medical Services

22 January 2015

Darryl Perry
63 Emerald St. #369
Keene, NH 03431

RE: NH RSA 91-A request

Mr. Perry,

I received your request for information regarding "all documents related to the HOC policies involving the use of solitary confinement, including but not limited to the placement of individuals in solitary confinement who are incarcerated for failure to pay a fine".

The following information is enclosed: Policies 350-65, 66, 70, and 75, Policy 500-90. I have also enclosed NH RSA 30-B:7

Secure confinement for individuals who are incarcerated for contempt of Court (non payment of fines) or civil disobedience (Policy 350-66 Para. D) are necessary for the following primary reasons:

~ Individuals in this category are not criminals in our view. Many of these individuals have not been incarcerated before and are frightened for their personal safety. Experienced offenders who have experience with incarceration may have a tendency to take advantage of first time offenders. Our experience in placing contempt/disobedient offenders into segregation serves to keep them safe in the event that they are with us for only a short while.

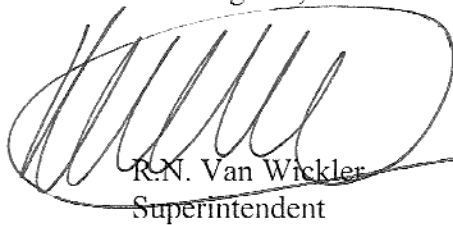
~ Our experience also shows that most individuals in this category of offense are here for a very short period of time before the Court releases them or fines are paid – avoiding the need to introduce them to a higher level security environment.

~ Per policy, all classifications in the segregation unit are reviewed every 7 days. It is our customary practice to not keep this category of offender for more than 5 days in segregation before moving them to general population, but as stated, most have departed by then.

RSA 30-B:7 is also attached which is authority to segregate any offender who is refractory and stubborn until they obey the Superintendent's orders.

My cover letter and enclosed documents are fully responsive to your request for information. I hope that it has addressed your questions or concerns satisfactorily.

Kind regards,

A handwritten signature in black ink, appearing to read 'R.N. Van Wickler', enclosed within a large, loopy oval scribble.

R.N. Van Wickler
Superintendent



CHESHIRE COUNTY DEPARTMENT OF CORRECTIONS
825 MARLBORO ROAD
KEENE, NEW HAMPSHIRE 03431
RICHARD N. VAN WICKLER
SUPERINTENDENT

Inmate Classification Procedures – General

350-65

Approved _____

Revised _____

Policy:

The Cheshire County Department of Corrections will implement and complete Objective Jail Classification procedures on all inmates admitted to the jail to ensure fair and consistent determination of the individual security and program needs for each inmate.

Procedure A: Inmate Classification Procedure - General

1. The booking officer will complete initial intake assessment upon admission by utilizing the Computerized inmate management system and will assign a classification level of R&D.
2. The Supervisor will assign inmates to a cell in Receiving and Diagnostic (R&D) housing during the interim classification procedures. All inmates will be held in Receiving and Diagnostic until a formal classification has been completed.
3. Supervisors may not *increase or decrease* the custody status of any offender at any time. The Supervisor has only the authority to place an inmate in Administrative Segregation status. Supporting documentation must accompany the change and if warranted, a disciplinary report or request for reclassification will be submitted to the Classification Officer. The Classification Officer will then place the inmate on C5 status until the next review.
4. If, due to the needs of the facility, an inmate must be moved into general population before a formal classification process occurs, the Shift Supervisor will be responsible for this procedure. The Shift Supervisor will utilize their training and experience in addition to the computerized inmate management system and the "Primary Security Level Assignment (PSLA)" form (see attached). Upon completion, the Shift Supervisor shall place the inmate into the housing area indicated by the PSLA and place the form in the inmate file. No changes will be made to the computerized jail management system, except movement of the cell assignment. The file should then be given to the Classification Supervisor for formal classification.

5. Sentenced inmate admissions of thirty (30) days or less will automatically be determined as C2 Minimum Custody by the Classification Officer during the formal classification process, provided there are no extenuating circumstances. (ie: suicidal tendencies, assaultive behavior, detainers, etc.)

6. The Superintendent or his designee may review and or change classification decisions made by the Classification Officer or assigned staff. These changes will be documented as overrides.

7. Inmates will have the right to appeal classification decisions, made by the Classification Officer or assigned staff to the Superintendent or his designee. The Appeal must be submitted within seven (7) days of the decision, the process is outlined in Policy 350-80.

Attachments:

1. Primary Security Level Assignment



**CHESHIRE COUNTY DEPARTMENT OF CORRECTIONS
825 MARLBORO ROAD
KEENE, NEW HAMPSHIRE 03431
RICHARD N. VAN WICKLER
SUPERINTENDENT**

Inmate Housing Plan

350-66

Approved _____

Revised _____

Purpose:

An inmate housing plan is required for the Department of Corrections to ensure that the Classification Department and Correctional employees have specific administrative guidance for the appropriate and safe housing placement for all offenders. It is the agency's intent to place offenders in the least restrictive bed space and to provide programs based on offender needs.

Related Policies:

350-70	Classification Categories
350-40	Protective Custody from the General Population
350-65	Classification Procedures
350-70	Classification Assignments
350-75	Inmate Re-classification
350-80	Inmate Appeal to Classification Assignments
105-G	Director of Inmate Classification

A. Definitions:

1. **General Population:** An inmate living area where offenders have the freedom of movement between their assigned cell and a common area in a specified housing unit.
2. **Housing Unit:** One secure area that houses offenders with a Correctional Officer present who has specific administrative control over the unit.
3. **Administrative Segregation:** Segregation based on Corrections Officials belief, or receipt of information, that an offender may be a potential threat to institutional safety or security or where the segregation of an offender is in the best interest of the offender or the institution. Administrative segregation requires a disciplinary hearing within 72 hours unless waived by the Superintendent or designee.
4. **Punitive Segregation:** Housing within the Close Confinement Unit having only one hour out of close confinement in each 24-hour period. "P-SEG" is the result of a "Guilty" finding by the disciplinary board and shall not be more than 15 days for each charge that the offender is found guilty of.
5. **Close Confinement Unit:** Area designated as "S" block.
6. **Sub Dayroom-Males:** Is a sub-dayroom within the close confinement unit located in "S" Block.

B. Custody Levels:

1. Custody levels are from C-1 through C-5, 1 being the least restrictive and 5 being the most restrictive.
2. C-1: Offenders managed within the community
3. Males:
 - a. C-2 will be housed on the UPPER level of D-Block.
 - b. C-3 LOW will be housed on the LOWER level of D-Block.
 - c. C-3 HIGH will be housed on the UPPER level of K-Block.
 - d. C-4 will be housed on the LOWER level of K-Block.
 - e. C-5 will be housed in S-Block LOWER level.
 - f. C-5 AGGRESSIVE will be housed in S-Block, Sub Dayroom.
4. Females:
 - a. C-2 and C-3 LOW will be assigned to the UPPER level of F-Block.
 - b. C-3 HIGH and C-4 will be assigned to the LOWER level of F-Block.
 - c. C-5 will be assigned to the Sub Dayroom of F-Block.

C. Protective Custody:

1. Male offenders who request PROTECTIVE CUSTODY but provide no information as to why they need protective custody will be assigned to the UPPER level of S-Block. Female PC's will be housed in the Sub Dayroom of F-Block.
2. Male offenders who are assigned the status of PROTECTIVE CUSTODY by staff, MEDICAL OBSERVATION OR SUICIDE WATCH will be assigned to R-Block. Females in this category will be assigned to the LOWER level of F-Block nearest to the control station as possible.
3. PROTECTIVE CUSTODY (from the street): Any intake that comes in with the status of PROTECTIVE CUSTODY will be held within the Booking Area. If possible, these intakes should be given access to inmate phones to find an adult willing to take responsibility and provide transportation.

D. Contempt/ Disobedience:

- Male offenders who are in custody because of contempt of Court or Civil Disobedience will be assigned to S Block, UPPER level and remain there throughout their stay.
- Females in this category will be assigned to the Sub-Dayroom of F-Block.

E. Offenders who are released into the community each day:

- Work Release, Work Search and weekend sentences will be assigned to R-Block UPPER level.
- Females in this category will be assigned to F-Block UPPER level.

F. Cell/ Bunk Assignments:

1. Initial cell/bunk assignments will be completed by the Unit Manager in accordance with this policy.
2. Cell changes can ONLY be authorized by a Shift Commander or a higher authority.
3. Once a Unit Manager assigns an offender a cell/bunk, it can only be changed in accordance with this paragraph and must be accompanied by a compelling interest.
4. Exterior view, location for convenience or near preferred people IS NOT a compelling interest. The Shift Commander will consider all other reasons given before making the move.
5. Shift Commanders can move offenders based on their own discretion utilizing the incentive/ disincentive philosophy. Moves should be as infrequent as possible.
6. If space permits, we should keep one offender per-cell if possible unless directed otherwise by a higher authority.



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SUPERINTENDENT

Inmate Classification Assignments

350-70

Approved _____

Revised _____

Policy:

In accordance with the Cheshire County Objective Jail Classification Plan and the inmate management software:

1. All inmates must have a formal classification completed within seventy-two (72) hours of their incarceration.
2. All inmates will remain in Receiving & Diagnostic (R&D) for a minimum 24 hour period of Medical Observation (MO).
3. The formal classification process will be completed by the Classification Officer or assigned staff and documented on the Custody Evaluation.
4. Completed Custody Evaluations will be topped with an approved Cover Sheet and filed on the bottom of the second tab of the individual inmate file.
5. Overrides, when necessary, must be approved by the Superintendent or his designee.
6. The staff will implement custodial management practices and limit program participation of in-house or community-based programs at the direction of the Superintendent or his designee in accordance with the inmate's classification.

Definitions:

All inmates will be assigned to one of the following categories.

C1 Minimum Custody Inmates: Inmates who have been administratively approved *or court ordered* for Work Release, Electronic Monitoring, Pretrial Home Confinement or other community release programs, *including weekend sentences*.

C2 Minimum Custody Inmates: Inmates who present a low risk to the safety and security of the facility and low risk of flight. These inmates are authorized to work on outside work details **if sentenced.**

- *If a pretrial inmate is classified to C2, they may be used for work within the confines of the facility and only with individual approval from the Director of Safety and Security*

Definitions: (Continued)

C3 Medium Low and Medium High Custody Inmates: Inmates who pose a moderate risk to the safety and security of the facility and a risk of flight. Medium High and Medium Low Custody Inmates are housed separately and defined by their individual classification scores. These inmates are not authorized access to outside work details but may be used for work within the confines of the facility and only with individual approval from the Director of Safety and Security.

C4 Maximum Custody Inmates: Inmates who pose a real and present high risk of escape and or those inmates who pose the highest risk to the security of the jail, the safety of the staff, visitors or other inmates. Maximum Custody Inmates are not eligible for any work assignment. Access to programming is restricted.

C5 Maximum Custody Inmates: Custody level into which an inmate may be classified as a result of a determination that he presents a substantial risk to the security or order of the institution, the safety of that inmate or others and therefore requires separation from the general population and strict supervision in a highly controlled setting.

Procedure A: Maximum Custody Inmates; C4 / C5

1. All new arrival inmates who have never been incarcerated at the Cheshire County Department of Corrections and are completely unknown to staff will be classified as R & D.
2. Inmates classified as C5 Maximum Custody must have their status reviewed every seven (7) days.
3. Inmates classified as C5 Maximum Custody, require close supervision. C5 Maximum Custody Inmates will be escorted to and from their housing areas by correctional staff and in restraints at all times.
4. Inmates classified as C5 Maximum Custody will receive programming determined on an individual basis by the Classification Officer with input from the Director of Inmate Programs.
5. Inmates classified as C5 Maximum Custody will be reviewed every seven (7) days for reclassification, the findings will be reported to the Superintendent or his designee. Inmates classified as C5 Maximum Custody may be held at that level for an indefinite period of time. Programming will be determined on an individual basis by the Classification Officer with input from the Director of Inmate Programs.

Procedure B: Medium Custody Inmates; C3 – Medium Light and Medium Heavy Custody

1. Inmates classified as Medium Custody will be supervised by staff during movements outside of their Dayroom.
2. Inmates classified as Medium Custody will be allowed to participate in programs designated by the Director of Inmate Programs.

Procedure C: Minimum Custody Inmates; C2 / C1

1. Inmates classified as Minimum Custody must meet the following criteria:
 - a. Have displayed behavior which demonstrates he/she is a minimum security risk to the facility.
 - b. Have been found to be a Minimum Custody Inmate by the established classification process.

Attachment:

1. Pretrial Crew Approval Form

Referrals:

Procedure A: All custody levels

1. Offenders identified by the classification process as ones in need of programming will be referred to the appropriate department by the staff member conducting the evaluation.
2. Information concerning the individuals needs and any referrals will be documented on the *classification instrument*.
3. A copy will be provided to department heads.

Attachments:

1. Custody Evaluation.



CHESHIRE COUNTY DEPARTMENT OF CORRECTIONS
825 MARLBORO ROAD
KEENE, NEW HAMPSHIRE 03431
RICHARD N. VAN WICKLER
SUPERINTENDENT

Inmate Reclassification Procedures

350-75

Approved _____

Revised _____

Policy:

The Cheshire County Department of Corrections will review all classification assignments regularly. The Department may re-classify inmates as necessary in order to:

- enforce security, order, and control.
- ensure the safety of both inmates and staff.
- provide adequate bed space.

Procedure A: Reclassification to a Higher Custody Level

1. When verified information of an inmate's behavior, change in Judicial Status or other verifiable information indicates that he/she requires a higher Custody Level, the classification Officer will perform a classification review.
2. The Disciplinary Coordinator will *notify the Classification Officer of any punitive segregation or loss early release time*
3. All reclassifications will be conducted in the same fashion as the original and documented on the Custody Reassessment Scale.
4. The Superintendent will ensure that the inmate's due process rights are protected.

Procedure B: Reclassification to a Lower Custody Level

1. When a Supervisor or member of the staff has reason to believe that an inmate is held at a higher custody level than necessary, he/she may request of the Classification Officer to complete a review.
2. The Classification Officer will review the inmate's case and interview the staff member requesting the review. When necessary, the inmate may also be interviewed.
3. The Classification Officer will complete a Custody Reassessment Scale and submit it to the inmates file.

4. If necessary the reclassification findings can be submitted for an override.
5. The inmate will be notified of any change in classification status.

Procedure C: Overrides (*Any deviation from classification instrument excluding classifications determined by policy 350-65 or 350-70*).

1. The Superintendent, the Director of Safety and Security or a designee may take immediate action and place an inmate in a higher/lower security setting or custody level for any reason.
 - a. Ensure all findings are properly documented as overrides and placed in the inmate file.
 - b. Provide the inmate with written notice of the classification findings on the Notice of Classification Form.

Procedure D: Conditions of Confinement

1. All inmates housed in Administrative Segregation shall have the following rights, privileges and amenities except when these inmates may be suicidal, unruly or destructive. Certain privileges and amenities may be suspended to maintain order and safety with concern to the facility, inmates or staff.
 - a. All staff shall be given special orientation and training as to the function of the unit, the rules governing its operation, and the needs and problems typical of inmates with this classification.
 - b. Cells in the unit shall be equipped with and furnished in a manner substantially similar to cells in the general population.
 - c. Each inmate shall be provided adequate opportunity for personal hygiene.
 - d. Inmates shall be provided with an opportunity to exercise outside their cells at least one hour per day, five days a week.
 - e. The Medical Department will have unrestricted access to the segregation unit.
 - f. Inmates housed in the segregation unit shall receive basically the same meals, bedding, and clothing as the inmates housed in general population.
 - g. Approved articles: Will be determined by the Director of Safety and Security
- A list of the approved articles will be maintained in Central Control and in the Inmate Manual.

Attachments:

1. Custody Reassessment Scale
2. Notification of Classification



CHESHIRE COUNTY DEPARTMENT OF CORRECTIONS
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SUPERINTENDENT

Special Management – *Weekend Inmates*

500-90

Approved _____

Revised _____

Policy:

The Cheshire County Department of Corrections, in order to maintain a secure and orderly management of the facility, will house “Weekend Inmates” separate from General Population inmates. Weekend Inmates may be used for work details at the discretion of the Shift Supervisor. Weekend inmates do not receive visiting or canteen privileges.

Procedure A: Primary housing location for Weekend Inmates

Male Inmates who are sentenced to weekends will be housed primarily in Reception and Diagnostic (R&D) unit. The Shift Supervisor will be responsible for ensuring the following:

1. Only Male inmates will be housed in R&D.
2. Weekenders in R&D may be utilized for work crews.
3. Hygiene opportunities and showers will be offered with other R&D inmates.
4. No property, canteen or other items, other than those approved will be allowed in R&D.

Procedure B: Secondary housing location

If the R&D cannot be utilized as the primary housing unit, Weekend inmates will be housed in the Special Housing Unit (SHU). The Shift Supervisor will be responsible for ensuring the following:

1. Only Male inmates will be housed in the SHU.
2. Weekenders will *not* be utilized for work crews if housed in SHU.
3. Hygiene opportunities and showers will be offered with other SHU inmates.
4. Dayroom and recreation periods *will not* be granted to weekenders due to their short-term incarceration.

5. SHU will be inspected for cleanliness, safety and security prior to housing inmates in this location, prior to recreation for other living areas, and at the conclusion of the weekends.

6. Weekend Inmates will be held accountable for conduct, personal hygiene, and any damaged equipment.

Procedure C: Female housing units

All females may be housed in the SHU unit inside the F-Dayroom area after being medically evaluated and cleared by the Shift Supervisor if space allows.

1. Dayroom, canteen privileges, recreation periods and visits *will not* be granted to weekenders.

2. Female Weekenders may be utilized for work crews.

TITLE II COUNTIES

CHAPTER 30-B COUNTY DEPARTMENTS OF CORRECTIONS

Administration of Department of Corrections

Section 30-B:7

30-B:7 Discipline of Inmates. – If any inmate in a county correctional facility is refractory and stubborn, and refuses to work or to perform his work in a proper manner, the superintendent may put him in close confinement until he submits to perform his task and obey the superintendent's orders.

Source. 1988, 89:1, eff. June 17, 1988.