



*State of North Carolina
Department of Public Safety
Prisons*

POLICY AND PROCEDURE

Chapter: O
Section: .0600
Title: **High Security Maximum Control**
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.0601 GENERAL

- (a) High Security Maximum Control (HCON) is the isolation of close custody felon offenders that pose, or continue to pose, an imminent threat to the life or health of other offenders or staff or the isolation of offenders that otherwise pose a serious threat to the security and integrity of a prison facility. The Director of Prisons shall designate facilities or facility components as HCON facilities as appropriate and necessary for this purpose. An offender may be placed in an HCON status and assigned to a designated facility for any one of the following conditions:
- (1) The offender has been found guilty of a major disciplinary infraction involving a staff assault resulting in physical injury, serious assault, active or passive participation in riot or mutiny, or seizing or holding a hostage or in any manner unlawfully detaining any person against their will.
 - (2) There is clear and convincing evidence that the offender has expressed threats to the life or well being of other persons while on Restrictive Housing for Control Purposes (RHCP); the offender is in possession of a deadly weapon or illegal drugs while on RHCP; or the offender is involved in an incident involving escape, attempting to escape, or planning to escape from RHCP.
 - (3) Even though there has been no overt act of violence and no disciplinary offense proven, the facility administrator or designee as good cause to believe that, in light of all circumstances, the offender' presence in the general population or RHCP poses a clear and present danger to the physical wellbeing of other offenders, staff or the operation of the Prisons.
- (b) Referring authorities will ensure that the above criteria are met for all referrals to a Director's Classification Committee for high security maximum control assignment consideration. Referrals should not be based upon the unsubstantiated suspicion that the offender presents an imminent threat to offenders, staff, or facility operations.
- (1) All referrals to the Director's Classification Committee for high security maximum control should be initiated by the facility classification coordinator or other appropriate facility staff and submitted to the facility head or designee for review.
 - (2) No offender with a formal diagnosis of serious mental disorder or mental retardation should be assigned to HCON unless approved by the Division **Behavioral** Health Director or designee.

- (3) A behavioral health evaluation should be provided with each referral to ensure that the mental and emotional capacity of the offender is sufficient to tolerate the isolation of the assignment. In the event that an offender requires inpatient **behavioral** health treatment during an HCON assignment, a new **behavioral** health referral is required before reassignment to HCON.
- (4) Each referral should also include a medical evaluation signed by the facility's Physician Assistant, Family Nurse Practitioner or Medical Doctor as designated by the facility head, to ensure there is nothing regarding the physical condition of the offender which would prohibit placement in this control status. In the event that an offender requires inpatient **behavioral** health treatment during an HCON assignment, a new **behavioral** health referral is required before reassignment to HCON.
- (5) Should the complexity of the case or the offender's lack of understanding significantly limit the offender's ability to meaningfully participate in the proceedings, the superintendent of the referring facility will appoint a member of the staff to assist the offender before the Director's Classification Committee.
- (6) Any other information or documents necessary to fully support or explain the action as referred will also be included in the referral materials.

.0602 ASSIGNMENT AND REVIEW PROCEDURES

(a) Assignment Procedures

- (1) Every offender considered for high security maximum control should receive a hearing before a Director's Classification Committee. **Committees hearing cases for HCON shall be comprised of staff ranked Assistant Superintendent II or above. The chairs of these committees shall be ranked Facility Head or above.** No staff member who provides information against the accused or initiates the referral action may serve on the committee. The offender should receive written notice of the hearing at least forty-eight (48) hours before the hearing takes place. This written notice should reasonably inform the offender of the reasons he is being considered for HCON.
- (2) At the hearing, the offender should be confronted with any relevant information that indicates placement in HCON is necessary. The offender will be given the opportunity to state his position on the action under consideration.
- (3) If the offender has been found guilty of a major infraction by a disciplinary hearing authority as a result of the incident from which the classification review arises, the committee may rely on these findings. Otherwise, the committee should make its own findings of facts. In these cases, the chairperson of the

committee should determine whether the complexity of the issue or the illiteracy of the offender makes it unlikely that he will be able to understand and participate meaningfully in the process. If so, the chairperson should ensure that a staff member is assigned to assist the offender in presentation.

- (4) After the hearing, the offender will leave the hearing room or the microphone of the teleconference equipment will be muted and the committee membership will discuss the factors relevant to a final decision. Neither the staff member presenting the case nor representatives of the referring unit shall be allowed to participate in the actual decision-making process. If the majority of the members of the committee determine that, based on the disciplinary report or the information presented, HCON is appropriate, they should recommend the offender be assigned that status. In all such cases, the offender involved should receive a written summary of the facts upon which the committee relied in making its determination. If it is decided that HCON is inappropriate, the committee should so note in the classification minutes and make an appropriate assignment.
- (b) Review Procedures
- (1) Within six (6) months of the initial assignment to HCON, each offender should again be reviewed before a Director's Classification Committee. The review should be conducted in the same manner as are other reviews conducted by the Director's Classification Committee. Those offenders assigned to HCON due to an assault on staff resulting in physical injury will be subject to periodic review after 12 months.
 - (2) Following an assignment to HCON, the offender's case manager should meet with the offender at least once a week to maintain communication, evaluate the offender's current status, and counsel the offender on future behavior. The case manager should review the status of the offender every 30 days with the appropriate HCON facility managers. The case manager should document each contact in the automated case contact notes file.
 - (3) While offenders assigned to a HCON status are not allowed to participate in group activities, the assigned chaplain should visit the facility and make weekly contact with each offender to maintain communication, offer prayer and scripture reading, and to provide pastoral counseling consistent with the offender's faith and expressed interest, provided the offender accepts such visits. The chaplain should provide a monthly review of the offender's status to the appropriate high security managers.
 - (4) When reasons indicate that continued confinement in HCON status should be considered, the offender should again be referred to a Director's Classification Committee. The offender should be given the opportunity to refute any of these reasons and to submit any relevant information in his own behalf. If the majority

of the Director's Classification Committee decides that continuation is appropriate, it shall recommend continuation. If the Director's Classification Committee determines that continuation is not necessary, it should recommend removal from high security maximum control status. Action by the Director's Classification Committee should be forwarded to the appropriate Division level staff for final review and action.

.0603 REFERRAL, SCREENING, DOCUMENTATION, AND OTHER REQUIREMENTS

- (a) Offenders will be referred to the Director's Classification Committee for consideration for placement in HCON only upon the recommendation of the facility classification coordinator or other appropriate facility staff.
- (b) The referral should contain details of the incident that makes HCON placement necessary including the time and place of such incidents and the names of the sources of information relied upon by the referring authority. Also, it must contain all relevant information concerning the progress of the offender and his adjustment to confinement up to the time of the incident which led to a referral on HCON. The results of the psychological and medical evaluations to determine suitability of placement of the offender on HCON control should also be included in the material evaluated by the Director's Classification Committee.
- (c) All referrals and requests for assignment to, continuation of, or release from HCON should be made through the restrictive housing automated process with sufficient comments to fully document the reason for the restrictive housing action as referred.

.0604 ADDITIONAL PROCEDURAL & ASSIGNMENT CONSIDERATIONS

- (a) Referrals to and review by the Director's Classification Committee for HCON assignments will only follow reviews by Facility Classification Committees and the facility administrator.
- (b) In the event the committee concludes that HCON is a more appropriate restrictive housing assignment than that recommended for an offender referred for a restrictive housing assignment, the Division Classification Coordinator shall note their findings and recommendations in the minutes of the classification hearing. The assigned facility classification coordinator should then initiate action to obtain the psychological and medical evaluations necessary to properly consider a HCON assignment. The evaluations may be obtained from either the referring or housing facility as appropriate and necessary. Once the required reports are available, the Division Classification Coordinator should schedule a hearing before an appropriate Director's Classification Committee. All relevant materials and documents will be made available to the Committee. If HCON is recommended, the DCC should note its findings and refer the case to the final approving authority for review and action. Should the evaluative reports prohibit an HCON assignment given the offender's health condition, another more suitable restrictive housing recommendation will be documented and routed for final

- consideration. **Division Classification staff** should ensure full and complete documentation of such cases.
- (c) All HCON assignment reviews should be conducted following regular Director's Classification Committee procedures.
 - (d) HCON assignments should be reviewed every six (6) months. At any time during the offender's assignment, the facility head or designee of the housing facility may refer the case to the Director's Classification Committee for review to release in less than six (6) months, for documented reasons.
 - (e) Offenders removed from high security maximum control status should automatically be assigned to **a restrictive housing for control purposes (RHCP) assignment.**
 - (f) **Offenders removed from HCON status for participation in an RDU or TDU program shall be removed upon arrival at the location of the program and assigned as necessary.**
 - (g) **Offenders who are assigned to an RDU or TDU program from HCON and are then removed from the program, shall be automatically reassigned to HCON. The offender shall remain on the same review cycle.**

.0605 APPROVING AUTHORITY

The results of each referral for an HCON assignment should be forwarded to the reviewing and final approving authority for action through the automated classification processes. A Region Director or designee will review each recommendation before final action and before implementation. **The final approving authorities for assignments to HCON are the Deputy Director for Auxiliary Services,** the Assistant Director for Auxiliary Services, the Manager of Classification, Region Director or designee and other authorities as designated by the Director of Prisons.



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