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33-602.221 Protective Management.

(1) Definitions.

(a) Administrative Confinement – refers to the temporary separation of an inmate from inmates in general population in order to provide for security and safety until such time as a more permanent inmate management decision process can be concluded, such as a referral to disciplinary confinement, close management, protective management, or a transfer.

(b) Bureau of Braille and Talking Book Library – refers to the agency that provides books on tape, Braille books, and other auxiliary aids for individuals who are unable to read books in print due to a disability.

(c) Central Office ADA Coordinator – refers to the Department employee responsible for implementing the provisions of Title I and Title II of the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act within the Department.

(d) Classification – refers to the processes used to divide inmates into groups for a variety of purposes, including facility placement, custody assessment, work and program assessment and placement, housing assessment and placement, periodic reviews, and community, transition, and special needs assessments.

(e) Clinical Health Care Personnel – refers to a physician, physician assistant, advanced practice registered nurse, licensed nurse, psychologist, psychology intern, psychology resident, or behavioral health specialist.

(f) Housing Supervisor – refers to the Correctional Officer Sergeant or above in charge of the protective management unit for a particular shift.

(g) Institutional Classification Team (ICT) – refers to the team consisting of the warden or assistant warden, classification supervisor, chief of security, and other members as necessary when appointed by the warden or designated by rule. The ICT is responsible for making work, program, housing, and inmate status decisions at an institution or facility and for making other classification recommendations to the State Classification Office. At private facilities, the Department's representative is to be considered a fourth member of the ICT when reviewing all job/program assignment, transfer, and custody recommendations/decisions. If a majority decision by the ICT is not possible, the decision of the Department's representative is final.

(h) Protective Management – refers to a special management status for the protection of inmates from other inmates in an environment as representative of that of inmates in general population as is safely possible.

(i) Security Pen – refers to a specially designed flexible ink pen that bends under pressure and has a tip that retracts under excessive pressure.

(j) Senior Correctional Officer – refers to a staff member with the rank of Correctional Officer Lieutenant or above.

(k) Special Management – refers to the separation of an inmate from inmates in general population in a structured environment for purposes of safety, security, and order of the facility.

(l) Special Risk Inmate – refers to any inmate who has demonstrated behavior that is or could be harmful to himself or herself.

(m) State Classification Office (SCO) – refers to the office or Department staff at the central office level that is responsible for the review of inmate classification decisions. Duties include approving, disapproving, or modifying ICT recommendations.

(n) Review – refers to the evaluation of pertinent information or documentation concerning an inmate's protection status to determine if changes or modifications to the status are required or recommended.

(o) Visit – unless the content dictates otherwise, refers to the official inspection and tour of a protective management unit by a Department staff member.

(2) Procedures for placement in Protective Management.

(a) Protective management is not disciplinary in nature. Inmates in protective management are not being punished and are not in confinement. The treatment of inmates in protective management shall be as near that of inmates in general population as the individual inmate's safety and security concerns permit.

(b) Inmates on death row, in close management, or in disciplinary confinement are not eligible for placement in protective management. However, if an inmate in one of these statuses requests protection, procedures outlined in Rule 33-602.220, F.A.C., shall be followed.

(c) If it is determined that an inmate on death row, in close management, or in disciplinary confinement needs protection, the inmate shall be afforded such protection in their current status. Upon completion of that special status, the ICT shall review the inmate's need for protection and make recommendations to the SCO, which shall determine the appropriate action to resolve the inmate's protection needs.

(d) When the SCO determines that protective management is appropriate for an inmate, the inmate shall be reviewed by the

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housing supervisor to assess the inmate's potential risk to or from other inmates in the unit. The completion of this review shall be documented on Form DC6-235, Record of Protective Management. Form DC6-235 is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-14372>. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 06/22. If the inmate cannot be placed in protective management for this reason, the housing supervisor shall place or maintain the inmate in administrative confinement until the issue can be expeditiously resolved. The case shall be immediately forwarded to the ICT for review. The ICT shall review the case and interview the inmate and forward recommendations to the SCO. The SCO shall review the case and may interview the inmate and make a final decision to resolve the inmate's protection needs.

(3) Protective Management Facilities.

(a) The number of inmates housed in a protective management housing unit shall not exceed the number of beds in the housing unit. Exceptions may be made during an emergency situation as approved by the warden or duty warden, but such exceptions shall not continue for more than 24 hours without the specific written authorization of the regional director of institutions. Prior to placing inmates in the same housing unit, the housing supervisor shall ensure that none of the inmates constitute a threat to any of the others.

(b) All protective management housing units shall be equipped with toilet facilities, running water for drinking and other sanitary purposes, and other furnishings as are provided to comparable housing units for inmates in general population at the particular institution.

(c) Whenever possible, protective management housing units shall be physically separate from other housing units given the physical design of the facility. Whenever such location is not possible, physical barriers shall preclude the cross-association of inmates in protective management with inmates in other statuses. Protective management housing units shall be built to permit verbal communication with and unobstructed observation by Department staff.

(4) Conditions and Privileges.

(a) The following conditions and privileges for inmates in protective management shall be the same as and exchanged with those issued to inmates in general population:

1. Clothing.
2. Bedding and linen.
3. Personal property.
4. Comfort items, personal hygiene items, and other medically necessary or prescribed items.
5. Personal hygiene standards.
6. Diet and meals, except that when security reasons as determined by institutional staff prevent dining room feeding, the inmate's meal shall be served in the day room or the inmate's housing unit. Any deviation from or substitution to the established meal service shall be documented on Form DC6-209, Housing Unit Log, and Form DC6-210, Incident Report. Form DC6-209 is incorporated by reference in Rule 33-601.800, F.A.C., and Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.
7. Canteen items.
8. Counseling Interviews when deemed necessary by mental health staff.
9. Correspondence and authorized self-improvement correspondence courses.
10. Telephone.
11. Writing utensils and/or access to a "writer/reader" if one has been provided to the inmate for the purpose of preparing correspondence.
12. Reading materials in compliance with the admissibility requirements of Rule 33-501.401, F.A.C..
13. Library visits and book check-out maximums.
14. Exercise.
15. Contact by staff.
16. Religious activities to include a weekly non-denominational service held in the chapel or in the protective management housing unit if security reasons prevent chapel service.
17. Self-improvement programs, including academic education, vocational training, correspondence courses or self-directed study activities, religious activities, or letter-writing shall be available in the protective management housing unit or in separate locations within the institution that conform with the need for security.
18. Work assignments.
19. Kiosks, Kiosk Services, and Tablet Services – inmates in protective management are permitted access to kiosks, kiosk

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services, and tablet services as provided for in Rule 33-602.900, F.A.C.

(b) Visitation – a visitation schedule shall be implemented to ensure a minimum of two hours a week for inmates in protective management to receive visits. Visitation shall take place in a separate facility from inmates in general population if a separate facility is available. If a separate facility is not available, the warden or duty warden shall schedule visitation for inmates in protective management either before or after visitation hours for inmates in general population or on different days from inmates in general population. Visitation shall be limited by the warden or the warden’s designee when it is determined that allowing visitation in the visitation area poses a threat to the inmate or when supervision is limited. The warden or ICT is authorized to make exceptions for visitors who have traveled a great distance. Attorney-client visits shall be in accordance with Rule 33-601.711, F.A.C., and shall not be restricted except on evidence that the visit would pose a potential threat of harm to an individual or a potential threat to the security of the institution. The warden or designee must approve all visits in advance and is authorized to approve special visits pursuant to Rule 33-601.736, F.A.C. Inmates in protective management shall have video visitation privileges as provided for in Rule 33-602.901, F.A.C.

(c) Legal Access – inmates in protective management shall have access to the law library during evening or other hours when inmates in general population are not present. If security reasons prevent a visit, access shall be provided through correspondence or visits from the inmate research aide. All steps shall be taken to ensure the inmate is not denied necessary legal access while in protective management. Inmates shall be provided paper and writing utensils to prepare legal papers. Typewriters or typing services are not considered required items and shall not be permitted in protective management housing units. However, an inmate with disabilities that hinder the preparation of legal correspondence shall be allowed to use auxiliary aids. An inmate who is provided an auxiliary aid shall be allowed access to a certified research aide for the purpose of preparing legal documents or legal mail or filing a grievance.

(5) Review of Protective Management Status.

(a) The ICT shall review inmates in protective management every week for the first 60 days, with the goal of returning the inmate to general population as soon as the facts of the case indicate that this can be done safely.

(b) Any inmate assigned to protective management for more than 30 days shall be given a psychological screening assessment by a mental health professional to determine their mental condition. The assessment shall include a personal interview if deemed necessary by the mental health professional. All such assessments shall be documented in the mental health record. The psychologist or psychological specialist shall prepare a report to the ICT regarding the results of the assessment with recommendations. The ICT shall then make a decision regarding continuation of the protection needs. Any recommendations by the psychologist or psychologist specialist that the inmate be released from protective management shall be forwarded by the ICT to the SCO. If the decision is to continue protective management, a psychological screening assessment shall be conducted at least every 90 days.

(c) In addition to the ICT’s review as outlined in paragraph (5)(a), the ICT shall interview each inmate in protective management at least every 60 days and shall document the decision concerning continued protection or potential release and the basis for that decision in the database.

(d) The SCO shall review all reports prepared by the ICT concerning an inmate’s protective management status and may interview the inmate before determining the final disposition of the inmate’s protective management status. However, the SCO shall conduct an onsite interview with each inmate at least once every six months or as often as necessary to determine if continuation, modification, or removal from protective management status is appropriate.

(e) If the inmate submits a request for release in writing at any time after being placed in protective management, the housing supervisor shall provide the inmate with a Form DC6-203, Protection Waiver/Appeal Decision. Form DC6-203 is incorporated by reference in Rule 33-602.220, F.A.C. The inmate shall complete Form DC6-203 and return it to the housing supervisor for submission to the ICT along with the inmate’s written request. The ICT shall docket and review the inmate’s request and interview the inmate. The ICT shall submit its recommendation along with Form DC6-203 and any other relevant documentation to the SCO for final consideration. The SCO review and decision shall be conducted during the next routine on-site visit.

(6) Protective Management Records. A printed copy of Form DC6-235, Record of Protective Management, shall be maintained for each inmate placed in protective management.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 6-23-83, Amended 3-12-84, Formerly 33-3.082, Amended 6-4-90, 7-10-90, 12-4-90, 4-26-98, Formerly 33-3.0082, Amended 2-12-01, 1-19-03, 4-1-04, 6-8-09, 7-5-10, 3-6-14, 8-17-16, 1-18-21, 6-7-22.

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