
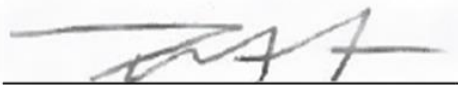


POLICY TITLE: ADMINISTRATIVE CONTROL UNIT		PAGE 1 OF 21
POLICY NUMBER: 15.5		
CHAPTER 15: SPECIAL HOUSING		
	STATE of MAINE DEPARTMENT of CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VIII
	EFFECTIVE DATE: September 9, 2014	LATEST REVISION: October 23, 2023

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

All Department Adult Facilities

III. POLICY

The Department of Corrections recognizes that some residents in its adult facilities who are in a restrictive housing unit may need to be moved to and housed separately in a less restrictive form of special housing for a period of intensive security and programming when a more immediate return to general population may pose a repeated or serious threat to the safety of others, risk of escape, or another repeated or serious threat to facility security. The purpose of this policy is to provide governance for the supervision of residents in the Administrative Control Unit (ACU). **5-ACI-4A-04**

Residents in ACU are provided with program and activity access, treatment services, and property as appropriate for residents in special management housing. The purpose of this policy is to provide governance for the supervision of residents in the ACU.

This policy does not govern residents on disciplinary segregation status, administrative status, or protective custody status, or in the Intensive Mental Health Unit (IMHU).

IV. DEFINITIONS

1. Administrative Control Unit (ACU) – A special management housing unit in which a resident is confined in a cell for less than twenty-two (22) hours per day for a period of intensive security and programming when a return to general population may pose a repeated or serious threat to the safety of others, risk of escape, or another repeated or serious threat to facility security.
2. Licensed clinician – A psychiatrist, psychologist, psychiatric nurse practitioner, licensed clinical social worker, licensed clinical professional counselor, or licensed marriage and family therapist.

3. Serious bodily injury – a bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for the recovery of physical health.
4. Special management housing – Housing that separates a resident from the general population and restricts the resident to their cell for the safe and secure operation of the facility, but for fewer than twenty-two (22) hours per day.
5. Staff – for purposes of this policy, Department employee or a person in an adult facility providing services to an adult resident by agreement with or under contract with the Department (e.g., facility health care staff), but not including a volunteer, student intern, delivery person, etc.
6. Security staff – for purposes of this policy, corrections officer, corrections supervisor, or correctional investigative officer (detective) or other facility law enforcement officer.

V. CONTENTS

Procedure A:	Referral to the Administrative Control Unit
Procedure B:	Review of Referral for Administrative Control Unit Placement
Procedure C:	Health Care Services
Procedure D:	Administrative Control Unit Reviews
Procedure E:	Appeals
Procedure F:	Conditions for Residents in the Administrative Control Unit
Procedure G:	Case Plans, Programs, and Services for Residents in the Administrative Control Unit
Procedure H:	Security Procedures
Procedure I:	Additional Requirements for Staff
Procedure J:	Release from the Administrative Control Unit
Procedure K:	Intensive Mental Health Unit
Procedure L:	Record Keeping

VI. ATTACHMENTS

Attachment A:	Administrative Control Unit Referral form
Attachment B:	Administrative Control Unit Review Minutes (ACU Review Board) form
Attachment C:	Administrative Control Unit Review Minutes (Unit Team) form
Attachment D:	Resident Appeal of Administrative Control Unit Housing
Attachment E:	ACU Privilege Level Chart

VII. PROCEDURES

Procedure A: Referral to the Administrative Control Unit

1. Placement in the Administrative Control Unit (ACU) at the Maine State Prison may occur when a resident in a restrictive housing unit may need to be moved to and housed separately in a less restrictive form of special housing for a period of intensive security and programming when a more immediate return to general population may pose a repeated or serious threat to the safety of others, risk of escape, or another repeated or serious threat to facility security.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.5 Administrative Control Unit	15. Special Housing	Page 2 of 21 10/23/23R

2. If a resident is on administrative status or disciplinary segregation status in a Maine State Prison restrictive housing unit, the unit team of the restrictive housing unit, after consultation with the resident's prior housing unit team, may determine whether to refer the resident for placement in the ACU.
3. The Chief Administrative Officer, or designee, of another departmental adult facility may refer a resident on administrative status or disciplinary segregation status at that facility for placement in the ACU at the Prison by requesting the Department's Director of Classification, or designee, to approve the transfer of the resident to the Maine State Prison for consideration of placement in the ACU. The request for transfer to the Prison and the decision on the request shall be documented in CORIS.
4. If the transfer is approved, the resident shall be placed in the appropriate restrictive housing unit at the Maine State Prison.
5. A resident may be placed in the ACU when one or more of the following criteria is met:
 - a. the resident poses a repeated or serious threat to the safety of another person requiring a period of intensive security and programming;
 - b. the resident poses a risk of escape requiring a period of intensive security and programming; or
 - c. the resident poses another repeated or serious threat to facility security requiring a period of intensive security and programming.
6. Facts and circumstances that may lead to a determination that a resident meets one or more of the above criteria include that the resident:
 - a. intentionally caused or attempted to cause the death of another person while incarcerated;
 - b. intentionally caused or attempted to cause serious bodily injury to another person while incarcerated;
 - c. participated in a hostage or riot situation while incarcerated;
 - d. was in the possession of a deadly instrument while incarcerated;
 - e. was in the possession of an escape tool;
 - f. escaped or attempted an escape from a correctional facility with a secure perimeter, whether from the facility itself, during a transport, or otherwise while in the physical custody of facility staff or staff from another criminal justice agency (this does not include an escape from a furlough, a community transition program, supervised community confinement, or otherwise while not in the physical custody of facility staff or staff from another criminal justice agency);
 - g. has a documented pattern while incarcerated of assaultive behavior that places other persons at risk of death or serious bodily injury;
 - h. has a documented pattern while incarcerated of sexual aggressiveness that places other persons at risk of gross sexual assault; or
 - i. has planned, solicited (including by commanding or inducing), conspired about, or acted as an accessory to an action that placed another person at risk of death, serious bodily injury, or gross sexual assault or that posed a serious threat to facility

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.5 Administrative Control Unit	15. Special Housing	Page 3 of 21 10/23/23R

security while incarcerated based on credible and documented intelligence and investigative information from a facility law enforcement officer.

7. If the resident is referred for placement in the ACU, the Unit Manager, or designee, for the unit team making the referral shall document the rationale for referring the resident for placement in the ACU on the Administrative Control Unit Referral form (Attachment A) and shall specify which of the criteria as set out above and which of the behaviors as set out above form the basis for the referral for placement of the resident in the ACU.
8. If the resident is on disciplinary segregation status, the unit team making the referral to the ACU shall make the referral in time for a final decision to be made on the referral prior to the end of the disciplinary segregation disposition, unless the resident has been placed on administrative status, pursuant to Department Policy (AF) 15.1, Administrative Status, to follow the end of the disciplinary segregation disposition.

Procedure B: Review of Referral for Administrative Control Unit Placement

1. If a resident is referred for placement in the Administrative Control Unit (ACU), the Maine State Prison ACU Review Board shall conduct a review of the referral to determine whether placement in the ACU is appropriate based on whether one or more the criteria set out in Procedure A above is met.
2. The ACU Review Board shall be chaired by the Warden and shall include the Deputy Warden of Security, Deputy Warden of Programs, Prison Director of Security, Unit Manager of the Prison restrictive housing unit where the resident has been housed, Unit Manager of the ACU, Prison Special Intelligence and Investigation (SII) Captain, and Prison Director of Behavioral Health, or their respective designees.
3. If the resident is on disciplinary segregation status, the ACU Review Board shall review the referral to the ACU in time for the final decision to be made on the referral prior to the end of the disciplinary segregation disposition, unless the resident has been placed on administrative status, pursuant to Department Policy (AF) 15.1, Administrative Status, to follow the end of the disciplinary segregation disposition.
4. If the resident is on administrative status, the ACU Review Board shall review the referral to the ACU within thirty (30) days of the referral.
5. The resident shall remain on disciplinary segregation status or administrative status, as applicable, until the final decision on the referral.
6. The Unit Manager, or designee, of the Prison restrictive housing unit shall provide to the resident a copy of the Administrative Control Unit Referral form a minimum of forty-eight (48) hours prior to the ACU Review Board review. The resident may not waive the forty-eight (48) hour notice for this review.
7. The staff providing the form to the resident shall record, on the original form, the date and time of provision of the copy of the form to the resident. The original shall be maintained in the resident's unit file.
8. The criteria and behaviors specified shall be read to the resident, who shall also be notified that they may attend the review and submit a written statement for the review.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.5 Administrative Control Unit	15. Special Housing	Page 4 of 21 10/23/23R

9. Unless the resident's behavior warrants denying the resident's presence, the resident shall be allowed to attend the review.
10. If the resident's behavior warrants denying the resident's presence at the review, documentation of the denial and the behavior shall be made on the Administrative Control Unit Review Minutes (ACU Review Board) form (Attachment B) and in CORIS and the review shall proceed in the resident's absence.
11. If a resident refuses to attend the review, the refusal shall be documented on the form and in CORIS and the review shall proceed in the resident's absence. The resident shall be given the opportunity to submit a written statement prior to the review and any written statement shall be attached to the form and summarized in CORIS.
12. If present at the review, the resident may respond orally or submit a statement in writing. A summary of the resident's oral statement, if any, shall be documented on the form and in CORIS and any written statement shall be attached to the form and summarized in CORIS.
13. The ACU Review Board may recommend that the resident:
 - a. be placed in the ACU; or
 - b. not be placed in the ACU.
14. The Unit Manager, or designee, of the Prison restrictive housing unit shall ensure that the recommendation and the reason(s) for the recommendation are documented on the Administrative Control Unit Review Minutes (ACU Review Board) form and in CORIS.
15. If the ACU Review Board recommends that the resident be placed in the ACU, the reason(s) shall include an explanation as to why the board believes one or more of the criteria set out in Procedure A is met based on facts known and circumstances in existence at the time of the review.
16. A resident shall not be recommended for placement in the ACU based solely on the nature of the crime which resulted in the resident's incarceration. However, the nature of the crime may be considered in combination with other facts and circumstances as set out above when making a recommendation.
17. A resident shall not be recommended for placement in the ACU based solely on behavior during a previous incarceration. However, such behavior may be considered in combination with other facts and circumstances as set out above when making a recommendation.
18. It shall not be recommended that any resident be placed in the ACU merely because there is an ongoing investigation or merely because there is a disciplinary report (write-up), disciplinary hearing, or disciplinary appeal pending.
19. The Unit Manager, or designee, of the Prison restrictive housing unit shall forward the form to the Department's Director of Classification, or designee.
20. After conferring with appropriate staff as necessary, the Department's Director of Classification, or designee, shall decide whether the resident is to be placed in the ACU. It shall not be decided that any resident be placed in the ACU merely because there is

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.5 Administrative Control Unit	15. Special Housing	Page 5 of 21 10/23/23R

an ongoing investigation or merely because there is a disciplinary report (write-up), disciplinary hearing, or disciplinary appeal pending.

21. The Director of Classification, or designee, shall document their decision on the form and return it to the Unit Manager, or designee, of the Prison restrictive housing unit, and the Unit Manager, or designee, shall document the decision in CORIS and, if they are different, inform the Unit Manager, or designee, of the ACU of the decision. The copy of the form returned by the Director of Classification, or designee, shall be maintained in the resident's unit file.
22. If the resident is to be placed in the ACU and the resident still has more time to serve on a disciplinary segregation disposition, the resident shall not be placed in the ACU until after the disposition is over, unless the Prison Warden, or designee, has modified the disciplinary segregation to disciplinary restriction in accordance with Department Policy 20.1, Adult Resident Discipline.
23. If the resident is to be placed in the ACU and the resident has received a disciplinary restriction disposition, the resident shall be placed in the ACU and serve that disposition in the ACU.
24. If the resident is not placed in the ACU, the resident shall be reviewed by the unit team of the Prison restrictive housing unit where the resident is housed, in collaboration with other unit teams as appropriate, for a recommendation as to appropriate status and housing. The review shall be conducted in accordance with the applicable departmental policy.

Procedure C: Health Care Services

1. When a resident is placed in the Administrative Control Unit (ACU), the Unit Manager, or designee, of the ACU shall immediately notify the facility health care staff, who shall provide a screening and review as set out in Department Policy (AF) 18.5, Health Care Services. The notification shall be recorded in CORIS. **5-ACI-4A-01**
2. If there is any medical or mental health condition that might contraindicate the placement, the Unit Manager, or designee, of the ACU shall consult with the facility Health Services Administrator, or designee, to determine whether the identified problem(s) can be resolved. If not, the Unit Manager, or designee, shall notify the Warden, or designee, who shall notify the Commissioner, or designee, for a decision regarding how to proceed. Any consultation, decision(s), and notification shall be documented in CORIS.
3. Residents placed in the ACU shall receive the same medical and behavioral health services as provided to general population residents. An exception may be made by a security supervisor, provided the staff making the exception obtains the approval of the Unit Manager or, if the Unit Manager is not on duty, the Shift Commander, prior to or immediately after the exception. The exception may be made, on a case-by-case basis, when a resident's behavior indicates a threat to medical, behavioral health, or other staff. In such a case, if possible, the provision of medical or behavioral health services shall be modified to ensure the safety of staff.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.5 Administrative Control Unit	15. Special Housing	Page 6 of 21 10/23/23R

4. Approval for a resident to receive modified medical or behavioral health services or for another exception to medical or behavioral health services shall be recorded in the unit log. In addition to recording the information in the unit log, the staff person making the request shall complete an Incident Report in CORIS, which shall be reviewed by the Unit Manager as soon as practicable. The exception shall last only as long as necessary, and the approval for the exception and the duration of the exception shall be recorded in CORIS. Any exception shall also be posted on the resident's cell door.
5. A resident in the ACU shall be provided medication as prescribed by facility health care staff. **5-ACI-4A-15**
6. The facility physician shall visit residents in the ACU as determined necessary by the Department's contracted health care services provider. **5-ACI-4A-01**
7. A licensed clinician shall meet with a resident in the ACU and shall complete a: **5-ACI-4A-10**
 - a. mental health appraisal if the resident remains in the ACU for more than thirty (30) days;
 - b. behavioral health assessment at least every thirty (30) days thereafter for a resident with a diagnosed behavioral health disorder and more frequently if clinically indicated; or
 - c. behavioral health assessment at least every three (3) months thereafter for all other residents and more frequently if clinically indicated.

The licensed clinician shall record the meetings in the housing log and the resident's electronic health care record and shall include reports of the appraisal and assessments in the resident's electronic health care record.

8. The above reports or summaries of the reports shall be made available to the Unit Manager, or designee, and the Chief Administrative Officer, or designee, as applicable, so that this information can be taken into consideration prior to the resident's next ACU review.

Procedure D: Administrative Control Unit Reviews

1. The Administrative Control Unit (ACU) Review Board shall conduct a review to determine if continued placement in the ACU is appropriate based on whether one or more of the criteria set out in Procedure A, as applicable, above is met: **5-ACI-4A-07**
 - a. at least every thirty (30) days for the first six (6) months, which must include, but not necessarily be limited to, a determination of the need for continued placement in the ACU.

However, if the resident was not on disciplinary segregation status or administrative status for at least sixty (60) days prior to placement in the ACU, the ACU Review Board shall conduct an ACU review every seven (7) days until sixty (60) days has passed from the resident's placement on disciplinary segregation status or administrative status.

2. Unless the resident's behavior warrants denying the resident's presence, the resident shall be allowed to attend each review. At least one day prior to each review, the Unit Manager, or designee, shall notify the resident of the review and the resident's ability to

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.5 Administrative Control Unit	15. Special Housing	Page 7 of 21 10/23/23R

attend and to submit a written statement for the review, and the Unit Manager, or designee, shall document the notification in CORIS.

3. If the resident's behavior warrants denying the resident's presence at one of the reviews, documentation of the denial and the behavior shall be made on the Administrative Control Unit Review Minutes (ACU Review Board) form (Attachment B) and in CORIS and the review shall proceed in the resident's absence.
4. If a resident refuses to attend one of the reviews, the refusal shall be documented on the form and in CORIS and the review shall proceed in the resident's absence. The resident shall be given the opportunity to submit a written statement prior to the review and any written statement shall be attached to the form and summarized in CORIS.
5. If present at the review, the resident may respond orally or submit a statement in writing. A summary of the resident's oral statement, if any, shall be documented on the form and in CORIS and any written statement shall be attached to the form and summarized in CORIS.
6. The ACU Review Board shall recommend that the resident:
 - a. remains in the ACU, at least until the next review; or
 - b. be removed from the ACU.
7. The Unit Manager, or designee, shall ensure that the recommendation and the reason(s) for the recommendation are documented on the Administrative Control Unit Review Minutes (ACU Review Board) form and in CORIS.
8. If the board recommends that the resident remains in the ACU, the reason(s) shall include an explanation as to why the board believes one or more of the criteria set out in Procedure A is met based on facts known and circumstances in existence at the time of the review.
9. It shall not be recommended that any resident remain in the ACU merely because there is an ongoing investigation or merely because there is a disciplinary report (write-up), disciplinary hearing, or disciplinary appeal pending.
10. When conducting a review of a resident who the board is recommending remain in the ACU, the board shall consider opportunities to increase a resident's time out of cell for program opportunities, prosocial activity, and/or an attempt to target the behaviors that led to the placement. The Unit Manager, or designee, shall document this consideration in CORIS.
11. The Unit Manager, or designee, shall forward the form to the Department's Director of Classification, or designee.
12. After conferring with other appropriate staff as necessary, the Department's Director of Classification, or designee, shall decide whether the resident is to remain in the ACU. It shall not be decided that any resident remain in the ACU merely because there is an ongoing investigation or merely because there is a disciplinary report (write-up), disciplinary hearing, or disciplinary appeal pending.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.5 Administrative Control Unit	15. Special Housing	Page 8 of 21 10/23/23R

13. The Director of Classification, or designee, shall document their decision on the form and return it to the Unit Manager, or designee, of the ACU, and the Unit Manager, or designee, shall document the decision in CORIS. The copy of the form returned by the Director of Classification, or designee, shall be maintained in the resident's unit file.
14. If a resident who is being retained in the ACU receives a disciplinary disposition of disciplinary segregation, the resident shall be moved to a restrictive housing unit to serve that disposition and shall be treated in accordance with Department Policy 15.2 (AF), Disciplinary Segregation Status. The resident shall be returned to the ACU after the disposition is over. A resident in the ACU who receives a disciplinary disposition of disciplinary restriction shall serve that disposition in the ACU and while serving that disposition shall not be allowed to participate in the ACU privilege level system.
15. In addition, a resident shall not remain in the ACU for more than six (6) months unless reviewed and approved by the Commissioner, or designee. If the Director of Classification, or designee, has given approval for the resident to remain in the ACU, the Unit Manager, or designee, shall forward the Administrative Control Unit Review Minutes (ACU Review Board) form to the Commissioner, or designee, in time for a decision to be made by the Commissioner, or designee, prior to the expiration of the six (6) month time period. The Commissioner, or designee, shall document their decision on the form and return it to the Unit Manager, or designee, and the Unit Manager, or designee, shall document the decision in CORIS. The copy of the form returned by the Commissioner, or designee, shall be maintained in the resident's unit file.
16. If the resident is retained in the ACU for more than six (6) months, the ACU Review Board shall conduct additional reviews of the status of the resident at least every ninety (90) days thereafter using the same process as set out above for other reviews conducted by the board.
17. The continued retention of the resident in the ACU as a result of these reviews by the board requires the review and approval of the Director of Classification, or designee, and the Commissioner, or designee, obtained in the same way as set out above for retention of the resident in the ACU for more than six (6) months.
18. If the resident has not signed a waiver of the right to appeal a decision to retain the resident in the ACU as set out in Procedure E. below, and the resident's continued retention in the ACU requires the approval of the Commissioner, or designee, the Commissioner, or designee, shall not make a decision whether to approve the continued retention of the resident in the ACU until after reviewing any timely appeal from the resident or until the time for filing a timely appeal has passed, whichever is applicable. The resident shall remain in the ACU pending the decision on the appeal.
19. After the 6th 30 day review by the ACU Review Board and in between any additional reviews by the ACU Review Board, the ACU unit team shall conduct additional, informal reviews of the status of the resident at least every thirty (30) days. These reviews shall not require notice to the resident, the resident's attendance, or the ability of the resident to submit an oral or written statement. These reviews shall be documented in CORIS.
20. Unless the unit team recommends the resident be removed from the ACU at one of the reviews, these reviews shall not be documented on a form and the Director of Classification, or designee, shall not be required to review and approve any

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.5 Administrative Control Unit	15. Special Housing	Page 9 of 21 10/23/23R

recommendation. If the unit team recommends the resident's removal from the ACU, that recommendation shall be documented on the Administrative Control Unit Review Minutes (Unit Team) form (Attachment C), as well as in CORIS, and, if approved by the Warden, or designee, after consultation as necessary with appropriate other staff, the form shall be forwarded by the Unit Manager, or designee, to the Director of Classification, or designee, for review and final decision.

21. The Commissioner, or designee, may, at any time, remove a resident from the ACU, and the Unit Manager, or designee, shall document any such removal in CORIS.

Procedure E: Appeals

1. An appeal is not allowed of:
 - a. a decision made to refer a resident for placement in the Administrative Control Unit (ACU);
 - b. a decision of the Commissioner, or designee, to approve the retention of a resident in the ACU for more than six (6) months or of a decision of the Commissioner, or designee, to approve the retention of a resident in the ACU as a result of a review by the ACU Review Board;
 - c. an informal thirty (30) day review by the unit team or of a decision not to approve a recommendation by the unit team made at such a review to remove a resident from the ACU; or
 - d. a decision by the Warden to transfer a resident back to the ACU from the IMHU.
2. If the Department's Director of Classification, or designee, determines that a resident should be placed in the ACU, the Unit Manager, or designee, shall advise the resident that they may appeal the decision to the Commissioner, or designee.
3. The Unit Manager, or designee, shall ask the resident whether they wish to waive the right to appeal. If the resident signs the waiver on the Administrative Control Unit Review Minutes (ACU Review Board) form, no appeal shall be considered.
4. Any written waiver signed by a resident as part of the ACU placement process is final and may not be withdrawn.
5. If the resident signs the waiver of the right to appeal, the resident shall be placed in the ACU as soon as possible.
6. If the resident does not sign the waiver, the Unit Manager, or designee, shall provide the resident with a copy of the Administrative Control Unit Review Minutes (ACU Review Board) form and a Resident Appeal of Administrative Control Unit Housing form (Attachment D) and shall also inform the resident to submit any appeal to the Unit Clerk, or other designated unit staff.
7. If the resident does not sign a waiver of the right to appeal, the resident may submit an appeal, which must be received by the Unit Clerk, or other designated unit staff, within five (5) days of the resident's receipt of the decision made by the Director of Classification.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.5 Administrative Control Unit	15. Special Housing	Page 10 of 21 10/23/23R

8. If the resident does not submit a timely appeal, the resident shall be placed in the ACU five (5) days after the resident's receipt of the decision made by the Director of Classification.
9. An appeal that is submitted even though a waiver has been signed or an appeal that is submitted late shall not be acted upon and the resident shall remain in the ACU.
10. The Unit Clerk, or other designated unit staff, shall note that there was a waiver or that the appeal is untimely and shall meet with the resident without unnecessary delay, and the resident and the staff shall sign and date the form. If the resident refuses to sign, the staff shall note that on the form. The staff shall place the original of the signed form in the resident's unit file and provide a copy of the signed form to the resident.
11. If the resident has not waived the right to appeal the placement and submits an appeal within the required time frame, the Unit Clerk, or other designated staff, shall forward the appeal to the Commissioner, or designee.
12. If the resident has not waived the right to appeal the placement decision and submits an appeal within the required time frame, the resident shall not be placed in the ACU unless the Commissioner, or designee, makes a decision on the appeal approving the placement.
13. If a resident who is to be placed in the ACU still has disciplinary segregation time to serve, the placement shall be delayed until the disciplinary segregation time is over unless the Prison Warden, or designee, has modified the disciplinary segregation to disciplinary restriction in accordance with Department Policy 20.1, Adult Resident Discipline.
14. If a resident is retained in the ACU as a result of one of the ACU Review Board's reviews, the Unit Manager, or designee, shall advise the resident that they may appeal the decision to the Commissioner, or designee.
15. The Unit Manager, or designee, shall ask the resident whether they wish to waive the right to appeal. If the resident signs the waiver on the Administrative Control Unit Review Minutes (ACU Review Board) form, no appeal shall be considered.
16. Any written waiver signed by a resident as part of the ACU review process is final and may not be withdrawn.
17. If the resident does not sign the waiver, the Unit Manager, or designee, shall provide the resident with a copy of the Administrative Control Unit Review Minutes (ACU Review Board) form and a Resident Appeal of Administrative Control Unit Housing form (Attachment D) and shall also inform the resident to submit any appeal to the Unit Clerk, or other designated unit staff.
18. If the resident does not sign a waiver of the right to appeal, the resident may submit an appeal, which must be received by the Unit Clerk, or other designated unit staff, within five (5) days of the resident's receipt of the decision made by the Director of Classification.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.5 Administrative Control Unit	15. Special Housing	Page 11 of 21 10/23/23R

19. An appeal that is submitted even though a waiver has been signed or an appeal that is submitted late shall not be acted upon and the resident shall remain in the ACU.
20. The Unit Clerk, or other designated unit staff, shall note that there was a waiver or that the appeal is untimely and shall meet with the resident without unnecessary delay, and the resident and the staff shall sign and date the form. If the resident refuses to sign, the staff shall note that on the form. The staff shall place the original of the signed form in the resident's unit file and provide a copy of the signed form to the resident.
21. If the resident has not waived the right to appeal the retention decision and submits an appeal within the required time frame, the Unit Clerk, or other designated staff, shall forward the appeal to the Commissioner, or designee.
22. Upon review of the appeal of a placement or retention decision, the Commissioner, or designee, may:
 - a. approve the decision; or
 - b. reverse the decision.
23. If an appeal is timely, the Commissioner, or designee, shall make a decision on the appeal within thirty (30) days after receiving the appeal.
24. The Commissioner, or designee, shall return the appeal form with the decision on the appeal to the Unit Manager, or designee. The Unit Manager, or designee, shall forward the form to designated staff, keeping a copy of the form for the Unit Manager's records. The staff shall meet with the resident without unnecessary delay and the resident and the staff shall sign and date the form. If the resident refuses to sign, the staff shall note that on the form. The staff shall return the original of the signed form to the Unit Manager, or designee, and provide a copy of the signed form to the resident. The original form shall be maintained in the resident's unit file and the Unit Manager, or designee, shall document the decision in CORIS.
25. The Commissioner, or designee, is the final authority for this appeal (no further appeals are allowed).

Procedure F: Conditions for Residents in the Administrative Control Unit

1. The Unit Manager, or designee, shall ensure residents receive an orientation to the Administrative Control Unit (ACU) within twenty-four (24) hours of placement and that the orientation is documented in CORIS. The orientation shall include written information regarding schedules and access to programs and services, as well as verbal explanation of this and other relevant information.
2. A resident in the ACU whose conduct is satisfactory is eligible to earn deductions (good time) for conduct on the same basis as residents in general population, as set out in Department Policy (AF) 11.5, Calculation of Resident Release Date, and is also eligible to earn deductions (good time) for work, education, or other programs, as set out in that policy.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.5 Administrative Control Unit	15. Special Housing	Page 12 of 21 10/23/23R

3. Posted on each cell door shall be the resident's photograph, MDOC number, status (ACU), any exceptions to the conditions below, any suicide and self-injury watch, and any other pertinent information.
4. Residents in the ACU shall be provided living conditions that approximate those of general population residents regarding cell size, lighting, heat, and ventilation, and **5-ACI-4A-02**
 - a. cell design shall permit the residents assigned to the cells to converse with and be observed by staff; and **5-ACI-4A-02**
 - b. residents in the unit shall be single-celled.
5. Space is available either inside the housing unit or external to the unit for behavioral health staff consultation with residents.
6. Commissary purchases shall be allowed for items needed for correspondence and personal hygiene items and otherwise in accordance with the ACU Privilege Level Chart (Attachment E).
7. Unless an exception is made in accordance with this policy, the following shall apply to residents in the ACU:
 - a. Mail: **5-ACI-4A-20**
 - 1) Incoming and outgoing mail shall be permitted as per Department Policy (AF) 21.2, Resident Mail.
 - 2) The resident shall be provided envelopes, paper, and writing instruments as necessary for outgoing correspondence, if not purchased through the commissary.
 - b. Phone calls:
 - 1) The resident may make privileged phone calls in accordance with Department Policy 21.3 (AF), Resident Telephone System.
 - 2) Unless further restrictions have been imposed on other phone calls pursuant to applicable Department policies, the resident shall be allowed other phone calls in accordance with the ACU Privilege Level Chart.
 - c. Visits: **5-ACI-4A-21**
 - 1) The resident shall be allowed professional visits in accordance with Department Policy 21.4 (AF), Resident Visitation.
 - 2) Unless further restrictions have been imposed on regular visits pursuant to applicable Department policies, the resident shall be allowed one (1) regular visit per week.
 - 3) All regular and professional visits may be non-contact, which may include video visitation.
 - d. Legal Materials: **5-ACI-4A-22**
 - 1) Residents shall be permitted to access legal materials using electronic legal research service terminal(s) in the ACU, if available, or by requesting access to legal materials from the law library in accordance with Department Policy 24.4 (AF), Library Services and facility practices.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.5 Administrative Control Unit	15. Special Housing	Page 13 of 21 10/23/23R

- 2) Access to the legal research terminals in the unit may be scheduled for up to one (1) hour per day, five (5) days per week.
 - 3) Additional access may be permitted by the Unit Team as determined necessary in connection with an active case.
- e. Out of Cell time of more than two (2) hours daily shall be offered:
- 1) to leave the cell for core programs (programs identified by the Unit Team as necessary to address high risk areas specific to the resident, e.g., substance use treatment, domestic violence program, cognitive-behavior therapy, etc.);
 - 2) to leave the cell for group religious ceremonies for the resident's faith group;
 - 3) to leave the cell or the housing unit for law library services if allowed by facility practice;
 - 4) for out-of-cell exercise for two (2) hours per day, seven (7) days per week, outdoors (weather permitting). If weather does not permit exercise outdoors, out-of-cell exercise shall be offered indoors; and
 - 5) otherwise in accordance with the ACU Privilege Level Chart. **5-ACI-4A-24**
- f. Health care items shall be permitted as determined necessary by the facility health care provider. If an item might create a risk to safety or security, the Unit Manager, or designee, shall consult with the health care provider about other alternatives.
- g. Reading materials may be accessed on a weekly basis from the library in accordance with facility practices. A resident may not have hard cover books and may only have only fifteen (15) soft cover books at a time. **5-ACI-4A-23**
- h. Except for any personal electronic entertainment items or musical instruments, the resident may retain allowable personal property items, including, but not limited to:
- 1) personal legal materials, written religious materials, correspondence and writing materials that can be contained in the approved storage box/container. Any additional legal materials shall be stored and made available within a reasonable period of time, upon written request, on an even exchange basis;
 - 2) personal religious items that residents in general population are permitted to keep in their cells;
 - 3) personal hygiene items listed below;
 - 4) personal photos that residents in general population are permitted to keep in their cells;
 - 5) personal reading materials that residents in general population are permitted to keep in their cells; and
 - 6) a wedding ring, if applicable.
- i. The residents shall receive the following services on the same basis as residents in general population: **5-ACI-4A-17**
- 1) laundry;
 - 2) barbering and hair care services;
 - 3) at least three (3) clothing exchanges per week;

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.5 Administrative Control Unit	15. Special Housing	Page 14 of 21 10/23/23R

- 4) issuance and exchange of bedding and linen; and
 - 5) opportunity to shower and shave at least three (3) times per week. **5-ACI-4A-16**
- j. The residents shall be provided the following: **5-ACI-4A-15**
- 1) toilet, sink and running water;
 - 2) personal hygiene items:
 - a) toothbrush
 - b) toothpaste
 - c) comb or brush
 - d) soap
 - e) deodorant
 - f) feminine hygiene items, as gender-appropriate
 - g) toilet paper
 - h) access to shaving implements
 - i) drinking cup
 - 3) linens and bedding:
 - a) 1 towel
 - b) 1 washcloth
 - c) 2 bed sheets
 - d) 1 pillowcase
 - e) 2 blankets
 - f) 1 pillow
 - g) 1 mattress
 - 4) clothing, which shall be similar to that provided to general population residents: **5-ACI-4A-15**
 - a) 3 sets of pants and shirts
 - b) 3 complete sets of underwear, appropriate by gender
 - c) 3 pairs of socks
 - d) 2 pairs of footwear
 - e) access to a jacket or coat, hat, and gloves for outdoor exercise or transport, when seasonally necessary.
8. An exception to any of the above may be made by a security supervisor, provided the staff making the exception obtains the approval of the Unit Manager or, if the Unit Manager is not on duty, the Shift Commander, prior to or immediately after the exception. The exception may be made, on a case-by-case basis, when it is necessary to prevent suicide or other self-injurious behavior, injury to others, damage to property of others, or risk to security.
9. Approval for an exception to any of the above shall be recorded in the housing unit log. In addition to recording the information in the unit log, the staff making the request shall complete an Incident Report in CORIS, which shall be reviewed by the Unit Manager as soon as practicable. The exception shall last only as long as necessary, and the approval for and duration of the exception shall be recorded in CORIS. Any exception shall also be posted on the resident's cell door. **5-ACI-4A-19**

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.5 Administrative Control Unit	15. Special Housing	Page 15 of 21 10/23/23R

10. If a resident in the ACU is on a suicide and self-injury watch, the applicable provisions of Department Policy 18.6.2 (AF), Suicide and Self-Injury Prevention Plan shall be followed, including, but not limited to, any exceptions to the conditions described in this procedure.
11. If a resident in the ACU is in medical therapeutic seclusion, the applicable provisions of Department Policy (AF) 18.5, Health Care shall be followed, including, but not limited to, any exceptions to the conditions described in this procedure.
12. The residents may be served meals with trays and utensils consistent with reasonable precautions designed to protect safety, security, and orderly management of the facility.
13. The residents shall receive the same meals as provided to general population residents. An exception may be made when a resident is throwing food or otherwise using food or a food service implement in a manner that is hazardous to self, staff, or other residents. Alternative meal service shall be on a case-by-case basis, based only on safety or security considerations, shall meet basic nutritional requirements, and shall only occur if an exception is made by a security supervisor, provided the staff making the exception obtains the written approval of the Chief Administrative Officer, or designee, and the facility physician, physician assistant, or nurse practitioner, prior to the exception. In such a case, the resident may be given the same meal in a different form or a different meal of similar nutritional value up to seven (7) days.
14. The approvals for a resident to receive alternative meal service shall be recorded in the unit log. In addition to recording the information in the unit log, the staff person making the request shall complete an Incident Report in CORIS, which shall be reviewed by the Unit Manager as soon as practicable. The exception shall last only as long as necessary, and the approvals for and duration of the exception shall be recorded in CORIS. The alternative meal service shall also be posted on the resident's cell door. The alternative meal service shall not exceed seven (7) days at any one time.
5-ACI-4A-18
15. Residents in the ACU, except those serving a disciplinary restriction disposition, may receive privileges in addition to those set out above in accordance with the ACU Privilege Level Chart (Attachment E).

Procedure G: Case Plans, Programs, and Services for Residents in the Administrative Control Unit

1. If after the first thirty (30) day review, the resident is approved for continued placement in the Administrative Control Unit (ACU), the case manager shall update the case plan with the resident and update it after subsequent reviews as necessary.
2. The case plan shall include action steps and activities for the resident to engage in on a daily basis and for completion in the housing unit, preferably in cell. The case plan shall include steps to transition to less restrictive housing.
3. When updating the case plan, the case manager shall consider that residents in the ACU are to have access to programs and services that include, but are not limited to, the following: educational programs, commissary services (as set out above), library services, social services, behavioral health services, religious guidance, and recreational programs.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.5 Administrative Control Unit	15. Special Housing	Page 16 of 21 10/23/23R

4. If programs and services are permitted to be provided by volunteers, they shall be provided on a non-contact basis only.
5. Residents may have access to programs and services using tablets if allowed by Department Policy (AF) 24.10.1, Computer Tablets, and facility practice.

Procedure H: Security Procedures

1. At a minimum, all residents in the Administrative Control Unit (ACU) shall be observed in person by a correctional officer at least every twice per hour, but no more than thirty (30) minutes apart, on an irregular schedule. **5-ACI-4A-11**
2. Residents who are violent or a person with mental illness or who demonstrate unusual or bizarre behavior shall receive more frequent observation. The rationale for more frequent observation shall be documented in the unit log book and CORIS. **5-ACI-4A-11**
3. Residents in the ACU:
 - a. shall be in restraints and controlled by security staff when transported outside of the facility;
 - b. may be in restraints and controlled by security staff when escorted out of the housing unit in accordance with the ACU Privilege Level Chart; and
 - c. may otherwise be in restraints only when necessary for safety, security, or orderly management of the facility.
4. A resident may be temporarily restrained using stationary restraints (restraints attached to the floor, a wall or an immovable object) provided the use of stationary restraints is approved by the Commissioner, or designee, for residents in the ACU during a particular type of activity (e.g., while making a phone call, during group therapy, etc.) and provided the stationary restraints are used only under the conditions approved by the Commissioner, or designee, and only for the duration of the activity.
5. Staff may utilize shields or other barriers in front of cells to prevent or reduce the throwing of body fluids, food, drinks, or other items. Use of these barriers shall be approved by the Unit Manager, Shift Commander, or higher authority. They shall only be used as long as necessary to preserve safety, security, and sanitation. The barriers shall not impair staff view into the cell.

Procedure I: Additional Requirements for Staff

5-ACI-4A-12

1. The assigned Correctional Sergeant shall visit the Administrative Control Unit (ACU) at least twice daily.
2. The Shift Commander shall visit the housing unit at least daily.
3. The Unit Manager, or designee, shall visit the housing unit at least daily.
4. The Chief Administrative Officer, or designee, shall visit the housing unit at least weekly.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.5 Administrative Control Unit	15. Special Housing	Page 17 of 21 10/23/23R

5. At a minimum, visits to a resident in the ACU shall be made by facility health care staff daily (unless medical attention is needed more frequently) to ensure the resident has access to appropriate health care.
 - a. the presence of the health care staff shall be announced to the residents in the unit and recorded in the housing unit log by security staff; and
 - b. the health care staff shall observe each resident and inquire of each resident as to the resident's well-being. **5-ACI-4A-01**
6. Staff from all programs available to residents in the ACU shall visit the housing unit at least weekly.
7. Case managers assigned to residents in the ACU shall personally visit each resident on their caseload a minimum of once per week.
8. Residents in the ACU shall be provided the opportunity to receive weekly visits from the facility chaplain to provide religious guidance. Residents may request further religious counseling through the chaplain.
9. Security staff shall inspect the cell of each resident in the ACU at least daily.
10. Staff who supervise or work with residents in in the ACU on a regular basis shall be appropriately trained to perform duties relating to residents in that unit. The Chief Administrative Officer, or designee, shall establish practices to supervise and evaluate the performance of all staff who supervise or work with residents in the ACU on a regular basis and develop criteria for rotation of staff as necessary. **5-ACI-4A-13**

Procedure J: Release from the Administrative Control Unit

1. A resident shall be released from the Administrative Control Unit (ACU) when the Director of Classification, or designee, determines retention in the ACU is no longer necessary as set out above or if the Commissioner, or designee, decides not to approve the retention of the resident in the ACU. The Unit Team for the ACU shall determine the appropriate housing unit for the resident to be placed in. Any disagreement about the appropriate placement shall be resolved by the Warden, or designee.
2. If appropriate, prior to release from the ACU, the ACU Unit Team, in consultation with the receiving housing unit's unit team, shall complete a plan for the transition of the resident into general population in accordance with applicable Department policies.

Procedure K: Intensive Mental Health Unit

1. A resident shall not be placed in the Administrative Control Unit (ACU) if, after evaluation in accordance with Department Policy 18.6.1, Intensive Mental Unit, it is determined the resident is more appropriate for placement in the Maine State Prison Intensive Mental Health Unit (IMHU).
2. If, after placement in the ACU, it appears a resident is more appropriate for placement in the IMHU, the resident shall be evaluated in accordance with Department Policy (AF) 18.6.1, IMHU.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.5 Administrative Control Unit	15. Special Housing	Page 18 of 21 10/23/23R

3. If a decision is made to release or discharge a resident from the IMHU who was transferred to the IMHU from the ACU, prior to the release or discharge, the ACU Unit Team, after consulting with IMHU behavioral health care staff, shall determine whether to recommend the resident's transfer back to the ACU . The Warden, or designee, shall make a determination whether to accept the team's recommendation.
4. If the Warden decides to transfer the resident back to the IMHU, reviews of continued placement in the ACU shall take place in accordance with Procedure D as if the person had been placed in the ACU as of the date of the transfer back from the IMHU, including that the reviews shall be conducted every seven (7) days for the first sixty (60) days.

Procedure L: Record Keeping

1. A logbook shall be maintained within the Administrative Control Unit (ACU) and shall be reviewed by the Unit Manager, or designee, at least daily. **5-ACI-4A-14**
2. All documentation pertaining to placement and reviews shall be done on forms as set out above and in CORIS for each resident in the ACU.
3. All other documentation shall be made in accordance with applicable Department policies and facility practice, including, but not limited to, in the unit log book, in activity and other logs, and in CORIS, as applicable, to include, but not be limited to:
 - a. counts;
 - b. security rounds and the observations made during those rounds;
 - c. major incidents of any type;
 - d. unusual occurrences and/or behavior;
 - e. visits by staff as set out in Procedure H.
 - f. daily cell inspections by staff
 - g. sick call and medication distribution;
 - h. when showers were offered and whether they were taken and by which residents;
 - i. when exercise was offered and whether it was taken and by which residents;
 - j. regular and professional visits;
 - k. privileged and emergency telephone calls;
 - l. requests to use legal research terminals in the unit and the responses to those requests;
 - m. alternative meals;
 - n. programs and services offered (e.g., education, religious services);
 - o. contact by health care staff;
 - p. reasons for any decision to refuse a property item, program, service, or activity;
 - q. any restrictions, exceptions, and special precautions; and
 - r. any deviations from a schedule along with the explanation.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.5 Administrative Control Unit	15. Special Housing	Page 19 of 21 10/23/23R

VIII. PROFESSIONAL STANDARDS

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- 5-ACI-4A-01** (MANDATORY) When an offender is transferred to special management housing, health care staff will be informed immediately and will provide a screening and review, as indicated by the protocols established by the health authority. Unless medical attention is needed more frequently, each offender in special management housing receives a daily visit from a qualified health care professional. The visit ensures that offenders have access to the health care system. The presence of a health care provider in special management housing is announced and recorded. The frequency of physician visits to special management housing is determined by the health authority.
- 5-ACI-4A-02** Special management units provide living conditions that approximate those of the general inmate population; all exceptions are clearly documented. Special management cells/rooms permit the inmates assigned to them to converse with and be observed by staff members.
- 5-ACI-4A-04** When special management housing units exist, written policy and procedure govern their operation for the supervision of inmates under administrative status, protective custody, and disciplinary detention.
- 5-ACI-4A-07** Written policy, procedure, and practice provide for a review of the status of inmates in special management housing by the classification committee or other authorized staff group every seven days for the first two months and at least every 30 days thereafter.
- 5-ACI-4A-10** Written policy, procedure, and practice provide that a qualified mental health professional personally interviews and prepares a written report on any inmate remaining in special management housing for more than 30 days. If confinement continues beyond 30 days, a mental health assessment by a qualified mental health professional is made at least every 30 days for inmates who have an identified mental health need and every three months for all other inmates—more frequently if prescribed by the chief medical authority.
- 5-ACI-4A-11** Written policy, procedure, and practice require that all special management inmates are personally observed by a correctional officer twice per hour, but no more than 40 minutes apart, on an irregular schedule. Inmates who are violent or mentally disordered or who demonstrate unusual or bizarre behavior receive more frequent observation; suicidal inmates are under continuing or continuous observation.
- 5-ACI-4A-12** Written policy, procedure, and practice provide that inmates in special management housing receive daily visits from the senior correctional supervisor in charge, daily visits from a qualified health care official (unless medical attention is needed more frequently), and visits from members of the program staff upon request.
- 5-ACI-4A-13** Written policy and procedure govern the selection criteria, supervision, and rotation of staff who work directly with inmates in special management housing on a regular and daily basis.
- 5-ACI-4A-14** Written policy, procedure, and practice provide that staff operating special management housing units maintain a permanent log.
- 5-ACI-4A-15** Written policy, procedure, and practice provide that all inmates in special management housing are provided prescribed medication, clothing that is not degrading, and access to basic personal items for use in their cells unless there is imminent danger that an inmate or any other inmate(s) will destroy an item or induce self-injury.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.5 Administrative Control Unit	15. Special Housing	Page 20 of 21 10/23/23R

- 5-ACI-4A-16** Written policy, procedure, and practice provide that inmates in special management housing have the opportunity to shave and shower at least three times per week.
- 5-ACI-4A-17** Written policy, procedure, and practice provide that inmates in special management housing receive laundry, barbering, and hair care services and are issued and exchange clothing, bedding, and linen on the same basis as inmates in the general population. Exceptions are permitted only when found necessary by the senior officer on duty; any exception is recorded in the unit log and justified in writing.
- 5-ACI-4A-18** Alternative meal service may be provided to an inmate in special management housing who uses food or food service equipment in a manner that is hazardous to self, staff, or other inmates. Alternative meal service is on an individual basis, is based on health or safety considerations only, meets basic nutritional requirements, and occurs with the written approval of the warden/superintendent, or designee and responsible health authority, or designee. The substitution period shall not exceed seven days.
- 5-ACI-4A-19** Written policy, procedure, and practice provide that whenever an inmate in special management housing is deprived of any usually authorized item or activity, a report of the action is filed in the inmate's case record and forwarded to the chief security officer.
- 5-ACI-4A-20** Written policy, procedure, and practice provide that inmates in special management housing can write and receive letters on the same basis as inmates in the general population.
- 5-ACI-4A-21** Written policy, procedure, and practice provide that inmates in special management housing have opportunities for visitation unless there are substantial reasons for withholding such privileges.
- 5-ACI-4A-22** Written policy, procedure, and practice provide that inmates in special management housing have access to legal materials.
- 5-ACI-4A-23** Written policy, procedure, and practice provide that inmates in special management housing have access to reading materials.
- 5-ACI-4A-24** Written policy, procedure, and practice provide that inmates in special management housing receive a minimum of one hour of exercise per day outside their cells, five days per week, unless security or safety considerations dictate otherwise.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
15.5 Administrative Control Unit	15. Special Housing	Page 21 of 21 10/23/23R