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|  KENTUCKY CORRECTIONS Policies and Procedures | Policy Number | Total Pages |
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| Authority/References KRS 196.035, 197.020 ACA Standards 4-4249 through 4-4273, 4-4320, 4-4400 CPP 9.1, 13.12, 13.13, 15.2, 15.6, 18.1, 18.2, 18.15 <i>Hewitt v. Helms</i> , 459 US 460 (1983) 28 CFR §115.43 | Subject SPECIAL MANAGEMENT INMATES | |

I. DEFINITIONS

"Administrative control status" means an alternate, maximum security housing status for an inmate who repeatedly violates the rules of the institution or for any inmate who poses a serious threat to the safety and security of the institution, the staff, the inmate population, or himself.

"Administrative segregation" means segregation from the general population or special management population for a relatively short period of time, consisting of confinement to a cell, room, or highly controlled area to ensure the safety and security of the institution, the staff, or the inmate population or pending investigation of an incident if the inmate is a suspect.

"Classification Committee" means the group of Kentucky Department of Corrections personnel who meet to review classification actions as outlined in CPP 18.1 and 18.2.

"Death row" means a maximum security housing situation to control the inmate serving a sentence of death.

"Disciplinary segregation" means the segregation or confinement of an inmate from the general population or special management population in an individual cell for a specific period of time consistent with the provisions of CPP 15.2 (Rule Violations and Penalties).

"Protective custody" means a special management program designed to provide for the safety and security of an inmate who is in danger of being harmed by any other inmate or who, for various reasons other than a rule violation, is unable to adjust to living in the general inmate population.

"Security staff" means any employee of the Department of Corrections whose primary job tasks include the safety and security of the institution, inmates, and staff and includes correctional officers, sergeants, lieutenants, and captains.

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"Temporary holding" means an administrative segregation program where temporary holding rooms are designated as controlled housing for ensuring the safety and security of the institution, staff, or the inmate population for the purpose of pending transport or review for transport to another institution or pending investigation of an incident if the inmate is a suspect.

II. POLICY and PROCEDURE

- A. These procedures shall be limited to temporary holding, disciplinary segregation, administrative segregation, administrative control status, protective custody, and death row.
- B. Any inmate requiring special management for administrative, disciplinary, behavioral, or other reason shall be grouped within each institution for management and program purposes.
- C. Special management programs shall be fair and humane.
- D. If an inmate is transferred to segregation, health care personnel shall be informed immediately. If the inmate was involved in a use of force or physical altercation, or has any suspected injury, a medical examination shall be conducted immediately. If there is no suspected injury, health care personnel shall conduct an assessment and review as indicated by medical protocol within two (2) hours of admission into the Special Management Unit.
- E. With the exception of specific privileges which may be denied to anyone assigned to disciplinary segregation, special management programs shall provide living conditions similar to those provided the general population as physical facilities and resources allow, but which maintain the degree of security and control the program and inmates concerned require as provided by section J Restriction or Denial of Privileges.
- F. All special management inmates shall be personally observed by a correctional officer at least every thirty (30) minutes on an irregular schedule. Any inmate who is violent or mentally disordered or who demonstrates unusual or bizarre behavior shall receive more frequent observation consistent with CPP 13.12.
- G. Criteria for Assignment
 1. Criteria for Assignment to Disciplinary Segregation

Assignment to disciplinary segregation shall be made by the Adjustment Committee or Adjustment Officer in accordance with the provisions of CPP 15.2 and CPP 15.6.
 2. Criteria for Assignment to Administrative Segregation

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An inmate may be placed in administrative segregation for one (1) or more of the following:

- a. Pending investigation of any violation of:
 - (1) a policy or procedure or other regulation;
 - (2) state or federal statute; or
 - (3) a situation which poses a risk to the safety and security of another inmate, staff, or institution;
- b. Pending transfer to another institution;
- c. Pending an evaluation of any inmate demonstrating an emotional disorder by a professional psychiatrist, psychologist, or person trained in recognition of behavioral disorders. This temporary assignment shall only occur if the assessment cannot be completed immediately. In such cases, the assessment shall be completed within 24 hours. The Warden or designee and the Mental Health Authority or designee shall consult prior to making housing, program, transfer and disciplinary actions for diagnosed mentally ill or intellectually disabled inmates;
- d. Assignment from another special management program if conditions warrant;
- e. Pending orientation and classification for an inmate received on transfer, if necessary;
- f. Pending orientation and classification of an inmate received under sentence of death, if necessary;
- g. Pending investigation of an inmate's request for protective custody; or
- h. Pending an alternative housing assessment for an inmate who is presently at high risk to be a sexual victim and may need separation from likely abusers. This temporary assignment shall only occur if the assessment cannot be immediately completed. In such cases, the assessment shall be completed within 24 hours and in accordance with 28 CFR §115.43.

3. Criteria for Assignment to the Administrative Control Status

- a. An inmate may be classified to administrative control status for one (1) of the following:

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- (1) A demonstrated inability or unwillingness to adjust to housing or work assignment;
- (2) Demonstrated assaultive behavior towards staff, another inmate, or visitor;
- (3) Possession of dangerous contraband;
- (4) Demonstrated escape risk;
- (5) Participation in an institutional disorder or disturbance;
- (6) Posing a threat to himself or the safety or security of another or the institution, including extensive involvement in security threat group activities. (See CPP 9.3.);
- (7) Repeated violations of institutional rules or policies and procedures; or
- (8) Repeated substance abuse.

- b. If an inmate with mental illness or intellectual disability presents as a danger to himself or others due to his mental illness, procedures outlined in CPP 13.13 shall be followed.

4. Criteria for Assignment to Protective Custody

Assignment to protective custody shall be made in accordance with the provisions of CPP 18.15.

5. Criteria for Assignment to Temporary Holding

An inmate may be assigned to temporary holding for one (1) of the following:

- a. Pending investigation of any violation of state or federal statute or any situation which poses a serious risk to the safety and security of another inmate, staff, or institution;
- b. Pending transfer to another institution; or
- c. Pending evaluation of an inmate demonstrating an emotional disorder by a professional psychiatrist, psychologist, or person trained in recognition of behavioral disorders. This temporary assignment shall only occur if the assessment cannot be completed

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immediately. In such cases, the assessment shall be completed within twenty-four (24) hours.

- d. The Warden or designee and the Mental Health Authority or designee shall consult prior to making housing, program, transfer and disciplinary actions for diagnosed mentally ill or intellectually disabled inmates.

H. Procedural Requirements

1. Disciplinary Segregation

An inmate shall be placed in disciplinary segregation in accordance with the requirements of CPP 15.6.

2. Administrative Segregation

- a. Placement of an inmate in administrative segregation shall be ordered in writing by the shift supervisor or other appropriate supervisor, by completion of a detention order.
- b. After the detention order is written:
 - (1) the order, or copy, shall be presented to the inmate to provide notice of the reason for detention;
 - (2) Upon receiving notice, the inmate shall be given an opportunity to respond. The response shall be recorded by the appropriate staff on the detention order and signed by the inmate; and
 - (3) Upon completion of the above, a copy of the detention order shall be given to the inmate.
- c. The detention order shall be reviewed for approval or disapproval by the Warden or his designee within seventy-two (72) hours from the time detention is ordered.
- d. The Warden or his designee, upon receipt of the completed detention form, shall consider both the detention order and the inmate response to determine whether:
 - (1) detention is warranted and approve it; or
 - (2) detention is not warranted and return the inmate to his previous status.

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- e. If detention is based upon confidential information, the disclosure of which could constitute a security risk to the inmate, another inmate, or staff, then:
 - (1) the information shall not be disclosed to the inmate on the detention form; and
 - (2) the confidential information shall be kept separately for the review of the detention order.

3. Administrative Control Status

- a. The inmate shall be given forty-eight (48) hour notice of the initial hearing and the ninety (90) day review hearing.
- b. The inmate shall be permitted to call witnesses.
 - (1) The inmate shall present a list of witnesses to the hearing committee or designated person at least twenty-four (24) hours in advance of the hearing. Failure to do so shall constitute a waiver of witnesses.
 - (2) If witnesses are denied, the reasons for denial shall be stated in writing.
- c. The inmate may request an assigned inmate legal aide.
 - (1) The inmate shall notify the hearing committee or designated person at least twenty-four (24) hours in advance of the hearing which assigned legal aide he has requested. Failure to do so shall constitute a waiver of a legal aide.
 - (2) If a legal aide is denied, the reason for the denial shall be stated in writing.
- d. The inmate shall be given an opportunity to make a statement and present documentary evidence.
- e. At the conclusion of the hearing, the committee shall prepare a written record which shall include:
 - (1) the committee decision;
 - (2) a summary of the evidence upon which the decision is based;

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- (3) a list of all witnesses;
- (4) the date and time of the hearing;
- (5) the signatures of the committee members; and
- (6) notification of the opportunity to appeal the decision.

f. The classification decision shall be subject to review and final approval by the Warden.

4. Temporary Holding

- a. An inmate may be placed in temporary holding pending an investigation, orientation and classification if a transfer, or a hearing before the Classification Committee or Adjustment Committee or Hearing Officer if it has been determined that the inmate constitutes a threat to another inmate, any staff member, himself, or the security of the institution.
- b. In these cases, detentions shall be ordered in writing by the shift supervisor.
- c. After the detention order has been written:
 - (1) The order or copy shall be presented to the inmate to provide notice of the reason for detention;
 - (2) When the detention order is delivered to the inmate, he shall be given an opportunity to respond. The response shall be recorded by the appropriate staff on the detention order and signed by the inmate; and
 - (3) A copy shall be given to the inmate.
- d. The detention order shall be reviewed for approval or disapproval by the Warden or his designee within seventy-two (72) hours from the time detention is ordered.
- e. Placement in a temporary holding room shall not exceed seventy-two (72) hours unless an extension is verbally approved by the Central Office Classification Branch.

I. General Living Conditions

An inmate assigned to any special management program shall be provided with the following:

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1. Housing that permits some conversation with other special management inmates in the same unit.
2. Visual observation by staff.
3. Linen and institutional clothing.
 - a. Clothing and linen may be exchanged on a frequent basis in lieu of arranging laundry privileges.
 - b. Clothing and linen exchanges, if used, shall be made as often as required for the general population.
 - c. Removal of clothing and linen, if necessary to protect the life of the inmate or as a special precaution or restriction, shall be justified in writing by security staff and psychology staff shall be consulted as soon as possible.
4. Items permitted for personal use and hygiene.
 - a. An inmate assigned to disciplinary segregation for sixty (60) days or less shall be permitted a maximum of twenty dollars (\$20) to purchase only those canteen items necessary for correspondence and personal hygiene, as set forth in CPP 14.2, Personal Hygiene Items.
 - b. Additional canteen item purchases may be allowed at the Warden's discretion.
 - c. Removal, restriction, or substitution of any item shall be justified in writing.
5. Meal Service

All special management inmates shall have the same food or food as nutritionally adequate as the food provided to the general inmate population.

 - a. If an inmate uses food or food service equipment in a manner that is hazardous to himself, staff, or another inmate, an alternative meal service may be provided on an individual basis.
 - b. The provision of an alternative meal service shall be based on health or safety considerations.

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- c. An alternative meal service shall: (1) meet basic nutritional requirements; and (2) have the written approval of the Warden and institutional health authority.
- d. Alternative meal service may be discontinued by the Segregation Unit Supervisor, health authority, or Warden.
- e. The substitution period shall not exceed seven (7) days.
 - (1) If the inmate, after resuming normal meal services, continues to use food or food service equipment in a manner that is hazardous to himself, staff, or another inmate, alternative meals may be initiated again as outlined above.
 - (2) The substitution period shall continue as outlined in this section.
- 6. Visitation shall be provided unless a documented reason for withholding visitation exists. Visitation for an inmate assigned to temporary holding may be denied due to the short holding period.
- 7. Telephone Privileges

A special management inmate shall have telephone privileges in accordance with security necessary for the unit.

 - a. Telephone privileges shall be denied any inmate housed in disciplinary segregation for less than sixty (60) days. He shall be afforded an opportunity to use the telephone for calls relating specifically to access to the judicial process or as authorized by the Warden or his designee.
 - b. An inmate assigned to temporary holding may be denied telephone privileges due to the short period of time held in that status. The Warden or his designee may authorize a telephone call for specific access to the inmate's attorney or for a legitimate family emergency.
- 8. The same opportunity to write and receive letters available to the general population.
- 9. Access to legal materials and legal assistance.
- 10. An opportunity to shave and shower not less than three (3) times weekly. An inmate in a temporary holding room may not be provided shower opportunities due to the short period of time in this status. If the seventy-

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two (72) hour time period is extended, the inmate shall be provided the opportunity to shower and shave.

11. Access to barber and hair care services on the same basis as the general population shall be provided if consistent with the security of the institution. Due to the short period of time in a temporary holding cell, access to barber and hair care service may be denied.
12. Access to reading and writing materials.
13. A living area or cell shall be furnished with a small table or desk, shelf, and chair or stool if the existing physical plant permits. Denial of any item shall be justified in writing.
14. An opportunity to exercise outside the cell for at least one (1) hour per day five (5) days a week. At least one (1) of these hours of exercise shall be, weather permitting, outside in the open air unless documented security or safety considerations dictate otherwise.

J. Restriction or Denial of Privileges

1. If necessary to restrict or deny an inmate in a special management unit any usual item or activity, a report shall be made to the appropriate Deputy Warden listing the item or activity denied and the reason. All restrictions shall be reviewed by the Warden or his designee.
2. In case of a unit emergency or serious disorder, the Warden shall immediately notify the Deputy Commissioner for Adult Institutions of his actions and the reasons.

K. Special Management Unit Recreation

1. An institution housing a special management unit shall develop recreation programs for the unit.
2. It shall be the responsibility of the institutional recreation director to devise and provide recreational opportunities consistent with the housing and security requirements and operating procedures of the institution.

L. Maximum Assaultive Status

1. Criteria for Assignment
 - a. An inmate assigned to any special management program who has assaulted an employee, inmate, or other person may be placed in a maximum assaultive status, to reduce the chance of injury to staff and other inmates.

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- b. If an immediate need exists, an inmate may be placed on maximum assaultive status by the Warden or his designee for a period up to ninety-six (96) hours. Placement in maximum assaultive status beyond ninety-six (96) hours shall require review and approval by the Classification or Adjustment Committee or adjustment officer.
- c. An inmate placed in maximum assaultive status shall be reviewed on the same schedule as the special management assignment dictates.
- d. Placement in maximum assaultive status and the justification for placement shall be included in the Committee report and in the inmate special management log or file.

2. Security Procedures for Movement of Inmates in Maximum Assaultive Status

- a. A minimum of two (2) correctional officers shall be present outside the cell housing a maximum assaultive status inmate before the cell door is opened.
- b. The inmate shall pass his clothing outside the cell to be searched.
- c. The inmate shall remain locked in the cell until a strip search is completed by the officers outside the cell.
- d. The inmate, if he complies with the strip search, shall put his searched clothing back on without any other clothing replacement. He shall then:
 - (1) Be placed in necessary restraints while still in his cell; and
 - (2) Remain in necessary restraints until returned to his cell with the restraints being removed by the officer outside his cell after the cell has been locked.
- e. If an inmate does not comply with a strip search, injures himself, or abnormal conditions arise and movement remains necessary:
 - (1) The shift supervisor shall be immediately notified of the situation; and
 - (2) The inmate shall be removed from the cell using the Use of Force Procedures outlined in CPP 9.1.

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M. Length of Assignment, Inmate Assessment, and Criteria for Release from Special Management Units

1. Disciplinary Segregation

- a. An inmate shall be subject to disciplinary segregation as provided for in CPP 15.2.
- b. An inmate assigned to disciplinary segregation shall have a psychiatric or psychological assessment, including a personal interview, at the end of the first thirty (30) days and every ninety (90) days thereafter. An assessment shall be conducted more frequently if prescribed by the chief medical authority or if a referral is made to mental health.
- c. In addition, an inmate assigned to disciplinary segregation shall be administratively reviewed every thirty (30) days by members of the appropriate Classification Committee to determine the adjustment of the inmate. The inmate shall be present at the review.
- d. Criteria for Release from Disciplinary Segregation

An inmate shall be released from disciplinary segregation if:

- (1) His assigned length of stay has ended;
- (2) His behavior or conditions of the unit warrant a reduction in the assigned length of stay of no more than fifty (50) percent as recommended by the Classification Committee and as approved by the Warden or his designee; or
- (3) The mental health assessment by the appropriate mental health professional indicates that continued assignment to the unit may have a serious adverse psychological impact on the inmate and alternate treatment modalities are indicated and available as recommended to and approved by the Warden.

2. Administrative Segregation

- a. An inmate may initially be assigned to administrative segregation for a maximum period of thirty (30) days.
- b. An inmate assigned to administrative segregation shall wear a yellow uniform.

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- c. An inmate assigned to administrative segregation shall be administratively reviewed every seven (7) days by the appropriate Classification Committee. The inmate shall be present at the review.
- d. At each review the committee may:
 - (1) Release the inmate to the general population;
 - (2) Assign the inmate to an appropriate special management unit; or
 - (3) Retain the inmate in administrative segregation.
- e. An inmate may be released to the general population prior to the seven (7) day review if circumstances warrant.
- f. An inmate assigned to administrative segregation shall have a psychiatric or psychological assessment including a personal interview at the end of the first thirty (30) days.
- g. At the end of a total of thirty (30) days in administrative segregation, the inmate may be:
 - (1) Released to the general population;
 - (2) Assigned to another special management unit; or
 - (3) Reassigned to administrative segregation by the appropriate classification committee if special circumstances are documented.

If an inmate is reassigned to administrative segregation, he shall receive a psychological assessment and continue the established seven (7) day review pattern.

h. Criteria for Release from Administrative Segregation

An inmate shall be released from administrative segregation if:

- (1) Circumstances requiring the assignment are no longer valid;
- (2) An investigation, which required the assignment, has been completed and indicates that continued assignment serves no valid purpose; or

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- (3) The inmate is assigned to another special management unit.

3. Administrative Control Status

- a. Assignment to administrative control status shall initially be for a period not to exceed ninety (90) days.

- (1) Any additional assignment, not to exceed ninety (90) days each, may be made provided the inmate remains a threat to the safety or the security of the institution, staff, another inmate, or himself.
- (2) The inmate shall meet with the Classification Committee each time for assignment or release.
- (3) A psychiatric or psychological assessment, including a personal interview and review by the Classification Committee, shall be made at the end of the first thirty (30) days and each ninety (90) days thereafter.
- (4) Any inmate assigned to administrative control status shall be administratively reviewed every seven (7) days for the first sixty (60) days following initial assignment.
- (5) At the end of the ninety (90) day assignment, the inmate shall meet the appropriate Classification Committee to determine if continued assignment is warranted.

- b. The inmate shall not be entitled to the procedures set out in Section II.H.3.a-f if reassignment to administrative control status takes place.

- (1) If continued assignment occurs, the inmate shall be administratively reviewed every thirty (30) days.
- (2) The inmate shall be present for the administrative review.

- c. Criteria for Release from Administrative Control Status

An inmate may be released from administrative control status if the circumstance requiring the assignment no longer exists.

4. Protective Custody

An inmate assigned to protective custody shall have:

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- a. a psychiatric or psychological assessment, including a personal interview, at the end of the first thirty (30) days and each ninety (90) days thereafter; and
- b. an administrative review conducted by the appropriate Classification Committee every seven (7) days for the first sixty (60) days and each thirty (30) days thereafter. The inmate shall be present at an administrative review.

5. Temporary Holding

- a. Assignment to temporary holding shall not exceed seventy-two (72) hours unless an extension is verbally approved by the Central Office Classification Branch.
- b. At the end of the seventy-two (72) hours or approved extension, the inmate shall be released back into general population or transferred to another institution.

N. Release from Special Management Programs and Transfer Between Units

1. Except for any inmate assigned to disciplinary segregation and death row, an inmate shall be released from a special management program only by the Classification Committee or at the expiration of his term of assignment.
2. An inmate assigned to any special management program may be reassigned from that unit to disciplinary segregation for a rule violation in accordance with CPP 15.2 and CPP 15.6.

O. Scheduled Visits

The following staff shall visit special management program areas at least as often as indicated:

| | Person to Visit | Frequency of Visits |
|----|-----------------------------------|---------------------------|
| 1. | Warden and all Deputy Wardens | Weekly |
| 2. | Shift Captain or Shift Supervisor | Once each shift |
| 3. | Unit Manager | Daily on normal work days |
| 4. | Medical Personnel | Daily sick call |

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| 5. | Physician or Nurse Practitioner | Weekly |
| 6. | Caseworker | Daily on normal work days |
| 7. | Psychologist or Psychiatrist | Monthly |
| 8. | Chaplain | Weekly |
| 9. | Program Staff | Schedule upon request |

The schedule shall not apply if the employee is on sick leave, vacation, training, or any other authorized leave, but the person acting on behalf of the staff member shall visit instead.

P. Documentation Procedures

1. Property

Upon assignment to a special management unit, an inventory of all personal property not authorized in the unit shall be made. The officer making this inventory and the individual inmate shall sign the inventory. Distribution of the signed inventory shall be as follows:

- a. Copy to the property officer who shall maintain on file for twelve (12) months or for the period the personal property is withheld from the inmate, whichever is longer;
 - b. Copy to the inmate; and
 - c. Copy with the property of the inmate.
2. All personal property not authorized on the unit shall be stored in a specific place designated for property storage.
3. Administration
- a. A separate log book shall be maintained for each unit, noting all staff visits to the unit and signed by the person making the visit, including the date, time, and general comments.
 - b. Documentation shall be made by all units outlining any movement, recreation time, shower time, medication, food, and any other significant item reflecting the inmate adjustment.

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c. The admission of an inmate to the units shall be recorded with information on:

- (1) name;
- (2) number;
- (3) housing;
- (4) location;
- (5) date admitted;
- (6) type infraction or reason for admission;
- (7) tentative release date; and
- (8) special medical or psychiatric problems, conflicts, or needs.

Q. Unit Staffing

1. Each special management unit shall have, at a minimum, a Unit Supervisor and an Assistant Unit Supervisor if population exceeds one hundred.
2. If possible, staff assigned to the special management unit shall have a minimum of twelve (12) months experience in a correctional institution.
3. Each supervisor of a Special Management Unit shall periodically consider the need for rotation of employees under his supervision.

DETENTION ORDER

ALL INFORMATION CONTAINED ON THIS DOCUMENT SHALL BE PRINTED OR TYPED

INMATE NAME AND NUMBER: _____

DATE AND TIME OF DETENTION: _____

The above-named and numbered inmate is being detained for the following reasons: _____

SHIFT SUPERVISOR

DATE AND TIME

INMATE'S RESPONSE TO DETENTION ORDER

The following is _____'s response to the Detention Order issued on
_____, 20____, at _____, _m.: _____

I have received a copy of this Detention Order. The above accurately reflects my response to the Order.

WITNESS SIGNATURE

INMATE SIGNATURE

DATE AND TIME

WARDEN'S PROCEDURAL REVIEW

Mark One:

Approve _____

Disapprove _____

WARDEN OR DESIGNEE

DATE AND TIME

White Copy to Institutional Central File
Yellow Copy to Segregation Unit
Pink Copy to Central Office Central File
Gold Copy to Resident