

33-601.820 Maximum Management.

(1) Definitions.

(a) Institutional Classification Team (ICT) –refers to the team consisting of the warden, 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 inmate status decisions and for making other classification recommendations to the State Classification Office, regional director, and warden. 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.

(b) Maximum Management – refers to a temporary status for an inmate who, through a recent incident or series of recent incidents, has been identified as being an extreme security risk to the Department and requires an immediate level of control beyond that available in confinement, close management, or death row. The Secretary has designated Florida State Prison (FSP) as the only institution authorized to house maximum management inmates, based upon the needs of the Department.

(2) Maximum Management Placement Criteria. An inmate shall have, at a minimum, met the criteria for placement in close management I or death row and participated in a recent incident or series of recent incidents in which the inmate has:

- (a) Escaped from or attempted to escape from a secure perimeter;
- (b) Demonstrated a willingness to use deadly force in a correctional setting;
- (c) Been involved in a dangerous act targeting staff or an assault against staff, including sexual assault; or
- (d) Been involved in a life-threatening inmate-on-inmate assault requiring that the victim receive emergency outside medical treatment.

(3) Initial Placement in Maximum Management Housing.

(a) An inmate may only be referred for initial placement in maximum management housing at FSP. If an inmate located at any other facility commits an offense that appears to meet the criteria for maximum management placement outlined in subsection (2) of this rule, the institutional classification officer, senior classification officer, classification supervisor, or ICT at the facility shall enter into the Offender Based Information System (OBIS) a Pending Close Management Evaluation transfer request to FSP if the inmate is not already in close management. If the inmate is already in close management or death row, the institutional classification officer, senior classification officer, classification supervisor, or ICT of the facility shall enter into OBIS a request for the type of transfer to FSP that reflects the inmate’s current CM level or death row status. The warden or regional director is required to send an e-mail to Central Office requesting transfer approval and the immediate scheduling of a direct transport to FSP indicating the inmate’s current status and including the request for maximum management placement. A description of the inmate’s behavior that warrants review for maximum management placement must be included.

(b) Whenever an inmate housed at FSP or an inmate transferred to FSP pursuant to paragraph (3)(a) above has met at least one of the conditions listed in paragraph (2)(a) above, the shift supervisor shall place the inmate in maximum management housing. Immediately after placement, the shift supervisor at FSP shall enter in OBIS a referral for maximum management detailing the information and circumstances requiring maximum management placement.

(c) Within 24 hours after an inmate is placed in maximum management housing, the warden or duty warden shall review the shift supervisor’s referral for maximum management and document a decision, based on the criteria set forth in subsection (2) above, as to whether the inmate’s conduct was severe enough to warrant placement in maximum management housing pending completion of the hearing process in subsection (4) below. If the warden or duty warden determines that it is unnecessary to keep the inmate in maximum management housing pending completion of the hearing process, the inmate shall be placed in administrative confinement and the procedure for placement in close management outlined in Rule 33-601.800, F.A.C., shall be followed if the inmate is not already in close management. If the inmate was already in close management or death row status, the inmate shall be returned to that status. If the behavior for which the inmate was referred for maximum management warrants consideration of an upward modification of the inmate’s close management level, that action shall take place after the inmate’s return to close management in accordance with Rule 33-601.800, F.A.C. If the warden or duty warden determines that maximum management placement is appropriate, the inmate shall immediately be given a written notice including the reason for the placement referral and informing the inmate that a hearing to review the placement shall be held no sooner than 24 hours from the delivery of the notice. The inmate may waive the 24-hour waiting period or his or her appearance at the hearing by signing Form DC6-104, 24 Hour/Refusal to Appear Waiver. Form DC6-104 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is April

13, 2006.

(d) The classification supervisor shall docket the inmate's hearing before the ICT for consideration of placement in maximum management status.

(4) Initial Placement Hearing and Decision Process.

(a) The ICT shall conduct a hearing with the inmate to determine whether placement in maximum management is appropriate.

(b) The inmate shall be present for the hearing unless:

1. The inmate waives his or her right to appear by signing Form DC6-104, 24 Hour/Refusal to Appear Waiver; or

2. The inmate's behavior jeopardizes the security or safety of the institution or the hearing as determined by the ICT chairperson.

(c) If the inmate does not attend the hearing, the reasons the inmate did not appear at the hearing shall be included in the ICT recommendation entered in OBIS.

(d) If the ICT chairperson determines that staff assistance is needed for the inmate based upon language barriers or other existing barriers, the chairperson shall appoint a staff assistant.

(e) The ICT chairperson shall offer the inmate the opportunity to make a verbal statement or present a written statement.

(f) The ICT chairperson shall have authority to postpone the hearing to gather further information or order an investigation regarding any pertinent issues. If the hearing is postponed, the reasons for postponement shall be entered in OBIS.

(g) The ICT shall recommend approval or disapproval of the recommendation for placement in maximum management. The ICT's recommendation and the basis for the recommendations shall be entered in OBIS.

(h) The ICT's recommendation shall be forwarded to the warden for review. The warden's recommendation for approval or disapproval of maximum management placement conditions and the basis for the recommendations shall be entered in OBIS.

(i) The warden's recommendation shall be forwarded to the regional director for final review. The regional director's decision to approve or disapprove maximum management placement and the basis for the decision shall be entered in OBIS. If the regional director disapproves the placement, the inmate shall immediately be removed from the maximum management cell and reclassified to the inmate's original status or placed in administrative confinement pending close management referral.

(j) The classification supervisor at FSP shall ensure that Form DC6-229, Daily Record of Special Housing, is documented with any status changes approved by the regional director. The classification supervisor shall also ensure that the inmate is informed verbally and in writing of the regional director's decision. Form DC6-229 is incorporated by reference in Rule 33-601.800, F.A.C.

(5) Initial Conditions of Placement in Maximum Management. Inmates shall be subject to the following conditions upon initial placement in maximum management:

(a) The inmate shall be provided clothing and bedding. If the inmate's behavior requires, the shift supervisor may authorize the removal of clothing or bedding or that the solid door be closed for security reasons either upon initial placement or at any time during maximum management status. The shift supervisor shall notify the warden of any such action. If in agreement with the action, the warden shall notify the regional director for final approval no later than the first work day following the shift supervisor's action. If an inmate's clothing is removed, a modesty garment shall be immediately given to the inmate. If the inmate chooses not to wear the garment, the garment shall be left in the cell and this action shall be documented on Form DC6-229, Daily Record of Special Housing. Under no circumstances shall an inmate be left without a means to cover himself or herself.

(b) Reading materials – possession is limited to a bible, religious testament, or other reading material specifically related to the inmate's faith only.

(c) Out-of-doors recreation – limited to two hours once every 30 days for the first 60 days and two hours twice every thirty days thereafter or until the inmate's exercise privileges have been reinstated pursuant to subsection (7) below.

(d) Possession of legal materials shall be permitted, and excess legal materials shall be stored pursuant to subsection 33-602.201(6), F.A.C.

(e) Legal visits shall be permitted.

(f) Routine bank transactions or canteen purchases shall not be allowed, with the exception of stamp, paper, security pen, and envelope purchases for mail legal work, and inmate requests, and grievances.

(g) Tablets and kiosks – inmates in maximum management are not permitted to possess a tablet or have access to kiosks, kiosk services, or tablet services as provided for in Rule 33-602.900, F.A.C., and shall not have video visitation privileges as provided for in Rule 33-602.901, F.A.C.

(6) Review of Maximum Management Status and Conditions.

(a) The ICT shall review the inmate's maximum management status, the conditions set forth in subsection (4), above, and previously modified conditions weekly for the first 60 days from the date of placement, and at least monthly thereafter.

1. Reviews by the ICT shall be documented on Form DC6-229, Daily Record of Special Housing.

2. If the ICT recommends the inmate's release from maximum management or a modification of the inmate's conditions during the first 60 days, the ICT shall enter its recommendation in OBIS.

3. All reviews conducted by the ICT after the first 60 days of maximum management status shall be entered in OBIS. This documentation shall include any recommendations for modifications of the inmate's conditions.

4. The ICT shall enter in OBIS an inmate's guilty findings on any disciplinary reports and all recommendations for modification of the inmate's conditions.

(b) All ICT reviews entered in OBIS shall be reviewed by the warden. The warden shall document his or her reason for approval, disapproval, or modification of the ICT recommendations in OBIS.

(c) The warden's recommendations for approval, disapproval, or modification of the inmate's status or conditions shall be reviewed by the regional director. The regional director shall document approval, disapproval, or modification of the warden's recommendation in OBIS.

(d) If the regional director approves the inmate for release from maximum management status, the inmate shall be placed in close management or death row housing. The decision to release the inmate from maximum management status shall be entered in OBIS. An inmate shall not be subjected to modification of conditions until the modifications are approved by the regional director, except as allowed in paragraph (4)(a), above.

(e) The classification supervisor at the maximum management facility shall ensure that Form DC6-229, Daily Record of Special Housing, is documented with any status or condition changes approved by the regional director. The classification supervisor at the maximum management facility shall ensure the inmate is immediately removed from maximum management housing if approved by the regional director and returned to close management or death row housing.

(f) The ICT at the maximum management facility shall ensure that staff adhere to any time frames approved in reference to inmate conditions.

(7) Periodic Modification of Conditions.

(a) If after the following time frames the regional director determines an inmate has displayed satisfactory adjustment to maximum management, taking into account the severity of any guilty findings on disciplinary reports created since the inmate's initial placement on maximum management status, and therefore determines that reinstatement of privileges is appropriate, privileges shall be reinstated as follows:

1. After six consecutive months on maximum management and with the approval of the regional director, the following privileges shall be reinstated:

a. Recreation privileges up to one two-hour session per week; and

b. Property privileges to the extent that the inmate may possess two periodicals and may check out books from the library.

2. After nine consecutive months on maximum management and with the approval of the ICT, the following privileges shall be reinstated:

a. Recreation privileges up to two two-hour sessions per week; and

b. Canteen privileges limited to one order per week. The inmate is further limited to five non-food items and five food items. In making this determination, with the exception of stamps, security pens, and notebook paper, it is the number of items counted rather than the type of item. With respect to stamps, security pens, and notebook paper, twenty-five stamps or fewer count as one item, three security pens or fewer count as one item, and two packages or fewer of notebook paper count as one item.

3. After 12 consecutive months on maximum management and with approval of the ICT, the following privileges shall be reinstated:

a. Recreation privileges up to three two-hour sessions per week; and

b. Ability to purchase a Walkman-type radio, headphones, and batteries or to be issued these items from the inmate's stored property.

(b) If the ICT determines an inmate has displayed unsatisfactory adjustment to maximum management, taking into account the severity of any guilty findings on disciplinary reports created since the inmate has had his or her privileges reinstated, the ICT shall review the reports and make a determination as to whether and to what extent privileges shall be revoked.

(c) Any recommendations by the ICT and/or warden and regional director decisions to modify conditions shall be entered in

OBIS during weekly or monthly reviews of the inmate's maximum management status. The classification supervisor at FSP shall ensure that Form DC6-229, Daily Record of Special Housing, is documented with any status or condition changes approved by the regional director.

(8) On-Site Review of Maximum Management.

(a) If an inmate remains in maximum management status for 90 days, the regional director or designee shall conduct an on-site review of the inmate's maximum management status and conditions. This on-site review shall take place after every 90-day period of continued maximum management status. The regional director's designee for this purpose shall be the assistant regional director or the regional correctional services administrator.

(b) The ICT shall participate in the review of the inmate's adjustment with the regional director or his or her designee.

(c) The regional director's decisions made following this on-site review shall be entered in OBIS as directed in subsection (7), above.

(9) Security Requirements.

(a) All security requirements outlined in rule 33-601.800, F.A.C., for close management inmates are applicable for all maximum management inmates.

(b) Additionally, the following security precautions shall be followed for maximum management inmates:

1. The inmate shall remove all clothing to allow for an unclothed body search and pass the clothing to the officers for thorough search before being restrained and exiting the cell. The inmate shall remain under constant visual surveillance during the process.

2. Before exiting the cell, a maximum management inmate shall be restrained in a manner commensurate to his or her level of threat and in the presence of a minimum of two officers.

3. Once out of the cell, the inmate shall be placed in leg irons and escorted by two correctional officers at all times.

4. The cell shall be thoroughly searched each time the inmate exits the cell for any reason, but no less frequently than three times each week.

5. When escorting a maximum management inmate past other maximum management inmate cells, the cells shall have the solid security door and cuff/food port closed and secured.

6. Under no circumstances shall any two maximum management inmates be out of the cells under escort in the same area at the same time.

7. A maximum management inmate shall submit to an unclothed body search and clothing search each time the inmate is returned to the cell from any escort.

(10) Other Conditions of Confinement.

(a) Religious services shall be delivered by institutional chaplaincy staff or approved volunteers only.

(b) Inmates in maximum management shall be required to conduct legal business by correspondence rather than a personal visit to the law library, when possible. If access to the law library is required, a secure cell in the law library shall be used to prevent direct contact with other inmates including law clerks.

(c) Medication shall be dispensed and administered in accordance with health services protocols for confinement.

(d) Inmates who are housed in maximum management shall have mental health and medical care services to the same extent as close management inmates. Monitoring of inmates shall be as described in Rule 33-601.800, F.A.C.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 12-7-00, Amended 11-23-03, 4-1-04, 4-13-06, 10-30-06, 4-27-08, 5-18-09, 3-6-14, 7-14-14, 12-13-15, 1-18-21.