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Protective Custody Inmates

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ABSTRACT

Trying to decide who and what exactly a protective custody inmate is a very difficult and at times a tedious challenge. Some inmates are put into protective custody because of the crimes they committed on the outside while others are put into protective custody for the crimes they commit while in jail or prisons. Often inmates check themselves in because they owe an inmate debt or they “ratted out “another inmate. There are a lot of situations, some real and some not so much as why inmates want to become protective custody inmates. For administration and staff this can be a hard decision to make. Not knowing the reason or reasons an inmate wants to check in can make it very hard to maintain the safety and security of the facility. So, trying to understand inmates and their reasons is a 24/7 day a week job. This can cause officers a lot of stress and unnecessary work because of these inmates.

Per Kentucky Revised Standards from the Department of Corrections explains what protective custody is.

1. POLICY AND PROCEDURE.

- A. Protective custody shall be offered to an inmate for whom it is known that the inmate is in actual danger of physical harm within the correctional system.

- B. Protective custody shall not be to inmates who wish to live apart from the general institutional population simply to avoid the pressures of the institutional environment.

- C. Protective custody shall not be considered as a punitive assignment. Privileges and opportunities shall be made available to protective custody inmates consistent with: 1. Their custody level; and 2. Their need for protection.

- D. Inmates in segregation status for any reason shall not be permitted to request custody until released from segregation status.

E. Inmates shall be placed in custody status as a result of a decision by the Classification Committee.

F. If an inmate requests protective custody, a detention form shall be prepared indicating the reason for the protective custody request order and the inmate shall be placed in administrative segregation. 1. An investigation shall be conducted relative to the reason for the inmate's request. 2. A protective custody form shall be initiated indicating the results of the investigation.

G. Within (7) days working days of the protective request, a classification hearing shall be held to determine the inmate's need for Protective Custody. This hearing shall be consistent with the requirements in CPP 18.1 – Classification of Inmates. 1. The inmate shall be permitted to call witnesses. 2. The inmate shall request legal aid.

H. The following shall be considered as grounds to disapprove the protective custody request: 1. Failure to provide a specific reason for requesting protective custody; 2. Failure to provide names of inmates who presents threats; 3. Requesting protective custody due to a close release date.

I. Based on information supplied by the inmate and any investigation or witnesses, the Classification Committee shall determine if the inmate requires assignment to protective custody. The following shall be reasons for which the inmate may need protective custody. 1. Inmate is unable to function in current assignment; 2. The nature of the inmate's conviction or lifestyle make him a target for inmates

in the general population; 3. Inmate owes a debt to another inmate; 4. Inmate has testified or informed against another inmate; 5. Inmate has a conflict with other inmates that originated outside the institution or during his present incarceration; 6. Inmate has worked as a correctional employee or law enforcement officer; or 7. Inmate has received threats from other parts of the institution.

J. Upon completion of the hearing the committee shall select one of the following options: 1. Grant the inmate protective custody status and place him in the institutional protective custody unit. If a male inmate is in need of a long term protective custody and is not receiving special medical or mental health services, he shall be transferred to the protective custody unit at the Kentucky State Penitentiary. If a protective custody bed space is not available; the inmate shall be maintained in administrative segregation unit bed space becomes available or transfer is initiated. 2. If a conflict has been determined, recommend transfer to another institution where a conflict does not exist or the inmate is better able to function. The inmate shall remain in administrative segregation status until transfer is complete. A special notice shall be prepared, and distributed in inmate records; or 3. Determine that the inmate is not in need of protective custody and return to general population.

K. If the inmate disagrees with the decision of the Classification Committee, he may appeal this decision to the Warden or his designee at the conclusion of the hearing.

1. The inmate shall appeal the decision to the Warden or his designee by completing the

appropriate space on the protective custody form. Institutional staff shall notify the Warden of the appeal. 2. A decision may not be appealed beyond the level of Warden.

L. Copies of all forms, investigations and supporting material shall be placed in the inmate's institutional record and Offender Information File.

M. All protective custody assignments shall be reviewed on the institutional level as required by CPP 10.2

N. An inmate requesting release from protective custody shall submit his request in to the unit Classification Committee. A classification hearing shall be scheduled to determine if release is appropriate. If release from protective custody is appropriate, the reclassification committee: 1. Document why the inmate is being released from protective custody; and 2. Assign the inmate to an appropriate general population placement or recommend transfer to another facility.

O. All actions of the reclassification hearing relative to request for release from protective custody shall be documented in the offender management system.

LITERATURE REVIEW

As we begin to talk about protective custody inmates, first we need to define what protective custody is. Per Webster's Dictionary protective custody means, "a type of imprisonment (or care) to protect a person from harm, either from outside sources or other prisoners. Many administrators believe the level of violence, or underlying threat of violence within prisons, is a chief factor of causing the need for PC units". While the definition of protective custody in a legal definition states, "An arrangement whereby a person is safeguarded by law enforcement authorities in a location other than the person's home because his or her safety is seriously threatened". While not the same thing the key words are "for their protection".

WHAT IS PROTECTIVE CUSTODY?

As we go on with this study we need to ask ourselves the question, what is protective custody? We have already discussed briefly the definition of protective custody per Webster's Dictionary and then what Kentucky Corrections say it is but let's take a look and see what protective custody is.

In an article written by Adrian Smith, he writes that protective custody first began in the early 1960's by law enforcement but was used very infrequently. Federal prosecution of organized crime figures led to the offering of witness protection for key informants.

Smith also writes that many correctional administrators, believe the level of violence, or the underlying threat of violence in jails or prisons is a chief factor causing the need for PC units. Inmates have the opportunity to request protective custody if they feel the environment they are in is harmful to their wellbeing. This request may be granted if officials rule the inmate is

truly at risk.

In this article, Smith writes that there are many advantages to protective custody in a Correctional facility, there are always possibilities that the inmates will try to manipulate the protective custody system. An example Smith used was, inmate John Doe, an inmate who normally doesn't gets visitors or has commissary, has a "hustle" inside the prison walls and that is gambling. One day inmate Doe loses, and doesn't have the commissary items to pay his debt. Tensions rise in the housing unit and inmate Doe feels threatened and doesn't know what to do. Inmate Doe passes security a note requesting to be placed in PC, to avoid paying off his debt. These are things correctional officers have to deal with. Not paying off a debt is not a reason to be placed in PC.

Smith who is a Classification Officer in Orange County, Fla., said some of the questions he would ask potential protective custody inmates to assess their need would be: 1. Are you part of any gangs? 2. Have you ever been victimized while being incarcerated? 3. Is your case high profile (receiving media attention)? 4. Do you feel comfortable reporting any problems to the housing officer? Smith states that questions such as these, help to assess the need for protective custody and to determine the mindset of the inmate.

This helps in keeping the facilities safe and secure, but also helps keep your facility from being held liable should anything happen to an inmate. Facilities should take every protective custody request serious, and an investigation should happen fast.

Being familiar with your facilities policy and procedure on protective custody inmates, keeps your fellow officers, other inmates, and other/all staff safe.

Sgt. Megan McElfresh of the Henderson County Detention Center stated that at her facility regarding PC inmates, “Whoever is the leading supervisor in charge at any given moment makes the call on whether an inmate needs to be PC. The guard commander makes the ultimate decision on if an inmate needs to remain PC”.

Lt. David Meeks of the Western Kentucky Correctional Complex said, “Shift supervisor can place inmate in PC after investigation”. Each facility handles PC inmates in different ways but have similar rules that they go by.

CAN INMATES CHECK THEMSELVES INTO PC?

McElfresh responded by saying, “Yes most of the time the inmate states to the guard staff that he or she does not feel comfortable around other inmates. In these cases, the inmate is housed alone until guard commander can access the inmate’s housing assignment.”

Meeks said, “Yes, if an inmate feels threatened for any reason.” But that is the hard part for correctional facilities, trying to figure out if the threat is real, if the inmate is being honest about the so-called threat.

We have talked about what protective custody is now we need to look at why is there protective custody? Most facilities have protective custody not only for the protection of inmates but in some cases for the safety and security of their facilities.

In an article written by Calen Weiss, editor of *Criminal Law Brief*, Weiss tells about former New England Patriots football Aaron Hernandez who was convicted of murder in 2013. Because of his status as a professional football player Hernandez was immediately placed in protective custody when he was incarcerated into the Bristol County House of Corrections.

Weiss tells how Hernandez was placed in a 7-foot by 10-foot cell that had no air-conditioning or television. Three times a week Hernandez got out of his cell for one hour a to shower, exercise, and make collect calls. While BHCH Sheriff

Tom Hodgson calls Hernandez” a model prisoner” he still must remain in protective custody for his own safety. Hodgson fears that other inmates may try and attack Hernandez to “raise their own stature”. In other words, Hernandez being in protective custody is a direct result of his fame.

Weiss goes on to say that while protective custody is not solitary confinement it certainly has several similarities. Both have small cells, limited interaction with other inmates, and minimal time spent outside of the cells are both qualities that PC and solitary have.

In this article, Weiss writes that supporters of Hernandez are very concerned considering the state of Massachusetts, where Hernandez is locked up in, is constantly scrutinized for their solitary confinement practices. While the differences between solitary confinement and protective custody are important, it is their similarities that have garnered the concern of the American Civil Liberties Union or the ACLU. The

complaint reads:

“Prison officials sometimes justify solitary confinement as necessary to separate vulnerable prisoners, such as juveniles and the elderly, or high-profile prisoners, such as Hernandez from the general population. But this “protection” comes at high unnecessary cost. Isolation is devastating for vulnerable populations.” The harms of protective custody is so well known that the Prison Rape Elimination Act regulations that the Department of Justice requires that mandate that adult facilities make their “best effort” to avoid placing youthful detainees in isolation. And, for the cognitively disabled or those with severe mental illness-who frequently makeup the majority of those living in solitary confinement-extreme isolation can exacerbate their condition and can result in significant deterioration.”

Sgt. McElfresh of HCDC stated, “We have protective because of inmates having issues with other inmates. The main reason is inmates who are cooperating with law enforcement and therefore most of general population considers them a snitch. Also, if an inmate is in a high-profile case, like when we had Jared Fogel, the former Subway spokesperson, we place them in protective custody. If someone has worked in law enforcement and is incarcerated, we place them in protective custody.”

Lt. Meeks of WKCC said, “Inmates owing debts or strong arming other inmates.”

Others don't like being in an open dorm setting so they fake or lie about being threaten so they can be placed in protective custody. These are the two biggest reason we have protective custody at our facility.”

THE COST TO HOUSE PROTECTIVE CUSTODY

Understanding the cost of housing inmates is something that many states must deal with not only on a yearly basis but in some cases a day to day basis. Each state is different and each state has their own individual cost they deal with. For purposes of this research paper, we are going to look and the difference in costs to incarcerate inmates.

In an article written in the Vera Institute of Justice, writers Henrichson & Delaney found that the total taxpayer cost of prison with the 40 states that participated in a study was 13.9 percent higher than the cost reflected in those states' combined corrections budget. The total costs to taxpayers was \$39 billion, \$5.4 billion more than the \$33.5 billion reflected in corrections cost alone.

The article also states among the participating states, costs outside the corrections department ranged from less than 1 percent of the total cost of prisons, in Arizona, to as much as 34 percent in Connecticut. The extra costs accounted for less than 5 percent of total prison cost in 16 states, 5 to 9.9 percent total prison costs in nine states, and 10 to 19.9 total prison costs in nine states, (Arkansas, California, Delaware, Kentucky, Louisiana, Maryland, New Jersey, Washington and West Virginia). In six states, Connecticut, Illinois, Missouri, New York, Pennsylvania, and Texas- 20 to 34 percent of the total taxpayer cost of prison was outside the corrections department budget.

In this article, it states that among the 40 states surveyed, representing more than 1.2 million inmates (of 1.4 million people incarcerated in all 50 state prison systems), the

total per-inmate cost averaged \$31,286 and ranged from \$14,603 in Kentucky to \$60,076 in New York. In this article the writers give reasons why some states per-inmate costs are lower than others. Some of these are: 1. Overcrowding- The per-inmate cost will likely be lower in states where there is overcrowding, meaning the inmate population exceeds the facilities rated capacity. In contrast, the per-inmate cost will likely be higher in states that have reduced their populations but have not reduced operating capacity to save money.

2. Greater incarceration of low-level offenders. - Fewer staff are required in minimum-and medium-security prisons that house low-level offenders. The per-inmate cost for the entire state prison system may therefore be lower in states. That incarcerate a larger proportion of these individuals.

3. Use of local jails- Many states reimburse local jails to house state sentenced inmates. State reimbursement rates, however, often do not cover the total costs of services because they are sometime set by statue and are not regularly updated to accommodate rising costs. The per-inmate cost may be lower in states that rely heavily on local jail.

The writers mention in the article that the largest impact on prison budgets comes from changing sentencing and release policies. In 2010, the average inmate population in the state of Kentucky was 21,347 so the cost per inmate was \$311,727 which averages out to \$14.603 per day the taxpayers pay from their pockets.

In this article, Henrichson & Delaney say, “Operating a safe, secure, humane, and well programmed prison can’t be done on the cheap. Prisons are, as sociologists say, “total institutions” that provide everything for inmates to live-some for the rest of their lives.

This includes adequate levels of uniformed security staff at all times, food, programming, recreational and educational opportunities (all necessary to manage facilities safely and lower recidivism rates), infrastructure maintenance and upkeep, and increasingly higher levels of health care for a population with significant levels of physical and mental illness.”

“In this field then, the chief goal is not necessarily to have low per-inmate costs. In fact, states that have very low per-inmate costs should examine carefully what functions of a good prison, may not be being provided adequately. For instance, mental health care for for this population is both expensive and crucial-not only for the safety of the inmates and prison staff, but ultimately for public safety as well.”

“State officials looking to reduce prison expenditures can get only so far by trimming per-inmate costs. Far bigger savings can come from proven steps that reserve incarceration for those who most warrant it and reduce prison populations by developing lower- costs alternatives for others.”

If you consider how costly incarceration is, is having protective custody worth it?

Jennifer Konias, Accreditation Manager, at the Kentucky State Penitentiary said, “We have 32 PC inmates in custody. We used to have between 150 -200 of those inmates but it has been a gradual reduction. The only ones we have are former law enforcement officials or a high profile crime. It costs us \$85.00 dollars a day extra to house protective custody inmates, therefore we reduced the number of PC’s to save money.”

So if you go back and look at the cost of protective custody inmates in Kentucky the costs per day in 2010 for housing inmates was \$14,603 when you add \$85.00 extra for the 32 PC’s at KSP alone you must add another \$2720.00 per day. That’s almost \$16,000.00 per day the tax-payers are having to pay to house inmates in the state of Kentucky.

WHAT IS THE DIFFERENCE BETWEEN PC AND SEGREGATION?

Since we now know what protective custody is let’s look at segregation and see what the difference is. Per Webster’s dictionary segregation is- “the action of setting someone or something apart from other people or things or being set apart”. While the legal definition of segregation reads as this, “the physical separation of categories of individuals, usually on the basis of gender, race, religion, or class. It can be de jure or de facto-sanctioned by law or custom.”

Per an article by the U.S. Department of Justice there are a little over 200,000 inmates that are listed to be in segregation units in prison facilities across the country. This article also states that while virtually every correctional facility in America segregates prisoners from the general inmate population, under certain circumstances, there is little agreement to the

terms used to describe the practice.

This article states the most know term for inmate's segregation- "solitary confinement" – is disfavored by correctional officials, in part because it conjures a specific and in some cases misleading, image of the practice. The article also tells that not all segregation is "solitary", at least in the traditional sense of the word.

The article defines terms as "restrictive housing" and "segregation" as a type of restriction that involves three basic elements:

1. Removal from the general population, whether voluntarily or involuntarily;
2. Placement in a locked room or cell, whether alone or with another inmate and;
3. Inability to leave room or cell for the mass majority of the day, typically 22 hours or more.

While many facilities have "segregation housing", and they meet certain criteria not all facilities have the same type of "segregation units". The article talks about the different types of "segregation units" that may be available at certain correctional facilities.

The article defines five "purpose-based" categories of segregation.

1. Investigative segregation- Most correctional systems allow for immediate placement of an inmate in restrictive housing while officials attempt to determine whether longer-term placement is appropriate for one of the reasons discussed below. Investigative segregation is considered non-punitive, much like pre-trial detention in a criminal proceeding.

An inmate remains in investigative segregation until officials adjudicate the longer-term need for restrictive housing-at which point the inmate either remains in segregation for the specific reason or returns to the general population.

2. Disciplinary segregation-Is designed to punish an inmate for violating a specific disciplinary rule. The inmate is typically placed in segregation for a determined type-akin to a prison sentence in a criminal proceeding-and then either released to general population or released back to general population or transferred to another facility. Disciplinary segregation is one of several types of punishment, typically available in the prison disciplinary system, along with the revocation of inmate privileges and other sanctions.

3. Protective segregation (or protective custody)-Protective segregation is designed to protect an inmate from a real or perceived threat within the prison. The inmate is typically placed in segregation for an indeterminate amount of time and returned to the general population once the threat dissipates.

4. Preventive segregation-is designed to prevent an inmate from threatening the safety and order of the institution. Unlike disciplinary segregation, this form of restrictive housing is not used to punish but instead relies on the believe that an inmate is simply “too dangerous” to be housed in general population. The inmate is typically placed in preventive segregation for an indeterminate time, which lasts until prison officials conclude that the inmate can be housed safely in a less

restrictive setting.

5. Transitional segregation- At the end of an inmates stay in restrictive housing for one of reasons stated above, some institutions will keep the inmate in segregation for a period of time while waiting to transfer him or her to a new location, often when bed space is not available at the destination facility. Transitional segregation is non-punitive and indeterminate, although typically relatively brief.

This article also goes on to talk about types of segregation based on the type of housing and location. They were identified in three general categories:

1. "On-site" segregation units- Many correctional facilities have dedicated, on-site restrictive housing units, typically in a wing or pod separated from the rest of the prison population. Oftentimes, these segregation units are used for multiple forms of restrictive housing (investigative, disciplinary, protective, preventive, and transitional segregation) and often with minimal differences in the conditions of the confinement based on the reason for segregation. These units are called "Special Housing Units" (SHU) which are located at 111 facilities and house the vast majority of federal prisoners in restrictive housing.

2. Specialized, or "mission specific", segregation units- These units' house certain categories of inmates who pose particular management challenges within the general population (gang members, law enforcement cooperators, sex offenders, inmates with serious mental illness). These

units typically operate within a larger institution, but are separated from the general population and offer some degree of specialized services or programming.

However, not all mission-specific units qualify as “restrictive housing”. Some require that inmates require that inmates be locked in their cells 22 hours per day or more, while others impose considerable fewer restrictions and indeed serve as attractive alternatives to restrictive housing.

3. “Super-max” facilities- This houses the most disruptive and violent inmates in the prison system, and often for longer periods of time than such inmates would normally be placed in on-site segregation units. Many “super-max” facilities do not include open, “general population” units; all inmates are housed in segregation units.

This article also asks the question, how often is segregation used? To answer this the writers used three different types of data in their study; “prevalence data”, “incidence data” and “length of stay data”.

1. Prevalence data- refers to the number of inmates in a restrictive housing unit at a particular moment in time-a “snapshot” of segregation. This data might show, for example, that a prison housed 30 inmates in segregation on January 15 and that it also housed 30 inmates in segregation on July 15. The drawback of this type of data is that, absent additional information, it is impossible to know if all 30 of the January 15 inmates remained in segregation through July 15, or if some of them cycled out of segregation and were replaced by a new set of inmates.

2. Incidence data- This type of data captures the number of new inmates placed in restrictive during a period of time; the “inflow” and “outflow” of segregation. This data solves the problem above: if a prison knows no new inmates entered segregation between January 15 and July 15, then it can conclude that the 30 inmates housed in segregation on January 15 remained there six months later. This data is useful because it provides the “turnover” rate, which in turn reveals how often the prison is placing inmates in restrictive housing. With this data, it is also important to know the
- “unique” placements in restrictive housing. A prison may take 30 segregation “placements” during a
 - six-month period, but that statistic, taken alone, does not account for repeat offenders.

3. Length of stay- This type of data tells how long an inmate is continuously housed in segregation. In calculating this number, it is important that correctional systems account for changes in an inmate’s status while in segregation. If an inmate gets into a fight while in general population, that inmate may spend 20 days in “investigation segregation”. If the inmate is found guilty of a violation, they may receive an additional 40-day term of “disciplinary segregation”. Some prisons capture this as two, distinct placements in segregation (20 days and 40 days), but the true length of stay is 60 days.

The article goes on to say that the DOJ, (Department of Justice) oversees 135 institutions, 122 which are managed by Bureau, and 13 are run by private contractors. The large majority of Bureau inmates placed in segregation are housed in Special Housing Units (SHU), although the Bureau also operates two additional restrictive housing programs: The Special Management Unit

(SMU), a four-phase program for inmates with heightened security concerns, and the USP Administrative Maximum (ADX), in Florence, Colorado.

The article goes on to explain about each of these units:

1. SPECIAL HOUSING UNIT (SHU)- Almost 84% of all Bureau inmates placed in segregation are housed in SHU's. Most Bureau institutes have their own SHU, which houses inmates for both disciplinary and non-disciplinary reasons. There are 111 SHU's nationwide, with a total capacity of 14,576 beds. Most inmates in SHU are doubled-cell.

2. SPECIAL MANAGEMENT UNIT (SMU)- Is a special-purpose, non-punitive segregation unit for inmates who present heightened security concerns due to their history of violent prison misconduct and/or gang activity. Inmates precede through four "levels," allowing them to earn greater privileges at each level, with the goal of eventually returning the inmates to the general population, typically after 18 to 24 months. Currently, the Bureau houses the majority of its SMU inmates at USP in Lewisburg, in Pennsylvania, and the remainder at USP Allenwood, also in Pennsylvania. Most inmates in SMU are doubled-cell.

3. ADMINISTRATIVE MAXIMUM SECURITY (ADX)- Houses inmates who require the tightest control and supervision because of the nature of their offense or their behavior while in prison. Opened in 1994, it is the Bureau's only administrative maximum facility and the Bureau's only institution where all inmates are single-celled. The rated capacity for the ADX is 490

inmates, although the ADX's population between 400 and 450 inmates has remained relatively stable over the past two decades, even as the Bureau's total prison population has grown considerably.

There is a wide difference between protective custody and segregation. Most inmates who are placed in protective custody place themselves or request to be placed in PC, for their protection but inmates who are placed in segregation are placed there for the protection of others, which in some situations, may be the staff?

As we continue to look at segregation we can go back to the article from the DOJ, and look at the two-different type of categories for (SHU) housing.

1. DISCIPLINARY SEGREGATION (DS) status- This applies to inmates who have been found guilty of violating a Bureau disciplinary rule. An inmate can only be placed in DS status by a "Disciplinary Hearing Officer" (DHO), who serves as the impartial adjudicator of an inmate's disciplinary hearing.

2. ADMINISTRATIVE DETENTION (AD) status- This encompasses investigative, protective, preventive, and transitional segregation. The Bureau considers all forms AD status to be non-punitive, insofar as this status never applies to an inmate serving punishment for a specific rules violation. The regulations permit placement in AD status when an inmate's presence in the general population "poses a threat to life, property, self, staff, other inmates, the public, or to the

security or the orderly running of the institution,” and one of the following applies:

- a.) The inmate is under investigation for violating a Bureau regulation or criminal law;
- b.) The inmate is pending transfer to another institution;
- c.) The inmate requested, or Bureau staff determined such protection was needed; or
- d.) The inmate is ending confinement in disciplinary segregation status, and his or her return to the general population “would threaten the safety, security, and orderly operation of a correctional facility, or public safety.”

While normally either protective custody or segregation is what is normally used to house unruly, violent, or uncooperative inmates; there are other reasons and different ways to house inmates who may have certain circumstances for which they may need “special housing”, the article from the DOJ goes into more details. The article lists the different special housing units; or special programs. They are:

1. **MENTAL HEALTH STEP-DOWN PROGRAM.**- This offers residential care for inmates with serious mental illness (typically a psychotic or mood disorder) who do not require inpatient treatment, but lack the skills to function in general population setting and have a history of serious violence. The goals of Step-Down Programs are to provide evidence-based treatment to mental illness, maximize their ability to function, minimize relapse and the need for inpatient hospitalization, and support their ability to transfer to less restrictive environments, as

appropriate. Step-Down Programs are offered in general population and secure settings.

2. STEPS TOWARD AWARENESS, GROWTH, and EMOTIONAL STRENGTH

(STAGES)- This is a residential treatment program for male inmates with serious mental illness and a primary diagnosis of personality disorder. The program uses an integrative model which includes a modified therapeutic community, cognitive behavioral therapies, and skills training.

This is designed to increase the time between disruptive behaviors, foster living within the general population or community setting, and increase pro-social skills. It is offered in both a general population setting and a secure setting.

3. SKILLS PROGRAM- A 12 to 18-month program designed to the institutional adjustment of male inmates with intellectual disabilities and social deficiencies. The program uses an integrative model, which includes a modified therapeutic community, cognitive behavior therapies, and skills training. The goal of the program is to increase the academic achievement and adaptive behavior of cognitively impaired inmates, thereby improving their institutional adjustment and likelihood of successful community reentry.

4. CHALLENGE PROGRAM- A cognitive-behavioral, residential psychology treatment program for high-security inmates with a history of substance abuse and/or mental illness. The program is designed to increase self-control and problem solving skills, and encourage the development of pro-social relationships, placing a special emphasis on violence prevention and

the avoidance of negative peer pressure.

5. BUREAU REHABILITATION and VALUES ENHANCEMENT (BRAVE) PROGRAM-

This is a cognitive-behavioral, six- month residential psychology treatment program for young, medium security inmates serving lengthy terms of incarceration. The program is designed to support favorable institution adjustment, reduce inmate misconduct, encourage the development of pro-social relationships, and direct inmates to self-improvement opportunities while incarcerated.

6. DRUG ABUSE PROGRAM (Drug Education, NRDAP, RDAP)- This is a series of outpatient and residential programs for inmates with a history of substance abuse. These programs are designed to provide inmates with the necessary skills to refrain from substance abuse and related criminal conduct.

7. RESOLVE PROGRAM- This program is designed to address the trauma-related mental health needs of female offenders. Inmates typically participate in the program during the first 12 months of incarceration, and it takes almost 40 weeks to complete.

8. CRIMINAL THINKING GROUPS- This program is an outpatient treatment designed to address criminality and misconduct. In these groups, inmates learn how criminal thinking errors impact their behaviors and how to effectively change their thinking and, in turn, change their behaviors.

9. ANGER MANAGEMENT GROUPS- This treatment group is designed to teach inmates

anger management skills. Inmates learn and practice cognitive, relaxation, and communication skills to reduce learning, including by learning how to develop an individualized anger control plan.

10. SEXUAL SELF-REGULATION GROUPS- This is an outpatient treatment designed to address sexual deviancy and sexual preoccupation in sex offenders. Inmates learn and practice a set of self-management skills to gain effective control over deviant sexual urges and behaviors.

11. CORE CORRECTIONAL COMMUNICATIONS PROGRAM- This program helps to train staff to help inmates to identify, verbalize, and eventually address the consequences of their behavior.

12. TOKEN ECONOMY PROGRAMS- This is a system of behavioral modification incorporated into several of the Bureau's Psychology Treatment programs. Token economics focuses on the use of positive reinforcement, a powerful behavior change tool, to encourage and support pro-social behaviors and relationships.

While inmates who are placed, or asked to be placed in protective custody, for the most part are still given the same opportunities as general population. Unless it is a special circumstance, they still get recreation time, visits, commissary, etc.

The difference between protective custody and segregation inmates when it comes to being in a "lockdown" situation is slightly different. In the DOJ article, it explains the conditions that must

be met by the facilities for confinement in segregation. These are listed as:

1. Officers must make rounds every 30 minutes for safety and well-being of inmate.
2. ENVIRONMENT-Living quarters are to be well ventilated, adequately lighted, appropriately heated, and maintained in sanitary conditions.
3. CELL OCCUPANCY- Ordinarily, one or two occupants.
4. CLOTHING- Each inmate receives adequate institution clothing, including footwear, and must be provided opportunities to exchange clothing and/or have them washed.
5. BEDDING- Each inmate receives a mattress, blankets, a pillow, and linens for sleeping, and must be provided opportunity to exchange them. The inmate's mattress could be taken away from them during the day as a "loss of privilege" for a rules violation.
6. FOOD- Each inmate receives nutritionally adequate meals.
7. PERSONAL HYGIENE- Each inmate has access to a basin and a toilet, as well as personal items necessary to maintain an acceptable level of personal hygiene. Inmates normally have an opportunity to shower and shave at least three times a week.
8. EXERCISE- Each inmate receives the opportunity to exercise outside his or her individual quarters at least five hours a week, ordinarily on different days in a one- hour periods. The Warden may limit this opportunity for specific safety reasons, but may not restrict exercise time as a sanction for disciplinary violations.
9. READING MATERIALS- Each inmate receives a reasonable amount of non-legal

reading material, and is permitted to possess religious scriptures of the inmate's faith.

10. TELEPHONE- Each inmate is ordinarily permitted to make one special telephone call per month. (As a disciplinary sanction, inmates could lose phone calls as a "loss of privilege".

11. LEGAL ACTIVITIES- Each inmate may conduct legal research, file lawsuits, and participate in legal visits and phone calls under the same provisions as inmates in general population.

12. SOCIAL VISITING PRIVILEGES and GENERAL (non-legal) CORRESPONDENCE- Each inmate may have legal visits and send social correspondences, unless those privileges have been suspended.

13. STAFF MONITORING- Staff will arrange to visit with each inmate within a reasonable time after receiving an inmate request. In addition, inmates are regularly monitored by program and unit team staff.

14. PROGRAMMING ACTIVITIES- Each inmate has access to programming activities to the extent such activities does not jeopardize the safety, security, orderly operation of a correctional facility, or public safety. This type of programming can include literacy programs, adult continuing education, college correspondence classes, and parenting classes.

Per the article by the DOJ, the SMU or Special Management Unit, is used for the inmates who can no longer be controlled in regular segregation due to their violent nature. The DOJ lists the reasons an inmate could be placed in SMU. These include:

1. Participated in “disruptive geographical group/gang activity
2. Had a leadership role in a disruptive geographical group/gang activity.
3. Had a history of disruptive disciplinary infractions.
4. Committed any 100-level (“Greatest”) disciplinary infractions, after being classified as a member of a “disruptive group”.

5. Participated in, organized, or facilitated any group misconduct that “adversely affected the orderly operation of a correctional facility”.

6. Participated in, or was associated with such activity that the greater management of the inmate’s interaction with other people is necessary to “ensure safety, security, or orderly operation of the facility, or protection of the public”.

According to the article in the DOJ there are four phases of SMU. The four phases are listed below along with their completion times.

1. LEVEL ONE (4 MONTHS)- At this level, interaction between inmates is minimal. The Associate Warden is responsible for determining which inmates by housed or participate in activities together. Inmates are ordinarily restricted to their assigned cells. An initial SMU Review occurs within 28 days, and every 90 days’ after

2. LEVEL TWO (6-8months)- This largely resembles Level One, except that out-of-cell activities and programming may be increased on a day-to-day basis. In some instances, inmates are permitted to have additional property. Inmates participate in GED classes, either individually or

or in a classroom setting, as well as individual and small group counseling sessions, which focus on “treatment readiness skills”. During this phase, SMU Reviews occur every 90 days.

3. LEVEL THREE (6-8 months)- At this level, inmates begin to interact in an open but supervised setting, both within a unit and in frequent group counseling sessions. Inmates who demonstrate good conduct receives increased privileges, such as greater commissary access, and additional personal property. SMU reviews occur every 90 days.

4. LEVEL FOUR (2-4 months)- At this level, inmates must be able to demonstrate their sustained ability to coexist and interact appropriately with other individuals and groups in the unit. Inmates may be considered for the same personal property privileges given to general population. The SMU Review occurs every 30 days. At the completion of this stage, inmates return to a general population setting, typically at a high-security institution.

The biggest difference in protective custody and segregation is the type of inmate involved, the majority of protective custody inmates are placed in protective custody for their protection while segregation inmates are placed in segregation for the protection of staff, other inmates, and for the overall safety and security of the facility.

While each of these inmates in time will eventually be released back into general population the protective custody inmates seem to stay in a revolving door type of situation. These inmates will stay out of trouble for a few months but then they get into another “owing” situation or they begin “snitching” again and they head right back into the protective custody unit.

IS RAPE THE MAIN REASON INMATES BECOME PC INMATES

The worst sexual crime that can be committed is rape. While this crime is terrible and frowned upon in the community this same crime happens inside the prison walls as well, whether it be inmate to inmate, inmate to staff, or even staff to inmate.

In an article written by Pat Kaufmann, of the National Institute of Justice, he writes that an estimated 60,500 inmates or 4.5 percent of the nation's prisoners have reported experiencing sexual violence ranging from unwanted touching to nonconsensual sex, and another 6500 official allegations of prison sexual violence were reported to correctional officials.

The article tells about how this study had a few flaws due to a host of obstacles: these included;

- 1). Low response rate from victims due to embarrassment or fear of reprisal.
- 2.) Challenges in verifying victims' self-reports.
- 3.) Lack of common terminology to describe sexual abuse.

In 2003, Congress created a law to fight this battle, The PREA ACT, or the Prison Rape Elimination ACT. PREA reads as this: "as carnal knowledge" (contact between the penis and the vulva, or the penis and the anus. Including any penetration of any sort, however slightly), oral sodomy, (contact between the mouth and penis, the mouth and the vulva, or the mouth and the anus), sexual assault with an object, or sexual fondling of a person: Forcibly or against the person's will.

Not forcibly or against the person's will, where the victim, is incapable of giving consent because of his or her youth or temporary or permanent mental or physical incapacity. Achieved through the exploitation of the fear of or threat of physical violence or bodily injury".

According to the report in the article by Kaufman one of the goals of the PREA Act was to establish a "zero-tolerance standard", and to "make the prevention of prison rape a top priority in each prison system".

In this article, it also tells that another goal of PREA was to increase the data and information to help improve management and administration in regard to sexual violence in correctional facilities. This law created an independent National Prison Rape Elimination Commission, which was charged in studying the impact of sexual assault on correction and detention facilities.

The article goes on to talk about a study done by James Austin, PH. D from the JFA Institute regarding sexual violence in the Texas prison system, the largest prison system in the Nation. Austin chose Texas because it had the highest rate of alleged incidents, (550 alleged incidents, a rate of 3.95 per 1,000 inmates), while also having one of the lowest substantiation rates (3 percent).

Among his findings, Austin came to these conclusions;

1.) White inmates are attacked more than any other race. Nearly 60 percent of the 43 "sustained" incidents-those proven to be true by an investigation-involved a white victim.

2.) Victims are generally younger than their assailants. The average age of victims of "sustained" cases were three years younger than the assailant

3.) Mentally ill or intellectually impaired inmates are more than likely to be victimized.

Although only 12 percent of the allegations involved a mentally ill or impaired prisoner, this percentage is 8 times the proportion of mentally ill inmates in the general prison population (1.6 percent).

4.) Cellblocks with solid cell fronts may contribute to sexual assault. Solid cell fronts, while permitting privacy for the inmates and reducing noise within the unit, also provide the degree of privacy, which permits sexual assaults to occur. Unlike older prison designs, in which cell fronts consists of bars, solid doors limit visual observation by staff, and in some degree, soundproof the cells to the point that staff have difficulty hearing what is going on in individual cells.

Also in the article, it tells of another study done of a sociocultural study of prison sexual violence in men's and women's high-security prisons across the United States. In this study a large cross section of inmates (408 males and 156 females in 30 prisons across 10 states) and allowed them to express their perception about prison sexual violence. The authors of this study Fleisher and Krienert write about the beliefs that inmates have about prison sexual abuse:

1. Inmate culture has a complex set of norms on sexual conduct. Any act of sexual violence that occurs in one context may be interpreted differently in another context. Interpretation depends on the pre-assault behavior of the victim and the assailant, as well as other inmate's perceptions of the causes for sexual violence.

2. Inmates "self-police" against unwanted sexual predators and maintain protective relation-

ships to safety from physical and sexual abuse.

3. Inmate sexual culture allows inmates to disagree on the meaning of sexual violence in similar contexts. Some inmates may interpret sexual violence as rape, whereas other inmates may interpret a similar act as other than rape. The response of a victim towards an aggressor after the act of sexual violence plays a key role in an inmate's interpretation of sexual violence.

4. Inmates judge prison rape as detrimental to the social order within the prison community- prison rapists are unwelcomed.

In this study, they also gave staff and officers to pay more attention to try and stop or avoid prison rape such as; such as having officers observe who inmates spend time with and which inmates appear fearful of using the shower. They also recommended orientation for new inmates that provides a balanced account of sexual and other types of violence and improved mechanisms for victims to report rape. These measures along with officer's daily rounds in the facilities could be a deterrent to prison rape.

The article also states that many states share a common theme in their new policies and procedures; a commitment at the most senior levels to change the correctional culture, thereby affecting the attitudes of staff and inmates. With the implementation of PREA and the active engagement of correctional officials, there is an effort to understand the extent of prison sexual violence and finding ways to reducing it.

In an article written by Christina Piccora, she tells about the “epidemic” of sexual assaults in America’s prisons, particularly among female inmates. The article says that there over 200,000 females incarcerated in the United States with at least 15 percent being a victim of sexual assault either by inmates or staff.

According to the article, males are 98 percent perpetrators of staff-on-inmate sexual assault on female inmates. With 41 percent of the officers being male officers in a female prison, a job that entitles strip searches and have access to prisoners in vulnerable areas. Therefore, while women comprise only seven percent of the state prison population, they make up 46 percent of sexual abuse victims.

Piccora writes, that male prison officials not only use force and violence to commit sexual assault against female inmates but they also use their positions to coerce, threaten and intimidate into sexual activity. There are thousands of documented accounts where prison staff demand sex in exchange for drugs, favors, or access to educational programs. In other cases, prison officials use sexual threats to go before parole board with false reports of bad behavior, planting drugs on prisoners, or withholding basic necessities as feminine hygiene products or visits from children if inmate does not perform sexual acts.

In this study the writer goes on to say that rate of inmate-on inmate sexual victimization is at three times higher for female inmates than male inmates, (13.7%) to (4.2%). The reasoning

behind this is that most prison officials do not view female-on-female sexual assault as “true rape”, making them less likely to reprimand inmates. With the growth of female prisons states have been unable to keep up. Because of this female prisons have a tendency to be overcrowded, poorly designed and hard to police.

Due to cross-gender supervision, poorly designed facilities, and lack of staff, prison sexual assault against females is prevalent because there is limited punishment to deter perpetrators. In some cases, victims are blocked from bringing charges against the prison staff who were the culprit by the (PLRA) or the Prison Litigation Reform Act. This act requires victims of prison sexual assault to exhaust all administrative means before they are allowed to follow up with a suit in federal court to challenge prison abuses. But this in turn can cause problems because the same people they are reporting the abuse to could be the ones committing the abuse. With this in mind inmates who complained of staff sexual misconduct were punished 46.3 percent of the time.

Piecora goes on to say that victims of prison rape must meet a high burden of proof to substantiate a constitutional claim. The Eight Amendment establishes freedom from cruel and unusual punishment. This is hard to prove because the inmate must prove that the staff had a “seriously culpable state of mind”, by satisfying the subjective indifference test.

This test requires that prison officials must (1) “both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists” and (2) “also draw the

inference.” This is hard for the victims because they have to prove that the prison administration was aware of the risks and ignored it.

According to the article there are a number of ways to help control prison rape. One is states need to adopt the PREA program. While PREA is a good first step many other provisions can be incorporated to make it more effective. These provisions could be used to address prison overcrowding, to establish a national hotline where prisoners can anonymously report sexual abuse and create a national taskforce to investigate prisons with incidences of sexual assault.

The article goes on to say that no more legal roadblocks should stand in the way of prison rape victims getting the justice they deserve. The PRLA should be amended to allow for suits without exhausting administrative remedies when a sexual claim exists.

Also, the U. S. supreme court should make the deliberate indifference standard an objective standard, which would only require victims show that a reasonable person would have been aware of the risk and ignored it.

In an article written by Kim English and Peggy Heil shows how prison rape isn't about looks or about instant gratification. “Sexual assault in prison is not about physical attraction or gratification: It's about violence, politics, power and business. Some convicts routinely and habitually sexual exploit others. You must always be on guard.”

Since PREA became relevant in 2003, many correctional facilities are reviewing their

approach to prison rape and sexual assault. But finding solutions to solve or stop prison rape and sexual assault continues to be a problem.

English & Heil go on to say, “Although the problem of inmate sexual assault has been known and examined for the past 30 years, the body of evidence has failed to be translated to effective intervention strategies for treating inmate victims and ensuring improved correctional practices and management.”

In the article one of the reasons given for prison rape/sexual assault was overcrowding in the prison system and facilities being under staffed. This makes it hard to implement prison inmate-on-inmate sexual assault prevention and intervention policies and programs. With low staffing, it not only decreases a system’s ability to implement new programs, but also may contribute to higher rates of coercive sex in prison.

This article talks about those inmates who would likely be a victim of rape or sexual assault; these include: Inmates who are young and inexperienced in prison culture and easily intimidated, first-time nonviolent offenders, those convicted of offense against a minor, inmates who are middle class/non-streetwise, white inmates, although inmates of any race can be a victim, those who are physically small nor weak, those possessing traits viewed as effeminate, inmates suffering from mental illness and/or developmental disabilities, offenders who are not gang affiliated, those who are known to be homosexual or bisexual, those who have been previously sexually assaulted, inmates

who are disliked by staff and or other inmates; and those who “snitch”.

This article goes on to talk about the people who are most likely to commit prison rape they are: under age 30 but older than the victim, stronger than the victim, more accustomed to incarceration, more likely to have spent time in a juvenile facility, more likely to have lived in an urban area prior to incarceration, more likely to have committed a violent crime, more likely to be affiliated with a prison gang; and, more likely to break prison rules.

The writers also wrote that inmates are at the greatest risk of sexual assault when they first become incarcerated. Other factors that may lead to sexual assault according to the article are: facilities with a higher number of violent offenders, facilities with a dormitory or barrack setting, facilities with high racial conflict, facilities with crowding, facilities that are understaffed, facilities that have poor supervision and/or insufficient security, facilities with inadequate programming; and facilities with blind spots.

Understanding the dynamics of victim reporting in the free community underscores the near impossibility of reporting sex crimes in prison. Inmates are reluctant to report sexual assaults due to fear followed by extreme shame.

The article goes on to say that victims of sexual are highly emotionally after a sexual assault, while others remain calm with blunted affects. When the victims aren't sure how they are supposed to it's very easy to discredit their claims of a sexual assault.

Along with the physical trauma of sexual assault there is the possibility of the long term mental damage. The article talks about “rape trauma syndrome”, which may include impaired social functioning and anger. This may make the victim feel helpless and powerless and alienated from others. This trauma could affect the way that the victim adjusts to being incarcerated and may make them commit prison rape.

Another factor that the writers talk about in their article is that inmates who are sexually assaulted in prison are more likely to be rearrested for a violent crime than sex offenders would be.

The article goes on to describe what sexually crimes are committed in prison. They are: indecent exposure to staff (45 percent), inmate sexual assault (28 percent), sexual harassment of staff (10 percent), attempted staff sexual assault (9 percent), and stalking staff (7 percent).

When the inmates engage in prison sexual behavior, whether as a victim or perpetrator, more than likely that behavior will continue or escalate when the offender is released from prison. Because these inmates do get released into the community and begin quickly to commit crimes in the outside community, the lack of victim reporting in the prisons, ultimately endangers the safety of the public since prosecutions of these individuals while they were in prison would have resulted in extended time while behind bars.

The writers also gave 19 recommendations along with PREA in hopes of finding a solution to stopping sexual violence in prisons. These are listed as:

1. Create a policy of zero tolerance of sexual misconduct of any kind from staff or inmates.

Discipline staff who do not support or follow policy. Create a staff culture of pride in zero tolerance as a component of professionalism.

2. Develop policies on responding to inmate and staff sexual misconduct. These should include responses to victims and perpetrators, investigation and evidence collection with specimens for DNA analysis, medical exams with testing sexually transmitted disease, and housing and treatment recommendations.

3. Provide annual training for correctional staff and investigative staff on how to recognize this type of assault and respond to allegations or suspected sexual abuse. Include information on patterns of victims reporting and policies on responding to victim reports.

4. Require specialized training for staff who will conduct sexual assault investigations. This type of training is commonly provided to law enforcement detectives in the community.

5. Develop policies to screen for potential victims and perpetrators at intake and provide options where to house these offenders where their risk can be managed.

6. Provide inmate training and brochures during intake orientation that inform inmates of the zero-tolerance policy, tactics inmates might use to set up victimization, how to report threats and victimization, policies on how reports are handled and consequences for perpetrators

7. Develop and implement policies and practices that respond to inmate sexual offending.

Require the initiation of a crime scene investigation in response to an allegation of a sex crime: secure the crime scene; collect physical evidence; including specimens for DNA analysis; and maintain a secure chain of custody; separate and interview witnesses and the accused; and ensure protection and safety of the alleged victim and, when necessary, the witness.

8. Respond to sexual offending behavior with institutional disciplinary procedures, and when possible, criminal charges. This will discourage this behavior and send a message that this behavior will not be tolerated.

9. Explore the use of using community sexual assault nurse examiners (SANE nurse) when an offender is a suspected victim of a sexual assault. These are trained to collect evidence and respond to the needs of the victim. This spares the cost of transporting the offender to an emergency room and decrease the conflict of interest correctional medical staff may have with evidence collection. Inmates also may feel more secure talking to a service provider.

10. Provide training for prosecutors on the public safety implications of prison sex offenses when perpetrators are released back into the community. Stress the importance of prosecuting known sexual offenses. Consider processes similar to community domestic violence policies that do not place the victim in a to have to decide whether prosecution will proceed.

11. Remove perpetrators from general population rather than the victims. If victims must be moved, provide safe placements that don't restrict their privileges.

12. Provide treatment for perpetrators during their incarceration to decrease their risk, and provide intensive supervision and treatments as perpetrators transition back into the community.

13. Provide treatment for victims of institutional sexual violence. The treatment provider should be about prison/criminal culture as well as rape trauma syndrome or the gender of the victim they are treating.

14. Conduct drills that simulate sexual assault scenarios so staff can practice the implementation of procedures. This allows staff and administration to test, and when necessary, improve the existing protocol.

15. Implement additional preventive measures. This means providing programs, sufficient inmate pay and cultures that create safety and are respectful of inmates (fair, firm and consistent) to decrease the needs of inmates to demonstrate power and extort money.

16. Add routine questions to medical exams, on whether the inmate; has experienced pressure to engage in sexual contact; has engaged in unwanted sexual contact whether coerced, pressured, forced, for protection or financial reasons; has experienced violence or threats of violence has engaged in sexual behavior that that would place him or her for a sexually transmitted disease; is feeling suicidal; and/or feels unsafe in their current environment.

17. Add routine questions when evaluating offenders following suicide attempts to find out whether the inmate has been a victim of sexual assault or sexual threat.

18. When double- bunking inmates in the same cell, attempt to match roommates on physical size and strength, demeanor, violence potential and commitment to the convict code. Also, when inmates appear to be violating rules with the intent to be placed in segregation, ask whether they are experiencing threats, actual violence or sexual violence.

19. Decrease blind spots where assaults might take place by installing cameras or through careful designs when facilities are built. When these measures are unavailable, ensure frequent, randomly timed patrols of blind spot areas.

Using these 19 implements, and doing further research should help in the effectiveness of controlling sexual assault and sexual violence in prison settings.

HOW DOES STRESS AFFECT STAFF WORKING PROTECTIVE CUSTODY?

As we've already discussed inmates who are in protective custody have a hard time living in that type of situation, whether it being in fear of being physically assaulted or raped or just by knowing that having to be alone in a cell by yourself for 23 hours a day can be stressful. But what people tend to look past is that correctional officers face similar stress in working with protective custody inmates or in general working in corrections overall.

In an article written by Oscar Lopez, he tells how correctional officers have lots of mental strain which is very like what war veterans have, PTSD or Post Traumatic Stress Disorder. With having to deal with the on again off again inmate emotions, stress can very easily happen.

In his article stated that in a 2009 study by the New Jersey Police Suicide Task force found that correctional officers have a higher suicide rate double that of police officers. The study also found that correctional officers have a shorter life span than police officers due to stress related disease such as high blood pressure, heart attacks, and ulcers.

Lopez went on to discuss in his article that correctional officers are always in a constant fight or flight mentality, correctional officers are having to decide when is it safe to fight, should they break up a fight. or should they leave and just wait for back-up. The article also talks about how 31 percent of correctional officers have PTSD, which is four times the amount the national average and on par with returning veterans coming back from an armed conflict. Lopez goes on to sat that 17 percent of correctional officers suffers both from PTSD and depression.

In his article, Lopez went on to say the major cause of PTSD on correctional officers is the assaults both physical and sexual that happens to these officers while on the job. While most places require 16 weeks of training Lopez states that facilities have no training for how the correctional officers handle stress. Lopez goes on to say that correctional officer' morale is very low and that a majority of them are embarrassed to say they work in the correctional field.

The definition of stress is, " a state of mental or emotional strain or tension resulting from adverse or very demanding circumstances." Dealing with inmates whether they are in protective custody or general population can and is a very stressful job.

In article written by Kevin Bedore, he tells how correctional officers face the ugliest of morality rates. Bedore writes that correctional officers have the second highest morality rate for any occupation; 33.5 % of all assaults in prisons and jails are committed by inmates against staff; a correctional officer's 58th birthday is usually his last; a correctional officer will be assaulted at least twice in a 20-year career; on average a correctional officer will live only 18 months after retirement; correctional officers have a 39% higher suicide rate than any other occupation; and have a higher divorce and substance abuse rates than the general population.

Bedore goes on to say that correctional officers need to take the statistics more serious and consider lifestyle changes that could tip the scales more favorable for them. They need to ask what is the most important thing that should be the focal point of a correctional officer's life? The wellbeing of their family, should be first and second a long, happy, and healthy retirement

Because of the amount of stress involved on the job as a correctional officer young officers begin to hate their lives and jobs so much they are almost guaranteed that their lives will have bad outcomes. Some commit daily suicide by the amount of daily alcohol and tobacco they use, many don't exercise, get enough sleep or watch what they eat and wonder why they feel so bad.

Bedore writes that many correctional officers are so fixated on getting out of the system and retiring early that they wish their lives away. They begin to ROD, or retire on duty, this is an officer who wears the uniform but doesn't do the work that is expected of them. These officers make every-

one else's job harder and more dangerous because other officers have to pick up their slack, often at the risk of having no one able to watch their back.

In his article Bedore wrote that ROD is an example of living life poorly, with the illusion that retirement will make things glorious. For those officers that is a grand thought, and those officers are probably going to have more free time in retirement to suffer more.

Bedore said in his article that these officers need to take action to make their lives better he said there are two things that they can do to avoid living a poorly, unhappy retirement; the officers must start living fully in their life and as hard as it might be for some, start looking for healthy ways to find happiness; and realize that your golden years are your health. Aging doesn't need to be a debilitating disease and making good choices now will slow the bad effects quite significantly

He goes on to say that putting down your armor and weapon., those are just the tools of your job, it doesn't mean you must quit living, in fact it just means you've completed one section of living and are beginning a new stage of life.

When discussing protective custody, you also have to look at inmates that are on death row and whether or not they should be treated like protective custody inmates. Just as we discussed with segregation inmates, death row inmates are limited to how much time they get out of their cells, how many visits they are allowed, and limited to certain accesses that general population inmates may get.

But just like protective custody is death row, especially if they are on death row for years worth having. Is the cost worth it? Does the death sentence work? In an article written by Rob Warden he discusses these questions. In this article Warden gives reasons why death row/death penalty is not useful and explains why it could be abolished. Some of the reasons he gives are (1.) The death penalty has no demonstrable deterrent effect- but has, in fact, caused some murders and generally, may contribute to a cycle of violence that raises murder rates. (2.) That maintaining the death penalty costs significantly more than keeping convicted murders in prison for life. (3.) That the system has wrongfully condemned scores of innocent defendants whose executions have been averted only by the serendipitous discovery of evidence that was not presented at their trials. (4.) That there is no reasonable doubt that innocent persons have been executed in recent decades in the United States. (5.) That, notwithstanding Supreme Court declarations to the contrary that the death penalty has not been reserved for the worst offenders, as it's supposed to be, and is still being applied in a freakish manner. (6.) That the distinction between capital and non-capital cases often is nothing more than an accident of time and geography. (7.) That, if the death penalty is not legally cruel and unusual, neither is it any sense kind and ordinary. (8.) That equality under the law may be the great American ideal, but, in practice, racial discrimination remains a hallmark of the capital punishment system.

Warden goes on to say in the article that the cost of death row/death penalty should be a

deterrent to having death row/death penalty. In this article, Warden wrote that in a 1993 study in the states of North Carolina and Maryland, found that the cost of capital cases exceeds the cost of a non-capital murder case by 2.2 million dollars in North Carolina and in Maryland where the difference was 1.9 million dollars. These figures do not include or reflect the true costs of death penalty. In Maryland alone when you add the costs of the death penalty the costs rose up to 2.2 million dollars with the costs of per each death execution was 37.2 million dollars.

Warden also wrote that when a death sentence is in the offing, costs are higher at every stage than the costs of cases in which the death penalty is sought, and they will likely to continue spiral upward as measures are put into place to safeguard against wrongful convictions stemming from poorly trained layers and inadequate funding of investigators and expert witnesses.

In this article, Warden mentioned that while capital trials typically cost twice as much as non-capital murder trials, the cost differential widens in the appellate process. He then writes the standards steps in a appeal are; first, a direct appeal to the highest court in the state, followed by a certiorari, followed by a state post-conviction, followed by a second petition of certiorari, followed by a petition for a federal writ habeas corpus, followed by an appeal to the federal circuit court of appeals, followed by a third petition of certiorari, followed by a petition of executive clemency, followed by a flurry of last ditch petition for extraordinary remedies. These processes could take

years and sometimes drag on for decades.

Warden then writes of the 7400 men and women sentenced to death under state laws, 135 of these have been exonerated and released. This number of course does not reflect the actual extent of the problem of wrongful convictions in capital cases.

Given the sheer serendipity of most of these being exonerated, the conclusion is that the number of wrongful convictions far exceed the number of exonerations.

Also in his article Warden wrote that a serious problem with the capital punishment system is that it is a “hideously uncertain punishment”. Tom Wicker of the New York Times said this, “If execution can be justified at all, it certainly should be reserved for those unquestionably responsible for the worse crimes,” he then went on to add, “But for any number or reasons, whether a particular defendant should have been executed is all too often all too questionable.”

Warden writes that the evidence that the death penalty does not deter crime, is costly and cruel, that it has been imposed frequently upon the innocent and freakishly upon the guilty, who sometimes become candidates for it and sometimes escape it through accidents of timing and geography, and the hideous cruelty of it, makes you wonder if having the death penalty is worth it.

As we go back to the beginning of this paper and we define what protective custody is we need to understand that protective custody is a necessary evil. Protective custody is per Webster’s Dictionary as a type of imprisonment or care to protect a person from harm, either from outside

sources or prisoners. Many administrators believe the level of violence, or the underlying threat of violence within prisons, is a chief factor causing the need for PC units.

So, by weighing the costs, the effectiveness, and the availability of protective custody and protective custody inmates it doesn't seem sensible to use it.

A death row inmate was asked what he wanted for his last meal he told the warden he wanted strawberries, the warden said strawberries won't be in for another six months, the inmate said I can wait.

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