

## **CLASSIFICATION (INMATE)**

### **Division 104**

#### **291-104-0106**

##### **Authority, Purpose and Policy**

(1) Authority: The authority for these rules is granted to the Director of the Department of Corrections in accordance with ORS 179.040, 423.020, 423.030, and 423.075.

(2) Purpose: The purpose of these rules is to:

(a) Establish Department of Corrections policy and procedures for identifying and assigning an appropriate custody level to each inmate committed or transferred to the Department of Corrections and housed in a Department of Corrections operated or contracted facility or those adult-sentenced youths in the custody of Oregon Youth Authority;

(b) Provide information for population management and planning; and

(c) Provide information to support the appropriate distribution of correctional resources for both inmate and agency needs.

(3) Policy:

(a) Custody Level: It is the policy of the Department of Corrections to assign each inmate committed or transferred to the custody of the department the lowest custody level deemed appropriate and to:

(A) Provide the amount of supervision necessary to account for the inmate's whereabouts;

(B) Provide for the safe, secure, and orderly operation of Department of Corrections facilities;

(C) Provide reasonable protection to the general community, staff, and inmate population;

(D) Allow each inmate to exercise independent responsibility commensurate with his or her demonstrated ability and behavior; and

(E) Ensure the provision of appropriate inmate health care, mental health treatment, education, and work programs.

(b) Housing Assignments: It is the policy of the Department of Corrections to assign an inmate housing consistent with his/her custody level, demonstrated behavior, and special needs. No Level 5 inmates shall be housed in a general population housing unit.

(c) The following classification terminology directly corresponds when interpreting DOC administrative rules, policies, or procedures:

(A) Level 5 – Maximum

(B) Level 4 – Close

(C) Level 3 – Medium

(D) Level 2 – Minimum

(E) Level 1 – Minimum

Stat Auth: ORS 179.040, 423.020, 423.030, and 423.075

Stat Impl: ORS 179.040, 423.020, 423.030, and 423.075

#### **291-104-0111**

##### **Definitions**

(1) Administrative Review: A review of classification scoring, classification level, or classification override requested by an inmate and completed by the Institution Classification Committee, facility functional unit manager, or Classification Manager.

(2) Classification Action: Initiation of initial classification, classification review or classification override to determine an inmate's custody classification level.

(3) Classification Manager: An Office of Population Management employee responsible for the development, implementation, training, auditing, oversight and management of the classification

function within the Department.

(4) Classification Review: The process used by the Department to re-evaluate an inmate's assigned custody level. The assigned custody level may be changed as a result of the review.

(5) Corrections Information System (CIS): A computer system dedicated to tracking information critical to the management of inmates and offenders under the custody, supervision or both of the Department of Corrections.

(6) Custody Classification Guide (Attachment 1): Criteria and guidelines that assist in assigning inmates to an appropriate custody level utilizing scoring elements determined by the Department of Corrections.

(7) Custody Level: One of five levels of supervision assigned to an inmate through initial and classification review procedures.

(a) Level 5: An inmate assigned at this custody level meets one of the following criteria:

(A) Has demonstrated behaviors causing serious management concerns, or has demonstrated behaviors that in the judgment of the Department present a threat sufficient to require special security housing on intensive management status.

(B) Has been committed to the Oregon Department of Corrections with a sentence of death.

(b) Level 4: An inmate assigned at this custody level presents a serious risk of escape or institutional violence, or has extensive time remaining.

(c) Level 3: An inmate assigned at this custody level presents a moderate risk of escape, or has demonstrated behavior causing moderate management concern.

(d) Level 2: An inmate assigned at this custody level presents a limited risk of escape, or has demonstrated behavior causing limited management concern.

(e) Level 1: An inmate assigned at this custody level presents a minimal risk of escape and has demonstrated behavior causing minimal management concern.

(8) Department of Corrections (DOC) Facility: Any institution, facility or staff office, including the grounds, operated by the Department of Corrections.

(9) Designators: Information, alerts or statutory designations important for sentence computation and crucial to determining work crew eligibility, unfenced housing assignment, and the management of inmates and offenders both in institutions and in the community.

(10) Initial Classification: The process used by the Department of Corrections to assign an inmate a custody level upon his/her admission to the physical custody of the Department.

(11) Inmate: Any person under the supervision of the Department of Corrections who is not on parole, probation, or post-prison supervision status.

(12) Institution Classification Committee: A committee within each facility consisting of at least three persons (one representative from management service, one representative from security, and one representative from Transitional Services) that reviews classification appeals.

(13) Office of Population Management: The functional unit that is responsible for capacity and resource management, new prison construction, community development, interstate compact, rental bed contracts, international transfers, special needs populations, juveniles sentenced as adults, high risk inmate placement, and overall system development related to classification functions.

(14) Override: An option utilized when there is a documented issue(s) not addressed in the classification scoring elements, or a degree of seriousness in a classification factor that justifies a higher or lower custody level than indicated by the classification action.

(15) Policy Elements: Areas of potential risk listed in the Custody Classification Guide (Attachment 1) that determine the inmate's classification level.

(16) Serious Management Concerns:

(a) Participation, either individually or in a group, in behavior that in the judgment of the Department poses a threat to the safe and secure operation of the facility, including but not

limited to, threatening or inflicting serious bodily harm on another inmate or on staff, or that poses an immediate risk of escape;

(b) Promoting or engaging in group disruptive behavior, or being involved in the planning of any activities that in the judgment of the Department would significantly threaten the safe and secure operation of the facility; or

(c) Demonstration in behaviors that in the judgment of the Department pose a threat sufficient to require special secure housing on intensive management status.

(17) Special Population Management (SPM) Committee: A committee composed of at least three Department administrative staff to include a representative from Institution Operations, Counseling & Treatment Services, and the Office of Population Management, who are responsible to review classification status for inmates who score Level 5 in order to determine if assignment to Intensive Management Status is appropriate.

(18) Violence Predictor Score (VPS): A score based on a mathematical equation used to determine an inmate's risk for violence in an institutional setting. The equation includes calculations based on an inmate's age, gender, prior incarcerations, type of crime, aggression, drug history, and certain personality disorders. *This calculation is used only during the twelve months of incarceration.*

Stat Auth: ORS 179.040, 423.020, 423.030, and 423.075

Stat Impl: ORS 179.040, 423.020, 423.030, and 423.075

## **PROCEDURES**

### **291-104-0116**

#### **Initial Classification**

(1) The Department of Corrections shall assign inmates an initial custody level in accordance with the Department's Custody Classification Guide (Attachment 1) or the inmate's Violence Predictor Score. An inmate will generally be assigned an initial custody level within 30 days of admission to the physical custody of the Department of Corrections.

(2) The Violence Predictor Score is only used as a classification scoring element during the first twelve months of an inmate's incarceration in the Department of Corrections.

(3) Upon admission to the physical custody of the Department of Corrections, the inmate's assigned counselor will determine an inmate's initial custody level by reviewing the inmate's information from the Correctional Information System (CIS) for accuracy. The counselor will enter any additional information into applicable CIS programs by following the custody classification guide.

(4) The assigned counselor will generate a classification action through the CIS classification automated program. The classification program utilizes the highest overall scoring element from the policy elements or the inmate's violence predictor score to determine the overall custody level.

(5) After the classification level has been generated, the assigned counselor will review it for accuracy and forward the classification action to the functional unit manager or designee for approval or, in appropriate cases, for approval of a recommendation for an override.

(6) No classification action is official until the functional unit manager or designee approves the classification action.

(7) Final approval for any overrides of one step will be made by institution staff and shall be documented on the classification override comment screen, describing the override reason.

(8) A custody classification of Level 5 or overrides of more than a single step are not official until approved by the Office of Population Management.

(9) An inmate may request a copy of his/her official classification action.

- (10) All official classification actions are historically recorded and maintained in the CIS system.
- (11) The Office of Population Management may modify any classification. In such cases, the affected facility will be notified of the reason(s) for the modification.

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### **291-104-0125**

#### **Classification Review**

(1) An inmate's custody level will be reviewed when new information is received that affects a classification scoring policy element, or when an inmate's Violence Predictor Score has expired.

(2) Custody Levels 1 - 4:

(a) An inmate's assigned counselor will receive an automated classification alert when new information is received that will affect the classification level.

(b) Counselors are required to generate a new classification action on an inmate when the automated program detects a change to the inmate's classification level.

(c) After the classification level has been generated, the assigned counselor will review it for accuracy and forward the classification action to the functional unit manager or designee for approval or, in appropriate cases, for approval of a recommendation for an override.

(d) Final approval for any override of one step will be made at the institutional level and shall be documented on the classification override comment screen describing the override reason.

(e) No classification action is official until the functional unit manager or designee approves the classification action.

(f) Overrides of more than a single step are not official until approved by the Office of Population Management.

(g) The Office of Population Management may modify any classification action. In such cases, the affected facility will be formally notified of the reason(s) for the modification.

(h) An inmate may request a copy of his/her official classification action.

(i) All official classification actions are historically recorded and maintained in the classification system.

(3) Custody Level 5:

(a) When an inmate's institutional behavior is determined to create serious management concerns, the classification action will be forwarded to the Special Population Management Committee for review. If the committee approves an inmate's classification at the Level 5, the Office of Population Management will officially assign a custody level score of 5. Inmates not approved at Level 5 will be scored at custody Level 4.

(b) Once an inmate is assigned to custody Level 5, the automated classification program will maintain the inmate's Level 5 custody status until the inmate is manually scored to a lower custody level by the assigned institution counselor.

Stat Auth: ORS 179.040, 423.020, 423.030, and 423.075

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### **291-104-0135**

#### **Administrative Review**

(1) An inmate may request an administrative review of his/her classification action by completing and submitting the Department of Corrections Request for Administrative Review form (CD1120a(D)).

(2) Issues Subject to Administrative Review: Administrative review is available to an inmate to contest three aspects of their classification action: the accuracy of Classification Levels 1 - 4 scoring, an override of a scored custody level, and a Level 5 custody classification.

(a) Accuracy of Scoring (Levels 1, 2, 3 and 4):

(A) To obtain an administrative review of a classification score, an inmate must complete the top portion of a CD1120aD form, and send the completed form, together with any supporting documentation, to the Institution Classification Committee at the facility where the inmate is currently housed. The Committee must receive the request within 15 calendar days of the classification approval date. The Committee should complete its review within 15 days after receiving an inmate's review request.

(B) If, after receiving the review decision of the Institution Classification Committee, an inmate is not satisfied with the decision, the inmate may obtain further review of the classification score by sending another completed CD1120aD form requesting administrative review, together with any supporting documentation (including Earned Time Computation form), and the Committee's review decision, to the functional unit manager or designee. The functional unit manager or designee must receive the review request within 15 calendar days of the Committee's review decision. The functional unit manager or designee should complete his/her review within 15 days after receiving the inmate's review request. There shall be no further administrative review of a classification score.

(b) Overrides: To obtain an administrative review of an override of a proposed custody level, an inmate must complete the bottom portion of a CD1120aD form and send the completed form to the Classification Manager, together with any supporting documentation. The Classification Manager must receive the review request within 15 calendar days of the classification action approval date. The Classification Manager should complete the review within 15 days after receiving an inmate's review request. There shall be no further administrative review of an override decision.

(c) Level Five: An inmate's Level 5 custody classification may be administratively reviewed utilizing the bottom portion of the CD1120aD with the review request being submitted to the Classification Manager. The request for review by the inmate shall include any supporting documentation to be considered in reviewing the appropriateness of the Level 5 custody classification. The matter shall be reviewed only once and the completed review shall be final while the inmate is at custody Level 5 status.

(3) A copy of administrative review decisions will be provided to the inmate and retained in the inmate's institution file.

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## **291-104-0140**

### **Classification Quality Assurance Review**

(1)The Office of Population Management is responsible for auditing facility classification procedures and decisions.

(2)Auditing shall consist of routine review of custody Level 1 and 2 placements and review of individual classification actions at each facility. Such reviews shall be conducted to ensure:

(a)The policies and procedures set forth in this rule are followed; and

(b)The actions taken by the facility are adequately documented.

(3)Findings inconsistent with rule and established procedures shall be documented and reported to the appropriate functional unit manager and to the Institution Administrators for corrective action.

(4)The Office of Population Management is responsible to review the last classification action for any inmate who is involved in an escape or escape attempt from a Department of Corrections facility and to submit a report to the Institution Administrators of Operations.

Stat Auth: ORS 179.040, 423.020, 423.030, and 423.075

Stat Impl: ORS 179.040, 423.020, 423.030, and 423.075