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		INMATE CLASSIFICATION and ASSIGNMENT - ADMINISTRATIVE ORGANIZATION	

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- REVIEWED: July 31, 2016

SUMMARY of REVISION/REVIEW

Annual review completed with no revisions to policy.

APPROVED:



 Scott R. Frakes, Director
 Nebraska Department of Correctional Services

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PURPOSE

The primary function of the Nebraska Department of Correctional Services (NDCS) inmate classification is the systematic process of coordinating inmate assessment and assignment procedures with available resources so as to minimize community risk. An inmate at every custody level can be assigned to any facility that has a security level at or above the inmate's custody classification. The Department will attempt to provide opportunities for the productivity, growth and development of the inmate in the least restrictive setting possible. The classification process will utilize all available information, but will endeavor insofar as practicable to base all decisions on a standard list of established risk factors with each identified factor being given the same relative consideration for each decision. Program access, work assignments and administrative decisions will be made without regard to inmates' race, religion, national origin, sex, disability or political views.

The classification system seeks to achieve five goals:

1. Assigning each inmate to the least restrictive environment appropriate to maintain the public confidence and safety.
2. Facilitating the timely movement of inmates through the correctional system.
3. Providing for the assignment, continuation, and removal of inmates from Restrictive Housing status.
4. Identifying inmate needs and recommending program involvement, which will assist in meeting those needs.
5. Assuring the most difficult classification decisions are made at the highest level of authority within NDCS.

GENERAL

Each institution consistent with its functions and the nature of its inmate population and programs shall develop its own version of this regulation within the limits and guidelines which follow.

PROCEDURE

I. ADMIMISTRATIVE COORDINATION AND REVIEW

The NDCS Programs Administrator, shall function as the Classification Manager at the Director's level, and shall coordinate the following functions:

- A. Formulation of classification policy and procedures.
- B. Supervision and direction of Central Monitoring activities.
- C. Supervision and direction of Central Transfer activities.
- D. Coordination of classification involving the Restrictive Housing Review Board and the Director's Review Committee.
- E. Those other duties and responsibilities as may be assigned.

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II. CLASSIFICATION AUTHORITIES

Classification decisions are made and implemented by several authorities within NDCS. These authorities are organized into four separate decision-making levels. The relative authority and review responsibility of each level will correspond with their specific level of organizational command.

A. Director's Review Committee (DRC)

The DRC represents the Director as the highest level of classification authority within NDCS. The DRC is composed of senior Departmental staff appointed by the Director. The Classification Manager shall be responsible for the coordination and scheduling of the DRC's activities. The DRC shall have specific Departmental classification authority for the following decisions:

1. All custody classification decisions involving override discretionary provisions,
 - a. Central Monitoring/Separation Issues
 - b. Active Participation in a Security Threat Group
 - c. Active Detainer/pending charges not accounted for by the Mandatory Restrictors
 - d. Escape Threat
 - e. Other management considerations not accounted for by specific override factors.
2. All custody demotions requiring transfer to another institution.
3. Promotions to minimum A custody for:
 - a. Inmates with a history of sexual assault, violence, or other serious assaultive behavior;
 - b. Inmates who have a documented escape or attempted escape;
 - c. Inmates currently on any Restrictive Housing status.
4. Promotion to minimum B and/or community custody grades for all inmates with the exception of those with appropriate factor rating scores at initial classification who may be promoted to community custody as part of their initial classification as assigned by the Wardens at Nebraska Correctional Center for Women or Diagnostic and Evaluation Center.
5. Classification actions referred for disposition by the Wardens and/or subordinate classification authority levels.
6. Those other duties and responsibilities as may be assigned.

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B. Restrictive Housing Review Board (RHRB)

This Board will receive, review and issue findings or recommendations on classification appeals received from inmates on Restrictive Housing status. See AR 201.05 for details.

C. Warden/Institution Classification Committee (ICC)

Except as required in Sections A and B above, the Warden of each institution shall be the final classification authority at the institutional level. Each Warden may designate senior staff to review and recommend classification actions on the institutional level. Staff designated on the institution level shall, insofar as possible, be representative of custody, programming and intervention areas. The responsibility of this institutional review committee shall be to review all classification recommendations to the Warden regarding the following areas:

1. Demotion to, continuation of and promotion from all custody grades.
2. Custody Classification decisions involving the following Mandatory Restrictors and Discretionary override factors:
 - a. Death Penalty case
 - b. Misdemeanor or felony detainer and the sanction is fine/costs only: eligible for Community A.
 - c. ICE Detainer: eligible for Minimum A.
 - d. Misdemeanor or felony detainer for low severity offense: eligible for Minimum A.
 - e. Felony detainer for moderate, high, or highest severity offense: eligible for Medium.
 - f. Tentative Release Date greater than eight years: assign to Maximum.
 - g. Tentative Release Date greater than five years: assign to Medium.
 - h. Tentative Release Date greater than three years: assign to Minimum A.
 - i. Administrative Confinement or Intensive Management status.
 - j. Multiple failures to appear within the last five years.
 - k. Pending investigation
 - l. Program participation
 - m. NDCS need

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- n. Medical condition
 - o. Restrictive Housing
 - p. Mental health condition
 - q. Non-compliance with program rules/regulations
3. Classification decisions involving specific unit, work and program assignments and/or reassignments.
 4. Assignment to, continuation of and removal from Restrictive Housing.
 5. Review and monitor all reports of all weekly and bimonthly reviews conducted on inmates in Restrictive Housing status.
 6. Conduct case reviews and/or hearings, as appropriate for classification actions being referred to the Director's Review Committee.
 7. Review and monitor all recommended classification actions referred for consideration by the Unit Classification Committee and referrals by the Disciplinary Committee and/or the Warden for Intensive Management, Administrative Confinement or Protective Custody.
 8. Coordinate all classification actions on an institutional-wide basis, i.e., inmate work assignments.
 9. Review, Monitor and initial off on all Institutional Progress Reports.
 10. Assignment to 4B custody for inmates the Board of Parole has identified as participants in the Parole Stabilization Program.
 11. Those other duties and responsibilities as may be assigned.
- D. Unit Level Classification Committee (UCC)
- For those institutions utilizing Unit Management, the Warden shall designate staff members of each unit to serve as the UCC. The Unit Manager or designee shall serve as chairperson of the UCC. The UCC shall initiate all classification and reclassification reviews and make specific classification recommendations. Final approval authority for all classification decisions shall be the responsibility of the Warden or higher authority.
1. The Warden may delegate the following action to the UCC:
 - a. Assignment to specific rooms, or dormitory areas within the unit.
 - b. Assignment to unit or institutional program activities.
 - c. Assignment to unit or institutional work activities as coordinated by the ICC.

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2. Additionally, the UCC shall be responsible for the following:
 - a. Initiate all classification and reclassification reviews through the utilization of the standard case factor and committee review process.
 - b. Develop and maintain a personalized plan for each inmate within the unit, to facilitate the inmate's graduated progression through the correctional system at the appropriate time.
 - c. Review and referral of classification activities which require review and consideration by other classification authorities. This includes forwarding all completed Institutional Progress Reports to the ICC.
 - d. Those other duties and responsibilities as may be assigned.

III. GENERAL CLASSIFICATION PROCEDURES

Although classification procedures need not be tightly structured, some general guidelines must be established.

A. Classification Procedures [four-step process]:

1. Case Review or Referral. This formal report making and recommendation process provides a rationale for maintenance of or changes in an inmate's assignment status. Although any employee or committee may recommend such a review or referral, the Unit Classification Committee shall initiate the case review process.
2. Classification authority's decisions are appropriately reviewed. A decision is made, considering relevant background information, the referral for action, Departmental needs and the inmate's opinions and interests.

The authority makes decisions concerning the inmate's assignment and prepares a formal report providing the necessary instructions and reasons for the assignments.

3. Implementation. Implementation of the classification decision is made by the Unit or Institution Classification Committee, as appropriate, with respect to custody grade, work, housing, restoration of good time, positive time, transfer, and program activities. (Higher authorities may be required for final approval; however, implementation would normally fall on the UCC or the ICC.)
4. Evaluation. Evaluation of the inmate's performance and progress since the last classification review is required. The evaluative information is collected and utilized in future reviews and referrals, classification decisions and assignment implementation.

B. Override Provision

An override provision is an exception of the results of the standard risk factor review due to such reasons as: housing, security, assignment needs, or any other reason which suggests that the custody grade indicated by the risk factor review and

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recommended assignment would not be in the best interest of NDCS, public or the inmate. All custody grade reviews and classification actions, including override provisions, shall require the completion of the standard risk factor review by utilizing the risk factor scoring instrument and the appropriate classification action form. Whenever an override provision is used, justification is to be documented.

C. Detainers

For purpose of inmate classification, “detainer” shall mean any demand for physical custody of an inmate by another agency or jurisdiction or a detainer entered in the detainer database as the result of the discovery of pending criminal charges or an arrest warrant. Examples include but are not limited to the following:

- Filed/Reported Detainers
- Filed/Reported Warrants
- Filed/Reported Notifier
- Pending Criminal Charge

Wanted person checks are to be conducted on all inmates being considered for Minimum B, Community A, or Community B Custody assignments. Unit staff are to request these checks before classification and include this information in the classification packet. Once such a check has been conducted, another would not be needed for further promotion in custody if within one year.

D. Initial Classification and Reclassification

1. Initial classification occurs within a few weeks of the inmate’s admission to NDCS.

Through utilization of professional examinations, background data collection psychometric testing, behavioral observations, personal interviews, and other procedures, the inmate’s basic needs, perceived dangerousness, estimated escape potential and general correctional needs are evaluated.

This evaluative information, together with assignment recommendations and possible intervention suggestions, is submitted to the assignment officer (appropriate authority) for final approval of custody grade and assignment to the appropriate security level institution.

2. Reclassification is any classification action which occurs after the initial classification decision, and either reviews or modifies the inmate’s assignment or status. It may occur for any number of reasons and is intended to accomplish an effective evaluation and assignment of the individual inmate given the known needs of the inmate, the circumstance of the inmate’s incarceration, the various needs of the institution or unit, and NDCS.

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E. Classification Requirements

The procedures outlined herein require that specific parameters be followed for all inmates confined within the custody of NDCS.

1. All inmates shall, unless precluded for security and/or other substantial reasons, appear at their classification hearing and must be afforded notice of hearing at least 48 hours prior to the hearing. An inmate may waive in writing the 48-hour notice and his/her presence at the hearing. If the inmate refuses to appear or refuses to sign the Notice of Hearing, such refusal shall be documented by appropriate staff and the hearing held in absentia.
2. Each institution shall develop a procedure that specifies the conditions under which an inmate may initiate a review of his/her progress and program status.
3. Each institution shall develop procedures, which identify special needs inmates and corresponding programs to meet these needs. Special needs inmates include, but are not limited to drug addicts, drug abusers, alcoholics, alcohol abusers, inmates who are emotionally disturbed, mentally/physically challenged, suspected mentally ill, or who pose high risk or require protection.
4. All inmates may choose to refuse participation in programming in the general population of NDCS long-term residential facilities, except: work assignments, when specific program participation is a specific condition of initial or continued assignment as identified on the inmate's personalized plan, if ordered by the sentencing court or if required by statute.
5. All classification decisions may be appealed to the next higher authority. Appeals must be received within 15 days of the inmate's notification of final classification action.
6. Each inmate shall be given a regular custody classification review according to the following schedule:
 - a. An inmate who is scheduled for a parole hearing or is within three years of his/her tentative release date shall have a regular custody classification review at least every six months.
 - b. An inmate who has been demoted in custody shall have a regular custody classification review within six months of the demotion.
 - c. All other inmates, other than described in A and B above, shall have a regular custody classification review at least every 12 months.
 - d. Post disciplinary review will be completed when an inmate is found guilty (after appeal process completed) of a violent Class I disciplinary infraction within the first six months of incarceration. In these cases, a second initial classification instrument will be completed. The next custody assessment will be completed six months from the date of the original initial classification.

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7. Each inmate being considered for placement on, continuation of or removal from Protective Custody, Administrative Confinement, or Intensive Management shall have a classification review. See AR 201.05, *Inmate Classification and Assignment – Special Management Inmates*.
8. Additional classification reviews may be conducted at the discretion of the appropriate reviewing authority.

IV. SPECIFIED CLASSIFICATION PROCEDURE

This policy establishes procedures for custody classification of inmates by a standard case factor and committee review process. The standard risk factor review process involves a standardized objective scoring instrument for consistent assignment of inmates to maximum, medium, minimum and community custody levels. The standard committee review process includes a classification hearing for all recommended classification or reclassification actions, override provisions, assignment to or removal from Intensive Management, Administrative Confinement and Protective Custody status.

A. Case Factor Review

The duties of the designated classification staff are to complete the regularly scheduled or special referral classification review utilizing the risk factor scoring instrument and appropriate classification action form. The specific requirements of the risk factor review process include:

1. In reviewing the relevant case materials, the assigned staff member will collect all information available concerning the inmate's criminal history, incarceration status, institutional adjustment record, institutional program and work participation, current health conditions, personalized plan, reentry plan and any other relevant data.
2. This information will be analyzed using the risk factor scoring instrument and appropriate classification action form, carefully following the instructions provided.
3. If the assignment resulting from the risk factor review is not considered to be in the best interest of NDCS, public safety, or the inmate, the override provisions may be utilized. An override provision may be recommended at any level, however, appropriate rationale must be documented.
4. After the case or risk analysis has been completed, the assigned staff member shall conduct a personal conference with the inmate. The inmate shall be allowed to ask any relevant questions and receive a reasonable response and explanation. Confidential information shall not be revealed to the inmate. (Confidential information includes: Classification Study, Psychological Evaluations, confidential informant reports, etc.).
5. The assigned staff member will complete the risk factor review process by submitting the completed risk factor scoring instrument and appropriate classification action form and related materials to the chairperson of the Unit Classification Committee or other appropriate authority. Any written comments by the inmate, opinions or recommendations of the staff member,

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or other relevant materials shall be attached to the classification action form when submitted.

6. The assigned staff member will subsequently inform the inmate of the approving authority's decision and rationale, if the decision is different from the one explained during the personal conference and/or the classification hearing.

B. Committee Review

The duties of the classification committee members are to review all relevant information, conduct a hearing in the presence of the inmate (if inmate is present at the hearing), discuss the available alternatives, and vote to determine the committee's final recommendation or decision. The committee chairperson conducts the meeting, informs the inmate of the committee's final decision (recommendation), and assigns a staff member to prepare the committee action portion of the appropriate classification action form. The classification committee meeting occurs in a private setting and in accordance to the following procedures:

1. Case Presentation. The staff member conducting the risk factor review evaluates the case and presents relevant information to the committee along with the results of the risk factor review. In addition, the documented referral and any other evaluation information and recommendations are to be reviewed.
2. Discussion and Case Review. After the initial presentation, additional information may be requested by the committee chairperson. Members of the committee may discuss the case materials, the need for additional information, or techniques for interviewing the inmate (if appropriate).
3. Classification Hearing. Upon commencing the hearing, the inmate shall be informed of the purpose of the hearing and will be interviewed by the committee members in order to solicit the inmate's ideas, opinions, attitudes, preferences, and other additional relevant information. The inmate will be allowed a reasonable opportunity to present comments and to ask relevant questions at the conclusion of the interview period.
4. Discussion and Decision. At the conclusion of the hearing, the inmate may remain or be excused at the discretion of the chairperson.

The committee may discuss the available alternatives and the probable outcomes. If the case has been referred to the UCC, representatives of referring entity shall not be allowed to participate in the voting process. The committee members will discuss the case and make a final decision or recommended action.

5. Informing the Inmate. The inmate shall be informed of the committee's decision immediately following the hearing (if practicable) and be allowed to ask any reasonable and relevant questions. The chairperson should allow such discussion by the inmate as may be deemed beneficial.

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6. Unit Classification Committee Report. The assigned staff member, as directed by the chairperson, shall complete the relevant portion of the appropriate classification action form as a permanent record of committee's decision and rationale. The classification action form shall then be submitted to the appropriate reviewing and/or approving authority.

V. EVALUATION AND REVIEW

- A. The Classification Manager shall have oversight responsibility in determining whether or not the five-goals of the classification process are being met and issue his/her findings in a report at least annually. Each Warden shall monitor and evaluate the classification process within his/her area of authority, relevant to the five-goals of classification, using objectives listed below as a guide. The Warden will submit semi-annual reports to the Classification Manager summarizing his/her findings, which will include, but not be limited to, identifying problems and concerns and indicating corrective action taken. The reports will be for reporting periods of January 1 through June 30 (due July 15) and July 1 through December 31 (due January 15).

1. Assign each inmate to the least restrictive environment appropriate to maintain the public confidence and safety.
 - a. Each inmate's custody level shall be reviewed according to established time frames.
 - b. Inmates with serious detainers/pending charges are to remain at medium custody.
 - c. Non-violent inmates with no escape record and meeting stipulated classification criteria are assigned at least minimum custody.
 - d. The DRC makes the final decision on all inmates considered for minimum B, community A and community B custody assignments with the exception of those inmates with appropriate factor rating scores assigned to minimum B or community custody during their initial classification.
 - e. Disruptive inmates are removed from the Community Corrections Centers.
 - f. An inmate with a record of violence and/or escape remains at least medium custody until he/she is within five years of tentative release date (TRD) or has served at least seven calendar years.
2. Facilitate the timely movement of inmates through the correctional system.
 - a. Each inmate's custody level shall be reviewed according to established time frames.
 - b. Inmates promoted to minimum or community custody are to be placed in a respective institution.

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- c. Transfers shall be made taking into consideration the amount of time an inmate has left prior to his/her TRD or parole.
- 3. Provide for the assignment, continuation and removal of inmates from Restrictive Housing status.
 - a. Assignment, continuation and removal of inmates from Restrictive Housing shall follow established classification procedure.
 - b. Each inmate on Restrictive Housing shall be reviewed according to established time frames.
- 4. Identify inmate needs and recommended program involvement, which will assist in meeting those needs.
 - a. Each inmate shall have his/her needs identified during Initial Classification.
 - b. A Personalized Plan shall be developed for each inmate.
 - c. Personalized Plans shall be reviewed pursuant to established criteria and time frames.
- 5. Assure the most difficult classification decisions are made at the highest level of authority within NDCS.

The DRC will consider:

- a. Overrides as stipulated in the Administrative Regulations.
 - b. Custody demotions requiring a transfer.
 - c. Custody promotions to minimum A for inmates with a history of escape/attempted escape, sexual assault, violence, serious assaultive behavior, or are currently on any Restrictive Housing status.
 - d. Promotions to minimum B, community A and community B custody with the exception of those inmates with appropriate factor rating scores assigned to minimum B or community custody during their initial classification.
 - e. Referrals from Warden and/or subordinate classification levels.
- B. The classification policy and procedure shall be reviewed annually and updated as necessary through annual reviews of this and other pertinent administrative regulations.

VI. EXCEPTIONAL CASE CONSIDERATION

The Director shall have the authority to modify these policies, procedures, rules and regulations as necessary and appropriate. Temporary modifications shall be communicated as necessary and shall be properly documented. Such temporary modifications will normally

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be followed by policy provision established through regular revision procedures. Classification procedures during emergency situations shall be at the discretion of the Director.

REFERENCE

- I. ATTACHMENTS - None
- II. ACA STANDARDS
 - A. Standards for Adult Correctional Institutions (ACI) (4th edition) 4-4126 4-4295, 4-4296, 4-4297, 4-4298, 4-4300 4-4302, 4-4303, 4-4305, 4-4449
 - B. Performance Based Standards for Adult Community Residential Services (ACRS) (4th edition): 4-ACRS-5A-01