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|  | State of Alaska Department of Corrections Policies and Procedures | Index #: 700.01 | Page 1 of 9 | |
| | | Effective: 11/25/2014 | Reviewed: | |
| | | Distribution: Public | Due for Rev: | 11/2018 |
| Chapter: | Classification | | | |
| Subject: | Prisoner Classification | | | |

I. Authority

In accordance with 22 AAC 05.155, the Department will maintain a manual comprised of policies and procedures established by the Commissioner to interpret and implement relevant sections of the Alaska Statutes and 22 AAC.

II. References

Alaska Statutes

33.30.031

33.30.011

Alaska Administrative Code

22 AAC 05.200

III. Purpose

To establish a uniform system to assess the custody and rehabilitative needs of prisoners in the custody of the Alaska Department of Corrections and to designate prisoners to the appropriate correctional facility.

IV. Application

All staff and prisoners.

V. Definitions

A. Appeal: An administrative review process for classification actions.

B. Classification: A process that systematically subdivides a prisoner population into groups based on custody and individual rehabilitative program needs.

1. Initial Classification: is the first classification of a prisoner which occurs within five (5) days of remand, and is used only once during incarceration.

2. Reclassification: is the classification of a prisoner which occurs one year after the initial classification and annually thereafter as well as six months prior to release.

C. Custody Level: The custody status assigned to a prisoner is based on the matrix score from the classification process and establishes the degree of staff supervision required to monitor and control the prisoner's behavior.

1. Community Custody: The least restrictive custody level to which an offender may be classified as a result of having maintained conduct and attitudes consistent with that expected for a minimum custody offender. Community Custody offenders are eligible for program and employment outside the institution's perimeter without correctional supervision.

2. Minimum Custody: Minimum custody prisoners are prisoners with less than ten years remaining to serve who participate in programs, have demonstrated appropriate institutional behavior, and meet institutional standards for the least restrictive housing and supervision based on current charges and criminal history. Minimum custody prisoners are eligible for all work assignments, including those outside the secure confines of the facility, and have full access to all education and treatment programs within the facility. Minimum custody prisoners can be housed in facilities without perimeter fences and with intermittent staff supervision. Minimum custody prisoners may be eligible for furlough 36 months prior to scheduled release.

3. **Medium Custody:** Medium custody prisoners do not meet institutional standards for minimum custody based on current charges, criminal history, and institutional behavior. Medium custody prisoners are eligible for all work assignments within the secure confines of the facility and have full access to all education and treatment programs within the facility. Medium custody prisoners require housing in facilities with secure perimeter fencing with regular and direct staff supervision. Medium custody prisoners may be eligible for furlough 24 months prior to scheduled release.
 4. **Close Custody:** Close custody prisoners do not meet institutional standards for medium custody based on their current charges, criminal history, and lack of a substantial period of appropriate institutional behavior. Close custody prisoners are eligible for restricted work assignments within the secure confines of the facility and have access to most education and treatment programs within the facility. Close custody prisoners require housing in facilities with secure perimeter fencing but can be managed and housed in general population with enhanced regular and direct staff supervision. Close custody prisoners do not require two-officer escort or restraints for normal movement within the facility. Close custody prisoners are not eligible for furlough.
- D. **Designation Packet:** A packet of documents forwarded to Central Classification for effecting a designation action which contains, where applicable, the following:
1. Final Judgment and Commitment;
 2. Presentence Investigation Report;
 3. Recent Psychiatric/Psychological reports;
 4. Time Accounting records;
 5. Classification Forms;
 6. Any other relevant information.
- E. **Exception Case:** A prisoner whose offense or subsequent conduct involves a notorious crime which has attracted substantial attention from the public, was particularly violent, or was a serious sex offense; who has made or presents substantial threats against a person or persons; or who is an escape risk. A prisoner who has attempted an escape other than from a community residential center within the last five (5) years or who has escaped from a correctional facility other than a community residential center in the last 10 years is an escape risk.
- F. **Hearing Officer:** An officer who reviews and assesses a prisoner's custody and program needs and makes a classification recommendation.
- G. **Override:** A classification decision which changes a custody level to a level different from that which would ordinarily be assigned on the basis of matrix scoring on the classification form, or which was assigned by a lower level of authority. Overrides must be supported by a written factual basis that must be confirmed and/or verified as appropriate by the Superintendent, Chief Classification Officer or Director as indicated.
- H. **Release Date:** The date on which a prisoner is scheduled to be released as established by good time calculation, court order, or Parole Board action.
- I. **Unsentenced Prisoner:** A prisoner who is awaiting trial, sentencing, or probation/parole revocation for any case in which they are in custody.
- J. **Working Day:** A 24-hour period of which no portion includes a Saturday, Sunday, or holiday.

VI. Policy

- A. Prisoners shall be classified to the least restrictive custody level based on the assessment of behavioral risk factors, supervision needs, rehabilitative needs, and institutional behavior.

- B. The classification process shall identify prisoners' rehabilitative and reentry requirements that promote public safety and provides for the responsible reformation and reintegration of offenders.
- C. Prisoners shall be housed based on their custody level.
- D. Regular reviews of each prisoner's custody and rehabilitative status shall be completed.

VII. Procedures

A. Initial Classification

1. An Institutional Probation Officer, or other appropriately trained officer, shall review the prisoner's case record, including a complete criminal history and all other relevant information, and complete the Initial Classification Form (Form 700.01A) within five (5) days of remand. The staff member completing the initial classification must obtain the following information at the time the paperwork is completed:
 - a. Does the offender have children under the age of 18 – if yes, they must make a referral to education for parenting classes.
 - b. Does the offender have a GED or high school diploma – if no, they must make a referral to education for assessment.
 - c. Determine if an offender needs a referral to substance abuse based on booking charges and/or criminal history – if yes, refer to institutional substance abuse counselor for screening.
2. The officer completing the Initial Classification Form shall submit a recommendation regarding a prisoner's custody level to the Superintendent or designee. The initial classification is based on the following matrix factors:
 - a. Severity of current offense;
 - b. Additional felonies and misdemeanors involving violence or escape;
 - c. Severity of prior adult and juvenile convictions;
 - d. History of escapes;
 - e. History of institutional violence within the past four (4) years;
 - f. Number of prior adult and juvenile convictions; and
 - g. Current age.
3. The Superintendent or their designee shall approve, disapprove, or modify the recommendation of the officer making the custody recommendation within three (3) working days. If the recommendation is disapproved or modified, the Superintendent shall state the reasons on the form.
4. The prisoner shall be provided a copy of the completed Initial Classification Form within three (3) working days of the Superintendent's decision. A copy of the completed Initial Classification Form and any relevant documents shall be placed in the prisoner's case record in accordance with Policy No. 602.01, Prisoner Case Record Management.
5. The prisoner may advise the Institutional Probation Officer of any factual errors on the Initial Classification Form or of a significant change in status that may affect a custody classification by submitting a request for interview, within three (3) working days. If that review is unsatisfactory, the prisoner may appeal to the Superintendent any factual errors or changes in status within three (3) working days. The Superintendent shall render a decision on the appeal within five (5) working days after the appeal is submitted. The Superintendent's decision is final.

B. Reclassification

1. A reclassification review shall be held one year after the initial classification review, yearly thereafter, six (6) months prior to release, and at any time at the

- discretion of the Superintendent. The reclassification review shall include the review of custody status, eligibility for placement on electronic monitoring, eligibility for furlough, eligibility for out-of-state transfer, and other rehabilitative needs.
2. The prisoner shall be provided at least 48 hours advance written notice of the Reclassification review utilizing Form 700.01C, Notice of Appearance. The prisoner has the right to appear and present evidence at the review (with the exception of short- and long-term designation – no right to appear).
 3. The Institutional Probation Officer shall conduct the Reclassification review, complete the Reclassification Form (Form 700.01B) at the review, and make a recommendation regarding the prisoner's custody level to the Superintendent within three (3) working days after the review. The recommendation to the Superintendent shall be based on the following classification matrix factors:
 - a. Severity of current offense;
 - b. Additional felonies and misdemeanors involving violence or escape;
 - c. Severity of prior adult and juvenile convictions;
 - d. History of escape;
 - e. History of institutional violence within the past four (4) years;
 - f. Frequency of disciplinary reports during the past 12 months;
 - g. Severity of most serious disciplinary report during the past 12 months;
 - h. Program and/or work participation; and
 - i. Current age.
 4. The Institutional Probation Officer shall consider the prisoner's eligibility for placement on Electronic Monitoring pursuant to Policy No. 818.15, House Arrest Electronic Monitoring.
 5. The Institutional Probation Officer shall consider the prisoner's eligibility for furlough pursuant to Policy & Procedure 818.02 (Prerelease Furlough), and a review of eligibility for Discretionary Parole.
 6. The Institutional Probation Officer may consider the prisoner's eligibility for out-of-state placement and determine whether out-of-state placement would substantially impair the prisoner's access to rehabilitation or treatment.
 7. The Superintendent has three (3) working days to approve, disapprove, or modify the recommendation(s) of the Institutional Probation Officer. If the recommendation is disapproved or modified, the Superintendent shall state the reasons on the Reclassification Form.
 8. A copy of the completed Reclassification Form shall be provided to the prisoner within three (3) working days of the Superintendent's decision and shall include a description of the classification action appeal process. A copy of the completed Reclassification Form and any relevant documents shall be placed in the prisoner's case record in accordance with Policy No. 602.01, Prisoner Case Record Management.
 9. A prisoner may appeal the reclassification decision to the Superintendent of the holding institution within five (5) working days of the prisoner's receipt of the decision. This appeal is limited to the effect a reclassification has on access to rehabilitative programs and the procedures followed in the reclassification process. The Superintendent shall render a decision on the appeal form within five (5) working days after the appeal is submitted. A copy of the decision shall be provided to the prisoner within three (3) working days of the decision. The Superintendent's decision is final with the exceptions of:
 - a. out-of-state transfer decisions which are appealable to the Director of Institutions and

- b. an appeal related to removal from rehabilitative programs pursuant to P&P 808.04 (Removal From Rehabilitative Programs and Court-Ordered Treatment Programs). All appeals of the superintendent's decision will be referred to the Director of Institutions who shall make a final decision with input from the Mental Health Clinician IV (MHC IV), or, the department staff member who serves as the supervisor of the program provider(s).

C. Designation Procedures

1. Short-Term Designation
 - a. If a prisoner has a composite sentence of one year (366 days) or less, a Short-Term Designation shall be completed.
 - b. A short-term sentenced prisoner shall be designated to a facility appropriate for the prisoner's custody level by the holding institution within five (5) working days after completion of the prisoner's time accounting sheet (Form 602.03A) pursuant to Policy No. 601.01, Time Accounting.
 - c. The Short-Term Designation shall be completed by an Institutional Probation Officer and shall utilize the Initial Classification Form (Form 700.01A) or Reclassification Form (Form 700.01B) as per Section "A" above and shall indicate it is a short-term designation on the form.
 - d. The officer completing the designation shall review the case record, including all appropriate documentation, and submit a recommended designation to the Superintendent or designee for review and final decision.
 - e. Short-term designations that require movement to another facility shall be submitted to Central Classification for the determination of the designated facility. Central Classification has the authority to override the prisoner's designated custody level. The reason for the override will be recorded on the Notice of Designation.
 - f. The prisoner shall be provided a copy of the Short-term Designation and/or Central Classification's Notice of Designation (Form 700.01D), within three (3) working days. A copy of the completed Notice of Designation and any relevant documents shall be placed in the prisoner's case record in accordance with Policy No. 602.01, Prisoner Case Record Management.
 - g. A prisoner may appeal the short-term designation decision to the Director of Institutions within ten (10) working days of the prisoner's receipt of the decision. This appeal is limited to the effect a short-term designation has on access to rehabilitative programs and the procedures followed in the designation process. The Director shall render a decision on the appeal form within fifteen (15) working days after the appeal is submitted. A copy of the decision shall be provided to the prisoner within three (3) working days of the decision. The Director's decision is final.
2. Long-Term Designation
 - a. A Long-Term Designation shall be completed for a prisoner who has a composite sentence of more than one year (367 days or more).
 - b. The Institutional Probation Officer shall complete and review a Long-Term Designation packet and complete a Long-Term Designation on either the Initial Classification Form (Form 700.01A) or Reclassification Form (Form 700.01B) according to Section "A" above and shall indicate it is a Long-Term Designation on the form. The Long-Term Designation packet and Long-Term Designation shall be forwarded to Central Classification within

15 working days after completion of the prisoner's time accounting sheet (form 602.03A) pursuant to Policy 601.01. The Chief Classification Officer, or designee, shall make the final designation decision. The Chief Classification Officer or designee shall send a Notice of Designation (Form 700.01D) to both the sending and receiving institution or facility within three (3) working days of receipt of the designation packet.

- c. The prisoner shall be provided a copy of the Notice of Designation (Form 700.01D) within three (3) working days of receipt by the holding institution. A copy of the completed Designation Form and any relevant documents shall be placed in the prisoner's case record in accordance with Policy No. 602.01, Prisoner Case Record Management.
- d. Central Classification has the authority to override the prisoner's designated custody level. The reason for the override shall be recorded on the Notice of Designation.
- e. A prisoner may appeal the long-term designation decision to the Director of Institutions within ten (10) working days of the prisoner's receipt of the decision. This appeal is limited to the effect a long-term designation has on access to rehabilitative programs and the procedures followed in the designation process. The Director shall render a decision on the appeal form within fifteen (15) working days after the appeal is submitted. A copy of the decision shall be provided to the prisoner within three (3) working days of the decision. The Director's decision is final.

D. Administrative Transfer Procedures

1. Central Classification has the authority to initiate administrative transfers based on the need to manage population, facilitate prisoner access to court, medical and rehabilitative programs and services, and for other legitimate administrative objectives. Central Classification shall provide a statement of reasons for such a transfer contained in the transfer order along with supporting documentation.
2. The Superintendent of the holding institution may request an administrative transfer in response to an emergency or potentially hazardous situation, or to provide access to court, medical, or rehabilitative programs and services.
3. No prisoner shall be transferred without the approval of Central Classification, the Director's Office, or Commissioner's Office. A Transfer Order from Central Classification shall be prepared and shall include:
 - a. The reason(s) for the transfer.
 - b. Any special instructions necessary at the time of the prisoner's arrival at the receiving facility; and
 - c. The sending facility shall provide all documentation to the receiving facility at the time of the transfer or as soon as possible in an emergency situation.
4. If a Superintendent's request for a transfer is denied, the Superintendent may forward the request to the Director of Institutions for review of the denial.
5. If an administrative transfer will result in the prisoner being assigned to Administrative Segregation, the prisoner must be provided a hearing within five (5) working days of arrival at the receiving institution in accordance with 804.01, Administrative Segregation.
6. A copy of the completed Transfer Order and any relevant documents shall be provided to the prisoner upon arrival at the receiving institution and placed in the prisoner's case record in accordance with Policy No. 602.01, Prisoner Case Record Management.

7. A prisoner may appeal an administrative transfer decision within five (5) working days of the prisoner's arrival at the designated facility. This appeal is limited to the effect an administrative transfer has on access to rehabilitative programs and the procedures followed in the administrative transfer process. The appeal shall be forwarded to the Chief Classification Officer who shall render a decision on the appeal form within 10 working days after the appeal is submitted. The decision of the Chief Classification Officer is final.

E. Out-of-State Transfer Procedures

1. A prisoner may be transferred to an institution outside the State of Alaska which is operated by the Federal Bureau of Prisons, a state, county, city or municipality, or a private entity if a determination is made that the prisoner's rehabilitation or treatment would not be substantially impaired by the transfer.
2. Transfers under the Interstate Compact are initiated by Central Classification. The Chief Classification Officer is the Interstate Corrections Compact Administrator for the State of Alaska and works directly with the other state or entity regarding transfers under the compact.
3. Upon the request of Central Classification, the Institutional Probation Officer shall conduct a classification review to determine eligibility for an out-of-state transfer.
4. If a prisoner volunteers for out-of-state placement or waives his personal appearance at an out-of-state classification review, the Institutional Probation Officer shall complete the appropriate Classification Form and forward it to Central Classification.
5. The prisoner shall be provided at least 48 hours advance written notice of the review utilizing Form 700C. The prisoner has the right to appear and present evidence at the review. The review shall be recorded and the recording shall be retained for three (3) years or until all court proceedings regarding the transfer have been completed.
6. The Institutional Probation Officer shall complete the Initial Classification Form (Form 700.01A) or Reclassification Form (Form 700.01B), state on the form that it is an out-of-state transfer, and make a recommendation regarding whether the transfer will substantially impair the prisoner's access to rehabilitation or treatment and whether the prisoner has a special medical, mental health, safety, or security need that would be better met in a facility outside Alaska. The completed classification form shall be signed by the prisoner and the prisoner shall be provided with a copy.
7. The completed classification form shall be forwarded to Central Classification within five (5) working days of the hearing.
8. Central Classification will prepare a Notice of Transfer and furnish a copy to the holding institution.
9. A copy of the notice of transfer and completed classification form shall be furnished to the prisoner within one (1) working day of receipt at the holding facility and shall include a description of the appeal process and forms to facilitate an appeal. The original notice of transfer and classification form and any relevant documents shall be placed in the prisoner's case record in accordance with Policy No. 602.01, Prisoner Case Record Management.
10. An appeal of an out-of-state transfer decision shall be submitted to the Institutional Probation Officer within five (5) working days of the day the prisoner receives written notice of the Central Classification decision. This appeal is limited to the effect an out-of-state transfer has on access to rehabilitative programs and the procedures followed in the transfer process. The Institutional Probation Officer shall forward the appeal, with a detailed cover memo outlining the prisoner's

appeal points, to Central Classification who will forward it to the Director of Institutions for a response. The Director shall provide a response within 15 working days after the submission of the appeal and the response shall state that the Director's decision is the final agency decision which may be appealed to the Alaska Superior Court within 30 days.

11. A prisoner who has an appeal pending under this section may not be transferred out-of-state until the appeal process is completed, to include the prisoner's signature on the appeal response from the Director of Institutions. Refusal to sign does not impede the transfer process. If the prisoner's appeal is denied, or no appeal is submitted, Central Classification will arrange transportation to the out-of-state facility.
12. A prisoner incarcerated outside the State of Alaska will be considered for return to Alaska within a reasonable amount of time for the following reasons:
 - a. A verified and serious threat to the prisoner's personal safety exists.
 - b. The prisoner's projected release date is approaching and reentry protocols need to be initiated.
 - c. The prisoner has been approved for a prerelease furlough.
 - d. The prisoner has been granted discretionary parole and all conditions have been met or the prisoner has met the conditions for mandatory re-parole.
 - e. Alaska Mental Health and/or Medical request the prisoner return to an Alaska facility.
 - f. At the request of the Director's office.
13. During the annual reclassification review the prisoner shall be reviewed for continued out-of-state placement.

F. Appeal Procedures

1. All Classification Appeals shall be submitted to the Institutional Probation Officer on the Appeal of Classification Action (Form 700.01E).
2. The time to appeal may be extended for an additional period if the prisoner states a valid reason.
3. The Institutional Probation Officer shall review appeals for form and content. Appeals containing profanity or derogatory language will be returned to the prisoner.
4. For purposes of appeal, a prisoner, upon request, shall have access to the recording of a related disciplinary hearing or the classification review being appealed, except that any portion of the recording which contains the testimony of an informant must be summarized in as much detail as possible while not placing the informant in danger, and the summary made available to the prisoner. The recording remains the property of the Department and shall be retained for three (3) years.
5. With the exception of a transfer to an institution outside of Alaska, a classification action may be commenced pending an appeal.
6. The official responding to the appeal may grant an appeal, deny an appeal and modify the classification decision, deny an appeal, or refer the matter back to the committee/hearing officer for rehearing. The official responding to the appeal shall enter the decision on the Appeal of Classification Action form and sign the response in the appropriate space. The failure to respond within the appropriate time period shall be considered a denial of the appeal. However, a late response to an appeal is valid.
7. A copy of the appeal response shall be provided to the prisoner, the Superintendent, the prisoner's Institutional Probation Officer at the holding facility, and, in the case of a transfer appeal, to Central Classification, and shall be placed in the prisoner's case record along with all relevant appeal documents in accordance with Policy No.

602.01. The prisoner shall confirm receipt of the appeal response by signature and date at the bottom of the form.

G. Post-Remand CRC Placement Procedures

1. Sentenced and un-sentenced prisoners are eligible for non-furlough placement at a CRC immediately after remand based on the criteria established by Central Classification. An initial classification, reclassification, or designation is not required. Central Classification shall place prisoners at a CRC using the CRC Placement Checklist, (Form 700.01F). This form shall be placed in the prisoner's case record in accordance with Policy No. 602.01, Prisoner Case Record Management.
2. A prisoner may be removed for cause from a CRC placement under this section. A classification is not required to remove a prisoner from a CRC. The reason for a removal shall be stated in writing.
3. There is no appeal for CRC placements and removals.

VIII. Implementation

This policy and procedure is effective upon the signature of the Commissioner. Each Manager shall incorporate the directions outlined in this document into local policy and procedure. All local policies and procedures must conform to these directions; any deviation must be approved in writing by the Division Director.

11/25/2014

SIGNATURE ON FILE

Date

Joseph D. Schmidt, Commissioner
Department of Corrections

Applicable forms:

- 700.01A, Initial Classification/Designation Form
- 700.01B, Re-Classification/Designation Form
- 700.01C, Notice of Appearance
- 602.03A, Time Accounting Record
- 700.01D, Notice of Designation
- 700.01E, Appeal of Classification Action
- 700.01F, CRC Placement Checklist