
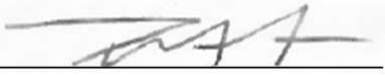


<b>POLICY TITLE: CLASSIFICATION SYSTEM</b>		<b>PAGE 1 OF 22</b>
<b>POLICY NUMBER: 23.1 (AF)</b>		
<b>CHAPTER 23: CLASSIFICATION AND CASE MANAGEMENT</b>		
 <b>STATE of MAINE</b> <b>DEPARTMENT of CORRECTIONS</b>  <b>Approved by Commissioner:</b> 		<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VIII</b>
<b>EFFECTIVE DATE:</b> February 1, 2002	<b>LATEST REVISION:</b> January 26, 2026	<b>CHECK ONLY IF</b> <b>APA [ ]</b>

## I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

## II. APPLICABILITY

All Departmental Adult Facilities

## III. POLICY

It is the policy of the Department of Corrections to provide an objective means to classify adult residents confined in its facilities in a way that not only promotes the safety of the public and others, but also provides for the safety of the residents, by housing residents with similar institutional risk factors together to the extent possible. This policy serves as the Department's classification plan. *5-ACI-5B-01*

## IV. DEFINITIONS

1. Assessment tools – used to screen or assess residents, including, but not limited to, classification custody instruments, questionnaires, and test materials to ensure appropriate classification status. These assessment tools are confidential, whether filled out or blank, as set out in 34-A M.R.S.A. [§1216](#).
2. Boarder – an individual who
  - a. has been ordered detained in or has been sentenced to a jail and due to reasons other than misbehavior cannot be housed at that or another jail and as a result is transferred to the Department;
  - b. has been ordered detained in or has been sentenced to a jail and who needs mental health treatment and as a result is admitted to a Department Intensive Mental Health Unit;
  - c. is in the criminal justice system and has been committed to the custody of Department of Health and Human Services (DHHS) and cannot be housed at a State mental health institute and as a result is admitted to a Department Intensive Mental Health Unit; or

- d. is a current Department resident and has been ordered detained in or has been sentenced to a jail, but for whom it would be overly disruptive to their case plan to release them to the jail and as a result is retained in a Department facility.
3. Classification – a process for determining the risks and needs of adult residents and for assigning residents to an appropriate custody level and facility and housing unit.
4. Core Programs – programs identified by a resident's unit management team as necessary to address high risk and criminogenic needs areas specific to the resident, e.g., education, substance use disorder treatment, domestic violence program, cognitive behavioral therapy, problematic sexual behavior treatment, etc.
5. Current custody release date – the release date calculated with detention time credit and with all good time awarded and not lost up to the prior month. It also takes account of the restoration of lost good time if that occurred any time up to the prior month.
6. Custody Levels:
  - a. Close custody – Residents at close custody level are residents who have engaged in serious misconduct (e.g., violent or threatening behavior, drug trafficking, etc.); have a history of escape or escape attempt; or may pose an escape risk or whose crime and/or length of imprisonment remaining to be served constitutes the reason for classifying a resident as close custody.
  - b. Medium custody – Residents at medium custody level are residents who have engaged in only less serious misconduct but still warrant placement in a secure correctional setting or whose crime and/or length of imprisonment remaining to be served constitutes the reason for classifying a resident as medium custody.
  - c. Medium custody trustee status – Residents at medium custody level approved for trustee status are residents who, at the time of approval, have at least five (5) years remaining on their sentence, have been free of both informal and formal discipline for at least five (5) years, have demonstrated prosocial behavior, and have completed core programs, and who continue being free of both informal and formal discipline and continue engaging in prosocial behaviors after approval for this status. Note: medium custody trustee status is not a separate custody level. It is not determined by the classification instrument. It is a status that is approved by the Department's Director of Classification, or designee, which allows certain medium custody residents to have extra privileges.
  - d. Minimum custody – Residents at minimum custody level are residents who have demonstrated prosocial, pre-release appropriate behavior for an extended period of time and have completed or are actively participating in core programs and are otherwise case plan compliant.
  - e. Community custody – Residents at community custody level are residents who have demonstrated prosocial, community appropriate behavior for an extended period of time and have completed or are actively participating in core programs and are otherwise case plan compliant.
7. Direct supervision – when the staff providing supervision is monitoring a resident directly, e.g., staff is physically present in the housing unit and available to respond to a situation involving the resident immediately or the resident is in the view of staff while outside the housing unit.

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8. Facility law enforcement officer – facility correctional investigative officer (detective) or facility Special Investigations and Intelligence Unit (SII) officer.
9. Federal hold – an individual who has been ordered detained in or has been sentenced to federal custody who needs to be housed in Maine while awaiting further federal court proceedings or while awaiting post-sentencing transfer to a federal correctional facility and as a result is transferred to the Department.
10. Indirect supervision – when the staff providing supervision is not monitoring a resident directly but is monitoring a resident by other means, e.g., staff is in a post and is monitoring a housing unit through a video camera or the resident is in the vicinity of staff while outside the housing unit.
11. Interstate Compact resident – a resident who has been sentenced to another state's custody who the other state requests be transferred to Maine and as a result is transferred to the Department.
12. Safekeeper – an individual who has been ordered detained in or has been sentenced to a jail and due to assaultive behavior toward staff or other misbehavior cannot be housed at that or another jail and as a result is transferred to the Department.
13. Staff – for purposes of this policy, a Department employee or a person in an adult facility providing services to an adult resident by agreement with or under contract with the Department (e.g., facility health care staff), but not including a volunteer, student intern, delivery person, etc.
14. Security staff – for purposes of this policy, corrections officer, corrections supervisor, or correctional investigative officer (detective) or other facility law enforcement officer.

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## VII. PROCEDURES

### **Procedure A: Department's Director of Classification**

**5-ACI-5B-01**

1. The Department's Director of Classification, or designee, shall:
  - a. oversee the entire system-wide classification process and is responsible to ensure a system of on-going validation checks to ensure quality, consistency, accuracy, and objectivity;
  - b. maintain an automated real-time report of available system-wide bed space to facilitate system-wide housing assignments. In the absence of an automated real-time report, the Director of Classification, or designee, shall obtain a bed space count from each facility, or via the Department's resident and client records management system, daily Monday through Friday;
  - c. make final determinations regarding facility housing unit capacity counts, active and inactive facility housing units, and the custody level designations for housing units;
  - d. determine whether to approve changes in custody level, whether to approve medium custody trustee status, and whether to approve transfers between Department facilities or to minimum security housing units;
  - e. advise the sending and receiving facility of upcoming transfers; and
  - f. review this policy at least annually in collaboration with the Department's Policy Development Coordinator, or designee, so that it is revised as needed.

### **Procedure B: Classification Reviews, General**

**5-ACI-5B-03**

1. All decisions made by the Department's Director of Classification, or designee, under this policy are within their complete discretion.
2. Nothing limits the authority of the Commissioner, or designee, to make classification decisions outside of this policy at any time for any reason in their complete discretion.
3. Until a resident receives their initial classification review, they shall be designated unclassified.
4. This policy does not apply to federal hold, safekeeper, and boarder residents, who are governed by Department Policy (AF) 23.5, Resident Transfers from and to the Department (Including Federal Holds, Safekeepers, and Boarders). This policy does apply to Interstate Compact residents.
5. Classification reviews shall be conducted by the Unit Management Team (UMT), which shall be chaired by the Unit Manager (UM), or designee, attended by the resident's assigned case manager and one security staff, and include at least one other team member (who shall not be security staff), and behavioral health staff, as appropriate.
6. Unless the resident's behavior warrants denying the resident's presence, the resident shall be allowed to attend each classification review and the UM, or designee, shall provide to the resident at least forty-eight (48) hours advance written notice (Attachment A) of the classification review, the resident's ability to attend, the resident's ability to

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submit a written statement for the review, and the resident's ability to ask their case manager to make a statement on their behalf, which notice shall be documented in the Department's resident and client records management system by the UM, or designee. The original notice, after it is signed by the resident, shall be placed in the resident's Case Management Record and a copy placed in the resident's Administrative Record.

5-ACI-5B-08

7. If the resident's behavior warrants denying the resident's presence at a classification review, documentation of the denial and the behavior shall be made in the Department's resident and client records management system, and the review shall proceed in the resident's absence.
8. If a resident refuses to attend a classification review (except for the initial classification and any interim reclassification requested by the resident, both of which the resident is required to attend unless their behavior warrants denying their presence), the refusal shall be documented in the Department's resident and client records management system, and the review shall proceed in the resident's absence.
9. If the resident refuses to attend a classification review they are not required to attend, they shall be given the opportunity to submit a written statement and/or ask their case manager to make a statement on their behalf. Any written statement shall be attached to the notice form and shall be summarized in the Department's resident and client records management system. A summary of any oral statement made on the resident's behalf shall be documented in the Department's resident and client records management system.
10. If present at the classification review, the resident may make an oral statement or submit a written statement. The resident may ask questions and be questioned. A summary of the resident's oral statement, if any, shall be documented in the Department's resident and client records management system, as shall be any questions and responses, and any written statement shall be attached to the notice form and summarized in the Department's resident and client records management system.
11. If an interim classification review is the result of a resident's request, the request shall also be attached to the form and summarized in the Department's resident and client records management system.
12. A resident may request another resident who is their assigned mentor or coach to attend and assist them at the review.
13. At each classification review, the UMT shall review the intake summary or the case plan, as applicable, program progress (including progress toward being able to apply for supervised community confinement), behavior, including prosocial behavior, custody level, housing placement, and current custody release date. The review shall be documented in the Department's resident and client records management system.
14. The UMT shall discuss all the information presented. This discussion may take place outside the presence of the resident and any other resident assisting them at the review. Any discussion of transfer to another jurisdiction (another state or the federal correctional system) shall take place outside the presence of the resident and any other resident assisting them at the review.

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15. Based on this information and discussion, the UMT shall:
- make recommendations to the Department's Director of Classification, or designee, as to the appropriate custody level and, if applicable, any recommendation for transfer to another Department facility or to a minimum security housing unit; and
  - make recommendations to the Chief Administrative Officer, or designee, as to placement in another housing unit (other than a minimum security housing unit), if applicable.
16. In addition, the UM, or designee, shall be responsible to consult with appropriate security staff, including, but not limited to, a facility law enforcement officer, regarding whether there exists any confidential security information about the resident that might affect the resident's custody level or appropriate facility or housing unit. If such information exists, the UM, or designee, shall inform the Department's Director of Classification, or designee, who shall obtain the details and share them with the UM, or designee, if necessary.
17. Residents shall not have access to any classification instrument or to the classification instruction manual. All classification scoring forms and related worksheets shall be filed in the confidential section of the resident's electronic record in the Department's resident and client records management system.
18. The UM, or the resident's case manager, shall:
- inform the resident of any classification recommendations of the UMT (except for any recommendation to transfer the resident to another jurisdiction) and the major reasons supporting those recommendations. Under no circumstance shall any resident be told of the recommendations or input of any one individual;
  - explain how participation in and/or completion of programs will affect their ability to transfer to a lower security facility or housing unit, if applicable; and
  - provide a generic overview of the resident's classification or reclassification instrument results, as applicable, so the resident can gain insight on actions the resident may take to achieve a lower custody level.
19. Within forty-eight (48) hours of the classification review, the UM, or designee, shall inform the Department's Director of Classification, or designee, of the recommendations as to custody level and, if applicable, transfer to another Department facility or to a minimum security housing unit.
20. The UM, or designee, shall inform the facility Chief Administrative Officer, or designee, of any recommendation to transfer the resident to another jurisdiction (another state or the federal correctional system). The Chief Administrative Officer, or designee, shall determine whether to request a transfer as set out in Policy (AF) 23.5, Resident Transfers from and to the Department (Including Federal Holds, Safekeepers, and Boards).
21. The Director of Classification, or designee, shall:
- make the decision as to custody level, inform the UM, or designee, of the decision, and ensure the UM, or designee, records any custody level change;

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- b. make the decision as to any recommended transfer to another Department facility or to a minimum security housing unit, inform the UM, or designee, and the facility Chief Administrative Officer, or designee, of the decision, and, if applicable, ensure it is implemented.
22. If applicable, the UM, or designee, shall inform the Chief Administrative Officer, or designee, of any recommendation for placement in another housing unit (other than a minimum security housing unit).
23. The Chief Administrative Officer, or designee, shall make the decision as to any recommended change in housing placement, inform the UM, or designee, of the decision, and, if applicable, ensure it is implemented.
24. For the initial classification and all reclassifications, once decisions have been made on the recommendations, the UM, or designee, shall:
  - a. record a summary of the classification meeting and the decision(s) of the Director of Classification, or designee, on the Resident Classification Action form (Attachment B) (any recommendation to transfer the resident to another jurisdiction shall not be recorded on the form);
  - b. make applicable entries in the Department's resident and client records management system (any recommendation to transfer the resident to another jurisdiction shall not be entered into the Department's resident and client records management system); and
  - c. inform appropriate staff of the decisions.
25. In addition, the UM, or designee, shall forward the original of the Resident Classification Action form to designated staff. The staff shall meet with the resident without unnecessary delay and provide them with the Resident Classification Action form and the Resident Appeal of Classification Decision form (Attachment D), and the resident and the staff shall sign and date the Resident Classification Action form. If the resident refuses to sign, the staff shall note that on the Resident Classification Action form.
26. The staff shall return the original of the signed Resident Classification Action form to the UM, or designee, and provide a copy to the resident.
27. The original of the signed Resident Classification Action form and of all other forms and attached documents shall be placed in the resident's Case Management Record and a copy shall be placed in the resident's Administrative Record.

#### **Procedure C: Initial Classification Review**

1. The initial classification process:
  - a. formally begins after the resident has completed the intake and orientation processes; and
  - b. shall be completed within fourteen (14) days of the resident being received at the facility.

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2. The resident's assigned case manager shall complete an intake summary in the Department's resident and client records management system as set forth in Policy (AF) 22.1, Intake Processing.
3. Designated classification staff shall: **5-ACI-5B-04**
  - a. use any available pre-institutional assessment information and facility intake assessments in the initial classification process; and
  - b. complete the initial classification custody instrument.
4. The responsibilities of the Unit Management Team (UMT) conducting the initial classification review shall include, but are not limited to, the following:
  - a. ensure that the resident intake and orientation processes have been completed within the timeframes specified in the Chapter 22 policies;
  - b. use the completed initial classification custody instrument to determine the type of housing recommended for each resident;
  - c. ensure resident separation needs are identified, recorded, and considered;
  - d. when warranted, reassess the resident using the relevant PREA assessment instrument, as set out in Policy 6.11.2, Sexual Misconduct (PREA and Maine Statutes) Prevention;
  - e. recommend custody level based on the initial classification custody instrument score and overriding factors as set out in the classification instruction manual; and
  - f. if applicable, make a recommendation for transfer to another Department facility or to a minimum security housing unit or placement in another housing unit.

**Procedure D: Annual or Semi-Annual Reclassification Review**

1. A resident: **5-ACI-5B-06**
  - a. with more than six (6) years remaining to serve based on current custody release date shall be reviewed annually; or
  - b. with six (6) years or less remaining to serve based on current custody release date shall be reviewed every six (6) months.
2. The anniversary date for reclassification reviews is based on the resident's intake date into Department custody, including for an Interstate Compact resident, whose anniversary date is based on their date of transfer into a Department facility.
3. Reclassification involves reviewing the resident's custody level using the reclassification instrument and the classification instruction manual.
4. For a resident who is already minimum or community custody or who is being reviewed for a possible change to minimum or community custody, no later than thirty (30) days prior to their semi-annual reclassification, appropriate classification staff shall conduct a check for any pending "holds," note the results in the Department's resident and client records management system, and notify the resident's Unit Manager (UM), or designee, of the results.

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5. The reclassification review also includes reviewing program participation, work assignments, and positive and negative behavior to determine the resident's progress in meeting the goals developed in their case plan.
6. Based on this information and discussion, the Unit Management Team (UMT) shall make a recommendation as to the appropriate custody level and, if applicable, make a recommendation for transfer to another Department facility or to a minimum security housing unit or placement in another housing unit. *5-ACI-5B-07*
7. If the resident will become time eligible for a lower custody level within thirty (30) days after the reclassification review, the UMT shall make a recommendation as to whether the resident should receive the lower custody level at the relevant date in the future.
8. The UM, or designee, shall inform the Department's Director of Classification, or designee, and the resident of this recommendation.
9. On the relevant date, the Director of Classification, or designee, shall review the resident's record in the Department's resident and client records management system for any incidents since the UMT made its recommendation, make the decision as to custody level, inform the UM, or designee, of the decision, and ensure classification staff record any custody level change.
10. The UM, or designee, shall document the decision in the Resident Classification Action form at the relevant time.

#### **Procedure E: Interim Reclassification Review for Custody Level**

1. A resident's Unit Manager (UM) shall schedule an interim reclassification review to determine whether to recommend a resident's custody level be changed if any of the following reasons exist:
  - a. if information is received about a resident that might significantly affect their current custody release date, such as a significant change in reported detention time credit, sentence reduction or increase, new sentence of imprisonment, or lodging of a new "hold" or resolution of a prior "hold" (see Procedure I);
  - b. if a resident is found guilty of a disciplinary violation designated as a violent or predatory disciplinary offense or of a repeat disciplinary violation designated as a disruptive disciplinary offense in the classification instruction manual;
  - c. if a resident engages in behavior resulting in a move to a more secure housing unit or transfer to a more secure facility;
  - d. if a resident's custody level would need to be lowered in order to enable them to participate in a facility program (e.g., a substance use disorder treatment program) in which they are otherwise eligible to participate;
  - e. if a resident is minimum custody, has three (3) years or less left on their sentence based on current custody release date, and is otherwise eligible to participate in a community transition program, the furlough program, and/or the supervised community confinement program;
  - f. upon completion of a core program;

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- g. upon completion of another prosocial achievement determined by the UM, or designee, to warrant a reclassification to a lower custody level; or
  - h. if directed to conduct an interim reclassification review by the Department's Director of Classification, or designee.
2. A resident may request an interim reclassification review for a change in custody level for a reason listed above by submitting a written request to their UM, or designee. The resident shall include the reason for the request and any information in support of the request. If none of the reasons above applies, or if a request would be based on the same reason as a prior request, the request may not be submitted.
  3. Upon receipt of a request, the UM, or designee, shall review the request and determine whether or not an interim reclassification review is warranted based on whether one or more of the reasons listed above exists and whether the resident would otherwise be eligible for the lower custody level.
  4. If it is determined that a review of the request for a change in custody level is not warranted either because none of the above reasons exists or because the resident would not be eligible for the lower custody level for any reason (e.g., recent disciplinary history, existence of an unresolved detainer, not time eligible, etc.), the UM, or designee, shall note that decision in the Department's resident and client records management system and on the request form and provide to the resident a copy of the form with the decision noted.
  5. The original of the form with the decision noted shall be placed in the resident's Case Management Record and a copy of the form with the decision noted shall be placed in the resident's Administrative Record.
  6. If it is determined that a review for a change in custody level is warranted, the UM, or designee, shall schedule it to take place at the next regularly scheduled Unit Management Team meeting after the resident receives the required forty-eight (48) hours written notice (Attachment A). The resident shall be required to attend this review, unless their behavior warrants denying their presence, in which case the request shall automatically be denied.
  7. For a resident who is already minimum or community custody or who is being reviewed for a possible change to minimum or community custody, no later than thirty (30) days prior to the interim reclassification, appropriate classification staff shall conduct a check for any pending "holds," note the results in the Department's resident and client records management system, and notify the resident's UM, or designee, of the results.
  8. Whether scheduled by the UM on their own or at the request of the resident, the interim reclassification review shall proceed and the Resident Classification Action form shall be handled as set out in Procedure B.
  9. In addition, an interim reclassification review may be requested by the facility Chief Administrative Officer, or designee, to determine whether to recommend a resident's custody level be lowered to minimum to allow the resident to receive necessary medical services in the community with lesser security staff supervision than their current custody level requires, if the Department's Director of Medical Services has determined

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that the resident has a terminal or severely incapacitating medical condition or will be incapacitated due to surgery and if the Commissioner, or designee, determines the resident requires supervision by only one security staff while receiving the medical services. This may be requested regardless of the time remaining until the resident's current custody release date or if they have no current custody release date because they are serving a life sentence. This review shall take place without notice to the resident and in the resident's absence.

If the resident's custody level is lowered for this reason, they shall automatically be changed back to their prior custody level upon being returned to the facility. The reason that the custody level is being lowered and the fact that it will be changed back automatically shall be documented both in the Department's resident and client records management system and on the Resident Classification Action form. The resident shall not be given a copy of the form or otherwise informed of the changes to their custody level.

Note: If such a resident does not require any security staff supervision while receiving the medical services, they may be considered for a medical furlough as provided in Department Policy 27.4 (AF), Furlough Program.

10. Further, if the resident is not already classified community custody, the Department's Director of Classification, or designee, shall lower to community the custody level of a resident who has a terminal or severely incapacitating medical condition, if the resident has been approved for transfer to supervised community confinement pursuant to Department Policy 27.2 (AF), Supervised Community Confinement, Procedure I, and if the Commissioner, or designee, determines the resident would pose only a minimal risk to the community while on supervised community confinement. This shall be done regardless of the time remaining until the resident's current custody release date or if they have no current custody release date because they are serving a life sentence and regardless of whether they meet any of the other requirements for community custody set out in this policy.

If the resident's custody level is lowered for this reason, they shall automatically be changed back to their prior custody level if they are removed from supervised community confinement. The reason that the custody level is being lowered and the fact that it will be changed back automatically shall be documented both in the Department's resident and client records management system and on the Resident Classification Action form.

#### **Procedure F. Resident Request for Medium Custody Trustee Status**

**5-ACI-5B-09**

1. A medium custody resident may request to be granted medium custody trustee status, if the resident meets the requirements in the definition of this status set out above, by submitting a Request for Medium Custody Trustee Status (Attachment C) to their Unit Manager (UM), or designee.
2. The resident shall include on the form the reason for the request and any information in support of the request.

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3. Upon receipt of the request, the UM, or designee, shall review the request and make a recommendation to the Department's Director of Classification, or designee, who shall, in consultation with the facility Chief Administrative Officer, if necessary, determine whether or not a review of the request is warranted.
4. Once a decision whether or not a review is warranted is made, the Director of Classification, or designee, shall notify the UM, or designee, who shall note that decision in the Department's resident and client records management system and on the request form.
5. If it is determined that a review of the request for medium custody trustee status is not warranted, the UM, or designee, shall forward the original of the request form to designated staff to be handled as set out below, to include providing the resident with an appeal form.
6. If it is determined that a review of the request for medium custody trustee status is warranted, the UM, or designee, shall schedule it to take place at the next regularly scheduled Unit Management Team (UMT) meeting. The resident may, but is not required to be present, at this review, as determined by the UM, or designee.
7. At the review, which shall be documented in the Department's resident and client records management system, the UMT shall make a recommendation as to whether the resident should receive the medium custody trustee status.
8. The UM, or designee, shall inform the Department's Director of Classification, or designee, and the resident of the recommendation.
9. The Director of Classification, or designee, shall, in consultation with the facility Chief Administrative Officer, if necessary, make the decision as to medium custody trustee status, notify the UM, or designee, and, if applicable, ensure it is implemented.
10. The UM, or designee, shall document the decision in the Department's resident and client records management system and on the request form.
11. In addition, the UM, or designee, shall forward the original of the request form to designated staff. The staff shall meet with the resident without unnecessary delay and provide them with the Request for Medium Custody Trustee Status form and the Resident Appeal of Classification Decision form (Attachment D), and the resident and the staff shall sign and date the Request for Medium Custody Trustee Status form. If the resident refuses to sign, the staff shall note that on the Request for Medium Custody Trustee Status form.
12. The staff shall return the original of the signed Request for Medium Custody Trustee Status form to the UM, or designee, and provide a copy to the resident.
13. The original of the signed form shall be placed in the resident's Case Management Record and a copy of the signed form shall be placed in the resident's Administrative Record.
14. A resident may submit a maximum of two (2) Requests for Medium Custody Trustee Status to the UM, or designee, within a twelve (12) month time period. At least six (6)

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months must have passed after the denial of a previous request before another request may be submitted.

## **Procedure G: Custody Levels**

1. The Department's classification system provides four (4) levels of custody that are determined by the initial classification and reclassification instruments. These instruments serve as the Department's safety and security placement instruments and determine a resident's custody level unless otherwise provided in this policy. *5-ACI-5B-02*
2. Close custody residents:
  - a. shall be in an area under direct supervision by staff;
  - b. may be subject to control equipment and/or security staff escort when moving within the secure perimeter of the facility.
  - c. shall be escorted by at least two security staff when being transported outside the facility, with at least one escort being armed, and appropriate controlling equipment shall be used when outside the facility;
  - d. may have access to programs, services, and activities under direct supervision by staff inside the secure perimeter;
  - e. may be permitted work assignments inside the secure perimeter under direct supervision by staff; and
  - f. are not eligible to apply for furloughs, community transition programs (work release, education release, or public service release), or supervised community confinement.
3. Medium custody residents:
  - a. shall be in an area under direct supervision by staff, unless indirect supervision is determined appropriate by the facility Chief Administrative Officer, or designee;
  - b. are generally permitted to move about within the secure perimeter of the facility unescorted by staff;
  - c. shall be escorted by at least two security staff when being transported outside the facility and may be subject to controlling equipment when outside the facility;
  - d. may have access to programs, services, and activities under direct supervision by staff, unless indirect supervision is determined appropriate by the facility Chief Administrative Officer, or designee, inside the secure perimeter;
  - e. may be permitted work assignments inside the secure perimeter under direct supervision by staff, unless indirect supervision is determined appropriate by the facility Chief Administrative Officer, or designee; and
  - f. are not eligible to apply for furloughs, community transition programs (work release, education release, or public service release), or supervised community confinement.
4. Medium custody residents who are granted trustee status:
  - a. may be in an area under indirect supervision by staff;

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- b. are generally permitted to move about within the secure perimeter of the facility unescorted by staff;
  - c. may be permitted to move about outside of the secure perimeter, but still on the grounds, of the facility under direct supervision by staff, unless indirect supervision is determined appropriate by the facility Chief Administrative Officer, or designee;
  - d. shall be escorted by two security staff when being transported outside the facility and may be subject to controlling equipment when outside the facility;
  - e. may have access to programs, services, and activities under indirect supervision by staff inside the secure perimeter;
  - f. may be permitted work assignments inside the secure perimeter under the indirect supervision of staff;
  - g. may be assigned to facility work crews with responsibilities that require being out of their housing area after hours but still inside the secure perimeter, under direct supervision by staff, unless indirect supervision is determined appropriate by the facility Chief Administrative Officer, or designee;
  - h. may be permitted work assignments outside the secure perimeter but still on the grounds under the direct supervision of staff; and
  - i. are not eligible to apply for furloughs, community transition programs (work release, education release, or public service release), or supervised community confinement.
5. For medium custody residents who are granted medium custody trustee status, the Chief Administrative Officer may develop written practices, subject to the approval of the Deputy Commissioner, relating to:
- a. type of supervision for housing within the facility;
  - b. movement within the secure perimeter;
  - c. type of supervision during programs, services, and activities inside the secure perimeter;
  - d. type of supervision during work assignments inside the secure perimeter; and
  - e. access to work assignments outside the secure perimeter but still on the grounds.
6. Minimum custody residents:
- a. may be in an area under indirect supervision by staff;
  - b. are permitted to move about within the facility and on facility grounds unescorted by staff;
  - c. shall be escorted by one security staff when being transported outside the facility and may be subject to controlling equipment when transported in the company of other residents whose custody level requires such controlling equipment, when being transported to a higher security facility, if housed at the Maine State Prison, or in an emergency;
  - d. may be permitted access to programs, services, and activities under indirect supervision by staff inside the facility and on facility grounds;

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- e. may be permitted off-grounds work assignments under direct or indirect supervision by Department staff or by trained staff of another government agency under agreement with the facility (e.g., Department of Transportation, Maine Forest Service, Maine Emergency Management Agency, municipal public works department, etc.), or by trained staff of a charitable, nonprofit organization under agreement with the facility, except for a resident who has been found guilty of a Class A disciplinary offense within the last ninety (90) days or has a pending charge for such an offense; and
- f. are eligible to apply for furloughs, community transition programs (work release, education release, or public service release), and supervised community confinement, if other eligibility requirements are met.

A resident may only be classified minimum custody if they are within five (5) years of their current custody release date.

7. Community custody residents:

- a. may be in an area under indirect supervision by staff;
- b. are permitted to move about within the facility and on facility grounds unescorted by staff;
- c. shall be escorted by one staff when being transported outside the facility and may be subject to controlling equipment when transported in the company of other residents whose custody level requires such controlling equipment, when being transported to a higher security facility, or in an emergency;
- d. may be permitted access to programs, services, and activities under indirect supervision by staff inside the facility and on facility grounds;
- e. may be permitted off-grounds work assignments under direct or indirect supervision by Department staff or by trained staff of another government agency under agreement with the facility (e.g., Department of Transportation, Maine Forest Service, Maine Emergency Management Agency, municipal public works department, etc.), or by trained staff of a charitable, nonprofit organization under agreement with the facility; and
- f. are eligible to apply for and, if approved, participate in furloughs, community transition programs (work release, education release, or public service release), and supervised community confinement, if other eligibility requirements are met.

A resident may only be classified community custody if they are within three (3) years of their current custody release date.

- 8. A resident shall not be approved for community custody unless the resident has demonstrated sustained responsible behavior by not engaging in misconduct, being case plan compliant, and having made substantial progress in the completion of their core programs.
- 9. If a resident who is unable to make substantial progress in the completion of their core programs due to no fault of the resident has applied for and is otherwise eligible for community custody, the facility Chief Administrative Officer, or designee, shall make a recommendation in writing to the Department's Director of Classification, or designee,

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regarding a possible exception to the above requirement relating to core programs. If the Chief Administrative Officer, or designee, is recommending an exception to the above requirement, additional information related to the resident's risk level shall be included. The Director of Classification, or designee, shall determine whether to make the exception.

10. A resident who is approved for community custody shall be required to continue to participate in any core programs that have not been completed, even if the resident has been approved for and is participating in a community transition program (work release, education release, and/or public service release) or is approved for a furlough pass or furlough leave. The resident's participation in their core programs must be accommodated by the resident's community transition program schedule or participation in any furloughs. The resident shall be allowed one (1) unexcused absence from a core program. Further unexcused absences shall result in the resident not being allowed off facility grounds until the program is successfully completed.

#### **Procedure H: Transfers Within the Department, General**

1. Classification at or reclassification to a lower custody level does not entitle a resident to a transfer to a lower security facility or placement in a lower security housing unit. However, a Unit Management Team (UMT) may recommend such a transfer at a classification review. A UMT may also recommend a transfer to a higher security facility or placement in a higher security housing unit at a classification review.
2. Close custody: A resident at this custody level shall be housed at the Maine State Prison or the Maine Correctional Center, unless transfer to another facility with a secure perimeter is approved by the Department's Director of Classification.
3. Medium custody: A resident at this custody level may be considered for transfer to any facility with a secure perimeter.
4. Minimum custody: A resident at this custody level may be considered for transfer to any minimum security facility or minimum security housing unit except that they may not be considered for such a transfer if they are a resident who has been found guilty of a Class A disciplinary offense within the last ninety (90) days or has a pending charge for such an offense.
5. Community custody: A resident at this custody level is housed in a minimum security facility or minimum security housing unit.
6. A resident may request a transfer to another Department facility or, if applicable, to a minimum security housing unit by submitting a written request to their Unit Manager (UM), or designee. The resident shall include the reason for the request and any information in support of the request.
7. Upon receipt of the request, the UM, or designee, shall review the request and determine whether or not a review of the transfer request is warranted based on the resident's custody level, core program needs, proximity to family, and other relevant factors.

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8. If it is determined that a review of the request for a transfer is not warranted, the UM, or designee, shall note that decision in the Department's resident and client records management system and on the request form and provide to the resident a copy of the form with the decision noted.
9. The original of the form with the decision noted shall be placed in the resident's Case Management Record and a copy of the form with the decision noted shall be placed in the resident's Administrative Record.
10. If it is determined that a review of the request for a transfer is warranted, the UM, or designee, shall schedule it to take place at the next regularly scheduled Unit Management Team (UMT) meeting. The resident shall be required to attend this review, unless their behavior warrants denying their presence, in which case the request shall automatically be denied.
11. At the review, which shall be documented in the Department's resident and client records management system, the UMT shall make a recommendation as to whether the resident should receive the transfer.
12. The UM, or designee, shall inform the Department's Director of Classification, or designee, and the resident of the recommendation.
13. The Director of Classification, or designee, shall make the decision as to transfer, notify the UM, or designee, and, if applicable, ensure it is implemented.
14. The UM, or designee, shall note that decision in the Department's resident and client records management system and on the request form and provide to the resident a copy of the form with the decision noted. If the decision is to not grant the transfer request, the resident shall also be provided a copy of the Resident Appeal of Classification Decision form (Attachment D).
15. The original of the form with the decision noted shall be placed in the resident's Case Management Record and a copy of the form with the decision noted shall be placed in the resident's Administrative Record.
16. If a resident's request does not result in a transfer, they may not submit another request unless and until they receive a change in custody level.
17. If a decision has been made to transfer a resident to another Department facility, whether as the result of a resident request or a classification review, the resident may be informed that they are on the waiting list for transfer, but they shall not be told when they will or might be transferred.
18. No resident may be denied a transfer due to race, color, gender, ancestry or national origin (including limited English proficiency), age, religion, creed, genetic information, physical or mental disability, sexual orientation, gender identity, political views, or whistleblower activity.
19. The facility Chief Administrative Officer, or designee, may remove a resident from a program for, but not limited to, one of the following reasons: **4-ACRS-2A-08**
  - a. the resident is not case plan compliant; or

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- b. the resident requests removal. **4-ACRS-5A-06**

If removal from the program would result in a transfer to another facility, removal requires the approval of the Department's Director of Classification, or designee.

20. The Department's Director of Classification, or designee, may approve transfers between Department facilities and to and from minimum security housing units outside of the classification process at any time for any reason in their complete discretion.
21. Whenever possible, the Director of Classification, or designee, shall send initial weekly transfer lists to facility staff at least forty-eight (48) hours prior to scheduled transfers, to allow for necessary clearances and feedback.
22. If the Chief Administrative Officer, or designee, of either facility has safety, security, or other concerns about a particular resident, either before or after the transfer, the Chief Administrative Officer, or designee, of the facility shall contact and work with the Director of Classification, or designee, to resolve the issue
23. Facility staff shall not provide these lists or the information in them to residents, family members, or other persons who do not have an approved reason to receive this information.

#### **Procedure I: Residents with Pending Holds**

1. Residents who have pending "holds" that might require them to be turned over to other criminal justice agencies at the conclusion of their incarceration with the Department shall be managed as follows:
  - a. Immigration and Customs Enforcement (ICE) Detainer (this is placed on a resident who is a citizen of another country and is to be deported following the conclusion of incarceration) – the resident is not eligible for transfer to a minimum security facility or minimum security housing unit and, if already in such a facility or unit, shall be transferred to a higher security facility or housing unit, and the resident is not allowed to participate in any programs that would take them into the community (i.e., no outside work crews, no education release, work release, or public service release, no furlough passes or furlough leaves, and no supervised community confinement). In addition, if the resident is classified minimum or community custody, an interim reclassification shall be held, at which the resident shall be classified as medium custody.
  - b. Detainer Resolvable through Interstate Agreement on Detainers (IAD) or other means (this is placed on a resident who is facing charges in another jurisdiction, including any federal charges) – the resident is required to resolve the detainer by using the provisions of the IAD or through other means, and until there has been a resolution, the resident is not eligible for transfer to a minimum security facility or minimum security housing unit and, if already in such a facility or unit, shall be transferred to a higher security facility or housing unit, and the resident is not allowed to participate in any programs that would take them into the community (i.e., no outside work crews, no education release, work release, or public service release, no furlough passes or furlough leaves, and no supervised community confinement). In addition, if the resident is classified medium, minimum, or community custody, an interim reclassification shall be held, at which the resident

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shall be classified as medium or close custody, depending on the severity of the charges.

- 1) If resolution of the detainer results in a consecutive or longer concurrent sentence (see d. below).
  - 2) If resolution of the detainer results in a shorter or equal concurrent sentence, the resident is eligible for a minimum security facility or minimum security housing unit and community programming provided the resident meets all other eligibility requirements, even if the other jurisdiction does not withdraw the detainer.
- c. Charges Pending in Another Jurisdiction Without a Detainer (including any federal charges) (warrants, indictments, etc. are known to exist) – classification staff shall contact the other jurisdiction as soon as the charges becomes known, asking whether or not a detainer will be filed.
- 1) If the other jurisdiction files a detainer, the resident is required to resolve it through the IAD or other means (see b. above).
  - 2) If the other jurisdiction has not filed a detainer and the warrant appears to be limited in such a way as to indicate there will be no extradition from Maine (“limited extradition”), classification staff shall contact the other jurisdiction and if it is confirmed that the warrant is so limited, the resident will be treated as if there were no pending charges.
  - 3) If the other jurisdiction has not filed a detainer and the warrant does not appear to be limited as set out above classification staff shall contact the other jurisdiction and if it is confirmed the warrant is not limited in such a way as to indicate there will be no extradition from Maine (i.e., “full extradition”), the staff shall ask for a detainer to be filed, and the resident shall be treated in accordance with b. above until the detainer is filed and resolved.
- d. Consecutive or Longer Concurrent Sentence From Another Jurisdiction (including any federal sentence) – classification staff shall check with the other jurisdiction with respect to its calculation of sentence laws to ensure that any concurrent sentence that appears to be longer than the Department’s sentence is in fact longer – in the case of a concurrent sentence confirmed to be longer or in the case of a consecutive sentence, the resident is not eligible for transfer to a minimum security facility or minimum security housing unit and, if already in such a facility or unit, shall be transferred to a higher security facility or housing unit, and the resident is not allowed to participate in any programs that would take them into the community (i.e., no outside work crews, no education release, work release, or public service release, no furlough passes or furlough leaves, and no supervised community confinement). In addition, if the resident is classified medium, minimum, or community custody, an interim reclassification shall be held, at which the resident shall be classified as medium or close custody, depending on the severity of the charges and/or length of the sentence.
- 1) If the consecutive or longer concurrent out of state sentence is thirty (30) days or less, the facility Chief Administrative Officer, or designee, shall make a recommendation to the Department’s Director of Classification, or designee, who shall determine whether to make an exception to these restrictions.

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- e. Pending Charges in a Maine State Court (including both new criminal charges and revocation motions) – the resident is required to try to resolve the charge, and until there has been a resolution, the resident is not eligible for transfer to a minimum security facility or minimum security housing unit and, if already in such a facility or unit, shall be transferred to a higher security facility or housing unit, and the resident is not allowed to participate in any programs that would take them into the community (i.e., no outside work crews, no education release, work release, or public service release, no furlough passes or furlough leaves, and no supervised community confinement), with the exception that if the resident is trying to resolve an outstanding warrant for failure to pay a fine and is already in a minimum security facility or minimum security housing unit, the resident may remain in their current facility or unit, but shall be restricted to only on-grounds activities until such time as the matter is resolved through the courts or the Director of Classification, or designee, determines to transfer the resident to a higher security facility or housing unit. In addition, if the resident is classified medium, minimum, or community custody, an interim reclassification shall be held, at which the resident shall be classified as medium or close custody, depending on the severity of the charges.
- 1) If a resident is on a deferred disposition for the charge, the facility Chief Administrative Officer, or designee, shall make a recommendation to the Department's Director of Classification, or designee, who shall determine whether to make an exception to these restrictions.
- f. Consecutive or Longer Concurrent County Jail Sentence – the resident is not eligible for transfer to a minimum security facility or minimum security housing unit and, if already in such a facility or unit, shall be transferred to a higher security facility or housing unit, and the resident is not allowed to participate in any programs that would take them into the community (i.e., no outside work crews, no education release, work release, or public service release, no furlough passes or furlough leaves, and no supervised community confinement). In addition, if the resident is classified medium, minimum, or community custody, an interim reclassification shall be held, at which the resident shall be classified as medium or close custody, depending on the severity of the charges and/or length of the sentence.
- 1) If the consecutive or longer concurrent county jail sentence is ninety (90) days or less, the facility Chief Administrative Officer, or designee, shall make a recommendation to the Department's Director of Classification, or designee, who shall determine whether to make an exception to these restrictions.
  - 2) If the county jail sentence is a shorter or equal concurrent sentence, the resident is eligible for a minimum security facility or minimum security housing unit and community programming provided the resident meets all other eligibility requirements.

## **Procedure J: Appeals of Classification Decisions**

**5-ACI-5B-07**

1. Decisions about transfer to another jurisdiction may be appealed as set out in Policy (AF) 23.5, Resident Transfers from and to the Department (Including Federal Holds, Safekeepers, and Boarders).

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2. For decisions made by the Department's Director of Classification, or designee, about custody level, transfer to another Department facility or to a minimum security housing unit, or medium custody trustee status, a resident may appeal by forwarding the Resident Appeal of Classification Decision form (Attachment D) via the U.S. Postal Service to the Department's Director of Classification, or designee.
3. In order to be reviewed, the appeal must be postmarked within fifteen (15) days of when the resident received the decision.
4. For a decision about housing placement within a facility (other than a transfer to a minimum security housing unit), a resident may appeal by forwarding the Resident Appeal of Classification Decision form (Attachment D) to the facility Chief Administrative Officer, or designee.
5. In order to be reviewed, the appeal must be received by the facility Chief Administrative Officer, or designee, within fifteen (15) days of when the resident received the decision.
6. An appeal shall not delay the implementation of the decision.
7. Upon review of a timely appeal, the Director of Classification, or designee, or the Chief Administrative Officer, or designee, as applicable, may:
  - a. affirm the decision;
  - b. reverse the decision;
  - c. modify the decision; or
  - d. remand the decision to the Unit Management Team (UMT) for further consideration.
8. As applicable:
  - a. the Director of Classification, or designee, shall make a decision on a timely appeal within fifteen (15) days after receiving the appeal and forward the appeal and the appeal response (or notation that the appeal was not timely) to the UM, or designee. If the appeal is not timely, the Director of Classification, or designee, shall ensure a copy of the envelope containing the appeal is maintained. The UM, or designee, shall forward the appeal and appeal response to designated staff, keeping copies until the signed response form is returned; or
  - b. the Chief Administrative Officer, or designee, shall make a decision on a timely appeal within fifteen (15) days after receiving the appeal and forward the appeal and the appeal response (or notation that the appeal was not timely) to designated staff, keeping copies until the signed response form is returned.
9. Regardless of who has decided the appeal, the designated staff shall meet with the resident without unnecessary delay and provide them with the appeal and the appeal response, and the resident and the staff shall sign and date the appeal response. If the resident refuses to sign, the staff shall note that on the form. The staff shall return the original of the appeal and the signed appeal response form to the UM, or designee, and provide a copy to the resident.
10. The response to the appeal shall be noted in the Department's resident and client records management system.

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11. A copy of the appeal and the signed response to the appeal shall be placed in the resident's Administrative Record and Case Management Record.
12. For decisions about custody level, transfer to another facility within the Department or to a minimum security housing unit, or medium custody trustee status, the Director of Classification, or designee, is the final authority for these classification appeals. For decisions about placement in another housing unit in the facility (other than a minimum security housing unit), the facility Chief Administrative Officer, or designee, is the final authority.

## **VIII. PROFESSIONAL STANDARDS**

### **ACA**

- 5-ACI-5B-01** Written policy, procedure, and practice provide for a written inmate classification plan. The plan specifies the objectives of the classification system and methods for achieving them, and it provides a monitoring and evaluation mechanism to determine whether the objectives are being met.
- 5-ACI-5B-02** The classification system specifies the level of custody required and provides for a regular review of each classification.
- 5-ACI-5B-03** The classification plan provides for maximum involvement of representatives of relevant institutional programs and the inmate concerned in classification reviews.
- 5-ACI-5B-04** The institution or parent agency solicits and uses pre-institutional assessment information regarding the inmate's progress and adjustment.
- 5-ACI-5B-06** The written plan for inmate classification specifies that each inmate's classification status is reviewed at least every 12 months.
- 5-ACI-5B-07** The classification plan specifies criteria and procedures for determining and changing an inmate's program status; the plan includes at least one level of appeal.
- 5-ACI-5B-08** Written policy, procedure, and practice require that unless precluded for security or other substantial reasons, all inmates appear at their classification hearing and are given notice 48 hours prior to the hearing; such notice may be waived by the inmate in writing.
- 5-ACI-5B-09** Written policy, procedure, and practice specify the conditions under which an inmate can initiate a review of progress and program status.
- 4-ACRS-5A-06** The facility administrator has the authority to remove or transfer an offender from the program.
- 4-ACRS-2A-08** The program advises the referring authority when a prospective offender is not accepted into the program, stating specific reasons.

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