
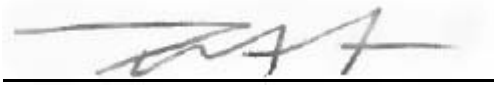


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POLICY NUMBER: 23.6		
CHAPTER 23: CLASSIFICATION AND CASE MANAGEMENT		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VIII
	EFFECTIVE DATE: June 25, 2014	LATEST REVISION: November 2, 2020

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

Department Medium or Higher Security Adult Facilities

III. POLICY

It is the policy of the Department to use one or more privilege level systems at medium or higher security adult facilities in order to provide an objective system for the provision of incentives to prisoners in response to pro-social behaviors and attitudes and active engagement in rehabilitative programs.

IV. DEFINITIONS

1. Privilege level system - a system of progressive levels, with each level having specific behavioral, program, and other criteria that must be met by a prisoner in order to be advanced to the next level of privileges, this system reflecting the “four to one” positive reinforcement principle of behavior change, which applies four positive reinforcements for every one negative reinforcement whenever possible.

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VII. PROCEDURES

Procedure A: Privilege Level Systems, General

1. A privilege level system shall not be implemented in adult minimum security facilities or minimum security housing units as prisoners housed in minimum security facilities or units are expected to demonstrate positive behavior and to be case plan compliant in order to remain in a minimum security facility or housing unit.
2. After having completed facility orientation, a prisoner in a minimum security facility or unit shall receive all of the privileges available at the facility or in that unit that are allowed to general population status prisoners on the highest privilege level at medium or higher security facilities.
3. The Chief Administrative Officer, or designee, of each adult medium or higher security facility shall maintain a privilege level system for prisoners housed on reception or general population status in medium and close custody housing units.
4. The Chief Administrative Officer, or designee, shall, if applicable, implement different privilege level systems for medium custody housing units and close custody housing units consistent with the Department's Privilege Level Charts (Attachment A).
5. A privilege level system shall be used to award additional privileges to a prisoner based upon pro-social behavior and attitude, rehabilitative program participation, appropriate interaction with staff and others, and other relevant factors, e.g., educational or other program achievement and/or completion, volunteerism, prisoner facilitation of a program, etc.
6. The facility Chief Administrative Officer, or designee, shall ensure that every prisoner for whom there is a privilege level system is provided information in writing regarding the privilege level system for his or her housing unit, the criteria and process for advancing in the level system, and the privileges and incentives associated with each level.
7. Each privilege level system shall consist of four (4) levels, with the privileges associated with each level corresponding to those listed in the relevant chart.

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8. A prisoner who is on reception status shall initially be assigned to Level 1 and granted the privileges corresponding to those listed for Level 1 in the relevant chart (medium custody housing units chart for the Maine Correctional Center and close custody housing units chart for the Maine State Prison).
9. If available at the specific facility and to prisoners in the specific housing unit, and if consistent with applicable departmental policies, the additional privileges which may be granted to reception and general population status prisoners assigned to Levels 2, 3, and 4 include, but are not limited to:
 - a. access to additional visits;
 - b. access to special visits (e.g., video visits, family day visits);
 - c. additional tablet use time;
 - d. additional unstructured out-of-cell recreation time;
 - e. extra recreational opportunities;
 - f. additional allowable personal property items, including electronics;
 - g. additional commissary privileges;
 - h. on-grounds paid work assignments;
 - i. assignment to special work or volunteer opportunities;
 - j. assignment as peer mentors;
 - k. additional access to enrichment activities and rooms (e.g., library);
 - l. dining events (e.g., cookouts, orders); and
 - m. staff distributed items (e.g., coffee).
10. Prisoners shall wear identification cards that are color-coded based on his or her privilege level as specified in the Privilege Level Charts.
11. The assignment to a specific level and/or awarding of privileges through a privilege level system shall not override other Departmental policies or decisions made pursuant to other policies (e.g., a prohibition on contact between a domestic violence offender and the victim pursuant to Policy 6.3, Contact with Victims, a loss of privileges through the disciplinary process under Policy 20.1 (AF), Prisoner Discipline, etc.).

Procedure B: Privilege Level Systems, Specialized

1. The Chief Administrative Officer, or designee, of the Prison shall authorize for prisoners in the Administrative Control Unit a specialized privilege level system that is consistent with the overall intent of this policy and is in accordance with Policy 15.5 (AF), Administrative Control Unit.
2. A prisoner placed in the Administrative Control Unit shall initially be assigned to Level 1 and while in that unit may have the privilege level advanced or reduced consistent with this policy. The prisoner shall receive the privileges associated

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with the applicable level in the specialized privilege level system for that unit. A prisoner removed from that unit and placed on general population status shall initially be assigned a privilege level as determined in the transition plan completed by the ACU Unit Team in consultation with the receiving housing unit's Unit Management Team.

3. The Chief Administrative Officer, or designee, of the Prison shall authorize for prisoners in the Intensive Mental Health Unit a specialized privilege level system that is consistent with the overall intent of this policy and is in accordance with Policy 18.6.1, Intensive Mental Health Unit.
4. A prisoner placed in the Intensive Mental Health Unit shall initially be assigned to a level determined by the IMHU Unit Team and while in that unit may have the privilege level advanced or reduced consistent with this policy. The prisoner shall receive the privileges associated with the applicable level in the specialized privilege level system for that unit. A prisoner discharged from that unit and placed on general population status shall initially be assigned a privilege level as determined in the transition plan completed by the IMHU Unit Team in consultation with the receiving housing unit's Unit Management Team.
5. The Chief Administrative Officer, or designee, may authorize specialized privilege level systems that are consistent with the overall intent of this policy for prisoners who are in a housing unit focused primarily on programming and treatment (e.g., a sex offender treatment unit, a substance use treatment unit, etc.).
6. A prisoner placed in a housing unit focused primarily on programming and treatment shall initially be assigned the same privilege level as he or she had prior to the placement and while in that unit may have the privilege level advanced or reduced consistent with this policy. If there is a specialized privilege level system for the unit, the prisoner shall receive the privileges associated with the applicable level in the specialized privilege level system for that unit. If there is no specialized privilege system for the unit, then, to the extent practicable while in that unit, the prisoner shall receive the privileges associated with the applicable level for a prisoner of the same custody level in the general population. A prisoner discharged from that unit and placed on general population status shall initially be assigned the same privilege level as he or she had just prior to the release, except that if the prisoner was discharged prior to completion of the programming and treatment, he or she shall initially be assigned to Level 1 until the Unit Management Team for the receiving housing unit determines the appropriate privilege level for the prisoner at the team's next scheduled level review meeting.
7. A prisoner admitted to the Infirmary shall initially be assigned the same privilege level as he or she had just prior to the admission and may have the privilege level advanced or reduced while in the Infirmary consistent with this policy. To the extent practicable while in the Infirmary, the prisoner shall receive the privileges associated with the applicable level as for a prisoner of the same custody level in the general population. A prisoner discharged from the Infirmary and placed onto

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general population status shall initially be assigned the same privilege level as he or she had just prior to the discharge.

8. A prisoner placed on protective custody status shall initially be assigned the same privilege level as he or she had prior to the placement and while on that status may have the privilege level advanced or reduced consistent with this policy. To the extent practicable while on protective custody status, the prisoner shall receive the privileges associated with the applicable level as for a prisoner of the same custody level in the general population. A prisoner removed from this status and placed on general population status shall initially be assigned the same privilege level as he or she had just prior to the removal.
9. Upon the recommendation of a prisoner's Unit Management Team and with the approval of the Chief Administrative Officer, or designee, and consistent with applicable departmental policies, a prisoner may be given an Individualized Behavior Plan which includes individualized privileges other than or in addition to those provided for in the applicable privilege level system.

Procedure C: Privilege Level Suspension

1. A prisoner on any of the following statuses is not eligible to participate in a privilege level system:
 - a. administrative status;
 - b. disciplinary segregation status; or
 - c. disciplinary restriction status, regardless of where the prisoner is housed.
2. If a prisoner is placed on disciplinary segregation status or disciplinary restriction status, regardless of where the prisoner is housed, his or her previous privilege level shall be suspended. A prisoner removed from this status and placed on general population status shall initially be assigned to Level 1 until the receiving housing unit's Unit Management Team determines the appropriate privilege level for the prisoner at the team's next scheduled level review meeting.
3. If a prisoner is placed on administrative status, his or her previous privilege level shall be suspended. A prisoner removed from this status and placed on general population status prior to or as a result of the first seven (7) day administrative status review shall initially be assigned to his or her previous level, until the receiving housing unit's Unit Management Team determines the appropriate privilege level for the prisoner at the team's next scheduled level review meeting.
4. If a prisoner whose retention on administrative status at the seven (7) day review was based solely on one or both of the criteria set out in Department Policy 15.1 (AF), Administrative Status, Procedure A.1.e. (threat to safety from another prisoner) or f. (threat to health of others) is placed on general population status at a later time, the prisoner shall initially be assigned his or her previous level.

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5. If a prisoner whose retention on administrative status at the seven (7) day review was based on at least in part on one or more of the criteria set out in Department Policy 15.1 (AF), Administrative Status, Procedure A.1.a. (escape risk), b. (other threat to safe and secure operation of facility), c. (threat to safety of another), or d. (threat to own safety) is placed on general population status at a later time, the prisoner shall initially be assigned to Level 1 until the receiving housing unit's Unit Management Team determines the appropriate privilege level for the prisoner at the team's next scheduled level review meeting.

Procedure D: Transfer to Another Facility

1. A prisoner transferred from one facility to another due to the prisoner's behavior (regardless of whether the prisoner was or was not disciplined) who is on reception or general population status shall initially be assigned to Level 1 until the receiving housing unit's Unit Management Team determines the appropriate privilege level for the prisoner at the team's next scheduled level review meeting.
2. A prisoner transferred from one medium or higher security facility to another for any other reason (e.g., due to enemy issues, due to Department wide population management reasons, etc.) who is on reception or general population status shall initially be assigned the same privilege level that the prisoner had at the sending facility upon transfer to the receiving facility.
3. A prisoner transferred from a minimum security facility to a higher security facility for any other reason (e.g., due to a medical condition or upon the discovery of a detainer) who is on general population status shall initially be assigned to level 4.
4. A prisoner transferred from one facility to another for any reason who is not on reception or general population status shall be treated consistently with the applicable provisions of this policy (e.g., shall have his or her privilege level suspended while on disciplinary restriction status, etc.).

Procedure E: Privilege Level Decisions, General

1. Staff shall document in CORIS positive prisoner behavior and attitude for review by the Unit Management Team when making privilege level decisions. Staff shall also provide a copy of positive CORIS notes to the prisoner.
2. Each level decision shall be individualized for the prisoner being considered and goal-oriented, taking into account prisoner risk reduction and behavior management principles.
3. A privilege level decision shall be based on:
 - a. the totality of a prisoner's circumstances since the last level decision (or in the case of the first level decision for a reception status prisoner, the totality of the prisoner's circumstances since the prisoner's intake), including progress toward compliance with his or her individualized case plan, behavior, and attitude; and

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- b. other documented events and observations (e.g., interactions with staff and others).
- 4. A privilege level decision shall not:
 - a. generally be made based on a single incident, unless approved by the Chief Administrative Officer, or designee; or
 - b. take into consideration a prisoner's convictions, history during a previous incarceration, prior convictions, etc.
- 5. At a minimum, each prisoner shall have his or her level reviewed every six (6) months, preferably during the annual or semi-annual classification review.
- 6. All privilege level system decisions and relevant notes shall be documented in CORIS and communicated in writing to the prisoner.
- 7. Decisions made under this policy are separate and independent of decisions made under other Departmental policies, including, but not limited to, Policy 11.5 (AF), Calculation of Prisoner Release Date, Policy 20.1 (AF), Prisoner Discipline, Policy 23.1 (AF), Classification System, etc. Behavior resulting in the making of a decision under one or more of those policies does not either require or preclude the making of a decision under this policy.

Procedure F: Privilege Level Advancement

- 1. The Unit Management Team shall advance a prisoner on reception status to Level 2 after two (2) weeks or after his or her initial classification (if sooner) if the prisoner exhibits pro-social behavior and attitude, has appropriate interactions with staff and others, and, if applicable, satisfactorily participates in his or her work or program assignment.
- 2. A prisoner may apply for a level advancement by submitting a completed Prisoner Request for Privilege Level Advancement form (Attachment B) to his or her case manager once the minimum time has elapsed for the level the prisoner is currently assigned, which is:
 - a. a minimum of two (2) weeks on level 1 to apply to advance to level 2;
 - b. a minimum of three (3) weeks on level 2 to apply to advance to level 3; and
 - c. a minimum of four (4) weeks on level 3 to apply to advance to level 4.
- 3. In addition to the above time requirements, the prisoner must have satisfied the following eligibility criteria since his or her last level review (or in the case of the first level decision for a reception status prisoner, since the prisoner's intake) to apply to advance to the next level:
 - a. demonstrated rehabilitative, responsible, and pro-social behavior through active participation in his or her Individualized Case Plan;
 - b. demonstrated pro-social behavior and attitude in interactions with facility staff and others;

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- c. refrained from engaging in negative or disruptive behaviors;
 - d. not been placed on administrative status, unless it was based solely on one or both of the criteria set out in Department Policy 15.1 (AF), Administrative Status, Procedure A.1.e. (threat to safety from another prisoner) or f. (threat to health of others).
 - e. met any goals and objectives that the Unit Management Team may have prescribed as part of the level advancement process; and
 - f. not been actively involved in gang activity, e.g., not been in possession of gang identifiers or gang-related paraphernalia (e.g. photographs, illustrations, publications, written materials, clothing, symbols, graffiti, etc.), not used gang signals, and otherwise not been involved in gang activity, as set forth in Department Policy 14.25 (AF), Gang Identification and Management. Note: A prisoner that is associated with a gang is not presumed to be actively involved in gang activity.
4. As well, if the prisoner has previously been denied the level advancement, he or she may not reapply until after the time period set by the Unit Management Team for reapplication has elapsed and other steps prescribed by the team have been met, as set out below.
 5. The prisoner's case manager shall review the form for completeness and accuracy. If completed accurately, and if the prisoner has met the time and other criteria set out above since the last level decision (or in the case of the first level decision for a reception status prisoner, since the prisoner's intake), the prisoner's case manager shall refer the completed form to the Unit Management Team for review at its next scheduled level review meeting.
 6. The facility Chief Administrative Officer, or designee, shall ensure that each unit team holds level review meetings at least every two weeks to make decisions on privilege level advancement requests (as well as other level review decisions).
 7. In addition to the above privilege level decision requirements when considering a prisoner request for a privilege level advancement, the Unit Management Team shall review the following to include, but not limited to:
 - a. behavior and attitude;
 - b. case plan compliance and progress toward compliance plan goals;
 - c. any incidents and notes;
 - d. documented interactions with staff and other prisoners;
 - e. observations of members of the Unit Management Team;
 - f. written input from the prisoner as requested by the case manager;
 - g. the prisoner's specific responsivity factors, including learning style, motivation, abilities, and strengths identified through appropriate assessments and case management practices;

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- h. length of time on a level (length of time, on its own, does not necessitate level advancement); and
 - i. any other relevant factors.
8. If appropriate, a prisoner's mental health and/or medical conditions as reported by behavioral health staff and/or medical staff and staff input shall be accounted for as a responsivity factor when reviewing a prisoner's request for a privilege level advancement.
 9. Program unavailability shall not preclude a prisoner from advancing to the next level.
 10. The Unit Manager may override a Unit Management Team decision to advance a prisoner's level if it is determined to be in the interest of safety or security.
 11. Once a decision has been made, the Unit Manager, or designee, shall inform the prisoner of the decision and provide individualized, meaningful feedback in writing.
 12. If the decision is to deny the privilege level advancement, the Unit Team, or in the case of an override, the Unit Manager, shall establish a specific period of time for the prisoner to be eligible to reapply and shall prescribe goals and objectives that must be met as part of the level advancement process. The Unit Manager, or designee, shall ensure the prisoner is advised of the specific steps he or she must take to advance in level.
 13. The prisoner's case manager shall update the prisoner's individualized case plan, if necessary.

Procedure G: Privilege Level Reduction

1. Any member of the Unit Management Team may submit a Staff Request for Privilege Level Reduction form (Attachment C) to the Unit Manager for a prisoner to be considered for a privilege level reduction.
2. The Unit Manager, or designee, shall decide whether the request for a level reduction shall be reviewed by the Unit Management Team.
3. The privilege level system shall not be used as an immediate response to an incident that the prisoner is involved in. There shall not be any expedited or emergency privilege level reduction processes. Instead, the prisoner's level shall be reviewed at the unit team's next regularly scheduled level review meeting.
4. In considering a staff request for a privilege level reduction, the Unit Management Team shall review the totality of a prisoner's circumstances since the last level decision (or in the case of the first level decision for a reception status prisoner, since the prisoner's intake), including, but not limited to, the following:
 - a. reason for the staff request;

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- b. behavior and attitude;
 - c. case plan compliance;
 - d. any incidents and notes;
 - e. documented interactions with staff and other prisoners;
 - f. observations of members of the Unit Management Team;
 - g. input from the prisoner;
 - h. the prisoner's specific responsivity factors, including learning style, motivation, abilities, and strengths;
 - i. length of time on a level (length of time, on its own, does not prevent level reduction);
 - j. abuse of a privilege granted as result of being on the current level or abuse of any other privilege; and
 - k. any other relevant factors.
5. The Unit Manager may override a Unit Management Team's decision to not reduce a prisoner's level if it is determined to be in the interest of safety or security.
 6. Once a decision has been made, the Unit Manager, or designee, shall inform the prisoner of the decision and provide individualized, meaningful feedback in writing.
 7. If the decision is to reduce the privilege level, the Unit Management Team, or in the case of an override, the Unit Manager, shall establish a specific period of time for the prisoner to be eligible to apply for a level advancement and shall prescribe goals and objectives that must be met as part of the level advancement process. The Unit Manager, or designee, shall ensure the prisoner is advised of the specific steps he or she must take to advance in level.
 8. The prisoner's case manager shall update the prisoner's individualized case plan, in writing.

Procedure H: Appeals

1. A prisoner may appeal a denial of his or her request for a privilege level advancement or a level reduction by submitting an Appeal of a Privilege Level Decision (Attachment D), which must be received by the Chief Administrative Officer, or designee, within ten (10) working days of the prisoner's receipt of the decision.
2. An appeal shall not delay the implementation of the decision unless a level reduction would result in a prisoner being removed from core programming, education, or vocational programming.

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3. The Chief Administrative Officer, or designee, shall make a decision on an appeal within ten (10) working days of receipt of a timely appeal.
4. Upon review of the appeal, the Chief Administrative Officer, or designee, may:
 - a. approve the decision;
 - b. disapprove the decision; or
 - c. remand the decision to the Unit Management Team (or Unit Manager, if applicable) for further consideration.
5. The Chief Administrative Officer, or designee, is the final authority for these appeals (no other administrative appeals are allowed).
6. The Chief Administrative Officer, or designee, shall notify the Unit Manager of the decision by returning the completed Appeal of a Privilege Level Decision form (Attachment D) and shall also send a copy to the prisoner.
7. The appeal form shall be filed in the prisoner's administrative record and case management record.

VIII. PROFESSIONAL STANDARDS

None

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