
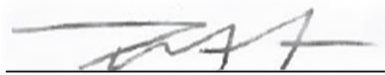


POLICY TITLE: PRIVILEGE LEVEL SYSTEMS		PAGE <u>1</u> OF <u>10</u>
POLICY NUMBER: 23.6		
CHAPTER 23: CLASSIFICATION AND CASE MANAGEMENT		
	STATE of MAINE DEPARTMENT of CORRECTIONS	PROFESSIONAL STANDARDS: See Section VIII
	Approved by Commissioner: 	
EFFECTIVE DATE: June 25, 2014	LATEST REVISION: March 6, 2023	CHECK ONLY IF APA []

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 residents in response to prosocial behaviors and attitude, active participation in core programs, and other relevant factors.

IV. DEFINITIONS

1. 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.
2. Privilege level system - a system of progressive levels, with each level having specific behavioral, program, and other criteria that must be met by a resident 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 residents 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 resident 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 residents 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 residents 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 resident based upon prosocial behavior and attitude, core program participation, appropriate interaction with staff and others, and other relevant factors (e.g., educational or other program achievement and/or completion, volunteerism, resident facilitation of a program, etc.).
6. The facility Chief Administrative Officer, or designee, shall ensure that every resident for whom there is a privilege level system is provided information in writing regarding the privilege level system for their 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.
8. A resident who is on reception status shall initially be assigned to Level 2 and granted the privileges corresponding to those listed for Level 2 in the relevant chart (medium custody housing units chart for the Maine Correctional Center and the Mountain View Correctional Facility and close custody housing units chart for the Maine State Prison).

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9. If available at the specific facility and to residents 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 residents assigned to Levels 2, 3, and 4, as opposed to those assigned to Level 1, 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. Residents shall wear identification cards that are color-coded based on their 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 with a victim pursuant to Policy 6.3, Contact with Victims, a loss of privileges through the disciplinary process under Policy 20.1 (AF), Resident Discipline, etc.).

Procedure B: Privilege Level Systems, Specialized

1. The Warden, or designee, of the Maine State Prison shall authorize for residents 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 resident 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 resident shall receive the privileges associated with the applicable level in the specialized privilege level system for that unit. A resident 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 facility Chief Administrative Officer, or designee, shall authorize for residents in an Intensive Mental Health Unit a specialized privilege level system that is consistent with

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the overall intent of this policy and is in accordance with Policy 18.6.1, Intensive Mental Health Unit.

4. A resident placed in an 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 resident shall receive the privileges associated with the applicable level in the specialized privilege level system for that unit. A resident 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 facility Chief Administrative Officer, or designee, may authorize specialized privilege level systems that are consistent with the overall intent of this policy for residents who are in a housing unit focused primarily on programming and treatment.
6. A resident placed in a housing unit focused primarily on programming and treatment shall initially be assigned the same privilege level as they 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 resident 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 resident shall receive the privileges associated with the applicable level for a resident of the same custody level in the general population. A resident discharged from that unit and placed on general population status shall initially be assigned the same privilege level as they had just prior to the release, except that if the resident was discharged prior to completion of the programming and treatment, they shall initially be assigned to Level 1 until the Unit Management Team for the receiving housing unit determines the appropriate privilege level for the resident at the team's next scheduled level review meeting.
7. A resident admitted to an infirmary shall initially be assigned the same privilege level as they 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 resident shall receive the privileges associated with the applicable level as for a resident of the same custody level in the general population. A resident discharged from the infirmary and placed onto general population status shall initially be assigned the same privilege level as they had just prior to the discharge.
8. A resident placed on protective custody status shall initially be assigned the same privilege level as they 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 resident shall receive the privileges associated with the applicable level as for a resident of the same custody level in the general population. A resident removed from this status and placed on general population status shall initially be assigned the same privilege level as they had just prior to the removal.
9. Upon the recommendation of a resident's Unit Management Team and with the approval of the Chief Administrative Officer, or designee, and consistent with applicable departmental policies, a resident may be given an Individualized Behavior Plan which

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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 resident 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.
2. If a resident is placed on disciplinary segregation status or disciplinary restriction status their previous privilege level shall be suspended. A resident removed from one of these statuses 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 resident at the team's next scheduled level review meeting.
3. If a resident is placed on administrative status, their previous privilege level shall be suspended. A resident 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 their previous level, until the receiving housing unit's Unit Management Team determines the appropriate privilege level for the resident at the team's next scheduled level review meeting.
4. If a resident whose retention on administrative status at the first and all subsequent seven (7) day reviews was based solely on there being a threat to their safety from another resident is placed on general population status at a later time, the resident shall initially be assigned their previous level, until the receiving housing unit's Unit Management Team determines the appropriate privilege level for the resident at the team's next scheduled level review meeting.
5. If a resident whose retention on administrative status at the first or a subsequent seven (7) day review was based at least in part on one or more of the other criteria set out in Department Policy 15.1 (AF), Administrative Status (escape risk, threat to safe and secure operation of the facility, or threat to the safety of another person) is placed on general population status at a later time, the resident shall initially be assigned to Level 1 until the receiving housing unit's Unit Management Team determines the appropriate privilege level for the resident at the team's next scheduled level review meeting.

Procedure D: Transfer to Another Facility

1. A resident transferred from one Department facility to another due to the resident's behavior (regardless of whether the resident 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 resident at the team's next scheduled level review meeting.
2. A resident 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

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management reasons, etc.) who is on reception or general population status shall initially be assigned the same privilege level that the resident had at the sending facility upon transfer to the receiving facility.

3. A resident 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 resident 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 their privilege level suspended while on disciplinary segregation status, etc.).

Procedure E: Privilege Level Decisions, General

1. Staff shall document in CORIS positive resident 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 resident.
2. Each level decision shall be individualized for the resident being considered and shall be goal-oriented, taking into account resident risk reduction and behavior management principles.
3. A privilege level decision shall be based on:
 - a. the totality of a resident’s circumstances since the last level decision (or in the case of the first level decision for a reception status resident, the totality of the resident’s circumstances since the resident’s intake), including progress toward compliance with their case plan, behavior, and attitude; and
 - 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 resident’s convictions, history during a previous incarceration, prior convictions, etc.
5. At a minimum, each resident shall have their level reviewed every six (6) months by their Unit Management Team, and the resident’s case manager shall update the resident’s case plan, if necessary, to reflect the decision made upon the review.
6. All privilege level system decisions and relevant notes shall be documented in CORIS and communicated in writing to the resident.
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 Adult Resident Sentences and Release Date, Policy 20.1 (AF), Resident Discipline, Policy 23.1 (AF), Classification System, etc. Behavior resulting in the

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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. A resident may apply for a level advancement by submitting a completed Resident Request for Privilege Level Advancement form (Attachment B) to their case manager once the minimum time has elapsed for the level the resident 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.
2. In addition to the above time requirements, the resident must have satisfied the following eligibility criteria since their last level review (or in the case of the first level decision for a reception status resident, since the resident's intake) to apply to advance to the next level:
 - a. demonstrated rehabilitative, responsible, and prosocial behavior through active participation in their case plan;
 - b. demonstrated prosocial behavior and attitude in interactions with facility staff and others;
 - c. refrained from engaging in disruptive or other negative behaviors;
 - d. not been placed on administrative status, unless it was based solely on there being a threat to their safety from another resident.
 - 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 resident that is associated with a gang is not presumed to be actively involved in gang activity.
3. As well, if the resident has previously been denied the level advancement, they 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.
4. The resident's case manager shall review the form for completeness and accuracy. If completed accurately, and if the resident 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 resident, since the resident's intake), the resident's case manager shall refer the completed form to the Unit Management Team for review at its next scheduled level review meeting.

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5. The facility Chief Administrative Officer, or designee, shall ensure that each Unit Management Team holds level review meetings at least every two (2) weeks to make decisions on privilege level advancement requests (as well as other level review decisions).
6. In addition to the above privilege level decision requirements when considering a resident request for a privilege level advancement, the Unit Management Team shall review the following to include, but not be limited to:
 - a. behavior and attitude;
 - b. case plan compliance;
 - c. any incidents and notes;
 - d. documented interactions with staff and other residents;
 - e. observations of members of the Unit Management Team;
 - f. written input from the resident as requested by the case manager;
 - g. the resident's specific responsivity factors, including learning style, motivation, abilities, and strengths identified through appropriate assessments and case management practices;
 - h. length of time on a level (length of time, on its own, does not necessitate level advancement); and
 - i. any other relevant factors.
7. If appropriate, a resident'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 resident's request for a privilege level advancement.
8. Program unavailability shall not preclude a resident from advancing to the next level.
9. The Unit Manager may override a Unit Management Team decision to advance a resident's level if it is determined by the Unit Manager to be in the interest of safety or security to deny the advancement of the privilege level.
10. Once a decision has been made, the Unit Manager, or designee, shall inform the resident of the decision and provide individualized, meaningful feedback in writing.
11. If the decision is to deny the privilege level advancement, the Unit Management Team, or in the case of an override, the Unit Manager, shall establish a specific period of time for the resident 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 resident is advised of the specific steps they must take to advance in level.
12. The resident's case manager shall update the resident's case plan, if necessary, to reflect the decision made on the request.

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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 resident 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 resident is involved in. There shall not be any expedited or emergency privilege level reduction processes. Instead, the resident's level shall be reviewed at the Unit Management 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 resident's circumstances since the last level decision (or in the case of the first level decision for a reception status resident, since the resident's intake), including, but not limited to, the following:
 - a. reason for the staff request;
 - b. behavior and attitude;
 - c. case plan compliance;
 - d. any incidents and notes;
 - e. documented interactions with staff and other residents;
 - f. observations of members of the Unit Management Team;
 - g. input from the resident;
 - h. the resident'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 resident's level if it is determined by the Unit Manager to be in the interest of safety or security to reduce the privilege level.
6. Once a decision has been made, the Unit Manager, or designee, shall inform the resident 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 resident 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 resident is advised of the specific steps they must take to advance in level.

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8. The resident's case manager shall update the resident's case plan, if necessary, to reflect the decision made on the request.

Procedure H: Appeals

1. A resident may appeal a denial of their request for a privilege level advancement, a privilege level reduction, or other privilege level decision by forwarding the Appeal of a Privilege Level Decision (Attachment D), to the facility Chief Administrative Officer, or designee.
2. 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.
3. An appeal shall not delay the implementation of the decision unless a level reduction would result in a resident being removed from a core program or an education or vocational program.
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. If an appeal is timely, the Chief Administrative Officer, or designee, shall make a decision on the appeal within fifteen (15) days after receiving the appeal and forward the response to designated staff. The staff shall meet with the resident without unnecessary delay and provide them with the 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 signed appeal response form to the UM, or designee, and provide a copy to the resident.
6. The Chief Administrative Officer, or designee, is the final authority for these appeals (no other administrative appeals are allowed).
7. The appeal form and the response to the appeal shall be filed in the resident's administrative record and case management record.

VIII. PROFESSIONAL STANDARDS

None

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