

 <p>ARIZONA DEPARTMENT OF CORRECTIONS</p> <p>DEPARTMENT ORDER MANUAL</p>	<p>CHAPTER: 800</p> <p>INMATE MANAGEMENT</p>	<p>OPR:</p> <p>OPS</p>
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PURPOSE

This Department Order outlines the inmate classification system and the process for the classifying of inmates according to their security risk. This process considers behavior and other objective factors that are available and relevant when assessing an inmate's institutional custody and internal risk level. The classification system is a component of the inmate's Corrections Plan.

PROCEDURES

801.01 CLASSIFICATION SYSTEM OVERVIEW

- 1.1 The classification system consists of:
 - 1.1.1 Custody Classification - Determining the custody level based on the risk the inmate presents to the public and staff, as well as the time remaining until the inmate is released.
 - 1.1.2 Internal Risk Level - Determining the internal risk level based on the risk the inmate presents to the public and staff and other inmates in order to assist in making decisions regarding housing and work assignments.
- 1.2 Each inmate shall be individually assessed to ensure that the inmate's classification is appropriate for the assigned custody and internal risk level.
- 1.3 Inmates shall be initially classified at Department Intake and Reception Centers.
- 1.4 The Correctional Officer III (CO III) or Correctional Officer IV (CO IV) shall:
 - 1.4.1 Complete the initial classification and reclassification review assessments.
 - 1.4.2 Recommend the custody level, internal risk level, institutional assignment and release credits earning class.
- 1.5 The Deputy Warden or designee shall review and approve or deny the CO III or CO IV recommendations. The Deputy Warden or designee's decision is final with the exception of:
 - 1.5.1 Custody overrides and/or placement in maximum custody.
 - 1.5.2 Decisions independently initiated and finalized by Central Office Classification.
 - 1.5.3 Removal of an inmate from maximum custody placement.
 - 1.5.4 Institutional assignment.
- 1.6 Inmates shall not reduce below the custody assigned at initial classification for at least six months. Thereafter, an inmate's classification status shall be reviewed as events occur that will change the inmate's custody level (event driven), with the exception of overrides and maximum custody. See section 801.05 and 801.10 of this Department Order for additional information on overrides and maximum custody time requirements.
- 1.7 There is no process for inmates to appeal the initial/reclassification decisions or institutional assignment except for inmates classified for placement at a maximum custody institution. An inmate may appeal placement in a maximum custody institution for the following:

- 1.7.1 The factual basis for scoring as outlined in section 801.11 of this Department Order.
- 1.7.2 All other inmates may request an Administrative review of their scores contesting only two elements:
 - 1.7.2.1 Factual basis for scoring.
 - 1.7.2.2 Custody level discretionary overrides.
- 1.8 Inmates shall be notified each time they are reclassified and their internal risk and/or custody score changes. The inmate notification form shall be automatically generated each time an inmate is reclassified. For information regarding procedures on the inmate notification form see the Classification Technical Manual.
- 1.9 Inmates returned to the Department with a new offense, who were on Community Supervision or in any Departmental release status at the time the new offense was committed, shall be classified in the same manner as any new admission to the Department.
- 1.10 Inmates returned to the Department, as the result of technical violations of parole or a supervised release shall be classified using the reclassification scoring criteria at the receiving unit.
- 1.11 For information regarding Return to Custody Inmates see the Classification Technical Manual and Department Order #1004, Inmate Transfer System.
- 1.12 Inmates that receive additional sentences, while in Department custody, shall be classified using the reclassification scoring criteria. A classification appointment will only be set if the additional sentence(s) result in a higher custody than the inmates' current score.
- 1.13 Inmates who are currently serving a life sentence, but have reduced in custody to either Close or Medium custody, and have returned from court with a new conviction with a new life sentence, shall begin time frames for maximum custody from the date of sentencing.
- 1.14 Inmates, whose sentence have been vacated and were re-sentenced without being released from the Department's custody, shall be classified using the reclassification criteria.
- 1.15 Inmates who had their death sentence vacated and have been re-sentenced to life shall begin the time frames for maximum custody from the date of re-sentencing.

801.02 CUSTODY LEVEL PURPOSE AND DESCRIPTIONS

- 1.1 The custody level provides the minimum basis for classifying inmates to facilities. Inmates shall be placed at institutions that are consistent with the custody level necessary to ensure the safety and security of persons, the institution, and the community. An inmate may be housed temporarily or permanently in any facility, which has capabilities exceeding the inmate's custody.
- 1.2 Each inmate shall be individually assessed to ensure an appropriate custody level assignment. Inmates are not permitted to request a particular custody level placement nor placement at a particular facility. There are insufficient resources available to transfer inmates for reasons of family hardships or any other elective reasons. Placement for these reasons shall not be recommended or approved.
- 1.3 The inmate classification custody system consists of four custody levels based upon the inmate's likelihood of escape or committing violence:

- 1.3.1 Maximum Custody – Inmates who represent the highest risk to the public and staff and require housing in a single cell setting. These inmates have limited work opportunities within the secure perimeter and require frequent monitoring. These inmates require escorted movement in full restraints within the institution.
- 1.3.2 Close Custody – Inmates who represent a high risk to the public and staff. These inmates shall not be assigned to work outside the secure perimeter of an institution. These inmates require controlled movement within the institution.
- 1.3.3 Medium Custody – Inmates who represent a moderate risk to the public and staff. These inmates shall not work outside the secure perimeter of an institution and require limited controlled movement within the institution.
- 1.3.4 Minimum Custody – Inmates who represent a low risk to the public and staff. These inmates may work outside the secure perimeter of an institution, to include community work crews, and do not require controlled movement within the institution.

801.03 INITIAL AND RECLASSIFICATION CUSTODY OBJECTIVE SCORING CRITERIA

- 1.1 The following risk criteria along with the non-discretionary criteria, outlined in 1.3 of this section shall be used for determining the custody levels for initial classifications:
 - 1.1.1 Most serious current offense.
 - 1.1.2 Most serious prior/other offense.
 - 1.1.3 Escape history.
 - 1.1.4 History of institutional violence.
 - 1.1.5 Gang affiliation status.
 - 1.1.6 Current age.
- 1.2 The following risk criteria along with the non-discretionary criteria, outlined in 1.3 of this section shall be used for determining the custody levels for reclassifications:
 - 1.2.1 Most serious current offense.
 - 1.2.2 Most serious prior/other offense.
 - 1.2.3 Escape history.
 - 1.2.4 History of institutional violence.
 - 1.2.5 Gang affiliation status.
 - 1.2.6 Current age.
 - 1.2.7 Completion of major programs.

- 1.3 Non-discretionary overrides - The following criteria requires the inmate to be classified no lower than the highest custody level associated with the criteria as applicable to the inmate. For example, if the inmate had more than two years, but less than five years, to serve prior to release scores within the range of minimum custody, but also has an active felony detainer (non-discretionary medium), then the lowest custody level that could be assigned to the inmate would be medium. However, the inmate's custody could be a higher level (close or maximum) if the inmate's scored custody level indicated the same.
- 1.3.1 Death Sentence – maximum custody.
 - 1.3.2 Life Sentence 0-2 years served – maximum custody.
 - 1.3.3 Life Sentence 2-5 years served – no less than close custody.
 - 1.3.4 Life Sentence more than 5 years served – no less than medium custody.
 - 1.3.5 Validated un-renounced Security Threat Group – no less than maximum custody.
 - 1.3.6 Validated renounced Security Threat Group (Debriefed) – no less than close custody.
 - 1.3.7 Validated Security Threat Group inmates who complete the STG Step-Down Program – no less than close custody.
 - 1.3.8 Five or more years remaining to be served – no less than medium custody.
 - 1.3.9 Current or prior sex offense conviction (felony convictions only) – no less than medium custody.
 - 1.3.10 Felony Detainer – **no less than medium custody**. Detainers shall be reviewed on a case by case basis to determine if the crime indicates a need for an override to a higher custody.
 - 1.3.11 Felony Hold - no less than medium custody. At any time during an inmate's incarceration, if information becomes available that indicates the inmate has pending felony charges, a felony hold code shall be entered on the AIMS DTO3 screen. Note: A detainer and/or warrant do not need to be present. Felony Holds shall be reviewed on a case-by-case basis to determine if the crime indicates a need for an override to a higher custody. For example, an override to maximum custody may be considered for an inmate pending charges for First Degree Murder.
 - 1.3.12 Internal Risk Scores of 5 - maximum custody.
 - 1.3.13 Death Sentence Vacated - Inmates who had their death sentence vacated and have been re-sentenced to life shall begin the time frames for reduction in custody from the date of their re-sentencing.
 - 1.3.13.1 Life sentences include inmates sentenced to both natural life and 25 years to life.
- 1.4 Sex Offense Risk Classification Criteria – Inmates' current commitment includes a sentence for one of the sex offense statutes listed in the Classification Technical Manual as Status A shall be classified as a sex offender and placed on a sex offender unit. Inmates with prior sex offense convictions may be housed in general population. For the purpose of sex offender classification and housing, the term "sex offense conviction" includes:

- 1.4.1 An inmate, who may not be serving the immediate sentence but has a consecutive sentence to serve, whether in this state or another, to include a felony probation sentence.
- 1.4.2 An inmate currently serving a sentence for a conviction in another state or jurisdiction that is equivalent to one of the offenses outlined in the Classification Technical Manual.
- 1.4.3 A current sentence for a conviction for an attempt, conspiracy, solicitation of facilitation to commit one or more of the sex offenses outlined in the Classification Technical Manual.
- 1.4.4 Inmates who do not meet the above criteria shall be interviewed in accordance with the Classification Technical Manual and classified to a sex offender unit if any of the following apply:
 - 1.4.4.1 Inmate is already labeled as a sex offender due to prior conviction(s); refuses to house in general population and protective segregation is not necessary.
 - 1.4.4.2 Inmates whose current offense would not place them on a sex offender unit, but who have a prior sex offense conviction/arrest.
 - 1.4.4.3 Inmates with a current or prior conviction for Child Abuse.
 - 1.4.4.4 Inmates with a current or prior conviction enhanced by A.R.S. 13-705P, formerly 13-604.01, Dangerous Crimes Against Children.
 - 1.4.4.5 Inmate is identified by the Community Corrections Sex Offender Unit to be evaluated as a possible Sexually Violent Person (SVP) in accordance with A.R.S. 36-3701, and evaluation or referral procedures are pending.
 - 1.4.4.6 Inmate has been assigned to the Sex Offender Treatment Program (SOTP).
 - 1.4.4.7 Other situation deemed appropriate by the Division Director for Program Services, or the Division Director for Offender Operations.
- 1.4.5 Inmates housed on a sex offender unit shall remain on a sex offender unit until released from Department's custody.
- 1.5 Inmates' current/prior commitment(s) includes a sentence for one of the statutes listed in Status Codes B through D of the Classification Technical Manual may not reduce below medium custody, but are not restricted to a sex offender unit.

801.04

CLASSIFICATION PROCESS- All classification actions require an AIMS DI59 (initial classification) or AIMS DI61 (reclassification) entry immediately following the finalized AIMS DI99 screen. This includes changes to internal risk scores, the 180 day and annual reviews for maximum custody and overrides. The transaction types to be used (11, 07 or 91) are outlined in each section of this Department Order.

- 1.1 Initial Classification - Each inmate is assigned a CO III who shall:

- 1.1.1 Perform the initial assessment for the initial custody level, internal risk level and institutional assignment. This assessment shall consist of a battery of tests, an in-depth interview with the inmate, and detailed evaluation of court documents and information acquired from other agencies concerning the inmate's background and criminal history. Enter the required information, as outlined in the Classification Technical Manual on the appropriate AIMS screen.
- 1.1.2 If information is obtained that indicates the inmate has pending felony charges, the Felony Hold Code shall be entered on the AIMS DT03 Detainer/Warrant History Screen. (A detainer and/or warrant does not need to be present.) The CO III or CO IV shall notify the OIU, via e-mail, to make the entry.
- 1.1.3 Review and assess information on AIMS for the needs assessment scores to ensure the scores are accurate on the DI59 Classification screen. For information regarding the Treatment Needs Assessments, see Definitions and the Classification Technical Manual.
- 1.1.4 Conduct interview(s) with the inmate to obtain required information.
 - 1.1.4.1 Information gathered shall be used with available documentation to develop the inmate's initial classification profile. This documentation includes, but is not limited to:
 - 1.1.4.1.1 Commitment papers.
 - 1.1.4.1.2 FBI rap sheets.
 - 1.1.4.1.3 ACIJS check results.
 - 1.1.4.1.4 Detainer information.
 - 1.1.4.1.5 Test results.
 - 1.1.4.1.6 Pre-sentence investigation reports.
 - 1.1.4.1.7 Probation Officer reports.
 - 1.1.4.1.8 Community Corrections Officer reports.
 - 1.1.4.1.9 AIMS Review.
 - 1.1.4.2 If the Pre-sentence Investigation has been waived by the court or is not available, an ACIJS check shall be completed.
 - 1.1.4.3 During the interview, the CO III shall explain to the inmate how the Custody Classification and Internal Risk Scores are determined and that there is no appeal process for classification; unless it is determined that custody classification recommendation is placement in a maximum custody institution. However, they may request an administrative review for their scores as outlined in Section 801.12 of this Department Order.
- 1.1.5 Complete all custody initial classification assessments within five work days from arrival to the reception center, make the appropriate entries on the AIMS DI99 and DT08 10 screens and forward the classification assessments to the Deputy Warden or designee for review. Initial Classification assessments for inmates with six months or less to serve shall be completed within one work day from arrival.

- 1.1.5.1 The Deputy Warden or designee shall review and finalize all initial classification actions within three work days of receipt, and within one work day of receipt for inmates serving six months or less, and make the appropriate entries on the AIMS DI99 screen.
- 1.1.6 Initiate the DI59 initial classification screen upon approval from the Deputy Warden or designee, with the exception of override requests and forward to Central Office Classification, via e-mail.
 - 1.1.6.1 The DI59 for maximum security placements shall not be initiated until after the Warden or designee's recommendation.
 - 1.1.6.2 All initial classification actions shall be entered on the AIMS DI59 screen as a type 11, this includes overrides and maximum custody placements.
 - 1.1.6.3 Central Office Classification shall finalize the initial classification on the DI59 AIMS screen on all initial classification actions.
 - 1.1.6.4 Central Office Classification shall have three work days upon receipt of the notification and one work day for inmates serving six months or less to finalize each classification action.
- 1.2 Reclassification/Changes in custody – Each inmate is assigned a CO III who shall:
 - 1.2.1 Complete a full file review to ensure all information is accurate, complete and appropriately entered on all applicable AIMS classification screens.
 - 1.2.2 Enter discovered information that indicates the inmate has pending felony charges, the Felony Hold Code shall be entered on the AIMS DT03 Detainer/Warrant History Screen. (A detainer and/or warrant does not need to be present) The CO III and CO IV shall notify the OIU, via e-mail, to make the entry.
 - 1.2.3 Complete all custody reclassification assessments within five work days from the due date on the AIMS DI95 Caseload screen, make appropriate entries on the AIMS DI99 and DTO8 screens and forward to the Deputy Warden or designee for review.
 - 1.2.3.1 The Deputy Warden or designee shall review and finalize all reclassification actions within five work days from the due date on the AIMS DI95 Unit Administrator screen and make the appropriate entries on the AIMS DI99 screen.
 - 1.2.4 Initiate the reclassification on the DI61 AIMS screen upon approval from the Deputy Warden or designee, with the exception of override requests, and forward to Central Office Classification within one work day of receipt via e-mail.
 - 1.2.4.1 The DI61 for maximum custody placements shall not be initiated until after the Warden or designee's final recommendation.
 - 1.2.4.2 All reclassification actions that result in a change of custody or where a location change is recommended, shall be entered on the AIMS DI61 screen as type 07, this includes overrides and maximum custody placements.
 - 1.2.4.3 Central Office Classification shall finalize the reclassification on the DI61 AIMS screen on all reclassification actions.

- 1.2.4.4 Central Office Classification shall have five work days upon receipt of the notification to finalize each classification action.

801.05 CLASSIFICATION CUSTODY DISCRETIONARY OVERRIDES

- 1.1 The CO III, CO IV, Deputy Warden, or designee may initiate custody Discretionary Overrides, based on the file review, interaction with the inmate, incident reports, investigations, etc. If an override is recommended, the documentation shall meet the guidelines as outlined in this section.
- 1.2 All Discretionary Overrides require a review and final decision by Central Office Classification. Central Office Classification has the authority to independently initiate overrides of custody classification, internal risk levels and institutional assignments. Custody and/or internal risk levels with finalized discretionary overrides shall be reviewed every six months. At any time staff may initiate an administrative review if they determine that the inmate's custody and/or internal risk levels need to be reviewed prior to the six month time frame.
- 1.2.1 The CO III or CO IV shall initiate the override request on the AIMS DI99 screen. All supporting information shall be entered on the AIMS DI99 comments field and the DT08 10 screens. The supporting documentation shall be placed in the institutional file with copies sent to Central Office Classification for placement in the master record file.
- 1.2.2 The Deputy Warden or designee shall review the recommended override within five work days from the appointment date on the AIMS DI95 Unit Administrator Screen and make the appropriate entries on the AIMS DI99 screen.
- 1.2.3 The CO III or CO IV shall notify Central Office Classification of the override request within one work day via e-mail.
- 1.2.4 Central Office Classification shall finalize the custody classification override within five work days from the appointment date on the AIMS DI95 Central Office Screen.
- 1.3 Discretionary Custody Overrides Increase - An increase in the inmate's custody level may be recommended whenever the inmate's behavior or new information indicates increased security measures are appropriate to ensure the safety of the public, staff, and/or other inmates.
- 1.3.1 Overrides shall be requested when information is obtained from a law enforcement agency, court documents, Pre-Sentence Investigations or other official sources that indicates that the inmate has pending charges for a capital offense such as First Degree Murder or other violent crime that would indicate the need for higher custody whether or not a detainer or warrant is present. If a detainer and/or warrant are not present, a Felony Hold Code shall be entered.
- 1.4 Custody Override Types - Evidence of aggravating circumstances shall have written documentation from disciplinary reports, information reports, Administrative Investigations Unit (AIU) and Criminal Investigations Unit (CIU) staff reports, Protective Segregation investigations, and/or other sources.
- 1.4.1 Escape Risk - The inmate is suspected of planning to escape or assist others in an escape attempt, or inmate's extensive history of escapes or seriousness of escape(s) indicates the inmate is currently an escape risk and increased supervision is required.
- 1.4.2 Security Risk - The inmate's current custody risk due to violence or disruption of institutional operations. The inmate is suspected of organizing or planning to participate in:
- 1.4.2.1 Institutional violence against other inmates, staff, or public, or the inmate's extensive history of institutional violence indicates the inmate is currently a security risk and increased supervision is required.

- 1.4.2.2 Disruptive activities, such as accessing department computers, records office, medical supplies, sensitive documents, etc., or the inmate's extensive history of institutional disruption indicates the inmate is currently a security risk and increased supervision is required.
- 1.4.3 High Profile – Inmates who require increased security based on intense media coverage or public concern as a result of their crime. Custody overrides may be granted for high profile inmates if protective segregation issues do not exist upon completion of the protective segregation process.
- 1.4.4 Offense Aggravated
 - 1.4.4.1 The circumstances of the current offense or a prior offense are depicted as heinous and suggest that the custody level shall be increased to ensure public safety.
 - 1.4.4.2 The inmate's current and prior criminal record is both extensive, violent and suggests that that the custody level shall be increased to ensure public safety.
 - 1.4.4.3 An inmate's custody may not be increased due to an accumulation of minor or nuisance discipline violations.
- 1.4.5 Other Major Reason - Substantial justification that the inmate is currently a risk to the public, staff, or other inmates and increased supervision is required. Justification may not duplicate any other override reason(s) or standard criteria.
- 1.5 Custody Overrides – Decrease
 - 1.5.1 A decrease in the inmate's custody level may be recommended when:
 - 1.5.1.1 New information becomes known.
 - 1.5.1.2 The inmate's behavior indicates that he/she can function in a less secure environment.
 - 1.5.1.3 The inmate is not a threat to the safety of the public and staff.
 - 1.5.2 Types of Custody Override Decreases - Mitigating circumstances shall include a specific written summary clearly explaining how the inmate meets the specific mitigating override criteria.
 - 1.5.3 Offense Mitigated
 - 1.5.3.1 The inmate's current offense circumstances are not considered so serious that the inmate cannot function in a less secure environment.
 - 1.5.3.2 The inmate does not have an extensive arrest history and the record of past violence is not considered to be a pattern that should prevent the inmate from functioning in a less secure environment.
 - 1.5.4 Other Major Reason - Substantial justification which clearly provides evidence the inmate is not currently a risk to the public, staff, or other inmates and can safely function in a less secure environment. Justification may not duplicate any other override reason(s) or standard criteria.

1.6 Drug Trafficking, Extortion and Gang Activity

1.6.1 In cases involving independent drug trafficking or extortion, evidence shall be documented in incident reports and/or from other sources. Gang involvement shall specifically document the inmate is currently communicating with known, actively involved gang members. Communication that may be used to pass information to and from gang members include:

1.6.1.1 Intercepted notes.

1.6.1.2 Correspondence.

1.6.1.3 Telephone calls.

1.6.1.4 Third-party communication.

1.6.2 Corroborating evidence from at least two independent confidential informant sources, or incident reports from staff who may have overheard conversations between gang members, etc. shall be considered.

1.6.2.1 Corroborating physical evidence such as, but not limited to the following:

1.6.2.1.1 Drug trafficking customer lists and payments.

1.6.2.1.2 Documented indications of extortion attempts.

1.6.2.1.3 Gang paraphernalia.

1.6.2.1.4 Fresh or very recent gang-related tattoos or tattoo art.

1.6.2.1.5 Any gang bookkeeping evidence, such as protection lists, which may be confiscated.

1.6.2.1.6 Gambling.

1.6.2.1.7 Drug debts.

1.6.2.2 SSU, Criminal Investigations Unit staff, or other confidential information shall be considered vital when collecting evidence of communication to support active gang involvement, individual extortion or drug trafficking.

1.7 Use of Confidential Informant Information

1.7.1 When information from a confidential source is used, the confidential source shall be protected without possible compromise, and the Confidential Informant Reliability Assessment Questionnaire (CIRAQ), Form 801-3, shall be completed accurately to document the evaluation of the confidential informant's reliability and reviewed by the unit's Special Security Unit (SSU) Officer.

1.7.2 Custody overrides shall not be based solely on confidential information. Additional documentation shall be provided fully explaining why the inmate requires increased supervision to support the need for a recommended custody override.

801.06 INTERNAL RISK LEVEL - PURPOSE AND DESCRIPTIONS The internal risk level provides the minimum basis for classifying inmates for internal purposes such as levels of supervision for work assignments, program and housing decisions. The inmate classification internal risk system consists of five internal risk (IR) levels:

- 1.1 IR 5 is the highest risk to the public, staff, and other inmates of escape or committing violence within the perimeter and/or under the direct supervision of Department staff.
- 1.2 IR 4 is a high risk to the public, staff, and other inmates, of escape or committing violence within the perimeter and/or under the direct supervision of Department staff.
- 1.3 IR 3 is a moderate risk to the public, staff, and other inmates, of escape or committing violence within the perimeter or institutional grounds, and/or under the direct supervision of Department staff.
- 1.4 IR 2 is a low risk to the public, staff, and other inmates, of escape or committing violence within the perimeter, on institutional grounds, or in the community and/or under the direct supervision of Department staff.
- 1.5 IR 1 is the lowest risk to the public, staff, and other inmates of escapes or committing violence within the perimeter, on institutional grounds, or in the community and/or under the direct supervision of Department staff.

801.07 INITIAL AND RECLASSIFICATION - INTERNAL RISK OBJECTIVE SCORING CRITERIA

- 1.1 The following risk criteria shall be used to determine the internal risk levels for initial and reclassifications:
 - 1.1.1 Most serious current offense.
 - 1.1.2 Most serious prior offense.
 - 1.1.3 Escape History.
 - 1.1.4 History of Institutional violence.
 - 1.1.5 Gang affiliation status.
 - 1.1.6 Current age.
- 1.2 Non-discretionary overrides - The following criteria requires the inmate to be classified no lower than the highest internal risk level associated with a criteria as applicable to the inmate:
 - 1.2.1 Immigration and Custom Enforcement Detainer or removal order - Score of 3.
 - 1.2.2 Minimum custody inmates with a current or prior conviction for Murder or Kidnapping - Score of 3.
 - 1.2.3 Minimum custody inmates with a felony arrest, no conviction, for a sex offense - Score of 3.
 - 1.2.4 Minimum custody Interstate Corrections Compact Inmates – Score of 3.

801.08 CLASSIFICATION - INTERNAL RISK DISCRETIONARY OVERRIDES

- 1.1 The CO III, CO IV, Deputy Warden, or designee may recommend internal risk Discretionary Overrides to the Warden, based on the file review, interaction with the inmate, incident reports, investigations, etc. If an override is recommended, documentation shall meet the guidelines as outlined in this section. All internal risk Discretionary Overrides require a review and final decision by the Warden.

- 1.2 Central Office Classification has the authority to independently initiate overrides of internal risk and custody classification risk levels, and institutional assignments. Custody and/or internal risk levels with finalized discretionary overrides shall be reviewed every six months. At any time staff may initiate an administrative review if they determine that the inmate's custody and/or internal risk levels need to be reviewed prior to the six month time frame.
- 1.3 Internal Risk Overrides - Decrease - A decrease in the inmate's internal risk level shall not be more than one level. An override may be recommended when:
 - 1.3.1 New information becomes known.
 - 1.3.2 The inmate's behavior indicates he/she can function in a less secure environment.
 - 1.3.3 The inmate is not a threat to the safety of the public, staff, and/or community.
- 1.4 Internal Risk Overrides – Increase – Internal risk scores shall not be increased by utilizing an override.
- 1.5 Procedures for changes to the inmate's internal risk level:
 - 1.5.1 Inmates with internal risk levels of 5 shall be reviewed for a possible internal risk score override.
 - 1.5.2 Changes to the internal risk level only, shall be entered on the AIMS DI61 screen type 91 unless the internal risk score is a 5. Classification actions for inmates with an internal risk of a 5 shall be entered on the AIMS DI61 screen type 07 and classified in accordance with the procedures and time frames outlined in Section 801.10 of this Department Order.
 - 1.5.2.1 Inmates with internal risk scores of 5 who are approved for an override shall be classified in accordance with the procedures and time frames outlined in Section 801.05 of this Department Order. A Maximum Custody Packet is not required.

801.09 CRITERIA GOVERNING PLACEMENT INTO MAXIMUM CUSTODY

- 1.1 The maximum custody classification procedures outlined in this section are applicable to:
 - 1.1.1 Inmates with death sentences.
 - 1.1.2 Inmates housed at:
 - 1.1.2.1 ASPC- Eyman SMUI.
 - 1.1.2.2 ASPC- Eyman Browning Unit.
 - 1.1.2.3 ASPC - Florence Central Unit.
 - 1.1.2.4 ASPC- Tucson Minors Maximum Custody Unit.
 - 1.1.2.5 ASPC - Perryville SMU.
 - 1.1.3 The maximum custody due process is not applicable to inmates in detention pending Investigation, Discipline, Protective Segregation, unless the inmate scores out as maximum custody. The maximum custody due process is not applicable to inmates housed in maximum custody medical and/or mental health care units regardless of their custody level.

- 1.2 Placement in a maximum custody classification pertains to inmates:
 - 1.2.1 Who commit or lead others to commit violent, disruptive and/or riotous actions.
 - 1.2.2 Whose committing offense is serious enough to warrant such placement.
 - 1.2.3 Who pose a serious threat to the security of the institution as set forth in the established classification scoring instrument.
 - 1.2.4 Who escape, attempt to escape or commit acts to facilitate an escape from custody.
- 1.3 The inmate has demonstrated physically or sexually assaultive behavior resulting in:
 - 1.3.1 An attempt to sexually assault any person.
 - 1.3.2 Serious physical injury.
 - 1.3.3 Death of any person.
- 1.4 An inmate has demonstrated behavior such as but not limited to the following:
 - 1.4.1 Assaulted or attempted to assault another with a deadly weapon.
 - 1.4.2 Compelled or attempted to compel another to perform sexual acts, engage in sexual conduct or sexual contact, or submit to sexual contact all by force or threat of force.
 - 1.4.3 Compelled or coerced another, by force or the threat of serious physical harm or death, to provide anything of value, to perform any act, or to violate any rule.
 - 1.4.4 The nature of the criminal offense committed prior to incarceration constitutes a current threat to the security and orderly operation of the institution and to the safety of others. For example, serious assaults against law enforcement, participation in organized criminal activity or actions indicating a serious escape risk, Murder 1st degree.

801.10 PROCEDURES FOR MAXIMUM CUSTODY PLACEMENT AND REMOVAL - THE HEARING PROCESS

- 1.1 The Warden, Deputy Warden or Associate Deputy Warden may initiate requests for placement into a maximum-security institution. The CO III or CO IV shall:
 - 1.1.1 Serve the inmate with the Notice of Hearing and Inmate Rights, (Proposed Maximum Custody Placement) Form 801-6 and a Request for Witness, Form 801-2 at least 48 hours prior to the commencement of the hearing. The Notice of Hearing and Inmate Rights shall include a detailed account of the incident(s) and any discipline rule violations used as rationale for the proposed placement, and a summary of the evidence relied on.
 - 1.1.1.1 If the requestor intends to use the statement of a witness whose identity he/she intends to withhold, the written notice shall indicate the requestor's reliance and disclose as much of the substance of the information without jeopardizing the persons' safety or institutional security. This form is provided to the inmate at the time the Notice of Hearing and Inmate Rights (Proposed Maximum Custody Placement) is served.

- 1.1.1.2 At the completion of the 48-hour preparation period or if the inmate waives his/her right to the 48-hours for preparation, conduct the Hearing. If the inmate refuses to sign the waiver, the Notice of Hearing and Inmate Rights (Proposed Maximum Custody Placement) Form shall be signed by two staff members. The inmate shall be provided with the 48-hour preparation period.
 - 1.1.1.3 Document the reason(s) for the request on Maximum Custody Placement Recommendation/Approval, Form 801-7. The Maximum Custody Placement Recommendation/Approval form shall not be given to the inmate until it is returned from Central Office Classification with the final decision.
 - 1.1.1.4 Once the Hearing has been conducted the CO III shall initiate the AIMS DI99 screen, completing section III. An AIMS DT08 10 comment shall be made indicating that the hearing has been conducted and that the documents have been forwarded to the Deputy Warden for review.
- 1.2 The Maximum Custody Placement Recommendation/Approval form shall be forwarded to the Deputy Warden or designee, who shall approve or deny the recommendation within five work days of receipt.
- 1.2.1 An override must be requested when an inmate's custody range is within the maximum custody range and the recommendation to place the inmate in maximum custody is denied.
 - 1.2.2 The process is complete when a recommendation for an override to place an inmate in maximum custody has been denied and the inmate's custody is not within the maximum custody range.
 - 1.2.3 If an override is recommended the procedures and time frames outlined in 801.05, Classification Overrides shall be followed.
 - 1.2.4 If the recommendation to place the inmate in maximum custody is approved the packet shall be forwarded to the Warden or designee within one work day of receipt.
 - 1.2.5 The Deputy Warden or designee will not complete section IV of the AIMS DI99 screen until the Warden has completed his/her review. An AIMS DT08 10 comment shall be made indicating that the documents have been forwarded to the Warden or designee for review.
- 1.3 The Warden or designee shall approve or deny the recommendation within five work days of receipt.
- 1.3.1 An override must be requested when an inmate's custody range is within maximum custody range and the recommendation to place the inmate in maximum custody is denied.
 - 1.3.2 The process is complete when a recommendation for an override to place an inmate in maximum custody has been denied and the inmate's custody is not within the maximum custody range.
 - 1.3.3 If an override is recommended the procedures and time frames outlined in 801.5, Classification Overrides shall be followed.

- 1.3.4 If the recommendation to place the inmate in maximum custody is approved the packet shall be returned to the Deputy Warden or designee who shall:
 - 1.3.4.1 Complete section IV of the AIMS DI99 screen, indicating the results from the Warden or designee's review. Enter a DT08 10 comment indicating that the institution has completed their portion of the process and that the documents have been forwarded to Central Office Classification for review.
 - 1.3.4.2 Enter the classification action on the AIMS DI59 type 11 (initial classification) or the AIMS DI61 type 07 (reclassification) screens.
 - 1.3.4.3 Forward the recommendation to Central Office Classification, via inter-departmental mail, scan or fax, within three work days of receipt. All supporting documentation shall be included.
- 1.4 The Central Office Classification Administrator or designee has the final approving authority for maximum custody placements. Central Office Classification shall approve or deny the recommendation within five work days of receipt. The Central Office Classification staff shall enter AIMS DT08 10 comments indicating that the maximum custody process has been completed and what the final custody determination is.
- 1.5 The inmate shall be notified of the decision made by the Central Office Classification Administrator or designee and provided a Notice of Appeal - Maximum Custody Placement, Form 801-8.
 - 1.5.1 The inmate may be notified verbally by his/her assigned CO III, once DT08 10 comments have been entered by the Central Office Classification Administrator or designee, indicating that the process has been completed and what the final custody determination is. If this form of notification is completed, the CO III shall make a DT08 10 comment indicating that the inmate was notified of his/her final custody decision and whether or not a Notice of Appeal form was served.
 - 1.5.2 The inmate may also be notified of the final decision when he/she receives the completed copy of the Maximum Custody Placement Recommendation/Approval form. If this form of notification is completed, the inmate shall contact his/her CO III and request a Notice of Appeal form. The CO III shall make a DT08 10 entry indicating that the inmate was notified of the final decision and whether or not a Notice of Appeal form was served.
- 1.6 Inmates initially classified at a Reception Center may be transferred to a Maximum custody institution if Classification Officer(s) recommend that the inmate be placed in maximum custody.
 - 1.6.1 The inmate shall remain in this status no longer than 30 days prior to the completion of the classification process.
 - 1.6.2 The Correctional Officer(s) at the Reception Center shall ensure all documentation is provided to the Maximum Custody institution.
 - 1.6.3 Requests for an extension to the classification time frame shall be submitted in writing to the Offender Services Administrator or designee for approval.
- 1.7 Inmates who are being reclassified to maximum custody shall be placed in Administrative Detention for no more than 30 days prior to the completion of the classification process and final approval from Central Classification. Requests for an extension to this classification time frame shall be submitted in writing to the Offender Services Administrator or designee for approval.

- 1.8 Inmates shall be reviewed 180 days from Maximum Custody approval and annually thereafter unless the approval for maximum custody was an override. In case of an override, the inmate shall be reviewed every 180 days. The Maximum Custody Hearing process shall be followed for these reviews.
- 1.9 Inmates approved for maximum custody shall not be eligible for reduction for a minimum of 180 days. After 180 days from Maximum Custody approval, the inmates shall be reviewed annually unless an event occurs that will result in a reduction in custody.
 - 1.9.1 If no change in custody or location is recommended, the DI61 shall be completed as a type 91, with the exception overrides.
 - 1.9.2 If the inmate's maximum custody placement was a result of an override, the DI61 shall be completed as a type 07 by Central Office Classification. This includes inmates who are approved for continued placement in maximum custody as an override.
 - 1.9.3 Changes to internal risk scores only shall be entered as a type 91 and do not require a Maximum Custody Packet, unless the change to the internal risk score results in a reduction in custody, i.e., A reduction from an internal risk score of a 5 to a 4. Internal risk score changes that result in a reduction in custody shall be entered as a type 07 on the AIMS DI61 screen and approved by Central Office Classification.
- 1.10 The Warden or designee must approve the removal of an inmate from maximum custody, using the Maximum Custody Placement Recommendation/Approval Form. If the inmate has a reduction in custody or an override to maximum custody is no longer needed, the recommendation on the Maximum Custody Placement Recommendation/Approval Form shall indicate that the inmate is being recommended to return to a lower custody detailing the reasons for his/her reduction. The DI61 shall be completed as a TYPE 07. The procedures and time frames for reclassification shall be followed. Removal from maximum custody does not require due process. The Maximum Custody Placement Recommendation/Approval Form shall be the only necessary form for removal of maximum custody.
- 1.11 Central Office is the final approving authority for removal from maximum custody. If Central Office denies the recommendation for removal, the unit will be contacted to initiate the due process.

801.11 MAXIMUM CUSTODY APPEALS

- 1.1 No person who approves an inmate placement in maximum custody shall decide, or take part in deciding, the inmate's appeal to Central Office Classification.
- 1.2 The inmate shall submit a written appeal to Offender Services Administrator within 15 days following the receipt of the notice of the decision from Central Office Classification Administrator or designee.
- 1.3 If the Offender Services Administrator or designee intends to rely on a statement not previously made known to the inmate, the substance of such information shall be disclosed to the inmate. Before using such information, the Offender Services Administrator or designee shall provide the inmate with a reasonable opportunity to respond with a written statement and/or the submission of documentary evidence.
- 1.4 If the Offender Services Administrator or designee wishes to withhold the identity of a witness whose statement is being used, the Administrator or designee shall inform the inmate of such reliance and disclose the substance of the information without jeopardizing the safety of person(s) or institutional security.

- 1.5 The Offender Services Administrator or designee shall prepare a written statement within 30 work days, which shall include the final decision, the reasons for the decision and the evidence relied upon. A copy of the final decision shall be provided to the inmate.
- 1.6 The decision of the Offender Services Administrator or designee is final.

801.12 ADMINISTRATIVE REVIEWS

- 1.1 An inmate may request an administrative review of a classification score or custody level override when there is factual evidence the information utilized in the scoring process was incorrect or information that would have altered the result was omitted. No other issues will be considered. To request an administrative review of a classification score:
 - 1.1.1 The inmate shall submit a written request for a review on an Inmate Letter or designated appeal form to the Complex Warden.
 - 1.1.2 The request shall be submitted within 15 work days following receipt of the notice of the decision from the initial classification or reclassification.
 - 1.1.3 The Warden or designee shall complete the review of the score within 15 work days of receipt of the request and provide the inmate with a written response.
 - 1.1.4 The administrative review at this level is final and is not subject to further review.
 - 1.1.5 The classification action and/or any subsequent transfer may not be stayed pending the review.
 - 1.1.6 If the appeal is upheld an administrative review shall be completed correcting the classification scores. Comments shall be entered on the AIMS DT08 10 screen, explaining the outcome of the review.
 - 1.1.7 If the administrative review results in a change to the custody or internal risk score the AIMS DI61 screens shall be updated as type 07 actions and forwarded to Central Office Classification for final determination of institutional placement.
- 1.2 To request an administrative review of an override of a custody level assignment:
 - 1.2.1 The inmate shall submit a written request to Central Office Classification within 15 work days following receipt of the classification or reclassification decision.
 - 1.2.2 The Central Office Classification shall review the request and provide the inmate with a written response within 30 work days of receipt.
 - 1.2.3 The administrative review at this level is final and is not subject to further appeals.
 - 1.2.4 The classification action and/or subsequent transfer will not be delayed pending the review.
 - 1.2.5 If the administrative review results in a change to custody or internal risk scores, the AIMS DI61 screen shall be updated as a type 07 by Central Office Classification and comments entered explaining the outcome of the review.

801.13 CHANGES TO NEED ASSESSMENT SCORES - See the Classification Technical Manual for each Needs Assessment Scores and the sub-codes.

801.14 INTERSTATE CORRECTIONS COMPACT (ICC) INMATES – For information regarding Interstate Corrections Compact (ICC) inmates see Department Order #1004, Inmate Transfer System, and Department Order #901, Records Information and Court Action.

1.1 Progress Reports - A progress report shall be prepared for all Interstate Corrections Compact inmates every six months while they remain incarcerated in Arizona. The format for the report is the Interstate Corrections Compact Progress Report. This form can be found in the Classification Technical Manual.

1.1.1 The first report is due six months after the date that the Department assumed custody of the inmate, and at the end of each six month period thereafter, unless requested earlier by the sending state.

1.1.2 The CO III or CO IV shall:

1.1.2.1 Indicate that the progress report has been completed on the AIMS DT08 10 comment screen; however, the inmate's sending state shall not be included.

1.1.2.2 Forward the progress report to the Offender Operations Special Services Office.

1.1.3 The AIMS "out of state" comment screen shall indicate the date that progress reports are received by Special Services. To determine when a progress report is due, the AIMS "out of state" comment screen may be viewed to find the date the last report was received.

1.2 Classification

1.2.1 Interstate Corrections Compact Inmates shall be classified using the same criteria and time frames as used for all Arizona inmates.

1.2.2 The inmate shall be classified immediately upon arrival to the Department.

1.2.3 Interstate Compact inmates shall be scored manually due to the confidentiality issues, which cannot be placed on AIMS. Note: The DI99 AIMS screen shall be updated as an override to match the manual calculation. The AIMS DI99 screen shall not reflect accurate scores automatically based on the confidentiality of some of the information.

1.2.4 The following information shall be included in the manual classification:

1.2.4.1 The inmate's crime and length of sentence can be found on the AIMS DT08 97 "out of state" comment screen.

1.2.4.2 A file review shall be conducted to determine if the inmate has any prior offenses.

1.2.4.3 Whenever insufficient documentation is available to complete the inmate's classification the Offender Operations Special Services Office shall be contacted and requested to obtain the information from the sending state. Only the Offender Operations Special Services Office is authorized to have direct contact with the sending state authorities.

- 1.2.4.4 Interstate Corrections Compact classification shall be forwarded to Central Office Classification, via inter-departmental mail or fax for final approval. The unit CO III or CO IV shall enter the classification action on the AIMS DI61 screen as a type 07.
- 1.2.4.5 If the classification action includes a transfer recommendation to a lower custody, a copy of the last progress report shall be included as a supporting document. If the last progress report is four or more months old a new progress report shall be prepared.
- 1.2.4.6 When Interstate Corrections Compact actions recommending lower custody assignments are approved at Central Office Classification the inmate shall be placed in a transfer hold status and the AIMS DT08 10 Classification screen annotated accordingly.
- 1.2.4.7 Central Office Classification staff shall contact the Offender Operations Special Services Office to obtain approval from the sending state for the reduction in custody.
- 1.2.4.8 When an agreement is received in writing from the sending state, the inmate's classification shall then be processed for transfer to the new institutional assignment.

1.3 Interstate Corrections Compact Liaison

- 1.3.1 The Offender Operations Special Services Office shall perform all liaison functions, to include:
 - 1.3.1.1 Communicate with the Interstate Corrections Compact inmate's sending state.
 - 1.3.1.2 Answer questions and provide assistance whenever problems arise or document as needed.
- 1.3.2 See Department Order #1004, Inmate Transfer System, for information regarding Transfer of Offenders Pursuant to Interstate Corrections Compact.

801.15 DO NOT HOUSE WITH VERIFICATION PROCESS – VERIFICATIONS, REMOVALS AND ADDITIONS

- 1.1 Inmates with a documented Do Not House With (DNHW) status shall not be housed in the same institution where there is the possibility that the DNHW inmates may have to share:
 - 1.1.1 Housing cells.
 - 1.1.2 Institutional activities.
 - 1.1.3 Meals.
 - 1.1.4 Transport.
- 1.2 Inmates may be assigned to units where they can be:
 - 1.2.1 Separated by pod, building or where a physical barrier separates the unit yards.

- 1.2.2 Managed separately where controlled movement exists to the extent that inmates do not have any access to each other. See the Classification Technical Manual for Institutional Limitations on DNHW's.
- 1.3 The Deputy Warden/Administrator shall:
 - 1.3.1 Ensure DNHW offenders are not housed in the same cell.
 - 1.3.2 Take reasonable measures so the inmates who cannot be housed together do not participate in any institutional activities together.
 - 1.3.3 Ensure DNHW offenders are transported separately.
- 1.4 The inmate's DNHW list shall be reviewed at each classification review to verify that the DNHW's listed shall be continued or removed. The review shall be conducted at the inmate's classification review date, and documented on the AIMS DT08 10 Classification screen.
- 1.5 The DNHW verification process shall include a review of the inmates' Master Record and AIMS files to ascertain if there are any inmate reports, Information Reports, CIU/SSU reports, other confidential reports or any other documents that substantiates the need for a DNHW annotation.
- 1.6 If an inmate's file does not contain any information concerning a listed DNHW, but there are references to reports or report numbers that the information may be included in CIU/SSU reports, the CO III or CO IV shall:
 - 1.6.1 Submit a written request through the Deputy Warden or designee to the institution CIU/SSU for a search to be conducted to obtain the necessary reports and/or information.
 - 1.6.2 Contact the Inspector General Bureau and the CIU/SSU offices in other institutions to obtain existing information.
- 1.7 The results of the Unit CO III or CO IV, CIU investigation shall be forwarded to the Deputy Warden or designee who shall determine the validity/necessity of the listed DNHW inmates.
- 1.8 The Deputy Warden or designee shall:
 - 1.8.1 Submit a memorandum to the Protective Segregation Administrator or to Central Office Classification depending on the application.
 - 1.8.2 Include all supporting documentation establishing the validity or the invalidity of the DNHW entry.
 - 1.8.3 Request to continue to list an inmate as a DNHW or that an inmate be removed from the DNHW screen. Documentation shall consist of:
 - 1.8.3.1 A detailed explanation of the reasons or circumstances requiring the inmate to be listed on the DNHW screen.
 - 1.8.3.2 A complete explanation of why the inmates are not currently, nor should be in the future considered a risk to each other.
 - 1.8.3.3 A direct threat to the inmate shall be established in order for a DNHW addition to be considered or continued.

- 1.8.3.4 A description of the steps taken, such as what actions were taken to determine that the information provided in the first two steps is accurate.
 - 1.8.3.5 Inmates found guilty of disciplinary violations for fighting or assault shall be reviewed for additional DNHW. If a DNHW is not considered, a memo shall be submitted stating "not considered" with supporting documentation, such as letters from the involved inmates that they will not have future issues with each other and that they can be housed together on the same unit.
- 1.9 The Protective Segregation Administrator, or the Classification Administrator or designee shall review all DNHW requests and memorandums. Requests and memorandums submitted without the proper documentation for verification shall be returned to the sender for supporting documentation.
 - 1.10 The Protective Segregation Administrator or the Classification Administrator, depending on the application, shall be the final approving authority on all removals and additions.
 - 1.11 Central Office Classification staff shall add and remove names to the DNHW DI37 AIMS screen based on the documentation provided by the institution Deputy Warden or designee. The Protective Segregation staff shall make the required entries on DNHW screen as part of the protective segregation process.
 - 1.12 The AIMS DI37 0 DNHW screen shall be used to identify those inmates who have been verified as having legitimate housing issues and cannot be housed together.
 - 1.13 The AIMS DI37 4 DNHW screen shall be used for:
 - 1.13.1 Those inmates who are currently listed on the DNHW screen and through investigation have been determined to pose no current housing issue.
 - 1.13.2 Removal of deceased inmates.
 - 1.13.3 A historical record for those offenders who have made claims regarding alleged housing issues.
 - 1.14 Inmates shall be reviewed upon arrival at the Departments Intake and Reception Centers and at each annual classification review for any siblings and/or parental relationships currently in the Department system. Siblings or those having a parent/child relationship shall not be housed at the same unit regardless of the number of DNHW inmates allowed, unless there are no other housing options available. (Exceptions: All female Units, ASPC-Tucson Minors Unit and ASPC-Eyman Condemned Row and maximum custody units).
 - 1.14.1 Once verified, an entry shall be entered for any sibling or parent/child relationships, including exceptions on the AIMS DI37 DNHW screen.

IMPLEMENTATION

The Division Director for Offender Operations shall maintain the 801-T-OPS, Inmate Classification Technical Manual that provides specific direction and criteria for all custody classification actions and related functions. The Inmate Custody manual shall, at a minimum:

- Include specific direction for completing and distributing forms associated with the classification system including forms developed to address processes outlined in the manual.

- Be updated with changes as required to meet developing Departmental needs for inmate classification. Central Office Classification staff shall conduct classification training modules as follows:
- CO IIIs and CO IVs responsible for classification actions shall successfully complete a sixteen hour classification-training module, pass a written examination and obtain certification prior to independently conducting any classification actions. This certification training is in addition to the CO III Academy.
- CO IIIs and CO IVs shall complete an eight hour classification training class annually.
- Wardens, Deputy Wardens and Associate Deputy Wardens shall complete a four hour classification training module.

DEFINITION

TREATMENT NEEDS ASSESSMENT– Medical, Mental Health, Work Based Education, Work Skills, Substance Abuse Treatment and Sex Offender Treatment.

{Original Signature on File}

Charles L. Ryan
Director

FORMS LIST

- 801-2, Request for Witness (Proposed Level 5 Placement)
- 801-3, Confidential Informant Reliability Assessment Questionnaire (CIRAQ)
- 801-6, Notice of Hearing and Inmate Rights (Proposed Maximum Custody Placement)
- 801-7, Maximum Custody Placement Recommendation/Approval
- 801-8, Notice of Appeal – Maximum Custody Placement

AUTHORITY

A.R.S. 36-3701, Sexually Violent Persons; Definitions