Inter-Office MEMORANDUM

DEPARTMENT OF PUBLIC SAFETY

No. _____

Suspense: _____

June 4, 2016

TO: ALL CONCERNED

FROM: Nolan P. Espinda, Director

SUBJECT: **AMENDMENTS TO COR.18.07: EXCEPTION CASE**

The following are the significant changes to COR.18.07, effective June 4, 2016:

1) The Reference section was updated to References and Forms. Relevant PSD policies were added to References and forms were included.
2) The Definitions section was added in and included Adverse Classification Action, Classification Committee, Custody Designation, Custody Level, Exception Cses, ICO, Override, and PREA.
3) The Procedures section was updated to include processing current classification instruments as "Draft" when forwarded to the Inmate Classification Office.
4) Minor formatting and grammar changes.

If you require any clarification, please contact Shelley Nobriga at 808-587-1415 or shelley.d.nobriga@hawaii.gov.

1.0 PURPOSE

To delineate the circumstances under which an exception case may be initiated.

2.0 REFERENCES AND FORMS

.1 References

a. Department of Public Safety (PSD), Policy and Procedures (P & P) ADM.08.08, Prison Rape Elimination Act.

b. PSD, P & P, COR.18.01, Inmate Classification System.

c. PSD, P & P, COR.18.02, Prison Classification Committee.

d. PSD, P & P, COR.18.08, Transfer of Adult Inmates.

.2 Forms

a. PSD 8202, Exception Case form (attached).

3.0 DEFINITIONS

.1 Adverse Classification Action – Any increase involving one or more steps in custody using a completed instrument for the purpose of providing a more restrictive setting, often as a result of misconducts or a change in sentencing status. This includes but is not limited to the transfer of a pretrial or State/Federal hold inmate to prison.

.2 Classification Committee – The authority that determines all institutional classification actions that impacts an offender's custody level. The composition of said committee may include anyone deemed appropriate by the branch facility Warden or designee.

.3 Custody Designation – A final determination of where an offender can be housed at or within a facility based on the completed classification instrument, housing, programming, and the degree of staff supervision that shall be required for the inmate.

.4 Custody Level – Custody level will determine the degree of physical control and staff supervision that an inmate requires, the inmate's facility designation, and types of programs the inmate will have access to. Custody level is based upon a number of factors, including operational and physical plan criteria. A single facility may have more than one custody level of security within its perimeter. There are five custody levels: Maximum, close, medium, minimum and community.

.5 Exception Cases – Cases in which administrative action may override the comprehensive custody scoring to assure appropriate placement, and to provide for the safety of staff, inmates, the community, and to ensure the good management of the facility.

.6 ICO – Inmate Classification Office.

.7 Override – Action taken to increase/decrease the final custody designation of an inmate due to the offender's actions/inactions, discounting the computed custody scoring and in keeping with the security level of the facility.

.8 Sex Offender – An individual who has been convicted of a sexual offense.

.8 PREA – Prison Rape Elimination Act.

4.0 POLICY

It is the policy of the PSD to classify inmates according to the individual's needs and security risks he/she presents. The classification instruments used to recommend security and custody needs are management tools that assist staff in determining appropriate housing placement. However, staff must always be aware that other factors may give cause to override the recommendations made.

.1 Exception cases may be initiated under the following circumstances:

a. Disciplinary cases in which an inmate's single act (i.e.: greatest or high category misconduct) or a series of misconducts display the inappropriateness of the current or recommended place of confinement, regardless of comprehensive total point score.

b. Recommendations for placement in maximum custody shall require misconducts in the high or greatest category. It will be reserved for inmates who have shown through their institutional behavior that they are unable or

unwilling to function appropriately in the general population. This will include the violent, predatory, chronically disruptive and serial management problem inmates who consistently disrupt the safe operation of a facility. The amount of time they have left to serve will not be considered a determining factor in this regard. Inmates placed in maximum custody shall be routinely monitored.

c. Overcrowding in a facility which, by allowing additional inmates to be admitted, will jeopardize the good management of the facility, and/or the safety of others.

d. Medical, psychiatric, or specialized programming needs which cannot be met at the inmate's current or recommended place of confinement.

e. Protective custody situations in which an inmate's health and/or safety is/has been jeopardized and the current or recommended place of confinement cannot adequately accommodate the inmate's needs or provide the safety he/she requires.

f. Inmates with a mandatory minimum, consecutive sentences, have been given terms of life without the possibility of parole, or have lengthy minimum sentences but have shown through their behavior to have earned the right to be allowed access to active programming.

g. Inmates who, while in custody, have demonstrated exceptional progress through active program participation or displayed exemplary behavior over a substantial length of time; whose past criminal activities are limited, unsophisticated, and are void of any acts of violence, thereby confirming that he/she is capable of functioning at a custody lower than computed.

h. When an inmate's history of violent behavior is of such significance that the normal progression of the inmate to a reduced custody designation would pose a threat to the general population (this includes other inmates, staff and community).

i. Any individual that is less than 22 years of age.

j. A sex offender or any inmate, regardless of his/her computed custody/comprehensive total point score and who, while in custody, engages in prohibited sexual activities or commits (by force, intimidation or through consent), an act that can be labeled a "PREA" incident.

k. Any other management issue not previously covered.

.2 Processing of Exception Case

a. Inmates should fall into one of the above criteria.

b. The Classification Committee or Unit Team Manager/designee shall complete PSD 8202.

c. The Warden/designee shall review, sign and forward all relevant documents to the department classification officer for final approval.

d. The required material is as follows:

(NOTE: As jail inmates will not possess an Initial or Program Plan, a brief history shall be attached to the description detailing the reason for the exception case. This will be recognized as an acceptable substitute.

1) Current classification instrument(s).

2) Exception Case Form, PSD 8202.

3) Initial Prescriptive Plan (most current).

4) Program Prescriptive Plan (most current).

5) Program/Adjustment Hearing Results (if applicable).

e. ICO shall review all material, render a decision and forward all materials back to the facility within five (5) working days of receipt of the same. Any discrepancies found or issues raised during the review process will be returned to the facility in question. Facility staff will then have <u>seven (7) working days</u> in which to respond.

f. The accompanying classification instrument shall NOT be finalized but instead, saved/forwarded as "**DRAFT**" to ICO.

g. Disapprovals by ICO shall be forwarded to the Deputy Director for Corrections for an over-ride disposition/final resolution.

h. If the exception case recommends a transfer to another facility, refer to P & P, COR.18.08.

.3 Adverse Hearing

Exception cases that result in an adverse classification actions shall adhere to the procedural requirements in P & P COR.18.02.

5.0 RESPONSIBILITY

Wardens shall ensure compliance with the provisions of this policy.

6.0 SCOPE

This policy shall apply to all correctional facilities.

APPROVAL RECOMMENDED:

Jodie Masaka-Hirata June 4, 2016
Deputy Director for Corrections Date

APPROVED:

Jclar P. Eppule June 4, 2016
Director Date

STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

EXCEPTION CASE FORM

Date: _____

Name of Inmate: _____ SID #: _____

Current Facility Location: _____

Computed Custody Score: _____ Recommended Custody: _____

Reason for Exception Case Recommendation: _____

_____

_____

_____

Submitted By:

_____ _____
(Facility Classification Coordinator/Designee) Date

Reviewed By:

_____ _____
(Warden/Designee) Date

Forward this from to the Department Inmate Classification Officer along with:

1) Completed Classification Instrument(s)
2) Exception Case Summary

Approved/Disapproved:

_____ _____
(Department Classification Officer) Date

If disapproved, reason: _____

_____

_____

_____

When disapproved by the Classification Officer, exception case to automatically be sent to the Deputy Director for appeal and review.

Exception Request Granted / Not Granted.

_____ _____
(Deputy Director for Corrections) Date