

103 CMR 942.00: COUNTY CORRECTIONAL FACILITIES -- CLASSIFICATION

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942.01: Classification Plan

- (1) The county correctional facility shall develop and implement a written plan for inmate classification. The plan shall provide written policy and procedure for inmate classification in terms of custody required, housing assignment and participation in correctional programs.
- (2) The plan shall include, but not be limited to, the following:
 - (a) criteria used to determine assignment;
 - (b) minimum requirements in classification;
 - (c) procedures for classification;
 - (d) appeal process for classification decisions; and,
 - (e) staff responsibilities.

942.02: Criteria Used

The Classification Plan shall include written policy and procedure of specific criteria used to determine the inmate's classification assignments. These criteria shall include, but not be limited to:

- (1) age;
- (2) sex;
- (3) tendency for violent, disruptive behavior;
- (4) sentence and any pending court actions;
- (5) type of crime;
- (6) prior incarceration at facility;
- (7) prior criminal history, if any;
- (8) educational level;
- (9) need for protective custody; and,
- (10) employment history and skills.

942.03: Minimum Requirements in Classification (Required)

The Classification Plan shall include written policy and procedure that require:

- (1) Female inmates shall be housed separately from and out of sight of male inmates.
- (2) Juveniles tried and adjudicated as adults shall be managed separately from adult inmates.
- (3) Awaiting trial inmates shall be housed according to statute.
- (4) Inmates assessed as having special needs (mentally ill, drug addicts, handicapped, emotionally disturbed, chronically ill) shall be managed, and where necessary, housed separately.

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- (5) Inmates who, because of their criminal record, the nature of the charges pending against them, their behavior within the facility or other reliable and relevant information, are determined to be a threat to persons, property, or the security of the institution, or in need of protection from other inmates, shall be housed separately from inmates in the general population in a living area operated in accordance with suitable security procedures.
- (6) Inmates shall not be segregated by reasons of race, religion, political beliefs, or national origin.
- (7) Inmates shall be classified in appropriate levels of security which shall include, but not be limited to, the following:
- (a) Maximum Security: A security level in which both the design/construction as well as inmate classification reflect the need to provide maximum external and internal control and supervision of inmates primarily through the use of high security perimeters and extensive use of internal physical barriers and check points. 103 CMR 942.03(7)(a) is applicable to all jail only facilities.
 - (b) Medium Security: A security level in which both the design/construction as well as inmate classification reflect the goal of restoring to the inmates some degree of responsibility and control of their own behavior and actions, while still ensuring the safety of the staff and other inmates. Design/construction is generally characterized by high security perimeters and limited use of internal physical barriers.
 - (c) Minimum Security: A security level in which both the design/construction as well as inmate classification reflect the goal of returning to the inmate a greater sense of personal responsibility and autonomy while still providing for supervision and monitoring of behavior and activity. Design/construction is generally characterized by limiting security to exterior building walls.
 - (d) Pre-release Security: A security level in which both design/construction as well as inmate classification reflect the goal of restoring to the inmate the maximum of responsibility and control of their own behavior and actions prior to release. Design/construction is generally characterized by providing monitoring abilities to the building exterior walls.

942.04: Procedure for Classification

- (1) The Classification Plan shall include written policy and procedure directing initial classification procedures to include, at a minimum, the following:
- (a) Obtaining as much information about the inmate upon admission as soon as possible, including solicited pre-institutional assessment information, to become familiar with the inmate's history and for designing an individual classification plan;
 - (b) Maintaining complete and accurate case record information as required on each inmate for use during classification hearings, decisions, ad reviews; and
 - (c) Assignment of a counselor/social worker to each newly admitted inmate within 72 hours to ensure that appropriate intake and admission procedures have been completed and to assist the inmate with initial classification activities.
- (2) The Classification Plan shall provide for a classification hearing for all sentenced inmates held beyond 30 days which includes, at a minimum, the following:
- (a) inmates shall be given notice 48 hours notice prior to any classification hearing. Such notice may be waived by the inmate in writing;
 - (b) initial classification hearing shall consist of, at a minimum, the following:
 1. notice of hearing;
 2. case presentation by case counselor;
 3. inmate presentation;
 4. recommendation of a Classification Board; and,
 5. written summary of classification decision.
 - (c) all inmates scheduled for a hearing should appear at the hearing unless precluded for security or other substantial reasons, and such absence shall be documented;
 - (d) classification recommendations concerning housing placement and program participation are based on eligibility, suitability and other relevant information. Recommendations shall include a date upon which the case shall be reviewed again; and

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(e) the classification recommendation shall be reviewed by the Sheriff/facility administrator, or designee, and a decision of security level, housing assignment, and program participation shall be made within ten days after receipt of the Board's recommendation.

(3) The Classification Plan shall include written policy and procedure to provide for regular review of each sentenced inmate's classification status which shall include, but not be limited to, the following:

- (a) written review at least every 60 days, to monitor adherence to classification plan;
- (b) a procedure specifying conditions under which inmates may initiate reviews of their classification status; and,
- (c) procedures and criteria for changing the status of an inmate. Any change in status shall be subject to a review by the full Classification Board within 20 days of such a change.

(4) The Classification Plan shall include written policy and procedure for notifying the inmate of the classification decision and shall include the following:

- (a) all inmates shall be notified verbally of the Classification Board's recommendations;
- (b) a formal notification within ten working days, which includes the classification decision, the signature of the board chairperson or designee, signature of Sheriff/Facility Administrator or designee, and the date of the next review;
- (c) upon receipt, the inmate shall sign the notification which verifies receipt and knowledge of the decision; and,
- (d) the specific reasons for reclassification may be withheld from the inmate if knowledge of this information by the inmate would present a threat to the safety of an individual or the security or order of the facility.

942.05: Appeal of Classification Decision

The Classification Plan shall provide written policy and procedure for an appeal process to the Sheriff/facility administrator, or designee, which shall include:

- (1) A procedure for inmates to appeal to the facility administrator, or designee, within five working days of receipt of the decision; and,
- (2) A written response to the inmate's appeal within ten working days of receipt of the appeal.

942.06: Staff Responsibilities

The Classification Plan shall include written policy and procedure governing staff responsibilities and shall include, but not be limited to, the following:

- (1) The appointment of a classification director, or a designated staff member, who is responsible for administering the Classification Plan;
- (2) The facility administrator shall designate appropriate, relevant, and trained staff from various areas of the county correctional facility to serve as members of the Classification Board. The Board shall consist of a minimum of three members, one of which is to be a county correctional security staff;
- (3) All staff with a need to know shall receive orientation to the current Classification Plan, and staff responsible for implementation of the plan shall be trained in the plan; and,
- (4) Staff assistance shall be available to inmates throughout the classification process.

REGULATORY AUTHORITY

103 CMR 942.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

NON-TEXT PAGE