

Commonwealth of Massachusetts
Department of Correction
Standard Operating Procedure
Attachment to 103 CMR 420, Classification
Procedure for Subsequent Review

I. Purpose

The purpose of this document is to establish a procedure for Subsequent Review of an inmate's custody level and compliance with the personalized program plan after a review in accordance with 103 CMR 420.08(2)(b) has determined that there is no need for a transfer. For the purpose of this procedure, a "Subsequent Review" is defined as a periodic review of an inmate's custody level and compliance with the personalized program plan by a Subsequent Review Board (Board).

II. Procedure

A Subsequent Review is to be conducted by a three person classification Board in the following manner:

- A. Board Membership – Each member of the Board shall be appointed by the Superintendent. One Board member shall act as a Chairperson and shall be responsible for the overall quality of the review process and for ensuring compliance with the Classification regulation, 103 CMR 420.00; the Objective Point Base Classification Manual; and with M.G.L. c.127, §20 and §20A. One member of a Board held at maximum or medium security shall be a correction officer. One member of a Board held at minimum or pre-release security shall be a Correctional Program Officer (CPO), and another member of this Board shall be an employee whose primary role includes security responsibilities. The CPO who reviews and prepares the information used in the Subsequent Review process, as described below, should normally also be a member of the Board.
- B. The CPO shall prepare all information pertinent to the inmate's custody level and compliance with the personalized program plan as provided for in 103 CMR 420.08 (2)(a) through (b).
- C. The inmate shall be provided with at least 48 hours advance notice of the meeting with the CPO to review his classification. Notice shall be

documented in IMS and may be waived by the inmate, which shall also be documented in IMS.

- D. The CPO shall meet with the inmate and review the Objective Point Base classification form and all other relevant factors, and solicit the inmate's placement request.
- E. After meeting with the inmate, the CPO shall then meet with the other two (2) Board members and review the inmate's Objective Point Base Classification form and all other relevant factors as noted in 103 CMR 420.08(1) and (2).
 - 1. If the Board members' review of the Objective Point Base classification form and all relevant factors noted in 103 CMR 420.08 (1) and (2) determines the need for transfer (higher, lower, or lateral), the Institutional Director of Classification or designee shall schedule a reclassification hearing by a three person board in accordance with 103 CMR 420.07 (1) and (3) (a) through (k). Once this classification hearing has been scheduled, the reclassification process shall follow the process in accordance with 103 CMR 420.07 and the results of the reclassification hearing will be entered into the Inmate Management System (IMS).
 - 2. If the Board members' review of the Objective Point Base form and all other factors noted in 103CMR 420.08 (1) and (2) indicates that there is no need for transfer (higher, lower, or lateral) the Chairperson will enter the results of this Subsequent Review into IMS.
 - 3. The inmate shall be notified in writing of the subsequent review results by receiving a copy of the decision page.
- F. When an inmate disagrees with the Subsequent Review Board's recommendation, supports the recommendation, or waives the appeal process, the inmate or legal representative shall complete the Inmate Placement Request/Appeal Form and shall submit the completed form to the inmate's assigned CPO within five (5) business days of the written notification of the Subsequent Review Board's recommendation.
- G. When the Inmate Placement Request/Appeal Form supports the Board's recommendation or waives the appeal, the institutional Director of Classification (Director) or designee shall review. If the Director/designee approves the recommendation made by a Subsequent Review Board, the Director/designee will enter this decision into IMS. The Director/designee

will establish the next reclassification date which shall not exceed 6 months when a discretionary override was used, and one year in all other cases. Shorter reclassification dates should be established for inmates when it is anticipated that their status may change; and for those inmates approaching parole and or release. Where the Director denies the Board's recommendation, the Director/designee shall schedule a reclassification hearing by a three person board in accordance with 103 CMR 420.07 (1) and (3) (a) through (k), and this decision shall be provided to the inmate in writing.

- H. When the Inmate Placement Request/Appeal Form disagrees with the Board's recommendation, the Superintendent or Deputy Superintendent as designee shall be the reviewing authority for the appeal, and shall render the final decision. His or her decision cannot be appealed. The Superintendent or Deputy Superintendent's decision shall be made in writing, entered into the Inmate Management System, and provided to the inmate.