

 <p>Massachusetts Department of Correction STANDARD OPERATING PROCEDURE</p>	Effective Date 10/14/2025	Responsible Division Deputy Commissioner, Clinical Services and Reentry
	Annual Review Date 10/14/2025	
Policy Name STANDARD OPERATING PROCEDURE TO 103 CMR 420, Classification Procedure for Subsequent Review	Regulation Reference: M.G.L. c.127, §20 and §20A	DOC Policy Reference: 103 CMR 420
	ACA/PREA Standards: Click here to enter text.	
Attachments Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Library Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Applicability: Staff/Incarcerated Individuals
Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Location: Department Central Policy File Each Institution Policy Files
<p>PURPOSE: The purpose of this document is to establish a procedure for Subsequent Review of an incarcerated individual's custody level and compliance with the personalized program plan after a review in accordance with 103 CMR 420.08(2)(a) has determined that there is no need for a transfer.</p> <p>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY: Deputy Commissioner, Clinical Services and Reentry Assistant Deputy Commissioner, Reentry Director, Central Classification Deputy Director, Central Classification</p> <p>CANCELLATION: 103 CMR 420 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules, or regulations regarding Internal Regulations/Policies which are inconsistent with this document.</p> <p>SEVERABILITY CLAUSE: If any part of 103 CMR 420 is, for any reason, held to be in excess of the authority of the Commissioner, such decision shall not affect any other part of this policy.</p>		

I. Procedure

For the purpose of this procedure, a “Subsequent Review” is defined as a periodic review of an incarcerated individual’s custody level and compliance with the personalized program plan by a Subsequent Review Board (Board).

A Subsequent Review is to be conducted by a three (3) person classification Board in the following manner:

A. Board Membership

Each member of the Board shall be appointed by the Superintendent. One (1) 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 regulation, 103 CMR 420, *Classification*; the Objective Point Base Classification Manual; and with M.G.L. c.127, §20 and §20A. One (1) member of a Board, held at maximum or medium security, shall be a correction officer. One (1) 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 incarcerated individual’s custody level and compliance with the personalized program plan as provided for in 103 CMR 420.08 (2)(a-b).
- C. The incarcerated individual 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 incarcerated individual, which shall also be documented in IMS.
- D. The CPO shall meet with the incarcerated individual and review the Objective Point Base classification form and all other relevant factors and solicit the incarcerated individual’s placement request.
- E. After meeting with the incarcerated individual, the CPO shall then meet with the other two (2) Board members and review the incarcerated individual’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 CMR420.08 (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 (3) person board in accordance with 103 CMR 420.07 (1) and (3), (a-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 incarcerated individual shall be notified in writing of the subsequent review results by receiving a copy of the decision page.
- F. When an incarcerated individual disagrees with the Subsequent Review Board's recommendation, supports the recommendation, or waives the appeal process, the incarcerated individual or legal representative shall complete the Inmate Placement Request/Appeal Form and shall submit the completed form to the incarcerated individual'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 six (6) months when a discretionary override was used, and one (1) year in all other cases. Shorter reclassification dates should be established for incarcerated individuals when it is anticipated that their status may change; and for those incarcerated individuals approaching parole and or release. Where the Director denies the Board's recommendation, the Director/designee shall schedule a reclassification hearing by a three (3) person board in accordance with 103 CMR 420.07 (1) and (3), (a-k), and this decision shall be provided to the incarcerated individual 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 incarcerated individual.