

**CHAPTER: 800**

**Inmate Management**

**DEPARTMENT ORDER:**

**801 – Inmate Classification**

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# Arizona Department of Corrections Rehabilitation and Reentry



Department Order Manual

A handwritten signature in black ink, appearing to read "Ryan Thornell", is written over a horizontal line.

Ryan Thornell, Director

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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**

### **1.0 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 the 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, and institutional assignment.
- 1.5 The Deputy Warden or designee shall review the CO III or CO IV recommendations and submit the final recommendation to Central Office Classification.
- 1.6 Inmates shall not reduce below the custody assigned at the initial classification for at least three 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 sections 5.0 and 10.0 for additional information on overrides and Maximum Custody time requirements.
  - 1.6.1 Inmates with a non-discretionary override to Medium Custody based on a felony detainer or felony hold may reduce in custody prior to the three month time frame if the detainer or felony hold is canceled, and if the inmate scored in the Minimum Custody range at initial classification.
  - 1.6.2 Inmates with a discretionary override may be reviewed prior to the three month time frame if information is obtained that indicates the need for higher custody no longer exists.
- 1.7 Inmates may appeal the classification decisions for the following:

- 1.7.1 The rationale for placement as outlined in section 10.0
- 1.7.2 Factual basis for scoring
- 1.7.3 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 at the receiving unit using the initial classification scoring criteria.
- 1.10 Inmates returned to the Department as the result of technical violations of parole or a supervised release shall be classified at the receiving unit using the reclassification scoring criteria.
- 1.11 Inmates who 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 inmate's current score.
- 1.12 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. The inmate is not required to return to Maximum Custody if reduction criteria had previously been met.

## **2.0 CUSTODY LEVEL PURPOSE AND DESCRIPTIONS**

- 2.1 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 meeting, or exceeding, the inmate's custody.
- 2.2 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.
- 2.3 The inmate classification custody system consists of five custody levels based upon the inmate's risk level:
  - 2.3.1 Maximum Custody – Inmates who represent the highest risk to the public and staff and require housing in a single cell or double cell environment. These inmates have limited work opportunities within the secure perimeter and require frequent monitoring. These inmates require controlled movement within the institution. This custody level does not apply to inmates designated as SMI by mental health, female inmates or juveniles adjudicated as adults.

- 2.3.2 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.
- 2.3.3 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 may, at times, require limited controlled movement within the institution.
- 2.3.4 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.

### 3.0 INITIAL AND RECLASSIFICATION CUSTODY OBJECTIVE SCORING CRITERIA

- 3.1 The following risk criteria, along with the non-discretionary criteria outlined in 3.2 of this section, shall be used for determining the custody levels for classification of inmates:
  - 3.1.1 Most serious current offense
  - 3.1.2 Most serious prior/other offense
  - 3.1.3 Escape history
  - 3.1.4 History of institutional violence
  - 3.1.5 Gang affiliation status
  - 3.1.6 Current age
  - 3.1.7 Completion of major programs (Reclassification only)
- 3.2 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.
  - 3.2.1 Death Sentence (All Adult Males) – No less than Close Custody
  - 3.2.2 Death Sentence (All Adult Females) - No less than Close Custody
  - 3.2.3 Life Sentence 0-5 years served – No less than Close Custody
  - 3.2.4 Life Sentence more than 5 years served – No less than Medium Custody
  - 3.2.5 Validated un-renounced Security Threat Group – Who are placed in Maximum Custody per Security Threat Group (STG)/Special Security Unit (SSU) shall not reduce below Maximum Custody until completion of all three steps of the Inmate Maximum Custody Management and Incentive System, as outlined in Department Order #812, Inmate Maximum Custody Management and Incentive System, and are not actively involved in STG/Gang or Terrorist activity.
  - 3.2.6 Validated renounced Security Threat Group (Debriefed):
    - 3.2.6.1 Who have not completed the required programming and/or have not passed the polygraph, if required, shall not reduce below Maximum Custody.

- 3.2.6.2 Who have completed the required programming and passed the polygraph, if required, shall be individually assessed and classified, as appropriate, for the assigned custody and internal risk level.
- 3.2.7 Five or more years remaining to be served – No less than Medium Custody
- 3.2.8 Felony Detainer – No less than Medium Custody
  - 3.2.8.1 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.
- 3.2.9 Felony Hold – Arizona Revised Statute (A.R.S.) Severity Levels 3-6 – No less than Medium Custody
  - 3.2.9.1 A.R.S. Severity Level 1 and 2 may reduce to Minimum Custody with a non-discretionary internal risk of a 3.
  - 3.2.9.2 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 appropriate Arizona Correctional Information System (ACIS) 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.
- 3.3 Life sentences include inmates sentenced to both natural life and 25 years to life.
- 3.4 Sex Offense Risk Classification Criteria – Inmates whose 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:
  - 3.4.1 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.
  - 3.4.2 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. This includes inmates sentenced to life time probation in another state for an identified sex offense.
  - 3.4.3 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.
  - 3.4.4 Inmates who do not meet the above criteria shall be interviewed and given the option to house on a sex offender unit or a general population unit in accordance with the Classification Technical Manual if any of the following apply:
    - 3.4.4.1 Inmates who are already labeled as a sex offender due to prior conviction(s); refusal to house in general population and Protective Custody is not necessary.

- 3.4.4.2 Inmates whose current offense would not place them on a sex offender unit, but who have a prior sex offense conviction/arrest.
- 3.4.4.3 Inmates with a current or prior conviction for Child Abuse.
- 3.4.4.4 Inmates with a current or prior conviction enhanced by A.R.S. §13-705P (formerly A.R.S. §13-604.01), Dangerous Crimes Against Children. Inmates who meet the Dangerous Crimes Against Children offense behavior description indicating that the victim of the crime was a child, may be reviewed on a case by case basis by Central Office Classification to determine appropriate housing options. This will not change the Criminal History information being added to ACIS.
- 3.4.4.5 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.
- 3.4.4.6 Inmate has been assigned to the Sex Offender Education and Treatment Program (SOETP).
- 3.4.4.7 Any other situation deemed appropriate by the Assistant Director for Education, Programs and Reentry, or the Assistant Director for Prison Operations.
- 3.4.5 Inmates who elect to house in general population and who are moved directly to a Residential or Inpatient Program from reception, or a detention unit if they were a violator, shall be re-interviewed upon discharge from the Residential or Inpatient Program and given the option to change their housing decision prior to movement to general population.
- 3.4.6 Inmates housed on a sex offender unit shall remain on a sex offender unit until released from the Department's custody.
  - 3.4.6.1 Inmates who return to custody as a technical violator, and had been released from a sex offender unit shall be returned to a sex offender unit.
- 3.5 Inmates whose current/prior commitment(s) includes a sentence for one of the statutes listed in Status Codes B through D of the Classification Technical Manual are not restricted to a sex offender unit.
- 3.6 Inmates with a current or prior conviction for a sex offense, to include offenses that are sexually motivated, may be reduced to Minimum Custody with the following criteria:
  - 3.6.1 Shall have less than five years remaining to serve.
  - 3.6.2 No current conviction for a violent sex offense as defined in the Classification Technical Manual.
  - 3.6.3 No escape history.

**4.0 CLASSIFICATION PROCESS** – All classification actions are completed on the ACIS classification screen.

- 4.1 Initial Classification – Each inmate is assigned a CO III who shall:
  - 4.1.1 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 ACIS screen.
  - 4.1.2 If information is obtained that indicates the inmate has pending felony charges, the Felony Hold Code shall be entered on the ACIS detainer/warrant history screen. A detainer and/or warrant do not need to be present. The CO III or CO IV shall notify the OIU, via email, to make the entry.
  - 4.1.3 Review and assess information on ACIS for the needs assessment scores to ensure the scores are accurate. For information regarding the Treatment Needs Assessments, see the Glossary of Terms and the Classification Technical Manual.
  - 4.1.4 Conduct interview(s) with the inmate to obtain required information.
    - 4.1.4.1 Information gathered shall be used with available documentation to develop the inmate’s classification profile. This documentation includes, but is not limited to:
      - 4.1.4.1.1 Commitment papers
      - 4.1.4.1.2 FBI rap sheets
      - 4.1.4.1.3 ACIJS check results
      - 4.1.4.1.4 Detainer information
      - 4.1.4.1.5 Test results
      - 4.1.4.1.6 Pre-sentence investigation reports
      - 4.1.4.1.7 Probation Officer reports
      - 4.1.4.1.8 Community Corrections Officer reports
      - 4.1.4.1.9 ACIS Review
    - 4.1.4.2 If the Pre-sentence Investigation has been waived by the court or is not available, an ACIJS check shall be completed.
    - 4.1.4.3 During the interview, the CO III shall explain to the inmate how the Custody Classification and Internal Risk Scores are determined.
  - 4.1.5 Complete all initial custody classification assessments within three workdays from arrival to the Reception Center, make the appropriate entries on the ACIS 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 workday from arrival.



- 4.1.5.1 The Deputy Warden or designee shall review and complete all initial classification actions within three workdays of receipt, and within one workday of receipt for inmates serving six months or less, and make the appropriate entries on the ACIS screen.
- 4.1.5.2 The initial classification screen for maximum security placements shall not be initiated until after the Warden's or designee's recommendation.
- 4.1.5.3 All initial classification actions shall be entered on the ACIS, including overrides and Maximum Custody placements.
- 4.1.5.4 Central Office Classification shall finalize all initial classification actions on the ACIS initial classification screen.
- 4.1.5.5 Central Office Classification shall have three workdays and one workday for inmates serving six months or less to finalize each classification action.

#### 4.2 Reclassification/Changes in Custody

- 4.2.1 The inmate's assigned CO III/CO IV shall:
  - 4.2.1.1 Complete a full file review to ensure all information is accurate, complete, and appropriately entered on all applicable ACIS classification screens.
  - 4.2.1.2 Enter any discovered information that indicates the inmate has pending felony charges, including entering the Felony Hold Code on the ACIS 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 email, to make the entry.
  - 4.2.1.3 Complete all custody reclassification assessments within five workdays from the due date on the ACIS action queue screen, and make appropriate entries on the ACIS classification screen.
    - 4.2.1.3.1 The Deputy Warden or designee shall review and complete all reclassification actions within five workdays from the due date on the ACIS action queue screen and make the appropriate entries on the ACIS classification screen.
- 4.2.2 Central Office Classification shall have five workdays to finalize all classification actions.

### 5.0 CLASSIFICATION CUSTODY DISCRETIONARY OVERRIDES

- 5.1 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.

- 5.2 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.
  - 5.2.1 The CO III or CO IV shall initiate the override request on the ACIS classification screen. All supporting information shall be entered on the ACIS classification comments field. The supporting documentation shall be uploaded into the ACIS documents file and sent to Central Office Master Records for placement in the Master Record File.
  - 5.2.2 The Deputy Warden or designee shall review the recommended override within five workdays from the appointment date on the ACIS scheduling screen and make the appropriate entries on the ACIS classification screen.
  - 5.2.3 Central Office Classification shall finalize the custody classification override within five workdays from the appointment date on the ACIS action queue screen.
- 5.3 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 Custody investigations, and/or other sources.
  - 5.3.1 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.
  - 5.3.2 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:
    - 5.3.2.1 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.
    - 5.3.2.2 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.
  - 5.3.3 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 Custody issues do not exist upon completion of the Protective Custody process.
  - 5.3.4 Aggravated Offense
    - 5.3.4.1 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.

5.3.4.2 The inmate's current and prior criminal record is extensive, violent, and suggests that that the custody level shall be increased to ensure public safety.

5.3.5 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.

5.3.6 An inmate's custody may not be increased due to an accumulation of minor or nuisance discipline violations.

#### 5.4 Custody Overrides – Decrease

5.4.1 A decrease in the inmate's custody level may be recommended when:

5.4.1.1 New information becomes known.

5.4.1.2 The inmate's behavior indicates that they can function in a less secure environment.

5.4.1.3 The inmate is not a threat to the safety of the public and staff.

5.4.2 Types of Custody Override Decreases – Mitigating circumstances shall include a specific written summary clearly explaining how the inmate meets the specific mitigating override criteria.

5.4.3 Mitigated Offense

5.4.3.1 The inmate's current offense circumstances are not considered so serious that the inmate cannot function in a less secure environment.

5.4.3.2 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.

5.4.4 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.

#### 5.5 Drug Trafficking, Extortion and Gang Activity

5.5.1 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. Communications that may be used to pass information to and from gang members include:

5.5.1.1 Intercepted notes

5.5.1.2 Correspondence

5.5.1.3 Telephone calls

- 5.5.1.4 Third-party communication
- 5.5.2 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.
  - 5.5.2.1 Corroborating physical evidence such as, but not limited to the following:
    - 5.5.2.1.1 Drug trafficking customer lists and payments
    - 5.5.2.1.2 Documented indications of extortion attempts
    - 5.5.2.1.3 Gang paraphernalia
    - 5.5.2.1.4 Fresh or very recent gang-related tattoos or tattoo art
    - 5.5.2.1.5 Any gang bookkeeping evidence, such as protection lists, which may be confiscated
    - 5.5.2.1.6 Gambling
    - 5.5.2.1.7 Drug debts
  - 5.5.2.2 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.
- 5.6 Facility overrides may be considered when there are no other housing options available at the inmate's scored custody level based on Do Not House With (DNHW) issues, Protective Custody issues, or medical and mental health needs. Facility overrides shall not be used for inmates who pose a threat to the safety and security of the institution, staff, and other inmates based on their behavior and other reasons outlined in the custody override section of this policy.
  - 5.6.1 All facility overrides require a review and final decision by the Central Office Classification. Central Office Classification has the authority to independently initiate overrides of custody classification, internal risk levels, and institutional assignments.
    - 5.6.1.1 Custody level 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.
  - 5.6.2 Inmates placed in Maximum Custody as a result of a facility override shall be classified in accordance with the Maximum Custody procedures outlined in this policy.
- 5.7 Use of Confidential Informant Information
  - 5.7.1 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 SSU Officer.

- 5.7.2 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.

**6.0 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:

- 6.1 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.
- 6.2 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.
- 6.3 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 employees or contract staff.
- 6.4 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 employees or contract staff.
- 6.5 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 employees or contract staff.

**7.0 INITIAL AND RECLASSIFICATION – INTERNAL RISK OBJECTIVE SCORING CRITERIA**

- 7.1 The following risk criteria shall be used to determine the internal risk levels for initial and reclassifications:
  - 7.1.1 Most serious current offense
  - 7.1.2 Most serious prior offense
  - 7.1.3 Escape History
  - 7.1.4 History of Institutional violence
  - 7.1.5 Gang affiliation status
  - 7.1.6 Current age
- 7.2 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:
  - 7.2.1 Minimum Custody inmates with a current Immigration and Customs Enforcement Detainer or removal order – Score of 3
  - 7.2.2 Minimum Custody inmates with a current or prior conviction for Murder or Kidnapping – Score of 3

- 7.2.3 Minimum Custody inmates with a felony arrest for a sex offense without a conviction - Score of 3
- 7.2.4 Minimum Custody Interstate Corrections Compact Inmates – Score of 3
- 7.2.5 Minimum Custody inmates with a felony hold of an A.R.S. Severity Level of a 1 or 2 – Score of 3
- 7.2.6 Minimum Custody inmates with a felony sex offense conviction, to include sexually motivated convictions – Score of 3

## 8.0 CLASSIFICATION - INTERNAL RISK DISCRETIONARY OVERRIDES

- 8.1 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 requires a review and final decision by the Warden.
- 8.2 Central Office Classification has the authority to independently initiate overrides of internal risk, 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.
- 8.3 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:
  - 8.3.1 New information becomes known.
  - 8.3.2 The inmate’s behavior indicates they can function in a less secure environment.
  - 8.3.3 The inmate is not a threat to the safety of the public, staff, and/or community.
- 8.4 Internal Risk Overrides - Increase – Internal risk scores shall not be increased by utilizing an override.
- 8.5 Procedures for Changes to the Inmate’s Internal Risk Level
  - 8.5.1 Inmates with internal risk levels of 5 shall be reviewed for a possible internal risk score override.
  - 8.5.2 Changes to the internal risk level only, shall be entered on the ACIS reclassification screen unless the internal risk score is a 5. Classification actions for inmates with an internal risk of a 5 shall be entered on the ACIS reclassification screen and classified in accordance with the procedures and time frames outlined in section 10.0.
    - 8.5.2.1 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 5.0. A Maximum Custody Packet is not required.

## **9.0 CRITERIA GOVERNING PLACEMENT INTO MAXIMUM CUSTODY**

- 9.1 The Maximum Custody due process is not applicable for placement into detention pending Investigation, Discipline, or Protective Custody.
- 9.2 Placement in a Maximum Custody classification pertains to inmates:
  - 9.2.1 Who commit, or lead others to commit violent, disruptive and/or riotous actions.
  - 9.2.2 Whose committing offense is serious enough to warrant such placement.
  - 9.2.3 Who pose a serious threat to the security of the institution as set forth in the established classification scoring instrument.
  - 9.2.4 Who escape, attempt to escape, or commit acts to facilitate an escape from custody.
- 9.3 The inmate has demonstrated physically or sexually assaultive behavior resulting in:
  - 9.3.1 An attempt to sexually assault any person
  - 9.3.2 Serious physical injury
  - 9.3.3 Death of any person
- 9.4 An inmate has demonstrated behavior such as, but not limited to, the following:
  - 9.4.1 Assaulted, or attempted to assault, another with a deadly weapon.
  - 9.4.2 Compelled, or attempted to compel, another to perform sexual acts, engage in sexual conduct or sexual contact, or submit to sexual contact by force or threat of force.
  - 9.4.3 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.
  - 9.4.4 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.

## **10.0 PROCEDURES FOR MAXIMUM CUSTODY PLACEMENT AND REMOVAL – THE HEARING PROCESS**

- 10.1 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:
  - 10.1.1 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), any discipline rule violations used as rationale for the proposed placement, and a summary of the evidence relied on.
    - 10.1.1.1 The inmate shall be present at the hearing.

- 10.1.1.2 If the requestor intends to use the statement of a witness whose identity they intend to withhold, the written notice shall indicate the requestor's reliance and disclose as much of the substance of the information without jeopardizing the person's safety or institutional security. This form is provided to the inmate at the time the Notice of Hearing and Inmate Rights is served.
        - 10.1.1.3 The Hearing shall be conducted at the completion of the 48-hour preparation period, or earlier if the inmate waives their right to the 48-hours for preparation. If the inmate refuses to sign the waiver, the Notice of Hearing and Inmate Rights form shall be signed by two staff members. The inmate shall still be provided with the 48-hour preparation period.
        - 10.1.1.4 The reason(s) for the request shall be documented on the 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.
        - 10.1.1.5 Once the Hearing has been conducted, the CO III shall initiate the ACIS classification screen, completing section III. An ACIS classification note shall be made indicating that the hearing has been conducted and that the documents have been forwarded to the Deputy Warden for review.
- 10.2 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 workdays of receipt.
  - 10.2.1 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.
  - 10.2.2 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.
  - 10.2.3 If an override is recommended, then the procedures and time frames outlined in 5.0, Classification Overrides shall be followed.
  - 10.2.4 If the recommendation to place the inmate in Maximum Custody is approved, then the packet shall be forwarded to the Warden or designee within one workday of receipt.
  - 10.2.5 The Deputy Warden or designee will not complete the ACIS classification screen until the Warden has completed their review. An ACIS classification note shall be made indicating that the documents have been forwarded to the Warden or designee for review.
- 10.3 The Warden or designee shall approve, reject or modify the recommendation within five workdays of receipt.



- 10.3.1 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.
- 10.3.2 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.
- 10.3.3 If an override is recommended the procedures and time frames outlined in 5.0, Classification Overrides shall be followed.
- 10.3.4 If the recommendation to place the inmate in Maximum Custody is approved, then the packet shall be returned to the Deputy Warden or designee who shall:
  - 10.3.4.1 Complete the ACIS classification screen, indicating the results from the Warden's or designee's review. Enter an ACIS classification note indicating that the institution has completed their portion of the process and that the documents have been forwarded to Central Office Classification for review.
  - 10.3.4.2 Enter the classification action on the ACIS classification screens.
  - 10.3.4.3 Upload the documentation into ACIS documents and forward the recommendation to Central Office Classification, via inter-departmental mail within three workdays of receipt. All supporting documentation shall be included.
- 10.4 The Central Office Classification Administrator or designee has the final approving authority for Maximum Custody placements. Central Office Classification shall approve or deny or modify the recommendation within five workdays of receipt, and update the ACIS classification screen.
- 10.5 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.
  - 10.5.1 The inmate shall be served the final decision and provided a Notice of Appeal form. The CO III shall enter an ACIS classification note indicating that the inmate was notified of the final decision and a Notice of Appeal form was served.

## **11.0 MAXIMUM CUSTODY AND DETENTION 60 DAY CLASSIFICATION REVIEWS**

- 11.1 Inmates shall be reviewed within 60 days of initial placement in Maximum Custody or detention. This is an administrative review to determine if the Maximum Custody or detention placement is still warranted. An inmate shall remain in Maximum Custody or detention only if extraordinary, legitimate security and safety concerns exist. This review does not require a Maximum Custody paper packet or due process. Ten calendar days prior to the 60 day mark the CO III shall:

- 11.1.1 Conduct an in-person interview with the inmate to discuss placement and classification options. Returning to a lower custody level, or less restrictive environment, should be the primary focus of the interview. This interview shall take place in a meeting room, out of cell unless safety/security concerns warrant it being conducted cell front. The reason for the cell front interview shall be documented in ACIS.
  - 11.1.1.1 The interview shall discuss the reason for placement in Maximum Custody or detention, the individualized Corrections Plan, programming requirements, and behavior expectations. The discussion shall also cover the inmate’s progress towards the individualized plan to include programming.
- 11.1.2 Initiate an administrative classification review and select “Recommend Maximum Custody” to navigate to the Maximum Custody screen on ACIS.
  - 11.1.2.1 The ACIS system requires that the user select “Recommend Maximum Custody” in order to navigate to the appropriate classification screen. This is not the final decision.
- 11.1.3 On the hearing section, annotate that the interview was completed to include a brief summary of the interview discussion.
- 11.1.4 Recommend removal from Maximum Custody or detention or that the inmate is to remain in the current status.
  - 11.1.4.1 Comments shall be made justifying the decision and all supporting documentation shall be uploaded in the “evidence relied on” section.
- 11.1.5 Inmates shall be served the final decision.

## **12.0 MAXIMUM CUSTODY AND DETENTION 180 DAY CLASSIFICATION REVIEWS**

- 12.1 Inmates shall be reviewed every 180 days from Maximum Custody or detention placement. This review shall be initiated 10 days prior and completed no later than the 180 day mark.
  - 12.1.1 The 180 day review shall consist of a Classification Committee consisting of the CO III, a security staff member and a mental health staff member for inmates with a mental health score of 3 or above. The names of the committee members shall be annotated on the Maximum Custody Placement Form, in the Maximum Placement Recommendation, Rational section.
  - 12.1.2 The Classification Committee shall meet with the inmate out of cell in a designated area. The meeting should consist of an evaluation of the inmate’s compliance with their Correction Plan and movement to a lower custody environment, if compliance has been met.
  - 12.1.3 The 180 day review requires due process and the Maximum Custody paper packet is required.

12.1.4 The procedures for Maximum Custody placement as outlined in section 10.0 of this policy shall be followed, to include comments entered and all supporting documentation be uploaded in ACIS.

12.1.5 Inmates may appeal the decision as outlined in section 13.0.

12.2 Central Office is the final approving authority for removal from Maximum Custody.

**13.0 MOVEMENT OUT OF MAXIMUM CUSTODY AND DETENTION** - Upon approval for removal from Maximum Custody or detention, new housing locations will be processed and inmates' moved/re-housed within 10 calendar days. An extension of up to five days may be considered for extraordinary circumstances.

13.1 Extensions must be requested prior to the 10 day deadline, and must detail the extraordinary circumstances at issue. Extensions must be approved, in writing, by the Calculation, Records and Population Management Administrator or designee.

#### **14.0 CLASSIFICATION CUSTODY APPEALS**

14.1 No person who approves an inmate's classification review shall decide, or take part in deciding, the inmate's appeal to Central Office Classification.

14.2 The inmate shall submit a written appeal, using the Notice of Appeal – Maximum Custody Placement, Form 801-8, to the Calculation, Records and Population Management Administrator within 15 days following the receipt of the notice of the decision from Central Office Classification Administrator or designee.

14.3 If the Calculation, Records and Population Management Administrator or designee intends to rely on a statement not previously made known to the inmate, then the substance of such information shall be disclosed to the inmate. Before using such information, the Calculation, Records and Population Management Administrator or designee shall provide the inmate with a reasonable opportunity to respond with a written statement and/or the submission of documentary evidence.

14.4 If the Calculation, Records and Population Management 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.

14.5 The Calculation, Records and Population Management Administrator or designee shall prepare a written statement within 30 workdays, 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.

14.6 The decision of the Calculation, Records and Population Management Administrator or designee is final.

**15.0 ASSESSMENT SCORES** – See the Classification Technical Manual for each Needs Assessment Scores and the sub-codes.

**16.0 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.

16.1 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. The progress report is completed in ACIS.

16.1.1 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.

16.2 Classification

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

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

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

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

16.2.4.1 The inmate’s crime and length of sentence, which can be found on the ACIS “out of state” note screen.

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

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

16.2.4.4 Interstate Corrections Compact classification shall be completed in ACIS. The manual score sheets shall be uploaded into the ACIS documents.

16.2.4.5 If the classification action includes a reduction to a lower custody, the classification shall be reviewed by the Prison Operations Special Services Office.

16.2.4.5.1 The Prison Operations Special Services Office shall obtain approval from the sending state for the reduction in custody and update the classification action in ACIS.

16.2.4.6 Central Office Classification shall approve all classification actions.

## **17.0 DO NOT HOUSE WITH VERIFICATION PROCESS – VERIFICATIONS, REMOVALS AND ADDITIONS**

- 17.1 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:
  - 17.1.1 Housing cells
  - 17.1.2 Institutional activities
  - 17.1.3 Meals
  - 17.1.4 Transport
- 17.2 Inmates may be assigned to units where they can be:
  - 17.2.1 Separated by pod, building, or where a physical barrier separates the unit yards.
  - 17.2.2 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.
- 17.3 The Deputy Warden/Administrator shall:
  - 17.3.1 Ensure DNHW offenders are not housed in the same cell.
  - 17.3.2 Take reasonable measures so the inmates who cannot be housed together do not participate in any institutional activities together.
  - 17.3.3 Ensure DNHW offenders are transported separately.
- 17.4 The inmate's DNHW list shall be reviewed at each classification review to verify that the DNHWs listed shall be continued or removed. The review shall be conducted at the inmate's classification review date, and documented on the ACIS classification notes.
- 17.5 The DNHW verification process shall include a review of the inmate's Master Record and ACIS 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.
- 17.6 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:
  - 17.6.1 Obtain all supporting documentation to justify the addition or removal of an inmate.
  - 17.6.2 Update the ACIS DNHW screen with comments supporting the recommendation and upload all supporting documentation in the module.
- 17.7 The Deputy Warden or designee shall:
  - 17.7.1 Review all entries and approve, disapprove or remove the DNHW.
  - 17.7.2 Make a comment in the DNHW module, supporting the decision to remove an inmate from a DNHW list or disapprove a recommendation.

17.8 Inmates shall be reviewed upon arrival at Reception Centers, and at each annual classification review, for any siblings, parental relationships, or immediate family members 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-Lewis Minors Unit, and ASPC-Eyman/Florence Condemned Row and Maximum Custody Units).

17.8.1 Once verified, an entry shall be entered for any sibling or parent/child relationships, including exceptions on the ACIS DNHW screen.

## **IMPLEMENTATION**

The Calculation, Records and Population Management Administrator shall maintain the 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 one time, four-hour classification training module.

## **DEFINITIONS/GLOSSARY**

Refer to the Glossary of Terms for the following:

- Treatment Needs Assessment

## **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