	<b>DEPARTMENT OF PUBLIC SAFETY</b>	<b>EFFECTIVE DATE:</b> <b>April 23, 2020</b>	<b>POLICY NO.:</b> <b>COR. 18.01</b>
	<b>CORRECTIONS ADMINISTRATION</b> <b>POLICY AND PROCEDURES</b>	<b>SUPERSEDES (Policy No. &amp; Date):</b> <b>COR.18.01 &amp; 04/06/2016</b>	
	<b>SUBJECT:</b> <b>INMATE CLASSIFICATION SYSTEM</b>		<b>Page 1 of 14</b>

## 1.0 PURPOSE

To establish instructions for effecting custody levels and designations for branch facilities, and to provide an organized and efficient method of implementing the Department's inmate classification system.

## 2.0 SCOPE

This policy shall apply to all correctional facilities. To the extent any individual facility's policy conflicts with the statewide policy, the statewide policy shall control.

## 3.0 REFERENCES, DEFINITIONS AND FORMS

### .1 References

- a. Department of Public Safety Classification Coding Instructions Manual.
- b. Department of Public Safety (PSD), Policy and Procedure (P & P); COR.08.01, Court Appearance and Transport of Inmates.
- c. PSD, P & P, COR.08.24, Use of Mechanical Restraints.
- d. PSD, P & P, COR.11.01, Administrative Segregation and Disciplinary Segregation.
- e. PSD, P & P, COR.12.03, Inmate Grievance Program.
- f. PSD, P & P, COR.14.27, Inmates with Disabilities.
- g. PSD, P & P, COR.14.30, Communication Access.
- h. PSD, P & P, COR.18.07, Exception Case.
- i. PSD, P & P, COR.18.08, Transfer of Adult Inmates.
- j. Hawaii Revised Statutes (HRS), Chapter 353E, Statewide Integrated Sex Offender Treatment Program.
- k. HRS, Chapter 706, Disposition of Convicted Defendants
- l. *Freundenberg v. Sakai, et al.*, 1:14-cv-00276 (D. Hawaii 09/16/2014)

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## .2 Definitions

- a. **Administrative Segregation** – Inmates may be segregated on a temporary basis from the general inmate population on the order of a Watch Commander or higher authority, when their continued presence in general population presents an immediate threat to the safety of self or others, jeopardizes the integrity of an investigation of alleged serious misconduct or criminal activity, or endangers institutional security. The terminology “administrative segregation” is not applicable to maximum custody or protective custody inmates housed in a segregation unit.
- b. **Administrative Override** – Action taken to increase/decrease the final custody destination of an inmate due to the offender’s action/inactions, discounting the computed custody scoring and in keeping with the security designation of the facility. Form PSD 8202 shall be used in accordance with PSD, P & P, COR.18.07, Exception Case.
- c. **Adverse Classification Action** – Any increase involving one (1) or more steps in custody to provide a more restrictive setting; often associated with the occurrence of a misconduct or a change in sentencing status.
- d. **Classification Committee** – Member(s) of a hearing panel that are given the authority to make recommendations on all institutional classification actions resulting from the hearing.
- e. **Custody Level** – The degree of physical control and staff supervision required to manage inmates placed into a specific housing unit. A single facility may have more than one (1) level of security within its perimeter: a) Maximum, b) Close, c) Medium, d) Minimum and e) Community.
- f. **Disciplinary Segregation** – The placement of an inmate in segregated housing unit/cell separated from the general population, after being found guilty of a misconduct violation by an Adjustment Committee. Disciplinary Segregation includes the loss of certain privileges consistent with PSD, P & P, COR.11.01, Administrative Segregation and Disciplinary Segregation, and as authorized by the Warden.
- g. **Exception Cases** – Case in which administrative action requests an override of the “Comprehensive Custody Score” to assure appropriate placement, provide for the safety of staff, inmates, the community, and/or to ensure the

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good management of the facility. Form PSD 8202 shall be used in accordance with PSD, P & P, COR.18.07, Exception Case.

- h. Initial Classification – Evaluation of an offender upon initial admittance to jail or prison to determine housing and programming needs, with the outcome based upon the offender’s behavior (both past and present), and the degree of risk the individual poses to security.
- i. Jail Initial Custody Instrument – A tool used to determine a jail inmate’s initial custody designation and recommend housing assignment; usually completed by the facility’s Intake Service Center (ISC) staff.
- j. Jail Inmate – Any individual who is convicted of a crime and committed by the courts for a period of LESS THAN ONE (1) YEAR (this includes probation violators awaiting adjudication of their violation hearings, pretrial detainees, Federal/other State holds).
- k. Jail Inmate Custody Review Instrument – A tool used to record adjustments that have an effect on a jail inmate’s custody designation: change in legal status, following the outcome of a misconduct, or upon receiving new information.
- l. Prison Initial Classification Instrument – A tool used to determine the initial custody designation of a newly admitted, sentenced felon, for the sole purpose of identifying a housing assignment.
- m. Prison Inmate – Any individual who is convicted of a crime and sentenced by the courts for a period of MORE THAN ONE (1) YEAR (this includes anyone that has been SENTENCED to a CONSECUTIVE term TOTALLING more than one (1) year combined) and parole violators returned to custody.
- n. Prison Reclassification Instrument – A tool used to record adjustments toward an inmate’s custody designation that either follows the outcome of a misconduct(s) or involves new information received.
- o. Reception, Assessment, Diagnostic (RAD) – A separate unit that temporarily houses all newly admitted, sentenced felons for evaluation to determine initial programming and custody designation, using tools such as the Level of Service Inventory-Revised (LSI-R), Adult Substance Use Survey (ASUS), Pre-Sentence Investigation (PSI) and any other relevant sources.

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- p. Reclassification – A formal review that is conducted at a minimum every six (6) months, following the last classification action, or every twelve (12) months (if designated community custody, maximum custody, or in a contracted facility). It can also be initiated following any changes that may affect the offender's security designation or custody level, such as the establishment of the minimum term by the Hawaii Paroling Authority (HPA), adjudicated misconducts by an Adjustment Committee, or for the purpose of transferring to a different facility other than the one currently assigned.
- q. Security Designation – Determines where an offender will be housed, based on a completed classification instrument. It governs a specific housing assignment, programming and degree of staff supervision required.
- r. Security Level – A single facility may have more than one level of security within its perimeter of which there are five: maximum, close, medium, minimum, and community. The degree of physical control, direct supervision and types of programs the offender will have access to, shall be based upon the operational and physical criteria.
- s. Sex Offender Classification Review (SOCLR) – An instrument that is used to review an inmate's program status and custody designation.

**.3 Forms**

- a. PSD 8202 – Exception Case Form (attached).
- b. PSD 8760 – SOCLR Form (attached).

**4.0 POLICY**

PSD shall provide an efficient and objective classification system that is founded on the principles of fairness, objectivity, reliability and measurability. The goal shall be to place an inmate in the least restrictive environment using varying degrees of security to promote public safety and opportunities for reintegration.

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## 5.0 PROCEDURES

### .1 Classification

- a. Classification shall be based according to the individual's assessed needs and the risks they pose to the facility and the community at large.
- b. The process of assigning differential care and handling are two-fold: initial instruments are to be used to determine housing and level of security upon entry; reclassifications are to be used between security levels and/or facilities.
- c. While there is a specific set of variables for which evaluations are based, changes in an inmate's needs and behavior shall also be taken into account.
- d. Placement shall be at the least restrictive capacity and stay consistent with security needs, with each inmate assigned no additional supervision, or kept at a more secure status than his/her risk dictates.
- e. With the implementation of the system, the following shall be adhered to:
  1. Segregation of inmates shall not be based on any federally protected class (i.e. age, race, color, religion, sex, disability, national origin, etc.) or political affiliation.
  2. Violent, predatory inmates, and inmates who may be subjected to violent acts, shall be housed separately from the general population whenever possible, and subject to the discretion of the Warden.
  3. Jail inmates shall be housed separately from prison inmates, unless a threat is posed to the good management of the facility. If deemed necessary, an exception case transfer form PSD 8202 shall be initiated through the Adverse Classification Action process. Copies of approvals shall be filed with the Inmate Classification Office.
  4. Males shall be housed separately from females.
  5. All Adverse Classification Actions shall be conducted in an objective manner, in keeping with due process safeguards and best practices.

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6. Inmates with disabilities shall be provided with reasonable modifications to policies, practices, or procedures, removal of architectural, communication, and transportation barriers, and auxiliary aids or services in accordance with PSD, P & P, COR.14.27, Inmates with Disabilities and PSD, P & P, COR.14.30, Communication Access.
7. Any inmate not satisfied with his computed custody level may file a complaint via the Inmate Grievance Process.

.2 Classification Designations

- a. Jail inmates shall go through an initial screening process, and classification shall be completed within seventy-two hours (72) hours following admittance.
- b. Prison inmates shall have an initial classification instrument completed within sixty (60) days upon transfer to the RAD unit. If the inmate is a convicted sex offender, or has a prior juvenile adjudication for a sex offense, A Sex Offender Classification Level Review form PSD 8760 shall also be completed. Any reduction in custody designation shall be determined by the SOCLR recommendation.
- c. The following classification designations will be used in assigning inmates to appropriate supervision:
  1. Maximum Custody
    - a) Maximum custody will be reserved for inmates who have shown through their institutional behavior that they are unable to function appropriately in the general population, regardless of the amount of time left to serve. This will include the violent, predatory, chronically disruptive, and serious management problem inmates who disrupt the safe operation of a facility.
    - b) The decision to place an inmate in maximum custody must be judiciously made through the Exception Case Process, Form PSD 8202, and be subject to regular monitoring by Case Management with a custody review completed at a minimum of every six (6) months. Maximum custody designations are already included on the Jail Initial and Custody Review instruments for jail inmates who score maximum custody.

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- c) When classified maximum custody, the inmate will be assigned to the highest restricted area or to a maximum security-type facility. These inmates present an escape risk and/or management problem, and public safety is a major concern for these types of inmates.
- d) The levels of supervision required for inmates classified as maximum custody and for the good government of the facility are as follows:

Supervision Required

Residency Area:

Restricted to room or quadrant;  
constant surveillance.

Security Area:

Movement under escort and with  
or without restraints; constant  
surveillance.

Outside Security  
Area, within  
Perimeter:

Movement under escort of two  
uniformed officers, with  
restraints; constant surveillance.

Outside Perimeter:

Restraints and escort shall be in  
accordance with the provisions of  
PSD, P & P, COR. 08.01 and  
PSD, P & P, COR 08.24.

Meal Movement:

Fed in cell or quadrant.

2. Close Custody

- a) This custody will be used for prison inmates with long minimum sentences (21 years or longer), serious escape risks, and other types of characteristics that may require higher controls than in the general population (i.e., management problems—such as inmates frequently incurring high/greatest category misconducts, or having multiple incidents involving violence, etc.).
- b) Inmates placed in or having scored close custody, shall be reviewed after five years of observation for consideration of a reduction in custody to medium. Should a reduction of custody

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level be warranted, staff shall follow the exception case process as stated in PSD, P & P COR.18.07.

- c) Should the initial request for reduction in custody via an exception case be denied, the inmate's custody shall be reviewed annually thereafter, until medium custody has been attained.
- d) Inmates placed in or having scored close custody as a result of misconduct(s), shall be assessed every six (6) months, until medium custody has been attained by the inmate.
- e) Inmates designated close custody can be assigned to facilities designated as medium, but will be subject to restrictions concerning the hours they are allowed to mix with the general population and the types of programs they may participate in.
- f) Close custody inmates are ineligible to be assigned to programs outside the security area, such as motor pool or outside worklines.
- g) Close custody inmates will be subject to security headcounts every two (2) hours outside their residency area.
- h) The levels of supervision required for inmates classified as close custody for the good government of the facility are as follows:

Supervision Required

Residency Area:

Freedom of movement;  
constant surveillance.

Security Area:

Movement under constant surveillance; report for count every two (2) hours. Must be under escort after daylight hours.

Outside Security Area,  
within Perimeter:

Movement under escort;  
constant surveillance.

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Outside Perimeter:

Restraints and escort shall be in accordance with the provisions of PSD, P & P, COR.08.01 and PSD, P & P, COR 08.24.

Meal Movement:

In general population dining area under constant surveillance, but separated from general population.

3. Medium Custody

- a) Medium custody shall be reserved for long term, moderate, low or marginal risk inmates, or the inmate's institutional conduct and adjustment dictates a need for continuous control and frequent supervision.
- b) Medium custody shall also be auto-assigned to parole/probation violators prior to a revocation hearing.
- c) Once revocation hearing results are received, a reclassification instrument shall be completed along with a review of the inmate's recommended programming.
- d) The medium custody inmate is assigned to a more secure residency area within a multi-level security facility or to a medium security-type facility. These inmates may present an escape risk or management problem(s).
- e) The levels of supervision required for inmates classified as medium custody and for the good government of the facility are as follows:

Supervision Required

Residency Area:

Freedom of movement;  
constant or intermittent surveillance.

Security Area:

Movement with constant or intermittent surveillance.

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Outside Security Area, within Perimeter:

Movement under escort; constant surveillance.

Outside Perimeter:

Restraints and escort shall be in accordance with the provisions of PSD, P & P, COR.08.01 and PSD, P & P, COR 08.24.

Meal Movement:

Under general surveillance.

4. Minimum Custody

- a) Minimum custody shall be reserved for those inmates who pose a low risk, inmates who have forty-eight (48) months or less to parole/release eligibility, and jail inmates who have demonstrated through their institutional conduct and adjustment, a minimal need for control and supervision, inmates who have no felony hold or detainer, have not been involved in a violent episode within the last twelve (12) months, and have not escaped or attempted to escape from the department within the last seven years.
- b) Transfers from medium- and higher-custody facilities will process through a minimum facility; the only exception being inmates who do not clear for transfer to any minimum security facility.
- c) Medical and mental health clearances shall be required to determine the most appropriate facility to house the offender.
- d) Inmates who refuse to participate in recommended programming in order to address identified problem areas, shall be prohibited from minimum or community custody.
- e) Inmates on psychotropic drugs shall also be excluded, unless they have been approved for and cleared to transfer by the facility psychiatrist.
- f) Inmates identified for sex offender treatment must obtain clearance from the Administrator of the Sex Offender Treatment

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Program on form PSD 8760, before being given approval to proceed.

- g) Inmates who are computed minimum/community levels but are excluded through one of the above criteria require Administrative overrides using the Exception Case process found in PSD, P & P, COR.18.07.
- h) The inmate shall be assigned to the least restrictive housing area available within a multi-level facility or minimum-security facility. These inmates tend to present low escape risk or pose minimal problems for management.
- i) The levels of supervision required for inmates classified as minimum custody and for the good government of the facility are as follows:

Supervision Required

Residency Area: Freedom of movement is allowed within the residency and multi-purpose area with intermittent surveillance.

Security Area: Movement under intermittent surveillance.

Outside Security Area, within Perimeter: Movement under escort; constant surveillance.

Outside Perimeter: Restraints and escort shall be in accordance with the provisions of PSD, P & P, COR.08.01, and PSD, P & P, COR 08.24.

Meal Movement: Under general surveillance.

5. Community Custody

- a) Community custody is the lowest designation for low risk prison or jail inmates who have met the requirements for minimum custody,

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or for low risk prison inmates who are within twenty-four (24) months to discharge or parole eligibility. Inmates who are eligible for this must have completed all recommended programs, and are serving the LAST year of any court ordered mandatory minimum sentence (if applicable).

- b) The Health Care Unit (HCU) staff shall complete the Health Status Classification Report (HSCR), listing any medical or mental health restrictions. The inmate must comply with any and all medical orders and restrictions in order to remain in a community custody facility. The HSCR shall not be used to determine whether or not an inmate is eligible for any furlough program but only to ensure that the inmate is complying with all medical orders and restrictions.
- c) Inmates on psychotropic drugs shall be excluded, unless they have been given prior approval by the facility psychiatrist.
- d) Inmates identified for sex offender treatment require a Sex Offender Custody Level Review recommendation for community custody, PSD 8760.
- e) Inmates identified as and recommended for sex offender treatment but fail to receive approval to attend the program from the Sex Offender Treatment Program Administrator, shall be excluded from community custody until satisfactory completing the Sex Offender Treatment Program, and appropriateness for furlough participation has been re-assessed.
- e) An Exception Case Administrative override, PSD 8202, shall be initiated for those inmates convicted of a sexual offense if the inmate's comprehensive total point score computes to community, but they have not yet been recommended a decrease to community custody by the SOTP Administrator.
- f) Inmates convicted of very heinous and grave crimes, whether serving mandatory sentences or not, shall require careful and thorough individualized assessment of their potential for continuing violent behavior, and be reviewed on a case-by-case basis. Such assessment shall include a review of pre-commitment behavior and the instant crime, to weigh against progress demonstrated during confinement.

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- h) Inmates who refuse to participate in recommended programming to address identified problem areas, shall also be excluded from minimum or community custody, until such time that the recommended program is satisfactorily completed. Only after shall the inmate shall be re-assessed for a reduction in custody.
- i) Once an inmate has transitioned to a furlough program, sequential phasing shall be determined by the facility in which they are located.
- j) Inmates at medium- or higher-custody facilities shall not be eligible for community custody.
- k) The level of supervision required for inmates classified as community custody and for the good government of the facility are as follows:

Supervision Required

Residency Area:	Freedom of movement with intermittent surveillance.
Security Area:	Movement under intermittent surveillance.
Outside Security Area, within Perimeter:	Movement with or without escort.
Outside Perimeter:	Movement with or without escort. There are instances in which security requires an inmate to be restrained.
Meal Movement:	Under general surveillance.

.3 Prison Reclassification

- a. Reclassification Reviews shall be conducted at the minimum, every six (6) months (after the last classification action), or every twelve (12) months for

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inmates designated as community custody, or after any change which may affect the inmate's security or custody designation [i.e., new sentence(s), sentence reduction, adjudicated major (high or greatest) misconduct(s), pending charge, detainer, etc.].

- b. All State and contract facilities shall be required to conduct regularly scheduled reclassifications, as per the contractual agreement.

.4 Jail Custody Review

- a. Jail custody reviews shall be conducted when there has been any significant change in an inmate's status (they are found guilty of a misconduct by the Adjustment Committee or are sentenced).
- b. All State facilities shall be required to conduct Jail Custody Reviews in accordance with PSD, P & P, COR.18.06 Jail Inmate Custody Review.

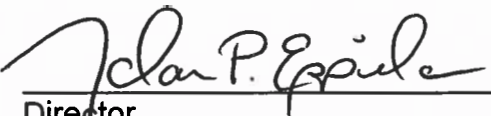
- .5 Wardens, in coordination with the Department's Inmate Classification Office, -will have the ultimate responsibility of administering this policy.

APPROVAL RECOMMENDED:

  
\_\_\_\_\_  
Deputy Director for Corrections

April 23, 2020  
\_\_\_\_\_  
Date

APPROVED:

  
\_\_\_\_\_  
Director

April 23, 2020  
\_\_\_\_\_  
Date

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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



**SEX OFFENDER CUSTODY LEVEL REVIEW**

INMATE'S NAME: \_\_\_\_\_  
(Last) (First) (Middle Name or Initial)

INMATE'S ID: \_\_\_\_\_ DOB: \_\_\_\_\_  
(SID # / SS #) (Date of Birth)

PED/EPH: \_\_\_\_\_ TODAY'S DATE: \_\_\_\_\_  
(Parole Eligibility Date/Early Parole Hearing)

1. The inmate is incarcerated at:  
 Halawa Correctional Facility  Other \_\_\_\_\_  
Case Manager \_\_\_\_\_

2. In which Circuit was the inmate sentenced?  
 First, Oahu  Third, Hawaii  
 Second, Maui  Fifth, Kauai

3. Is inmate currently incarcerated because of a conviction for sexual offense?  
 Yes. CR# \_\_\_\_\_ Charge: \_\_\_\_\_  
 No. If not a sexual offense, on what charge is inmate convicted? CR# \_\_\_\_\_  
Charge: \_\_\_\_\_

4. If inmate is NOT convicted for a sexual offense, he/she may qualify as a sex offender because of a:  
 Instant offense sexually motivated.  
 Prior sex offense conviction as an adult.  
 Prior sex charge as an adult.  
 Prior sex charge as a juvenile.  
 Other: \_\_\_\_\_

5. Noteworthy factors include any history or incidents during incarceration of: ( all that apply)  
 Substance abuse, dirty UAs.  
 Pornography in cell, seeks subscription to erotica.  
 Violence/threats/attacks on ACO's, staff, or inmates.  
 Health problems that hinder work.  
 Poor performance on work details, firings, quitting.  
 Deviant sexual behavior/proposition to staff or inmates.  
 Non-compliance with programs, educational goals.  
 Escapes (including attempts).  
 Other: \_\_\_\_\_

6. Does offender refuse to participate in SOTP or deny he/she needs further treatment?  
 Yes  No

7. Comments \_\_\_\_\_ SOTP Administrator's Recommendation  
 Medium  
 Minimum  
 Community

\_\_\_\_\_  
SOTP Administrator's Signature  
\_\_\_\_\_  
Date