	<b>DEPARTMENT OF CORRECTIONS AND REHABILITATION</b> <b>CORRECTIONS ADMINISTRATION</b> <b>POLICY AND PROCEDURES</b>	<b>EFFECTIVE DATE:</b> January 01, 2024	<b>POLICY NO.:</b> COR.18.01
		<b>SUPERSEDES (Policy No. &amp; Date):</b> COR.18.01 of November 20, 2023	
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## 1.0 PURPOSE

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

## 2.0 SCOPE

This policy shall apply to all correctional and contracted facilities and the personnel authorized to work there. To the extent any individual facility's policy conflicts with the statewide policy, the statewide policy shall control.

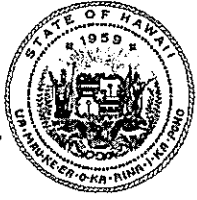
## 3.0 REFERENCES, DEFINITIONS & FORMS

### .1 References

- a. Department of Corrections and Rehabilitation (DCR) Classification Coding Instructions Manual.
- b. DCR, P & P, COR.11.01, Administrative Segregation and Disciplinary Segregation.
- c. DCR, P & P, COR.14.27, Inmates with Disabilities.
- d. DCR, P & P, COR.14.30, Communication Access.
- e. DCR, P & P, COR.18.07, Exception Case.
- f. DCR, P & P, COR.18.08, Transfer of Adult Inmates.
- g. Hawaii Revised Statutes (HRS), Chapter 353E, Statewide Integrated Sex Inmate Treatment Program.
- h. HRS, Chapter 706, Disposition of Convicted Defendants.
- i. *Freudenberg v. Sakaj, et al.*, 1:14-cv-00276 (D. Hawaii 09/16/2014).


### .2 Definitions

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- a. Adjustment Committee – A Committee of 1-3 staff members, dictated by the size of the facility, who convene to determine guilt or innocence of an inmate accused of facility misconduct while in custody. Committee member(s) convene once an investigation is completed and review the contents of that investigation to render a decision.
- b. Administrative Segregation (AS)– Inmates who are temporarily separated from the general population (GP) on the order of a Watch Commander or higher authority, when their continued presence in GP poses an imminent threat to the safety of self or others, jeopardizes the integrity of an internal investigation, or disrupts the good government of the facility. The terminology “administrative segregation” is not applicable to maximum custody or protective custody inmates housed in a segregation unit.
- 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 – A Committee of 1-3 staff member(s) who convene when there is a need to determine an institutional classification action, including actions that result from an adjustment hearing.
- e. Custody Level – The degree of physical control and staff supervision mandated 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 temporary placement of an inmate in a segregated housing unit/cell separated from GP. Typically follows guilty finding by an Adjustment Committee. Disciplinary Segregation includes the loss of certain privileges consistent with COR.11.01, Administrative Segregation and Disciplinary Segregation, and as authorized by the Warden.
- g. Exception Case – Administrative request for an override of a “Comprehensive Custody Score” to assure appropriate placement of an inmate. Action is typically requested as a result of the inmate’s action/inaction and aims to provide for the safety of staff, other inmates, the community, and/or the good management of the facility. Form DCR 8202 shall be used in accordance with COR.18.07, Exception Case.

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- h. Initial Classification – Evaluation of an inmate upon initial admittance to jail or prison to determine risk to others and the facility. Also, may determine housing and programming needs, with the outcome based upon the inmate’s behavior, both past and present.
- i. Jail Initial Custody Instrument – A tool used to determine a jail inmate’s initial custody designation; 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 UP TO ONE (1) YEAR (this includes probation violators awaiting 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, guilty outcome of a misconduct, new charges State/Federal holds or detainers.
- 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 and determining the risk to self or others.
- 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 jail term totaling more than one (1) year combined and parole violators returned to custody).
- n. Prison Reclassification Instrument – A tool used to record adjustments in an inmate’s custody designation that either follows the outcome of a misconduct(s) or involves new information received such as new charges, State/Federal hold or detainers.
- o. Prison 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 or in a contracted facility). It can also be initiated following any changes that may affect the inmate’s security designation or custody level, such as the establishment of the minimum term by the Hawaii Paroling Authority (HPA), adjudicated

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misconducts by an Adjustment Committee, or for the purpose of transferring to a different facility other than the one currently assigned.

- p. Reception, Assessment, Diagnostic (RAD) – A procedural system and/or unit that assesses all newly admitted, sentenced felons remanded to the care and custody of the Department of Corrections and Rehabilitation. Using validated tools such as the Level of Service Inventory-Revised (LSI-R), Adult Substance Use Survey (ASUS), and reports such as the Pre-Sentence Investigation (PSI), the Criminal Justice Information System (CJIS) printout and other relevant sources, staff determine initial programming and custody designation.
- q. Security Designation – Determines where an inmate 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 and 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. DCR 8202 – Exception Case Form (attached).
- b. DCR 8760 – SOCLR (attached).

## **4.0 POLICY**

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

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3. All State and contract facilities shall be required to conduct regularly scheduled reclassifications, as per policy and/or contractual agreement.
4. Wardens, in coordination with the Department's Inmate Classification Office will have the ultimate responsibility of administering this policy.

## 5.0 PROCEDURES

### .1 Classification

- a. Classification shall be based according to the inmate'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 DCR 8202 shall be initiated through the Adverse Classification Action process. Copies of approvals shall be filed with the Inmate Classification Office.

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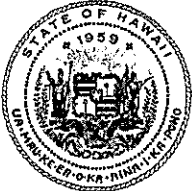
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4. Males shall be housed separately from females.
5. All adverse classification actions shall be conducted in an objective manner, in keeping with due process safeguards and best practices.
6. Inmates with disabilities shall be provided with reasonable modifications to policies, practices, or procedures, removal of architectural, communication, and transportation barriers, and auxiliary aids or services in accordance with DCR, P & P, COR.14.27, Inmates with Disabilities and DCR, P & P, COR.14.30, Communication Access.
7. Any inmate not satisfied with their 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 (72) hours following admittance.
- b. Prison inmates shall have an initial classification instrument completed within sixty (60) days upon transfer to the RAD unit. Parole Violators (PVs) who have been out on parole for more than one (1) year shall have an initial classification instrument completed within (14) days of admittance. PVs who have been out on parole for one (1) year or less shall have a reclassification instrument completed within (14) days of admittance. Once PVs have their PV hearing completed, another reclassification instrument shall be completed within fourteen (14) days of their PV hearing.
- c. If the inmate is a convicted sex offender or has a prior juvenile adjudication for a sex offense, a Sex Offender Classification Level Review (SOCLR) form DCR 8760 shall also be completed. Any change in custody designation shall be determined by the SOTP Administrator's recommendation on the SOCLR with certain exceptions:
  1. When a misconduct(s) adjudication brings an inmate to a higher custody level than the SOTP Administrator's recommendation.
  2. When any Non-Discretionary Exclusion is scored that results in a custody higher than the SOTP Administrator's recommendation.

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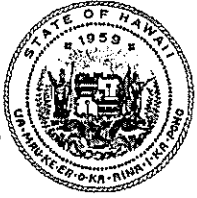
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3. When the IDA/Dep-C/Director exercises discretion in assigning a higher custody level than the SOTP Administrator's recommendation, in the interest of Corrections and Rehabilitation.
- d. The following classification designations will be used in assigning inmates to appropriate supervision:
  4. 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 DCR 8202, and be subject to regular monitoring by Case Management with a custody review completed, at a minimum, 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.
    - 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 housing them is a priority for Corrections and Rehabilitation.
    - 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.

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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 DCR, P & P, COR.08.01 and DCR, P & P, COR.08.24.


Meal movement: Fed in cell or quadrant.

#### 5. 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 offenders frequently incurring high/greatest category misconducts, or having multiple incidents involving violence, etc.).
- b) Inmates placed in or having initially scored close custody due to length of minimum sentence, shall be reviewed after five years of observation for consideration of a reduction in custody to medium. Should a reduction of custody level be warranted, staff shall follow the exception case process as stated in DCR, 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 because of misconduct(s), shall be assessed every six (6) months, until medium custody has been attained.

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- 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 access.
- f) Close custody inmates are ineligible to be assigned to programs outside the security area, such as motor pool or outside work lines.
- 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.
- Outside Perimeter: Restraints and escort shall be in accordance with the provisions of DCR, P & P, COR.08.01 and DCR, P & P, COR.08.24.
- Meal movement: In general population dining area under constant surveillance but separated from general population.

6. Medium Custody

- a) Medium custody shall be reserved for long term, moderate, low or marginal risk inmates, or the inmate's institutional conduct and

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adjustment dictates a need for continuous control and frequent supervision.

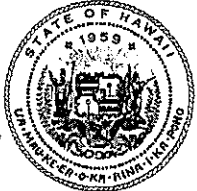
- b) Medium custody shall also be auto assigned to parole/probation violators prior to a revocation hearing.
- c) Once revocation hearing results are received, a reclassification instrument shall be completed along with a review of the inmate's recommended programming.
- d) The medium custody inmate 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.
- Outside Security Area, within Perimeter: Movement under escort; constant surveillance.
- Outside Perimeter: Restraints and escort shall be in accordance with the provisions of DCR, P & P, COR.08.01 and DCR, P & P, COR.08.24.
- Meal movement: Under general surveillance.


7. Minimum Custody

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- a) Minimum custody shall be reserved for prison inmates who pose a low risk, and who have forty-eight (48) months or less to parole/release eligibility. Jail inmates may also be eligible who have demonstrated through their institutional conduct and adjustment, a minimal need for control and supervision. Inmates eligible for minimum must have no felony hold or detainer, 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 (7) years.
- b) Transfers from medium- and higher-custody facilities will process through a minimum facility. The only exception are inmates who do not clear for transfer to any minimum-security facility.
- c) Medical and mental health clearances are required to determine the most appropriate facility to house the inmate.
- d) Inmates who refuse to participate in recommended programming 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 Program on form DCR 8760 - SOCLR, before being given approval to proceed.
- g) Inmates who are computed minimum/community levels but are excluded through one of the above criteria will require Administrative overrides using the Exception Case process found in DCR, P & P, COR.18.07.
- h) Inmates shall be assigned to the least restrictive housing area available within a multi-level facility or minimum-security facility. Inmates assigned to these types of housing shall present low escape risk or pose minimal problems for management.

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- 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 DCR, P & P, COR.08.01 and DCR, P & P, COR.08.24.

Meal movement: Under general surveillance.

8. Community Custody

- a) Community custody is the lowest designation for prison inmates who have previously met the requirements for minimum custody and are within twenty-four (24) months to discharge or parole eligibility. Inmates who are eligible for this custody level must have completed all recommended programs and 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 continue to comply with all medical orders and restrictions to remain in a community custody facility. The HSCR shall not be used to determine whether an inmate is eligible for any furlough program but only to confirm that the inmate is complying with all medical orders and restrictions.

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- c) Inmates on psychotropic drugs shall be excluded from community custody unless they have been given prior approval by the facility psychiatrist.
- d) Inmates identified for sex offender treatment require an SOCLR recommendation for community custody, DCR 8760.
- e) An Exception Case Administrative override, DCR 8202, shall be initiated for those inmates convicted of a sexual offense if the inmate's comprehensive total point score computes to minimum/community, but a decrease to community custody by the SOTP Administrator has not yet been given.
- 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. These reviews will be conducted on a case-by-case basis. Assessments shall include a review of pre-and post-commitment behavior and the instant crime, to weigh against potential for future threat.
- g) Inmates who refuse to participate in programming, recommended to address identified problem areas, shall also be excluded from minimum/community custody. Only after completion shall the inmate be reassessed for a reduction in custody.
- h) Once an inmate has transitioned to a furlough program, sequential phasing shall be determined by the facility staff.
- i) 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.

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STATE OF HAWAII  
DEPARTMENT OF CORRECTIONS AND REHABILITATION

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