	<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.18.07
		<b>SUPERSEDES (Policy No. &amp; Date):</b> COR.18.07 of June 04, 2016	
	<b>SUBJECT:</b> EXCEPTION CASE		Page 1 of 5

**1.0 PURPOSE**

To delineate the circumstances under which an exception case may be initiated.

**2.0 SCOPE**

This policy shall apply to all correctional facilities.

**3.0 REFERENCES, DEFINITIONS & FORMS**

**.1 References**

- a. Department of Corrections and Rehabilitation (DCR), Policy and Procedure (P&P), ADM.08.08, Prison Rape Elimination Act (PREA).
- b. DCR, P&P, COR.18.01, Inmate Classification System.
- c. DCR, P&P, COR.18.02, Prison Classification Committee.
- d. DCR, P&P, COR.18.08, Transfer of Adult Inmates.

**.2 Definitions**

- a. Adverse Classification Action – Any increase involving one or more steps in custody using a completed instrument for the purpose of providing a more restrictive setting, often as a result of misconduct or a change in sentencing status. This includes but is not limited to the transfer of a pretrial or State/Federal hold inmate to prison.
- b. Classification Committee – The authority that determines all institutional classification actions that impact an inmate’s custody level. The composition of said committee may include anyone deemed appropriate by the branch facility Warden or designee.
- c. Custody Designation – A final determination of where an inmate can be housed at or within a facility based on the completed classification instrument, housing, programming, and the degree of staff supervision that shall be required for the inmate.

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DCR  P & P M	<b>SUBJECT:</b>  <b>EXCEPTION CASE</b>	<b>POLICY NO.:</b> <b>COR.18.07</b>
		<b>EFFECTIVE DATE:</b> <b>January 01, 2024</b>
		<b>Page 2 of 5</b>

- d. Custody Level – Custody level will determine the degree of physical control and staff supervision that an inmate requires, the inmate’s facility designation, and types of programs the inmate will have access to. Custody level is based upon a number of factors, including operational and physical plan criteria. A single facility may have more than one custody level of security within its perimeter. There are five custody levels: Maximum, close, medium, minimum and community.
- e. Exception Cases – Cases in which administrative action may override the comprehensive custody scoring to assure appropriate placement, and to provide for the safety of staff, inmates, the community, and to ensure the good management of the facility.
- f. ICO – Inmate Classification Office
- g. Override – Action taken to increase/decrease the final custody designation of an inmate due to the inmate’s actions/inactions, discounting the computed custody scoring and in keeping with the security level of the facility.
- h. Sex Inmate – An individual who has been convicted of a sexual offense.
- i. PREA – Prison Rape Elimination Act

.3 Forms

DCR 8202, Exception Case form.

**4.0 POLICY**

It is the policy of the DCR to classify inmates according to the individual’s needs and the security risks he/she presents. The classification instruments used to recommend security and custody needs are management tools that assist staff in determining appropriate housing placement. However, staff must always be aware that other factors may give cause to override the recommendations made.

- .1 Exception cases may be initialed under the following circumstances:
  - a. Disciplinary cases in which an inmate’s single act (i.e.: greatest or high category misconduct) or a series of misconducts display the inappropriateness of the current or recommended place of confinement, regardless of comprehensive total point score.

**NOT CONFIDENTIAL**

DCR  P & P M	<b>SUBJECT:</b>  <b>EXCEPTION CASE</b>	<b>POLICY NO.:</b> <b>COR.18.07</b>
		<b>EFFECTIVE DATE:</b> <b>January 01, 2024</b>
		<b>Page 3 of 5</b>

- b. Recommendations for placement in maximum custody shall require misconducts in the high or greatest category. It will be reserved for inmates who have shown through their institutional behavior that they are unable or unwilling to function appropriately in the general population. This will include the violent, predatory, chronically disruptive, and serial management problem inmates who consistently disrupt the safe operation of a facility. The amount of time they have left to serve will not be considered a determining factor in this regard. Inmates placed in maximum custody shall be routinely monitored.
- c. Overcrowding in a facility which, by allowing additional inmates to be admitted, will jeopardize the good management of the facility, and/or the safety of others.
- d. Medical, psychiatric, or specialized programming needs that cannot be met at the inmate's current or recommended place of confinement.
- e. Inmates with a mandatory minimum, consecutive sentences, have been given terms of life without the possibility of parole, or have lengthy minimum sentences but have shown through their behavior to have earned the right to be allowed access to active programming.
- f. Inmates who, while in custody, have demonstrated exceptional progress through active program participation or displayed exemplary behavior over a substantial length of time; whose past criminal activities are limited, unsophisticated, and are void of any acts of violence, thereby confirming that he/she is capable of functioning at a custody lower than computed.
- g. When an inmate's history of violent behavior is of such significance that the normal progression of the inmate to a reduced custody designation would pose a threat to the general population (this includes other inmates, staff and community).
- h. Any individual that is less than 22 years of age.
- i. A sex inmate or any inmate, regardless of his/her computed custody/comprehensive total point score, engages in prohibited sexual activities or commits (by force, intimidation or through consent), an act that can be labeled a "PREA" incident.

**NOT CONFIDENTIAL**

DCR  P & P M	<b>SUBJECT:</b>  <b>EXCEPTION CASE</b>	<b>POLICY NO.:</b> COR.18.07
		<b>EFFECTIVE DATE:</b> January 01, 2024
		Page 4 of 5

- j. Any other issue concerning safety and security of the facility and/or the community not previously covered.

.2 Processing of Exception Case

- a. Inmates should fall into one of the above criteria.
- b. The Classification Committee or Unit Team Manager/designee shall complete DCR 8202.
- c. The Warden/designee shall review, sign and forward all relevant documents to the department classification officer for final approval.
- d. The required material is as follows:

(NOTE: As jail inmates will not possess an Initial or Program Plan, a brief history shall be attached to the description detailing the reason for the exception case. This will be recognized as an acceptable substitute).

1. Current classification instrument(s).
  2. Exception Case Form, DCR 8202.
  3. Initial Prescriptive Plan (most current).
  4. Program Prescriptive Plan (most current).
  5. Program/Adjustment Hearing Results (if applicable).
- e. ICO shall review all material, render a decision and forward all materials back to the facility within five (5) working days of receipt of the same. Any discrepancies found or issues raised during the review process will be returned to the facility in question. Facility staff will then have seven (7) working days in which to respond.
  - f. The accompanying classification instrument shall NOT be finalized but instead, saved/forwarded as "**DRAFT**" to ICO.
  - g. Disapprovals by ICO shall be forwarded to the Institution Division Administrator for an over-ride disposition/final resolution.

**NOT CONFIDENTIAL**

DCR  P & P M	<b>SUBJECT:</b>  EXCEPTION CASE	POLICY NO.: COR.18.07
		EFFECTIVE DATE: January 01, 2024
		Page 5 of 5

h. If the exception case recommends a transfer to another facility, refer to P&P, COR.18.08.

.3 Adverse Hearing


Exception cases that result in an adverse classification action shall adhere to the procedural requirements in P&P, COR.18.02.

**5.0 PROCEDURES**


Responsibility

Wardens shall ensure compliance with the provisions of this policy.

APPROVAL RECOMMENDED:

  
\_\_\_\_\_  
Deputy Director for Corrections                      JAN 01 2024  
Date

APPROVED:

  
\_\_\_\_\_  
DIRECTOR    JAN 01 2024  
Date

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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