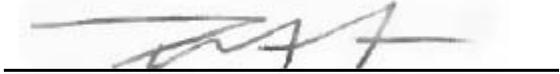


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POLICY NUMBER: 23.1		
CHAPTER 23: CLASSIFICATION AND CASE MANAGEMENT		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VII
	EFFECTIVE DATE: February 1, 2002	LATEST REVISION: November 22, 2019

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

All Departmental Adult Facilities

III. POLICY

It is the policy of the Department of Corrections to provide an objective means to classify prisoners confined in its facilities in a way that not only promotes the safety of the public and others, but also provides for safe treatment of the prisoner by housing prisoners with similar institutional risk factors together to the extent possible. This policy serves as the Department’s classification plan.

Nothing within the provisions of this policy may be construed to limit the authority of the Commissioner, or designee, to transfer a prisoner to an adult facility or the authority of the Chief Administrative Officer, or designee, to house a prisoner in a housing unit for safety, security, or orderly management reasons in accordance with another Department policy. This policy does not apply to safe keepers, boarders, or federal hold prisoners. [\[4-4295 and 5-5B-4295\]](#)

IV. DEFINITIONS

1. Classification - A process for determining the risks and needs of those for whom imprisonment has been ordered as a sentence and for assigning prisoners to custody levels according to their risks and needs.
2. Core Programs – programs identified by a prisoner’s unit management team as necessary to address high risk areas specific to the prisoner, e.g., substance use treatment, domestic violence program, cognitive behavioral therapy, sex offender treatment, etc.

3. Current custody release date – the release date calculated with detention time credit and with all good time awarded and not lost up to the prior month. It also takes account of the restoration of lost good time if that occurred any time up to the prior month.
4. Custody Levels:
 - a. Close custody - Prisoners at close custody level are prisoners who have demonstrated irresponsible behavior by engaging in serious misconduct (e.g., violent or threatening behavior, drug trafficking, etc.); have a history of escape or escape attempt; or may pose an escape risk due to the time remaining to be served or other factors. Length of time alone may constitute a reason for classifying a prisoner as close custody.
 - b. Medium custody - Prisoners at medium custody level are prisoners who have demonstrated limited responsible behavior by engaging in only less serious misconduct (e.g., drug use, tattooing, etc.).
 - c. Minimum custody - Prisoners at minimum custody level are prisoners who have demonstrated responsible behavior by not engaging in misconduct or by having engaged in only isolated less serious misconduct.
 - d. Community custody - Prisoners at community custody level are prisoners who have demonstrated sustained responsible behavior by not engaging in misconduct, are case plan compliant, and have completed at least of half of each of their core programs.
5. Sex offender – for purposes of this policy, a sex offender means a prisoner who has been convicted of a sex offense or who has been formally charged with a sex offense and instead has been convicted of another offense which is not a sex offense, but there is objective evidence that the prisoner committed a sex offense (e.g., police report, witness statement, defendant’s statement, etc.). For purposes of this policy, juvenile adjudications or charges shall not be considered in determining whether a prisoner is a sex offender.

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- Procedure B: Classification Process, General
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VI. ATTACHMENTS

- Attachment A: [48 Hour Notice of Classification Review](#)
- Attachment B: [Prisoner Classification Action \(CORIS Form\)](#)
- Attachment C: [Prisoner Appeal of Classification Decision](#)

VII. PROCEDURES

Procedure A: Department’s Director of Classification [\[4-4295 and 5-5B-4295\]](#)

1. The Department’s Director of Classification, or designee, shall:
 - a. oversee the entire system-wide classification process and is responsible to ensure a system of on-going validation checks to ensure quality, consistency, accuracy, and objectivity;
 - b. ensure that the entire classification system is validated every three (3) years to ensure that rating criteria are being objectively and properly applied and that a direct correlation exists between the criteria, the resulting custody level rating, and level of supervision required to safely manage the prisoner population. The Commissioner, or designee, shall designate the composition of the committee who shall conduct this validation review;
 - c. maintain an automated real-time report of available system-wide bed space to facilitate system-wide housing assignments. In the absence of an automated real-time report, the Department’s Director of Classification, or designee, shall obtain a bed space count from each facility, or via CORIS, daily Monday through Friday;
 - d. determine whether to approve changes in custody within facilities and whether to approve transfers between facilities;
 - e. advise the sending and receiving facility of upcoming transfers. If the Chief Administrative Officer, or designee, of either facility has safety, security, or programmatic concerns about a particular prisoner, either before or after the transfer, the Chief Administrative Officer, or designee, of the facility shall contact and work with the Department’s Director of Classification, or designee, to resolve the issue; and
 - f. review the classification procedures at least annually and in collaboration with the Policy Development Coordinator update them as needed.

Procedure B: Classification Process, General

1. Classification reviews shall determine custody level, program needs and expectations, and facility placement, and shall be documented in the Department’s offender management system (CORIS).

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2. Classification reviews shall be conducted by a Unit Management Team (UMT), which shall be chaired by the Unit Manager, or designee, and include at least two other multi-disciplinary team members. [\[4-4297 and 5-5B-4297\]](#)
3. The prisoner shall be:
 - a. provided at least forty-eight (48) hours advance written notice (Attachment A) of the classification review. A prisoner may waive the forty-eight (48) hour notice in writing; [\[4-4302 and 5-5B-4302\]](#)
 - b. present at classification reviews:
 - 1) unless the prisoner refuses to attend and it is not his or her initial classification where his or her presence is required; or
 - 2) unless the prisoner's behavior warrants exclusion from the review, even with appropriate security measures.
4. If a prisoner is excluded from the review, the Unit Manager, or designee, shall record, in the summary of the review and in the notes section in CORIS, the reasons for the exclusion and the security measures that were taken to avoid the exclusion. [\[4-4297 and 5-5B-4297\]](#)
5. The UMT shall review the intake summary or the individualized case plan, as applicable. The prisoner shall be allowed to make a statement and respond to questions.
6. The UMT shall discuss all the information presented. This discussion may take place outside the presence of the prisoner.
7. Based on this information and discussion, the UMT shall make recommendations as to the appropriate custody level and, if applicable, any recommendation for transfer to another facility or housing unit and shall make decisions on other applicable classification matters, such as referrals for mental health services, program needs, etc.
8. In addition, the Unit Manager, or designee, shall be responsible to consult with appropriate security staff, including, but not limited to, the Special Investigations and Intelligence (SII) Unit Commander and correctional investigative officer (detective), regarding whether there exists any confidential security information about the prisoner that might affect the prisoner's custody level or appropriate facility or housing unit. If such information exists, the Unit Manager, or designee, shall inform the Department's Director of Classification, or designee, who shall obtain the details and share them with the Unit Manager, or designee, if necessary.
9. Prisoners shall not have access to any classification instrument or to the classification instruction manual. All classification scoring forms and related worksheets shall be filed in the confidential section of the prisoner's electronic record in CORIS.

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10. The Unit Manager, or designee, shall inform the prisoner of any classification recommendations and decisions of the Unit Management Team (UMT) and the major reasons supporting those recommendations and decisions. Under no circumstance shall any prisoner be told of the recommendations or decisions of any one individual.
11. The Unit Manager, or designee, shall inform the Department's Director of Classification, or designee, of the recommendations as to custody level and, if applicable, transfer to another facility.
12. Once the Department's Director of Classification, or designee, makes decisions on the recommendations, the Unit Manager, or designee, shall record a summary of the classification meeting on the Prisoner Classification Action form (Attachment B), make applicable entries in CORIS, and inform appropriate staff of the decisions. The Unit Manager, or designee, shall provide the prisoner a copy of the form.

Procedure C: Initial Classification Review

1. The initial classification process:
 - a. formally begins after the prisoner has completed the intake and orientation processes; and
 - b. shall be completed within ten (10) business days of the prisoner being received at the facility.
2. The prisoner's assigned case manager shall complete an intake summary in CORIS as set forth in Department Policy (AF) 22.1, Intake Processing.
3. A designated Classification Officer shall use any available pre-institutional assessment information and facility intake assessments in the initial classification process. [\[4-4298 and 5-5B-4298\]](#)
4. A designated Classification Officer shall complete the initial classification custody instrument.
5. The responsibilities of the Unit Management Team (UMT) conducting the initial classification review shall include, but are not limited to, the following:
 - a. ensuring that the prisoner intake and orientation processes have been completed within the timeframes specified in Chapter 22;
 - b. utilizing the completed initial classification custody instrument to determine the appropriate level of supervision and type of housing for each prisoner;
 - c. ensuring prisoner separation needs are identified, recorded and taken into account in the initial classification process;
 - d. reassessing the prisoner using the relevant PREA assessment instrument and any additional relevant information received by the facility since the PREA intake screening;

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- e. recommending custody level based on the initial classification instrument score and overriding factors as set out in the classification instruction manual and, if applicable, making a recommendation for transfer to another facility or housing unit; and
- f. identifying appropriate care and treatment for those prisoners with immediate special needs, e.g., mental health services, medical services, reasonable accommodations for any disabilities, etc. *[4-4305 and 5-5B-4305]*

Procedure D: Reclassification Review

1. The Unit Management Team (UMT) shall:
 - a. conduct reclassification reviews of a prisoner’s custody level at regularly scheduled times as outlined in Procedure E.
 - b. may conduct reclassification reviews of a prisoner’s custody level at other times as outlined in Procedure F.
2. When a prisoner is in a county jail, a Unit Management Team designated by the Chief Administrative Officer of the Departmental facility responsible for the prisoner shall conduct reclassification reviews.

Procedure E: Annual or Semi-Annual Reclassification Review

1. Prisoners with more than five (5) years remaining to serve based on current custody release date shall be reviewed annually. Prisoners with five (5) years or less remaining to serve based on current custody release date, or who are transgender or intersex, shall be reviewed every six (6) months. *[4-4300 and 5-5B-4300]*
2. The anniversary date for reclassification reviews is based on the prisoner’s intake date into Department custody, including for an out-of-state prisoner, whose anniversary date is based on his or her date of transfer into a Department facility.
3. Reclassification involves reviewing the prisoner’s custody level using the reclassification instrument. The reclassification review includes reviewing program participation, work assignments, and behavioral adjustment to determine the prisoner’s progress in meeting the goals developed in his or her individualized case plan. For a transgender or intersex prisoner, facility, housing, and program assignments shall be reviewed to consider any threats to safety experienced by the prisoner.
4. Based on this information and discussion, the UMT shall make a recommendation as to the appropriate custody level and, if applicable, make a recommendation for transfer to another facility or housing unit and shall make decisions on other applicable classification matters, such as referrals for mental health services, program needs, etc.

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5. The Unit Manager, or designee, shall ensure any necessary changes to the individualized case plan are completed. The prisoner shall receive a copy of this revised plan.

Procedure F: Interim Reclassification Review

1. An interim reclassification review to determine whether to recommend a prisoner’s custody level be changed shall be done for the following reasons:
 - a. if information is received about a prisoner that might significantly affect his or her current custody release date or discharge, such as a significant change in reported detention time credit, sentence reduction or increase, new sentence of imprisonment, or lodging of a new warrant/detainer/charge or resolution of a prior warrant/detainer/charge;
 - b. if a prisoner is found guilty of a disciplinary violation designated as a violent or predatory disciplinary offense or of a repeat disciplinary violation designated as a disruptive disciplinary offense in the classification instruction manual;
 - c. if a prisoner engages in behavior resulting in a move to a more secure unit or transfer to a more secure facility;
 - d. if a prisoner is already minimum custody and has two (2) years or less left on his or her sentence based on current custody release date;
 - e. upon completion of a core program; or
 - f. if directed to conduct an interim reclassification review by the Department’s Director of Classification, or designee.
2. A review may be conducted to make recommendations regarding program participation that do not involve changes to custody level on an as needed basis as determined by the prisoner’s Unit Management Team (UMT). In these instances, a classification instrument is not to be completed.
3. A prisoner may request a review of his status and progress by submitting a request in writing to the Unit Manager, or designee. The Unit Manager, or designee, shall, if appropriate, meet with the prisoner to go over the prisoner’s status and progress. The Unit Manager, or designee, shall initiate an interim reclassification review if one of the reasons set out in Procedure F.1. exists.
[\[4-4303 and 5-5B-4303\]](#)

Procedure G: Custody Levels

1. The Maine Department of Corrections classification system provides four (4) levels of custody that are determined by the initial classification and reclassification instruments. These instruments serve as the Department’s risk assessment instruments and determine a prisoner’s custody level unless there is an authorized override. [\[4-4296 and 5-5B-4296\]](#)

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2. Close custody prisoners:
 - a. shall be in an area under direct supervision by correctional staff;
 - b. may be subject to control equipment and/or direct staff escort when moving within the secure perimeter of the facility.
 - c. shall be escorted when outside the facility, with at least one escort being armed, and appropriate controlling equipment shall be used when outside the facility;
 - d. may have access to programs, services, and activities under direct supervision by correctional staff inside the secure perimeter;
 - e. may be permitted work assignments inside the secure perimeter under direct supervision by correctional staff; and
 - f. are not eligible to apply for furloughs, community transition programs (work release, education release, or public service release), and supervised community confinement.

3. Medium custody prisoners:
 - a. shall be in an area that is subject to visual observation by correctional staff;
 - b. are generally permitted to move about within the secure perimeter of the facility unescorted by correctional staff;
 - c. shall be escorted when outside the facility and may be subject to controlling equipment when outside the facility;
 - d. may have access to programs, services, and activities subject to visual observation by correctional staff inside the perimeter;
 - e. may be permitted work assignments inside the secure perimeter under direct supervision by correctional staff; and
 - f. are not eligible to apply for furloughs, community transition programs (work release, education release, or public service release), and supervised community confinement.

4. Minimum custody prisoners:
 - a. may be in an area not under direct supervision or visual observation by correctional staff;
 - b. are permitted to move about within the perimeter of the facility unescorted by correctional staff;
 - c. may be subject to controlling equipment when transported in the company of other prisoners whose custody level requires such controlling equipment, when being transported to a higher security facility, or in an emergency;

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- d. may be permitted access to programs, services, and activities not under direct correctional supervision or visual observation by correctional staff inside the perimeter;
 - e. may be permitted outside the perimeter for work assignments under direct supervision or intermittent visual observation by correctional staff or by trained staff of another government agency under agreement with the facility (e.g., Department of Transportation, Maine Forest Service, Maine Emergency Management Agency, municipal public works department, etc.), or by trained staff of a charitable, nonprofit organization under agreement with the facility, except for a prisoner who:
 - 1) is housed at the Maine State Prison;
 - 2) has been found guilty of a Class A disciplinary offense within the last ninety (90) days or has a pending charge for such an offense; or
 - 3) is a sex offender; and
 - f. are eligible to apply for furloughs, community transition programs (work release, education release, or public service release), and supervised community confinement, if other eligibility requirements are met (but may not participate in these programs until approved for community custody).
5. If a minimum custody prisoner who is not permitted outside the perimeter for work assignments because he or she is a sex offender has completed the intensive phase of a Department sex offender treatment program or has successfully participated in a Department sex offender treatment program for at least one (1) year, the facility Chief Administrative Officer, or designee, shall make a recommendation in writing to the Department's Director of Classification, or designee, regarding the above restriction relating to work assignments. If the Chief Administrative Officer, or designee, is recommending an exception to the above restriction, additional information related to the prisoner's risk level shall be included. The Director of Classification, or designee, shall determine whether to make the exception.
6. Community custody prisoners:
- a. may be in an area not under direct supervision or visual observation by correctional staff;
 - b. are permitted to move about within the perimeter of the facility unescorted by correctional staff;
 - c. may be subject to controlling equipment when transported in the company of other prisoners whose custody level requires such controlling equipment, when being transported to a higher security facility, or in an emergency;
 - d. may be permitted access to programs, services, and activities not under direct correctional supervision or visual observation by correctional staff inside the perimeter;

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- e. may be permitted outside the perimeter for work assignments not under direct correctional supervision or visual observation by correctional staff; and
 - f. are eligible to apply for and, if approved, participate in furloughs, community transition programs (work release, education release, or public service release), and supervised community confinement, if other eligibility requirements are met.
7. A prisoner shall not be approved for community custody unless the prisoner has demonstrated sustained responsible behavior by not engaging in misconduct, being case plan compliant, and having completed at least half of each of his or her core programs.
 8. If a prisoner who is unable to complete at least one half of a core program due to no fault of the prisoner has applied for community custody, the facility Chief Administrative Officer, or designee, shall make a recommendation in writing to the Department's Director of Classification, or designee, regarding a possible exception to the above requirement relating to core programs. If the Chief Administrative Officer, or designee, is recommending an exception to the above requirement, additional information related to the prisoner's risk level shall be included. The Director of Classification, or designee, shall determine whether to make the exception.
 9. A prisoner who is a sex offender shall only be approved for community custody, if, in addition to the above requirements (not engaging in misconduct, being case plan compliant, and having completed at least half of each of his or her other core programs), the prisoner has completed the intensive phase of a Department sex offender treatment program or has successfully participated in a Department sex offender treatment program for at least one (1) year, and the prisoner is within nine (9) months of his or her current custody release date.
 10. A prisoner who is approved for community custody shall be required to continue to participate in any core programs that have not been completed, even if the prisoner has been approved for and is participating in a community transition program (work release, education release, and/or public service release) or is approved for a furlough pass or furlough leave. The prisoner's participation in his or her core programs must be accommodated by the prisoner's community transition program schedule or participation in any furloughs. The prisoner shall not be allowed any absences from his or her core programs because of a furlough or work, education, and/or public service release, and if the prisoner has one (1) unexcused absence from a core program for any reason, the prisoner shall not be allowed off facility grounds until the program is successfully completed.

Procedure H: Transfers Within the Department, General

1. Classification at a custody level lower than close custody does not entitle a prisoner to a transfer to a less than maximum security facility. Classification at a

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custody level lower than medium custody does not entitle a prisoner to a transfer to a less than medium security facility or to a minimum security housing unit.

2. Close custody: A prisoner at this custody level may not be considered for transfer except to another maximum security facility, unless transfer to a medium security facility is approved by the Department's Director of Classification, or designee, after consultation with the sending and receiving facility Chief Administrative Officers, or designees.
3. Medium custody: A prisoner at this custody level may be considered for transfer to a medium security facility, except that a prisoner who scores medium custody on the classification instrument due to an override from a higher custody level or a prisoner who scores as medium but receives an override to a higher custody level may not be considered for such a transfer, unless transfer to a medium security facility is approved by the Department's Director of Classification, or designee, after consultation with the sending and receiving facility Chief Administrative Officers, or designees.
4. Minimum custody: Except as set out below, a prisoner at this custody level may be considered for transfer to a minimum security facility or a minimum security housing unit of a facility when the prisoner is within five (5) years of his or her current custody release date, except that a prisoner may not be considered for such a transfer if he or she is a prisoner who:
 - a. scores minimum custody on the classification instrument due to an override from a higher custody level;
 - b. scores as minimum but receives an override to a higher custody level;
 - c. has been found guilty of a Class A disciplinary offense within the last ninety (90) days or has a pending charge for such an offense; or
 - d. is a sex offender.
5. A prisoner who scores minimum custody on the classification instrument due to an override from a higher custody level may be considered for transfer to a minimum security facility or a minimum security housing unit of a facility when the prisoner is within four (4) years of his or her current custody release date, provided the prisoner has not been found guilty of a Class A disciplinary offense within the last ninety (90) days and does not have a pending charge for such an offense and is not a sex offender.
6. A prisoner who is a sex offender shall only be approved for transfer to a minimum security facility or a minimum security housing unit of a facility if, in addition to meeting the above requirements as applicable, the prisoner has completed the intensive phase of a Department sex offender treatment program or has successfully participated in a Department sex offender treatment program for at least one (1) year, and the prisoner is within two (2) years of his or her current custody release date.

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7. The applicable facility Chief Administrative Officer(s), or designee(s), shall make a recommendation in writing to the Department's Director of Classification, or designee, regarding the transfer to a minimum security facility or a minimum security housing unit of a facility of a prisoner who is a sex offender and meets the above requirements. The Department's Director of Classification shall review the recommendation with the Commissioner, or designee, for final decision. The Commissioner, or designee, shall determine whether the prisoner will be allowed to participate in any programs or activities that would take him or her into the community and may require that additional security protocols be utilized (e.g., electronic monitoring), on a case by case basis, as part of any approval.
8. A prisoner who is more than four (4) years from his or her current release date shall not be allowed off facility grounds for any programs or activities for a period of ninety (90) days from the date of transfer to a minimum security facility or minimum security housing unit of a facility.
9. Community custody: A prisoner at this custody level who is within two (2) years of his or her current custody release date may be considered for transfer to a community facility, except for a prisoner who is a sex offender. A sex offender shall not be considered for such a transfer under any circumstances.
10. No prisoner may be denied a transfer due to race, color, gender, ancestry or national origin (including limited English proficiency), age, religion, creed, genetic information, physical or mental disability, sexual orientation, gender identity, political views, or whistleblower activity.
11. The facility Chief Administrative Officer, or designee, may remove a prisoner from a program, which may, with the approval of the Department's Director of Classification, or designee, result in a transfer to another facility, for, but not limited to, one of the following reasons:
 - a. the prisoner is not case plan compliant; or
 - b. the prisoner requests removal. [\[4-ACRS-5A-06\]](#)
12. Whenever possible, the Director of Classification, or designee, shall send initial weekly transfer lists to facility staff at least 48 hours prior to scheduled transfers, to allow for necessary clearances and feedback. Facility staff shall not provide these lists or the information in them to prisoners, family members, or other persons who do not have an approved reason to receive this information.

Procedure I: Prisoners with Pending Holds

1. Prisoners who have pending "holds" that might require them to be turned over to other criminal justice agencies at the conclusion of their incarceration with the Department shall be managed as follows:
 - a. Immigration and Customs Enforcement (ICE) Detainer (this is placed on a prisoner who is a citizen of another country and is to be deported following the conclusion of incarceration) – the prisoner is not eligible for transfer to a

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minimum security facility or minimum security housing unit and, if already in such a facility or unit, shall be transferred to a medium security facility or higher, and the prisoner is not allowed to participate in any programs that would take him or her into the community (i.e., no outside work crews, no education release, work release, or public service release, no furlough passes or furlough leaves, and no supervised community confinement).

- b. Detainer Resolvable through Interstate Agreement on Detainers (IAD) or other means (this is placed on a prisoner who is facing charges in another jurisdiction, including any federal charges) – the prisoner is required to resolve the detainer by using the provisions of the IAD or through other means, and until there has been a resolution, the prisoner is not eligible for transfer to a minimum security facility or minimum security housing unit and, if already in such a facility or unit, shall be transferred to a medium security facility or higher, and the prisoner is not allowed to participate in any programs that would take him or her into the community (i.e., no outside work crews, no education release, work release, or public service release, no furlough passes or furlough leaves, and no supervised community confinement).
 - 1) If resolution of the detainer results in a consecutive or longer concurrent sentence, see d. below.
 - 2) If resolution of the detainer results in a shorter or equal concurrent sentence, the prisoner is eligible for a minimum security facility or minimum security housing unit and community programming provided the prisoner meets all other eligibility requirements, even if the other jurisdiction does not withdraw the detainer.
- c. Charges Pending in Another Jurisdiction Without a Detainer (including any federal charges) (warrants, indictments, etc. are known to exist) – classification staff shall contact the other jurisdiction about filing a detainer and pending that contact, the prisoner is not eligible for transfer to a minimum security facility or minimum security housing unit and, if already in such a facility or unit, shall be transferred to a medium security facility or higher and the prisoner is not allowed to participate in any programs that would take him or her into the community (i.e., no outside work crews, no education release, work release, or public service release, no furlough passes or furlough leaves, and no supervised community confinement).
 - 1) If the other jurisdiction files a detainer, the prisoner is required to resolve it through the IAD or other means (see b. above).
 - 2) If the other jurisdiction has not filed a detainer and the warrant appears to be limited in such a way as to indicate there will be no extradition from Maine, classification staff shall contact the other jurisdiction and if it is confirmed that the warrant is so limited, the prisoner becomes eligible for all programming as if there were no pending charges.
 - 3) If the other jurisdiction has not filed a detainer and the warrant does not appear to be limited as set out above, classification staff shall

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contact the other jurisdiction and if it is confirmed the warrant is not limited in such a way as to indicate there will be no extradition from Maine, the staff shall ask for a detainer to be filed, and the prisoner shall be treated in accordance with b. above until the detainer is filed and resolved.

- d. Consecutive or Longer Concurrent Sentence From Another Jurisdiction (including any federal sentence) – classification staff shall check with the other jurisdiction with respect to its calculation of sentence laws to ensure that any concurrent sentence that appears to be longer than the Department’s sentence is in fact longer – in the case of a concurrent sentence confirmed to be longer or in the case of a consecutive sentence, the prisoner is not eligible for transfer to a minimum security facility or minimum security housing unit and, if already in such a facility or unit, shall be transferred to a medium security facility or higher, and the prisoner is not allowed to participate in any programs that would take him or her into the community (i.e., no outside work crews, no education release, work release, or public service release, no furlough passes or furlough leaves, and no supervised community confinement).
 - 1) If the consecutive or longer concurrent out of state sentence is thirty (30) days or less, the facility Chief Administrative Officer, or designee, shall make a recommendation to the Department’s Director of Classification, or designee, who shall determine whether to make an exception to these restrictions.

- e. Pending Charges In a Maine State Court – the prisoner is required to try to resolve the charge, and until there has been a resolution, the prisoner is not eligible for transfer to a minimum security facility or minimum security housing unit and, if already in such a facility or unit, shall be transferred to a medium security facility or higher, and the prisoner is not allowed to participate in any programs that would take him or her into the community (i.e., no outside work crews, no education release, work release, or public service release, no furlough passes or furlough leaves, and no supervised community confinement), with the exception that if the prisoner is trying to resolve an outstanding warrant for failure to pay a fine and is already in a minimum security facility or minimum security housing unit, the prisoner may remain in his or her current facility or unit, but shall be restricted to only on-grounds activities until such time as the matter is resolved through the courts or the Department’s Director of Classification, or designee, determines to transfer the prisoner to a higher security facility or housing unit.
 - 1) If a prisoner is on a deferred disposition for the charge, the facility Chief Administrative Officer, or designee, shall make a recommendation to the Department’s Director of Classification, or designee, who shall determine whether to make an exception to these restrictions.

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- f. Consecutive or Longer Concurrent County Jail Sentence – the prisoner is not eligible for a minimum security facility or minimum security housing unit or community programming.
 - 1) If the consecutive or longer concurrent county jail sentence is thirty (30) days or less, the facility Chief Administrative Officer, or designee, shall make a recommendation to the Department’s Director of Classification, or designee, who shall determine whether to make an exception to these restrictions.
 - 2) If a prisoner with a consecutive or longer concurrent county jail sentence is participating in the Department’s intensive residential substance use treatment program, the facility Chief Administrative Officer, or designee, shall make a recommendation to the Department’s Director of Classification, or designee, who shall determine whether to make an exception to these restrictions.
 - 3) If the county jail sentence is a shorter or equal concurrent sentence, the prisoner is eligible for a minimum security facility or minimum security housing unit and community programming provided the prisoner meets all other eligibility requirements.

Procedure J: Appeal of Classification Decisions

1. A prisoner may appeal a classification decision made pursuant to this policy by forwarding the Prisoner Appeal of Classification Decision form (Attachment C) within five (5) working days of receiving the decision as recorded on the Prisoner Classification Action form (Attachment B) to the:
 - a. Department’s Director of Classification, or designee, for custody level or facility transfer decisions; and
 - b. to the facility Chief Administrative Officer, or designee, for all other classification matters.
2. An appeal shall not delay the implementation of the decision.
3. The Department’s Director of Classification, or designee, or the facility Chief Administrative Officer, or designee, as applicable, shall make a decision on an appeal within thirty (30) days after receiving a timely prisoner appeal.
4. Upon review of the appeal, the Department’s Director of Classification, or designee, or the facility Chief Administrative Officer, or designee, as applicable, may:
 - a. approve the decision;
 - b. reverse the decision;
 - c. modify the decision; or
 - d. remand the decision to the Unit Management Team (UMT) for further consideration.

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5. For a classification decision as to custody level or facility transfer, the Department's Director of Classification, or designee, is the final authority for these classification appeals. For all other classification appeals, the facility Chief Administrative Officer, or designee, is the final authority.
6. A copy of the appeal(s) and the decision(s) on the appeal (s) shall be placed in the prisoner's Administrative Record and the Case Management Record.

VIII. PROFESSIONAL STANDARDS

ACA:

ACI

4-[4295](#)

5-5B-[4295](#)

Written policy, procedure, and practice provide for a written inmate classification plan. The plan specifies the objectives of the classification system and methods for achieving them, and it provides a monitoring and evaluation mechanism to determine whether the objectives are being met.

4-[4296](#)

5-5B-[4296](#)

The classification system specifies the level of custody required and provides for a regular review of each classification.

4-[4297](#)

5-5B-[4297](#)

[The classification plan provides for maximum involvement of representatives of relevant institutional programs](#) and the inmate concerned in classification reviews.

4-[4298](#)

5-5B-[4298](#)

The institution or parent agency solicits and uses pre-institutional assessment information regarding the inmate's progress and adjustment.

4-[4300](#)

5-5B-[4300](#)

The written plan for inmate classification specifies that each inmate's classification status is reviewed at least every 12 months.

4-[4301](#)

5-5B-[4301](#)

[The classification plan specifies criteria and procedures for determining and changing an inmate's program status; the plan includes at least one level of appeal.](#)

4-[4302](#)

5-5B-[4302](#)

Written policy, procedure, and practice require that unless precluded for security or other substantial reasons, all inmates appear at their classification hearing and are given notice 48 hours prior to the hearing; such notice may be waived by the inmate in writing.

4-[4303](#)

5-5B-[4303](#)

Written policy, procedure, and practice specify the conditions under which an inmate can initiate a review of progress and program status.

4-[4305](#)

5-5B-[4305](#)

Written policy, procedure, and practice provide for identification of special needs inmates.

4-ACRS-[5A-06](#)

The facility administrator has the authority to remove or transfer an offender from the program.

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