

# SJ 25 Study Materials: Montana Women's Prison Procedures Related to Locked Housing

At the January 2018 meeting, LJIC members received information on DOC policies and MSP procedures related to locked housing. The committee requested similar information for the Montana Women's Prison and Crossroads Correctional Center in Shelby. The Crossroads information was emailed to the LJIC members in February 2018. Information for the MWP is contained in this packet and includes:

- MWP Procedure 3.4.1: Institutional Discipline
- MWP Procedure 4.2.1: Inmate Classification System

March 19-20, 2018  
Law and Justice Interim Committee



**DEPARTMENT OF CORRECTIONS  
MONTANA WOMEN'S PRISON  
OPERATIONAL PROCEDURE**

Procedure No. MWP 3.4.1	Subject: <b>INSTITUTIONAL DISCIPLINE</b>
Reference: DOC Policy No. 3.4.1	Page 1 of 11 and 10 Attachments
Effective Date: February 14, 1997	Revised: 8-28-2017
Signature: /s/ Robert I. Paul / Associate Warden	

**I. PURPOSE**

To implement an inmate disciplinary system that serves to maintain order in the facility and protect the public, inmates, and staff through the impartial application of a fully developed, well-understood set of rules, regulations, and hearing procedures that incorporate all applicable due process requirements.

**II. DEFINITIONS**

Cell/Cube/Block Confinement/Restriction – A disciplinary sanction that confines an inmate to a designated area except for attendance at work, school assignment, scheduled medical appointment, treatment appointments, visits, religious activities, and meals. The inmate will be allowed emergency phone calls and scheduled legal calls per MWP *Procedure 3.3.7, Inmate Access to Telephones*.

Contraband – Any item not approved or authorized by law, policy, or rule. For the purpose of this operational procedure contraband includes, but is not limited to:

1. any item in the possession of an inmate that is not authorized for her retention;
2. item(s) in excess of authorized quantities;
3. any item in the possession of an inmate or found in her cell that has been altered from its original condition; and
4. any item being used by an inmate for a purpose other than what it was intended.

Disability – see DOC 3.3.15, Americans with Disabilities Act (ADA) Offender Accommodations, for the definition and an explanation of disability.

Disciplinary Detention – A punitive confinement determined by a due process impartial hearing that separates offenders from the general population for serious rule violations.

Disciplinary Hearing Investigator (DHI) – The staff member designated to conduct necessary investigations into a reported major rule infraction.

Disciplinary Hearing Officer (DHO) – An impartial staff member designated to conduct disciplinary hearings.

Evidence – Information presented at the hearing which supports or refutes the charges. Evidence may consist of one or more of the following:

1. the disciplinary report. The disciplinary report alone may serve as the basis for the decision;
2. oral testimony, eyewitness accounts, or other personal knowledge;
3. physical evidence;
4. inmate's statement or testimony;
5. witness or document evidence; and
6. hearsay evidence if it appears reliable and relevant to the alleged infraction.

Housing Unit Disciplinary Team (HUDT) – A one or two-member team of unit staff appointed by the Shift Lieutenant to conduct minor infraction disciplinary hearings or Waiver of a Hearing/Agreement.

Immediate Corrective Guidance – A form of progressive discipline in lieu of a rule infraction report.

Incident – An event encompassing one or more rule violations.

Major Infraction – A misconduct violation that, in the judgment of the investigating staff member, is considered more serious than a minor infraction. Major infractions may be violations of state or federal criminal law.

Minor Infraction – A misconduct violation that does not have serious inmate and institutional management implications.

Agreement – A disciplinary hearing procedure that provides an inmate the opportunity to plead guilty to a major or minor infraction, as written, accept an offered sanction determined by the DHO or HUDT, and waive the right to a hearing on that incident.

Pre-Hearing Confinement (PHC) – Placement of an inmate who constitutes a threat to staff, other inmates, himself, or facility security, in a designated cell pending a disciplinary hearing or classification review.

Property Restriction Level 1 and 2 – A restriction of property specifically authorized for tattoo violations:

Level 1- electric razor, radio, MP3 player, game device and all accessories

Level 2- all items on level 1 plus TV and all accessories

Sanction – A penalty given as a result of being found guilty of a rule infraction.

Sexual Act – Contact between the penis and the vagina or the penis and the anus involving penetration, however slight; contact between the mouth and the penis, vagina, or anus; or penetration of the vagina or anus of another person by hand, finger, or another object. Behavior or misconduct as defined in DOC Policy 1.1.17, Prison Rape Elimination Act (PREA)

Summary Action – The lowest form of disciplinary action used for inmate contraband, with mutual agreement between the staff member who discovers the contraband and the inmate. If the inmate accepts the summary action, the staff member will have him sign the form to verify her agreement. If this action is not mutual, staff will cite the inmate on an infraction report and a disciplinary hearing will be conducted.

Working Days – Weekdays excluding weekends and holidays.

### **III. PROCEDURES**

#### **A. Pre-hearing Procedures**

1. A staff member must implement progressive discipline whenever they have a reasonable belief that an inmate has violated an institutional rule or law, while at the facility, in transport, or off site in custody. Progressive discipline may include:
  - a. Informal Resolution (verbal warning/reprimand, counseling) – when verbal communication achieves the desired corrective action a written citation of the infraction is unnecessary;
  - b. Immediate Corrective Guidance – a staff member who observes inappropriate behavior may offer the inmate a sanction from the immediate corrective guidance column of the sanction grid. No infraction report is written and no disciplinary hearing is conducted. The staff

- member imposing the immediate corrective guidance is responsible for logging the action taken in the system warning log; and
- c. Rule Infraction Citations (Summary Action Citation, Disciplinary Infraction Report), this will consist of the following:
    - 1) *Summary Action Citation* – A mutual agreement entered into by a staff member who discovers contraband, and an inmate to dispose of the contraband; and
    - 2) *Disciplinary Infraction Report form* – Staff is encouraged to attempt informal resolution for minor incidents. However, if a staff member believes an offense cannot be handled by informal resolution they will file a written Disciplinary Infraction Report and a disciplinary hearing will be conducted to include:
      - a) two levels of infractions that staff may cite an inmate on due to him violating an institutional rule. The *Inmate Disciplinary Rule Infractions list* outlines the rules and numerical codes for the following infraction levels:
        - (1) Minor - may be resolved through an informal or formal process that includes providing the inmate with a written statement of the violation and a decision by an uninvolved individual. An inmate will not be placed in disciplinary detention for a minor infraction; and
        - (2) Major - may be resolved through a hearing or Waiver of a Hearing/Agreement that includes providing the inmate with a written statement of the violation and a decision by an uninvolved individual. An inmate may be placed in disciplinary detention for a major infraction and felonies may be prosecuted it.
      - b) Disciplinary Infraction Reports must include the following information:
        - (1) name(s) of inmate and their adult Offender (AO) number;
        - (2) date, time and location (if known);
        - (3) specific rule(s) alleged to have been violated and its corresponding numerical code from the *Inmate Disciplinary Rule Infractions list*
        - (4) names of staff and inmate witnesses to the incident;
        - (5) supplementary reports by witnesses and/or involved staff;
        - (6) a statement of the charges;
        - (7) unusual behavior exhibited by the inmate;
        - (8) facts surrounding the incident sufficient to answer the questions of who, what, why, where, when and how;
        - (9) disposition of any evidence involved;
        - (10) signature and printed name of reporting staff member;
        - (11) signature and printed name of reporting staff member's immediate supervisor, or a shift commander's printed name and signature when the immediate supervisor is unavailable; and
        - (12) any action taken, including pre-hearing confinement (must include specific location) and/or confiscation of property or contraband.
      - c) In citing the specific rule infraction(s), staff must identify the one or two infractions that best fit the incident; and
      - d) absent extraordinary circumstances, staff must fill out and submit Disciplinary Infraction Reports within 24 hours of the rule violation taking place, or within 24 hours of the discovery of the rule infraction. Information discovered during the investigative process may require additional time.
  2. When an item is seized from an inmate or her cell that may be utilized in criminal prosecution, staff will adhere to the following procedure to maintain a clear chain of evidence:
    - a. correctly and completely fill out an evidence receipt/card/tag and attach it to the evidence. The time and date of when evidence passed from the control of one person to another must be documented;

- b. bring all tagged physical evidence to the Shift Lieutenant who will securely place it in the Evidence Locker. The Shift Lieutenant will forward a copy of the infraction report to the DHI for notification purposes;
  - c. dispose of evidence once it is no longer needed in accordance with *DOC 3.1.17, Searches & Contraband Control*; and
  - d. investigators or their designees will conduct periodic audits of evidence storage areas to ensure staff has processed evidence in compliance with appropriate policy and procedures.
3. An inmate who is reasonably believed to be a security risk to the facility, who is in serious danger from others, who may interfere with an investigation, or who poses a danger to herself or others may, upon a written statement of reasons, be placed in PHC prior to receiving a disciplinary hearing or classification review. The process includes:
  - a. the Warden, or designee, must review each inmate moved to PHC within one working day after confinement, excluding weekends and holidays;
  - b. staff may not place an inmate in PHC based solely on information obtained from a single confidential informant without first determining that informant's reliability;
  - c. when an inmate is placed in PHC for a disciplinary infraction, the *Disciplinary Infraction Report form* must be served to the inmate within 24 hours, and the DHO must conduct a disciplinary hearing within 72 hours, excluding weekends and holidays, unless additional investigation is needed. The 72 hours commences upon the inmate's placement in PHC;
  - d. the DHO may credit the inmate with any time spent in PHC against any subsequent term of disciplinary detention imposed, based upon the inmate's attitude and behavior while in PHC status; and
  - e. most privileges afforded to locked housing unit inmates will not be afforded to inmates in PHC (see *MSP Procedure 3.4.100, Pre-Hearing Confinement*, and *3.5.1, Locked Housing Unit Operations*).
4. The DHI, or designee, will complete the Notice of Hearing/Prehearing Action section of the *Disciplinary Infraction Report form* for each major infraction report when the report is served to the inmate. The DHI will collect necessary statement(s) without unreasonable delay. Any delay must be explained in writing. The DHI will ensure that a copy of the infraction report is provided to the inmate within 6 working days of the date it was written, unless exceptional circumstances arise, in which case the DHI must provide the inmate with the report at the earliest possible time.
5. A hearing agreement allows an inmate to plead guilty to the infraction(s) she was cited for, and accept a sanction(s) pre-determined by the DHO or HUDT. This process is as follows:
  - a. the staff conducting the hearing will research the inmate's disciplinary history as well as the nature and seriousness of the incident before considering offering the inmate an agreement. If the staff member decides to offer the inmate an agreement, they must pre-determine what sanction(s) they are going to offer. The sanction(s) must be within operational procedure guidelines for the infraction(s); and
  - b. the offer is not negotiable or subject to alteration. The inmate can only accept or decline the offer. The following actions may proceed:
    - 1) if the inmate accepts, the staff member will fill out an *Agreement/Waiver/Refusal form*. When signed by the inmate and either the DHO or HUDT, the agreement concludes the disciplinary process for the infraction(s). By signing the agreement, the inmate waives her right to a regular hearing and appeal. The staff member(s) will impose the sanction(s) and distribute copies of the *Agreement/Waiver/Refusal form* and the infraction report, with attachments, to appropriate staff; or
    - 2) if the inmate declines, the case will be handled through the regular major or minor infraction disciplinary hearing process.

## B. Disciplinary Hearing Procedures

1. The process for handling minor infractions is as follows:
  - a. minor rule infraction reports will be forwarded to the respective Shift Lieutenant or designee who will review each report for legibility, completeness, and correctness of the charge. The Shift Lieutenant or designee may request that the reporting staff member make corrections, additions or deletions that more accurately reflect the circumstances surrounding the alleged infraction;
  - b. absent exceptional circumstances, within 7 working days of the date the infraction was written, the HUDT or DHO must review the report and take one of the following actions:
    - 1) dismiss the case and take no further action;
    - 2) offer the inmate an agreement; or
    - 3) conduct a hearing as outlined below and impose the appropriate sanctions. Hearings will be conducted as follows:
      - a) in the respective housing unit by the HUDT or DHO. In the event that a member of the HUDT or DHO wrote the infraction, the Shift Lieutenant or designee will appoint another staff member to replace the reporting member on the HUDT or DHO;
      - b) a member of the HUDT or DHO will review and serve the completed infraction report, with attachments, to the inmate at least 24 hours prior to the hearing. If the inmate refuses to sign, the staff member will note that on the form and have another employee witness and sign verifying that a copy of the report was given to the inmate. The inmate may waive the 24-hour notice at the time the citation is served;
      - c) the inmate must be provided the opportunity to appear at the hearing and provide evidence;
      - d) the HUDT or DHO must complete a *Disciplinary Hearing Decision form* (attachment C), noting the evidence that was relied upon to make their finding, the reasons for the finding, and the sanctions imposed; and
      - e) in all cases, the HUDT or DHO will notify the inmate of the action(s) taken if the person who wrote the infraction wants to know the disposition of the hearing; he or she must either check with the HUDT/DHO or the HUDT/DHO disposition sheets.
2. The process for handling major infractions is as follows:
  - a. major rule infraction reports will be forwarded to the immediate supervisor who will review each report for legibility, completeness, and correctness of the charge. The immediate supervisor or designee may request that the reporting staff member make corrections, additions, or deletions that more accurately reflect the circumstances surrounding the alleged infraction;
  - b. the immediate supervisor will sign and route all completed major rule infraction reports to the Shift Lieutenant as soon as possible, but no later than the end of the his or her shift. In the absence of an immediate supervisor, staff will route all reports to the Shift Lieutenant (The immediate supervisor's signature is a review mechanism only and not a procedural requirement. Absence of the immediate supervisor's signature does not constitute a violation or breach of policy.);
  - c. the Shift Lieutenant will review each report for legibility, completeness, and correctness of charge and may delete redundant or excessive charges on the infraction report without returning it to the staff member who authored the report;
  - d. the Shift Lieutenant will forward the report to the DHI or DHO, unless the infraction necessitates the placement of the inmate in PHC. If the inmate is placed in PHC the Shift Lieutenant will ensure that the citation is served to the inmate within 24 hours;
  - e. the DHI or DHO will review the report. The DHI/DHO or designee will serve the completed report, with attachments, to the inmate at least 24 hours prior to the hearing. Information or

- reports that may jeopardize the safety of others or the security of the facility will not be provided to the inmate. The inmate may waive the 24-hour notice at the time the citation is served. The inmate will be asked to acknowledge service by signing a *Notice of Hearing/ Prehearing Action form*. If the inmate refuses to sign the Notice it will be considered a waiver of the hearing, the right to witnesses and witness statements, and the right to an appeal. The DHI or DHO will note that the inmate refused to sign and have another employee witness and sign verifying the inmate refused to sign and was given a copy of the report
- f. If the inmate's recent behavior indicates she may destroy the report, the DHI or DHO will note that on the form and have another employee witness and sign verifying that a copy of the report was given to the inmate.
  - g. An inmate may waive a hearing by filling out the appropriate section of the *Notice of Hearing/ Prehearing Action form*.
  - h. Information or reports that may jeopardize the safety of others or the security of the facility will not be provided to the inmate.
  - i. The inmate must be informed that if she intends to provide names of witnesses he must do so by forwarding an *Offender Staff Request form* (OSR or "kite") to the DHI or DHO. The DHI or DHO will collect statements from listed witnesses.
  - j. If it is determined criminal charges may be filed, the Department investigator will advise the inmate of her Miranda Rights.
  - k. An inmate may seek a continuance of a hearing through a written request to the DHI or DHO explaining the need for the continuance ([Hearing Continuation form](#)) The DHI or DHO will grant or deny the request in writing. If the request is granted, the inmate will be notified in writing of the new hearing date and time.
  - l. Absent exceptional circumstances, within 7 working days of the date the infraction was written, the DHO must review the report and take one of the following actions:
    - 1) dismiss the case and take no further action;
    - 2) offer the inmate an *Agreement*; or
    - 3) conduct a hearing as outlined below and impose the appropriate sanctions. This includes:
      - a) the inmate must be afforded the opportunity to appear and be present throughout the disciplinary hearing except during the period of deliberation, when confidential information is presented, or if the inmate is removed by order of the DHO due to behavioral problems. An inmate may waive their presence at the hearing. If an inmate fails (or refuses) to appear at a disciplinary hearing, or is removed due to disruptive behavior; the DHO may proceed with the hearing and make a decision based on information in the *Disciplinary Infraction Report* (attachment B) and any other available report and/or evidence. The DHO must document an inmate's failure to appear or removal on the decision form and have another staff member witness and sign the form. The DHO must complete an *Agreement/ Waiver/ Refusal form* (attachment G) if the inmate refuses to attend the hearing;
      - b) the DHO must ensure that the inmate understands the charge(s) against him and must conduct a fair and orderly hearing;
      - c) if DHO determines an inmate is unable to prepare and present a defense, the inmate requests an advisor or interpreter, or the inmate claims a condition under the *Americans with Disabilities Act* (ADA), the DHO will grant a continuance (Noting his/her reasons on the [Disciplinary Hearing Decision form](#) and ensure appropriate assistance and/or resources are provided to assist the inmate in presenting her case;
      - d) the inmate must be provided an opportunity to present evidence unless the DHO makes a written finding that evidence to be presented would jeopardize the safety of others or the security of the facility. The DHO has an obligation to investigate any



- new evidence presented at the hearing that the DHO believes is relevant to the alleged infraction;
- e) evidence, testimony, questions, and examination is to be limited to facts relevant to the alleged infraction(s);
  - f) witness testimony may be presented in writing. The inmate will be permitted to call witnesses on her behalf unless ([Disciplinary Witness Request form](#))
    - (1) permitting the witness to testify would jeopardize the safety of others or the security of the facility;
    - (2) testimony would be irrelevant or redundant;
    - (3) the witness's testimony concerns the general character of the inmate;
    - (4) the inmate does not appear at the hearing; or
    - (5) the inmates' actions are inappropriate during the hearing.
  - g) if a witness is not permitted to testify, the DHO must document the reason for excluding the testimony;
  - h) an inmate may be found guilty of an infraction on the basis of verified information from a reliable source whose identity is not disclosed to the accused inmate if doing so creates a risk to the safety of the source;
  - i) the DHO may make a finding of guilty if he/she is persuaded by the evidence that an infraction occurred;
  - j) the DHO may recess the hearing to collect additional information; however, the DHO's decision must be made solely on the evidence presented;
  - k) the DHO must ensure the inmate receives, orally and in writing, a statement of the findings, evidence relied upon, sanction(s) imposed, and the reasons for finding and sanction;
  - l) the DHO may suspend imposed sanctions for a specified period not to exceed 90 days. The DHO must document the terms of the suspension on the findings decision form. If the inmate violates these terms the DHO may revoke the suspended sanction(s) and impose new sanctions. The initial sanctions that were suspended shall run consecutive to the new sanctions. The DHO may not use the revokes suspension as one of the sanctions for the new offense;
  - m) the DHO may postpone the hearing if an inmate is unavailable (on escape status, is hospitalized, or is On Leave to Custody) or under direct mental health care. The hearing may also be postponed pending arrival of necessary evidence;
  - n) the DHO may find an inmate guilty, not guilty, or guilty of more appropriate offense; and
  - o) correctional staff may be allowed to sit in on major infraction hearings. Staff will not participate in the hearing unless so directed by the DHO. At no time will an inmate be allowed to interrogate or cross examine a correctional staff member.

### **C. Sanctions**

1. The DHO or HUDT will impose an appropriate sanction(s) from *the Inmate Disciplinary Sanction Grid* when a charge is substantiated.
2. Any portion of a sanction may be suspended for a specified period of time not to exceed 90 days. Inmates will be informed in writing of the conditions under which the sanction is being suspended.
3. The DHO or HUDT may not impose, nor will the grid contain, any of the following sanctions:
  - a. any form of dietary restriction or the use of food or meals as punishment;
  - b. any form of corporal punishment;
  - c. any form of discipline imposed by one inmate on another inmate;



- d. detention in excess of 30 consecutive days for a single infraction report or incident;
- e. deprivation or denial of clothes, bedding and personal hygiene items. This does not apply to those inmates who engage in the practice of destroying such items. In such instances, the Warden or designee will be notified, and the decision to deprive must be reviewed by the DHO or HUDT at intervals not to exceed 24 hours;
- f. the use of a “padded or isolation cell” or restraints as punishment. Restraints may only be used for otherwise uncontrollable inmates in accordance with *DOC 3.1.8, Use of Force and Restraints*; or
- g. deprivation of general correspondence, visiting, or telephone privileges when the offense is unrelated to a violation of facility rules relating to that activity. In no case will special mail privileges or attorney visits be suspended. If an inmate is sanctioned to cell restriction, the inmate will only be allowed emergency phone calls and scheduled legal calls

#### **D. Records**

1. The DHO and HUDT must ensure that a copy of each disciplinary document (infraction reports, notifications, witness report, etc.) are forwarded to:
  - a. The MWP Records Department for placement in the Main File on the inmate;
  - b. the inmate.
2. If an inmate is found not guilty of an alleged infraction (major or minor) all references to the infraction will be removed from these files if reasonably possible. Otherwise, the file must clearly indicate that the inmate was found not guilty of the alleged infraction.
3. The DHO or designee will post the results of hearings on a hearings report that is available to staff, which notes the disposition of the disciplinary hearing. Findings of not guilty or a change in infraction will have a clear explanation as to the reason. If staff has questions concerning the disposition they are to contact the DHO.
4. The DHI and DHO will ensure that the findings from all major disciplinary hearings and Agreements are posted in OMIS and distributed to the Board of Pardons and Parole, Records, and housing unit (for placement in the Mini File).

#### **E. Administrative Review**

1. The process for review of major infractions is as follows:
  - a. the Warden or designee will review the infraction report and disciplinary findings form of each major infraction within 15 working days of the date of the hearing to ensure the infraction was handled in accordance with operational procedure, regardless of whether or not the inmate has filed an appeal;
  - b. the Warden or designee may:
    - 1) uphold the decision and the sanction(s) imposed;
    - 2) reverse the decision (must provide written justification for the action);
    - 3) reduce the infraction level to a minor;
    - 4) in the case of new or missed evidence remand the decision back to the DHO (must provide written justification for that action); or
    - 5) uphold the decision but modify the sanction(s) imposed when such action is warranted based on the record.
  - c. Under no circumstances shall the Warden or designee increase the sanction imposed. The Warden or designee will then return the infraction reports to the DHO;
  - d. the reviewing official is limited to ensuring that the DHO’s decision and sanctions are within policy and regulations, and determining whether the DHO could have rationally concluded that the evidence supports the decision, not whether the reviewing official would have made

- the same decision. The Warden or designee will return the infraction report to the DHO; and
- e. if the Warden does change the decision and/or sanction upon review, the inmate has a right to appeal when notified of the change, unless the sanction was reduced to a minor.
2. The process for review of minor infractions is as follows:
    - a. The DHO, DHI, or designee will review the infraction report and disciplinary findings form of each minor infraction within 15 working days of the date of the hearing to ensure the infraction was handled in accordance with operational procedure. The DHO or DHI will consult with the Warden or designee concerning any discrepancies and take any necessary remedial action.

## **F. Appeals**

1. After a major infraction hearing, the DHO will advise the inmate of her right to appeal the decision and will document the inmate's choice in the appropriate section of the findings form. The DHO will not offer the inmate an appeal under the following circumstances:
  - a. the hearing decision reduced the major to a minor infraction;
  - b. the inmate waived or refused to attend the hearing either by signing a waiver form or by refusing to sign the Notice of Hearing; or
  - c. the inmate was removed prior to the conclusion of the hearing by the DHO due to behavioral problems during the hearing.
2. If the inmate chooses to appeal the decision the DHO will provide her with a *Disciplinary Appeal form* and explain that she has 15 days to fill it out and submit it to the DHO or DHI.
3. Upon receipt of the completed appeal form, the DHO or DHI will forward the completed appeal form and all related disciplinary documents to the Warden or designee.
4. The Warden or designee must act on the appeal within 30 working days of receipt of the appeal, and take into consideration the following factors:
  - a. whether or not there is evidence and documentation to support the findings;
  - b. whether there was substantial compliance with applicable disciplinary procedures; and/or
  - c. whether the sanctions imposed are proportionate to the rule violation(s).
5. The Warden or designee may take one of the following actions:
  - a. Affirm – uphold the decision of the DHO and the sanction(s) imposed;
  - b. Dismiss – disagree with the decision of the DHO and dismiss the infraction; and
  - c. Modify – uphold the decision of the DHO, but reduce or suspend the sanction(s) or the level of the infraction.
  - d. The Warden or designee must provide written justification for the action taken on the appeal form, and return the infraction report and completed appeal form to the DHO who will implement the decision.
6. Sanction(s) may be imposed prior to the Warden or designee's decision concerning the appeal.

## **G. Emergency Procedures**

1. Any or all portions of this operational procedure may be temporarily suspended without notice in the event of an institutional disruption that requires emergency action.
2. Any inmate involved in the emergency may be detained without a hearing throughout the course of an officially declared emergency.
3. On rare occasions an incident is so widespread as to have involved, in some general way, virtually all staff eligible to serve as a DHO or as a member of a HUDT. Under these

circumstances the Warden or designee may form one or more committees to conduct disciplinary hearings. No staff member who was personally involved in a substantial manner in an incident will be selected to be a member of one of these committees.

#### **H. Training, Orientation, and Advisement**

1. Facility Training staff, the DHI, or the DHO will include a session on the current inmate disciplinary operational procedures in pre-service and annual refresher staff training. This training will include familiarity with the operational procedures, inmate rules/infractions, prohibited acts, the rationale for the rules, and available disciplinary sanctions.
2. MWP staff will ensure each inmate receives and signs for a copy of a current MWP Disciplinary Handbook during the orientation process.
3. The DHO and /or DHI will ensure all inmates in secure facilities receive notice whenever the inmate disciplinary operational procedure is revised.
4. Hard and electronic copies of the current MWP disciplinary operational procedure will be available in the facility libraries for inmates to view or get copies.
5. Housing unit staff will post a general notice on the inmate informational bulletin boards regarding the mechanisms for inmates to obtain or review current information regarding the inmate disciplinary process.

#### **I. Effect of Conviction/Dismissal**

1. Subsequent administrative action by the Housing Unit Management Team (HUMT) or other authority does not constitute additional punishment and should not be construed as such. If the conviction for an offense affects the inmate's security level, the inmate may be considered by the HUMT for appropriate reclassification. Dismissal or modification of a conviction does not deprive the HUMT of the opportunity to consider the inmate's conduct for purposes other than discipline, including but not limited to security and classification decisions.

#### **IV. CLOSING**

Questions concerning this operational procedure will be directed to the Warden/designee.

#### **V. ATTACHMENTS**

Disciplinary Rule Infractions list	
Disciplinary Infraction Report form	
Disciplinary Hearing Decision form	attachment C
Summary Action Citation form	
Inmate Disciplinary Sanction Grid	
Disciplinary Witness Request form	attachment F
Agreement/Waiver/Refusal form	
Disciplinary Appeal form	
Hearing Continuation form	attachment I
Tattoo Violation Property Restrictions notice	attachment J

STATE OF MONTANA DEPARTMENT OF CORRECTIONS  
MSP  MWP  CONTRACT FACILITY: \_\_\_\_\_

**DISCIPLINARY HEARING DECISION**

MAJOR

MINOR

Inmate's Name: \_\_\_\_\_ ID# \_\_\_\_\_ Date: \_\_\_\_\_

Infraction Number(s) & Name(s) \_\_\_\_\_

I DO UNDERSTAND THE VIOLATION  I DO NOT UNDERSTAND THE VIOLATION – ADDITIONAL ACTION TAKEN

Continuance granted to Date: \_\_\_ / \_\_\_ / \_\_\_ By: \_\_\_\_\_

Reason: \_\_\_\_\_

Plea:  Guilty  Not Guilty  Other: \_\_\_\_\_

Inmate's Statement: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Evidence Provided: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Findings:  Guilty of # \_\_\_\_\_  Not Guilty of # \_\_\_\_\_

Evidence Relied On: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**For Sanction Purposes:**[Circle the number of prior Major/Minor Infraction Reports: 1 2 3 4 5] **Grid Level to Use:** \_\_\_

*(Circle number of prior guilty decisions within the timeframe [not each rule violation]. Find grid level to use by adding current & prior guilty decisions).*

Sanction(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reason(s) for findings: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Attachment A

MSP 3.4.1, Institutional Discipline

Effective January 17, 2017

ADMINISTRATIVE REVIEW / DATE

DISCIPLINARY HEARINGS OFFICER / UNIT DISCIPLINARY TEAM

**I understand, that I may appeal the decision of the Disciplinary Hearings Officer to the Warden. In order to file an appeal, I must submit a completed appeal form to the Disciplinary Hearings Officer within 15 days from today.**

I DO WISH TO APPEAL (Major decisions only) because (1) there is insufficient evidence and documentation to support the finding; (2) applicable disciplinary procedures were not followed; (3) the sanction(s) imposed are not proportionate to the rule violation(s).

I DO NOT WISH TO APPEAL

Inmate's Signature / ID#: \_\_\_\_\_

Copies to: Records (White) Parole Board-Majors only (Yellow) Housing Unit (Pink) Inmate (Goldenrod)

Attachment C

MSP 3.4.1, Institutional Discipline

Effective January 17, 2017



INMATE: \_\_\_\_\_ AO#: \_\_\_\_\_ LOCATION: \_\_\_\_\_

**HEARING CONTINUATION NOTICE #1**

THIS FORM SERVES AS NOTIFICATION THAT THE HEARING(S) SCHEDULED

FOR \_\_\_\_\_ IS/ARE BEING CONTINUED UNTIL \_\_\_\_\_

FOR THE FOLLOWING REASONS: \_\_\_\_\_

Inmate Signature \_\_\_\_\_ DATED \_\_\_\_\_

Disciplinary \_\_\_\_\_ DATED \_\_\_\_\_

\*\*\*\*\*

**HEARING CONTINUATION NOTICE #2**

THIS FORM SERVES AS NOTIFICATION THAT THE HEARING(S) SCHEDULED

FOR \_\_\_\_\_ IS/ARE BEING CONTINUED UNTIL \_\_\_\_\_

FOR THE FOLLOWING REASONS: \_\_\_\_\_

Inmate Signature \_\_\_\_\_ DATED \_\_\_\_\_

Disciplinary \_\_\_\_\_ DATED \_\_\_\_\_

Records (White)

Inmate (Goldenrod)

# TATTOO VIOLATION PROPERTY RESTRICTIONS

UPDATED MARCH 12, 2013

**LEVEL 1 PROPERTY RESTRICTION** (1<sup>st</sup> conviction in 3 yrs.) 6 month restriction in which the following items will not be allowed:

- **Electric Razor (and accessories)**
- **Radio (except clock/radio), MP3 Player, Game Console (and accessories including):**
  - **AC Power Adapter**
  - **Headphones and any accessories (batteries in the units, covers, screen protectors, headphone extension cord, etc.)**
  - **Ear buds**

**LEVEL 2 PROPERTY RESTRICTION** (2<sup>nd</sup> conviction in 3 yrs.) 6 month restriction in which the following items will not be allowed:

- **All items listed in Level 1 Property Restriction, plus:**
- **TV (and accessories including):**
  - **TV Remote**
  - **Cable Splitter**
  - **Coaxial Cable**
  - **Voltage Surge Protector Strip**

**CONFISCATION PROCEDURE:** IF A STAFF MEMBER FINDS EVIDENCE OF TATTOOING, THEY WILL CONFISCATE THE APPROPRIATE PROPERTY FROM THE LIST ABOVE AT THE TIME OF THE WRITE-UP, COMPLETE A CELL SEARCH RECEIPT AND PLACE THE PROPERTY IN THE MAJOR EVIDENCE ROOM PENDING THE DISCIPLINARY HEARING.

**MAILING YOUR PROPERTY OUT:** IF YOU ARE FOUND TO BE IN VIOLATION OF #4222-TATTOOING RULE, YOU HAVE 15 DAYS IN WHICH TO MAIL THESE ITEMS OUT OF THE INSTITUTION OR THEY WILL BE PROCESSED AS CONTRABAND. IT IS YOUR RESPONSIBILITY TO PAY POSTAGE. SEND YOUR SPECIAL MAILING REQUEST (SMR) TO THE DISCIPLINARY OFFICE (*MUST BE RECEIVED WITHIN 15 DAYS OF THE HEARING*).

**LEVEL RESTRICTIONS:** WILL CONTINUE FOR 6 MONTHS FROM THE DATE OF A GUILTY DECISION.

**FURTHER VIOLATION(S):** IF FOUND IN POSSESSION OF ANY PROHIBITED PROPERTY ITEM DURING THE TERM OF A PROPERTY RESTRICTION, IT WILL BE DEEMED AS "#4227-FAILURE TO ABIDE BY CONDITION OF DISCIPLINARY DISPOSITION" AND WILL RESULT IN AN EXTENSION OF THE PROPERTY RESTRICTION IN ADDITION TO OTHER ALLOWABLE SANCTIONS.

**\*REMINDER\***

THE POSSESSION OF THESE ITEMS IS A PRIVILEGE AND LOSS OF PRIVILEGES CAN AND WILL BE USED AS SANCTIONS TO ATTAIN COMPLIANCE WITH THE RULES AND REGULATIONS OF THE FACILITY.





**DEPARTMENT OF CORRECTIONS  
MONTANA WOMEN'S PRISON  
OPERATIONAL PROCEDURE**

Procedure No. MWP 4.2.1	Subject: <b>INMATE CLASSIFICATION SYSTEM</b>	
Reference: DOC Policy No. 4.2.1	Page 1 of 10	
Effective Date: September 1, 1998	Revised: 1-4-2018	
Signature: /s/ Jennie Hansen / Warden		

## **I. PURPOSE**

Montana Women's Prison will ensure that an objective classification system is used on admission and upon status review to manage offenders at the appropriate custody, security, and supervision levels.

## **II. DEFINITIONS**

Administrative Housing (AH) – A non-punitive housing status for offenders who request removal from the general population or require protection for their safety and well-being.

Administrative Review Committee (ARC) – A committee consisting of members of the Warden's Management Team (Associate Wardens, Bureau Chiefs, or designees) and when applicable, Licensed Mental Health Professionals. Members will be rotated on an annual basis.

Atypical – Predatory and vulnerable inmates designated by classification.

Classification – A tool for managing inmates based on identified and categorized inmate traits, characteristics, potential risks, behaviors and supervision needs in order to ensure public safety, secure facility/program operations, and determine inmate placements.

Classification Specialist – This position monitors the classification process at MWP and the contracted facilities, while ensuring classification reports submitted by the facility staff complies with policy and procedures. A classification specialist presents classification reports and information to the ARC, and they also review and validate the classification assessments outlined in the procedure.

Criminally Convicted Youth – An inmate less than 18-years-old, who has been convicted/sentenced in district court as an adult.

Custody Level – A risk category of an inmate as determined by the classification process.

Designated Mental Health Staff – Mental health staff who are eligible to participate, consult, and offer opinions in the disciplinary and classification process. Such staff includes Qualified Mental Health Professionals and any other mental health staff who have the minimum qualification of being a licensed social worker or trained mental health staff under the supervision of a licensed professional clinician.

Disability – see DOC 3.3.15, Americans with Disabilities Act (ADA) Offender Accommodations, for the definition and an explanation of disability.

General Population – All inmates except Maximum Custody, Pre-Hearing Confinement, Detention, Infirmary, Reception, or Special Management.

High Severity of Offense – Crimes that are so heinous in nature that good correctional practice requires a higher custody or level of supervision. Crimes must be identified on a case by case basis, but inmates convicted of crimes such as homicide/murder, torture, rape, second conviction for violent offense, and

other situations involving extreme brutality or extreme violence are examples. Generally, inmates with a current conviction in the high to highest severity category that scores 5 or more points on the classification instrument in the Most Serious Current Conviction section will meet the requirement of high severity of offense.

Women's Risk and Needs Assessment (WRNA) – A gender-specific standardized and validated evidence-based instrument used to assess the probability of a female offender recidivating and to identify risk factors and criminogenic needs to guide and prioritize appropriate programming; enhances sharing of offender information and assists in the efficient allocation of resources while an offender is under Department supervision. The Department uses the MORRA CSST as a screening tool for both male and female offenders, while using the WRNA tools for female offenders.

Override – A management decision to place an offender at a different custody level than what is indicated by the objective classification system.

Predatory Inmate – A designation of an inmate who has a notable history of preying on others as reflected through intimidating, assaultive, aggressive, or violent acts.

Qualified Mental Health Professionals – Psychiatrists, psychologists, psychiatric social workers, psychiatric nurses, licensed professional counselors and others who by virtue of their education, credentials, and experience are permitted by law to evaluate and care for the mental health needs of offenders.

Significant Institutional History – Inmates with a documented history of disciplinary infractions in Category I, II or III that results in a combined score of 5 or more on the classification instrument in Severity of Institutional Misconduct and/or Number of Category I or II Rule Violation sections.

Special Management – This term refers to inmates that are Atypical and Special Needs inmates. This is the outlining term under OMIS.

Special Needs – Inmates who may require accommodations, arrangements, or programming different from the general population inmates. Special Needs Inmates may include, but are not limited to, developmentally disabled, mentally ill, physically handicapped, chronically ill, or chemically dependent.

Vulnerable Inmates – A designation of an inmate who appears to be at risk to abuse, violence and/or threats from other in the inmate population due to criminal history, type of crime, profile of crime, prior occupation, informant or witness status, age, physical stature, other pertinent information.

### **III. PROCEDURES**

#### **A. General**

1. Inmates will be objectively classified based on an assessment of risks and needs (see [Objective Classification Manual](#)). The system will provide an incentive to inmates to achieve personal, court-ordered, and recommended program goals and allow them to be classified at the lowest custody level consistent with those risks and needs.
2. Classification defines eligibility for assignment or reassignment to a particular housing assignment, program/treatment, work assignments, and/or privilege levels.
3. Classification recommends or advocates a management scheme which considers safety and security interests, supervision needs, inmate-related risks, program considerations and other management factors.

4. Staff will solicit and review information from courts, social service agencies, pre-sentence investigation reports, and other resources, such as work supervisors, treatment staff (which includes medical and mental health professionals), the offender ADA Coordinator and OMIS disability screen(s), or other personnel, to make accurate, detailed assessments.
5. Inmates will not be classified by race, color, creed, or national origin, but may be separated by legal status, or for other correctional management reasons.
6. The Classification assessment will help classification staff identify and make appropriate custody decisions for the following inmate population:
  - a. Special Management which includes Atypical, Special Needs, criminally convicted youth, or inmates under the age of 18;
  - b. potential escape risks;
  - c. treatment, education, work assignments, or other program needs; and
  - d. the potential for other problems, including but not limited to, suicide risk, gang affiliation, or sexual identity.
7. Staff will never conduct classification meetings with other inmates present or nearby, but in a location where there is an expectation of privacy, preferably in a staff office. This includes the following:
  - a. if the inmate is in locked housing pod, staff will request the inmate's presence in a staff office or designated private setting. If the inmate refuses, is on an active behavior management plan, or is being disruptive, the facility staff may present the inmate a written report without their participation and/or postpone the hearing until the inmate controls her behavior;
  - b. if the inmate is under 18, facility staff will personally present the tentative classification to the inmate for review and the inmate's input and signature, as appropriate, within established time guidelines;
  - c. if the inmate is being housed at the Infirmary, facility staff will personally present the classification to the inmate for review and signature within established time guidelines; and
  - d. Classification staff shall check OMIS for disabilities and accommodations in deciding housing for inmates with reasonable accommodations. Classification staff shall make a note in OMIS if there is a change in housing due to an inmate's reasonable accommodation needs.
8. The case manager is responsible for assessing/recommending inmates for interstate transfer or placement at other department facilities/programs or contracted facilities/programs in accordance with Department policies.
9. MWP staff will update each inmate's *WRNA* annually and review it with the inmate at every classification hearing.
10. In cases where there has been a problematic inmate who has been involved in any of the following types of activities:
  - a. placed on a behavior management plan multiple times;
  - b. security staff members have had to be involved in security threat group matters;
  - c. cell extractions; and
  - d. other special management concerns.The Classification Specialist will meet with all team members prior to a classification decision.
11. The assessment process will involve the appropriate:
  - a. The Lieutenant, Classification Manager; and
  - b. the Associate Warden

When appropriate circumstances occur subject matter experts will be included into the assessment process:

- a. mental health;
- b. appropriate medical treatment; and
- c. education personnel.

The team will be responsible for establishing a plan which will place the inmate in the most appropriate custody/supervision level. The plan must cover the risk factors that are posed and how the needs of the inmate will be managed. Once a plan is developed, MWP staff will complete a classification report which will be presented to the ARC.

12. The ARC provides a classification safety net and support on an administrative level. The ARC reviews any classification presented including, but not limited to:
  - a. classification into locked housing pod(s);
  - b. Administrative Housing inmates (AHI) into the AHI pod;
  - c. after completion on Locked Housing Status Review Plan or AHI's deemed fit by the Case Manager; the Administrative Review Committee may have to decide the housing placement of an inmate.
  - d. Community work assignments;
  - e. Special Management Plans;
  - f. Single Fence Areas
  - g. Behavior Management Plans that exceed seven days.

A classification action that is referred to the ARC is subject to change and is not effective until approved by the ARC, which has final authority. If the ARC members are not in consensus, the classification action will be taken to the Warden for final decision.

13. The Classification Specialist will review and sign classification reports that comply with policy and procedures. This includes, but not limited to:
  - a. custody increase and decrease. This excludes inmates moving within levels of max custody;
  - b. Separation needs;
  - c. special management designations;
14. The Classification Specialist will review all overrides to ensure continuity and consistency. The Classification Specialist will confer with the Associate Warden of Security in cases that need additional review and may refer cases on to the ARC that need further review by MWP Administration. The Classification Specialist may also confer with Qualified Health Care Professionals and the offender ADA Coordinator in cases that require additional expertise as to disabilities or reasonable accommodation.

## **B. Custody Levels**

1. Classification staff will assign a custody level using numeric scoring on the classification instrument except as adjusted by override (see section F).
2. Custody levels reflect varying security aspects such as movement, surveillance/observation, access to programs, work assignments, meals, and escape and harm risks.
3. Supervision as related to these custody levels is outlined in MWP Procedure 3.1.100, Supervision of Inmates. Lower custody levels will reflect a lesser risk to the public, safety and security of the facility, staff and inmates. Higher custody levels will reflect a greater risk. The following are the custody levels:
  - a. Minimum Custody: the lowest custody level in general population as determined by the prison objective classification system. These inmates pose the least risk to the community because of such factors as offense convictions, compliance with programming

recommendations, or time remaining to serve, and/or have demonstrated an ability to function independent of direct supervision without presenting any management problems. Inmates in minimum custody have more liberty, work assignment opportunities requiring a high level of responsibility, and more control over their personal time. They may be assigned to work assignments off prison property such as community work programs and projects and wildland fire crews with ARC approval;

- b. **Minimum II/Unrestricted Custody:** inmates classified to this custody level may be housed in a Low Security Pod. Work assignments are within the double/single fence perimeters, and outside the secure perimeter with administrative approval only. If an inmate with this custody is approved as a Community Worker, and their work assignment requires an overnight stay away from the facility, their supervisor will arrange for them to be housed at a community corrections facility or county jail.
- c. **Minimum I/Restricted Custody:** inmates classified to this level may be housed in a Low Security Pod as determined by the objective classification system. Work assignments are within the double/single fence perimeters, and outside the secure perimeter with administrative approval only.
- d. **Medium Custody:** is the second highest custody level in general population as determined by the prison's objective classification system. Inmates classified to this level may be housed in any general population unit. the High Security Unit. Inmates in this level are required to be under general supervision within the High Security Compound.
  - 1) inmates under the age of 18 shall be presumptively classified as medium custody or less. Such presumptive classification shall not apply to any inmate under the age of 18 with a significant institutional history or high severity of offense as defined in the Classification Manual. Such inmates shall be objectively classified and housed in accordance with the MDOC Classification Instrument;
  - 2) in all classification or re-classification actions, inmates under the age of 18 shall be considered for an override to a less restrictive classification; and
  - 3) inmates under the age of 18 shall not be placed in a Locked Housing Pod, Administrative Housing Pods, Pre-Hearing Confinement, or Detention longer than 72 hours (including holidays and weekends) without approval of the Director of the Department of Corrections or their designee, which shall be the Warden of MWP or, in her absence, one of the Associate Wardens, and without certification from the mental health team, based upon the team's evaluation of the inmate, that the extended isolation would not have an adverse effect upon the inmate's mental health.
- e. **Close Custody:** the highest custody level in general population as determined by the prison's objective classification system. Inmates classified to this level pose a threat to the safety and security of the facility, staff, other inmates and the public. These inmates require additional supervision based upon criminal history, institutional adjustment, severity of offense, and sentence length. They may be housed in a High Security Pod;
- f. **Maximum Custody:** the highest custody level as determined by the prison's objective classification system. This level places assaultive, rebellious, disruptive, or predatory inmates into Locked Housing, including inmates returning to the institution for an escape from a secure facility (MWP and County Jails). Inmates classified to this level require the highest degree of control and supervision because of extreme misconduct or the nature of their sentence. Inmates classified to this level must be housed in a Locked Housing Pod. Inmates who have a sentence that condemns them to death will be and remain in maximum custody. The ARC or other authorized staff group will conduct a status review of offenders on Maximum Custody units every 30 days. The ARC will document the review process releasing an offender from Maximum Custody.

### C. Mental Health Status Reviews

1. Since adult and youth offenders whose movements are restricted in locked housing units may develop symptoms of acute anxiety or other mental problems, these offenders will be seen and assessed by a qualified mental health professional once a week or upon referral by a staff member. Each contact will be documented on the individual offender's log, and contain, at a minimum, a status report and the date and time of the contact. Individual logs will be filed in the offender's medical and mental health records.

### D. Housing

1. MWP classification staff will recommend an appropriate housing for the inmate as a component of initial classification or reclassification. The classification staff shall check OMIS for provisions of accommodations and may call the Offender ADA Coordinator if they have any questions. A note will be made in OMIS if the classification staff receives consultation from the Offender ADA Coordinator.
2. MWP will house inmates with similar classification together whenever possible. Inmates with dissimilar classification may be housed together if the needs of the institution so require and appropriate security and supervision can be maintained. This includes the following:
  - a. the classification staff will take special precautions regarding the placement and management of these inmates, closely monitoring their adjustment and interaction with others at gym, yard, meal times, day room, etc.; and
  - b. if such placement extends beyond 30 days, the Classification Specialist will notify the Associate Wardens and Warden weekly regarding the status of these inmates.
3. The classification staff will screen for cell compatibility. Staff shall consider the compatibility of inmates prior to making cell assignments to protect vulnerable inmates and to control predatory inmates. The most important criteria for determining compatibility are those which affect staff and inmate safety. Criteria which must be considered includes, but is not limited to the following:
  - a. history of predatory, intimidating, other dangerous behavior (i.e. disciplinary history, prior criminal history);
  - b. vulnerable characteristics (age, size, medical, and mental health history);
  - c. history of sexual conduct; and
  - d. Other factors which would create a substantial risk of serious harm are language or communication barriers, programming, and PREA Risk Assessment (seen in Alerts section in OMIS).
4. Inmates within the following categories will be separated from the general population or housed in group settings, to the extent possible, unless it is determined that the inmate may be managed in general population. This will be determined on a case by case basis:
  - a. special security designations this includes the following:
    - 1) Maximum custody;
    - 2) Administrative housing inmates (AHI)
    - 3) Pre-Hearing Confinement; and
    - 4) Reception.
  - b. Medical care as follows:

- 1) inmates requiring medical isolation due to communicable disease; and
- 2) inmates who are temporarily confined separately for detoxification purposes.
- c. Mental health cases as follows;
  - 1) inmates identified by designated Qualified Mental Health professionals; and
  - 2) inmates claiming cases of suicidal ideation.
- d. Special Management cases include the following:
  - 1) predatory;
  - 2) vulnerable;
  - 3) Special Needs;
  - 4) administrative housing;
  - 5) security threat group (STG); and
  - 6) single cell designations.

## **E. Initial Classification Assessment**

1. The Classification staff will complete a WRNA and classification risk assessment, which provides a basis upon which to make classification decisions, on each inmate within forty-five days of his admittance to MWP. This assessment will take into consideration the inmate's security needs, criminal history, severity of offense, behavior patterns, age, and other relevant factors. The Classification staff will check OMIS for any accommodations and document any accommodations provided during this process. The Classification staff shall contact the offender ADA Coordinator with any questions about reasonable accommodations.
2. Upon completion of the assessment, the Classification staff will:
  - a. determine the inmate's classification;
  - b. screen her for public and institutional risk and recommend appropriate custody placement; and
  - c. make assessment of his needs and recommend appropriate program/treatment placement.

If it is determined that there is a need for additional information, classification staff may extend the assessment period beyond 15 days with the approval of the appropriate Associate Warden or designee.

## **F. Reclassification Assessments**

1. The Case Managers will conduct a regular reclassification hearing for each close and medium restricted inmate, apart from those in locked housing, at least every six months and at least every twelve months for minimum, and medium unrestricted custody inmates. Inmates under the age of 18 will be classified every 90 days.
2. The Case Managers will conduct a reclassification hearing upon notification from disciplinary staff that an inmate has been found guilty of any of the following rule infractions:
  - a. homicide;
  - b. assaulting any person;
  - c. validated STG activity;
  - d. escape;
  - e. threats of bodily harm or death to any person;
  - f. extortion, blackmail;
  - g. taking a hostage(s);
  - h. sexual assault;
  - i. assault with intent, or likelihood, to transmit a communicable disease;



- j. fighting; and
  - k. attempting to commit, being an accomplice, or a conspirator to, any of the above.
3. The Classification Staff will review and conduct a special reclassification hearing, as appropriate, upon receipt of new information potentially affecting the inmate's classification, within 72 hours from the time when the new information was received (e.g., escape, disciplinary infractions, detainer, conviction on new charge, behavior problems, separation needs, etc.).
  4. The Custody Reclassification Instrument will be used to classify inmates in and out of a locked housing Pod.
  5. The respective locked housing Case Manager must conduct locked housing status review plan of all inmates currently classified to maximum custody and administrative housing status every 30 days using a Locked Housing Status Review Plan Form. This includes the following:
    - a. inmates currently classified to maximum custody and administrative housing status will be considered for general population placement during their 30 day review on a case by case basis; and
    - b. if the Classification Staff determines general population or other locked housing placement is appropriate, they will conduct a reclassification hearing using the Custody Reclassification Instrument.
  6. The Case Manager or designee must contact the appropriate work supervisor on or before the day of the hearing on a pending classification increase or job assignment removal of a working inmate.
  7. The Classification Staff will conduct special classification reviews requested by treatment personnel, Disciplinary Hearings Officers, another UMT (for inmates with separation needs), or job supervisors.

## **G. Overrides**

1. Classification Manager will use experience and professional judgment in recommending classification, and may determine an override when appropriate.
2. Factors to be considered that may result in an override of objective classification scores include the following:
  - a. special management case;
  - b. psychiatric/suicide risk;
  - c. medical/mental health issue(s);
  - d. escape threats/risk;
  - e. detainer(s);
  - f. investigation pending;
  - g. adjustment problem/violence threat;
  - h. inmate needs;
  - i. court ordered requirements/recommendation(s);
  - j. institutional need;
  - k. exemplary institutional adjustment; and
  - l. inmates under the age of 18.
3. Override criteria are defined in the *Classification Procedures Manual*.

## **H. Notification of Classification Hearings**

If an inmate's present classification level is subject to increase, and she has not been found guilty of a major disciplinary infraction, the case manager will complete classification hearings and provide a copy of the completed classification review form to the inmate.

1. The responsible Case Manager will complete classification hearings as appropriate on all inmates whose classification is subject to review as outlined in MWP Procedure 3.4.100, Pre-Hearing Confinement.
2. Whenever facility staff place an inmate in Pre-Hearing Confinement pending classification review, they will complete classification hearings and provide a copy of the classification review form to the inmate.
3. Within 72 hours of the inmate's placement in PHC, excluding weekends and holidays, the Case Manager will conduct the classification review for an inmate placed in PHC pending an investigation and classification decision.
  - a. the staff member conducting the investigation may extend the placement in PHC for another 72 hours if further investigation is needed to determine what action is appropriate;
  - b. if a second extension is necessary, Case Manager staff must get the Warden or designee's approval. He/she must fill out a new ADR and notification form for each extension, and take it to the CPU; and
  - c. it is the responsibility of the case manager to ensure that a second or third *Notification of Classification Hearing* form is given in person to the inmate informing him that his stay in PHC is being extended and that further investigation is needed to determine what action is appropriate. The inmate must be informed that the second extension is final and a decision will be made before it ends.
4. If the classification review determines the inmate will be returned to his previous status, Classification staff will document of this on the Classification Hearing form.
5. If the inmate as the result of a disability would be unable to understand or participate in the classification hearing or any of the conversations relating to extensions for it, an accommodation shall be provided allowing him to understand and participate in the proceeding. Accommodations shall include, but not be limited to, a staff member assigned to assist the inmate in presenting his position. All information shared between the individual inmate and staff assigned to assist him shall be confidential from other inmates and unnecessary staff and shall not be disclosed or used other than to ensure that an appropriate accommodation is provided and that he is able to participate and present his position in the classification hearing. All accommodations provided shall be documented in OMIS.

## **I. Work Assignment/Removal**

1. Classification decisions to assign or remove an inmate to or from a work assignment will be done on an *Assignment/Removal form*. When a classification action includes a work assignment change, a separate *Assignment/Removal form* will be attached to ensure proper documentation and action. The Inmate Work Services Manager or designee will approve or deny all requested work assignments and removals. The decision is final; however, the Warden (or designees) have the authority to over-ride a placement on a case-by-case basis after further review.
2. Work supervisors will request that inmates be assigned to or removed from their work crews by submitting an *Assignment/Removal form*, with the top part completed, to the inmate's Inmate Work Services Manager or designee for review, completion, and processing. The Inmate Work

Services Manager or designee will evaluate the appropriateness of the request by conducting a case file review and researching all potential impact factors. This includes the following:

- a. Factors to consider when assigning to a work assignment include, but are not limited to, the following:
    - 1) comments/notations on prior classification paperwork;
    - 2) appropriate period of adjustment at his present custody level;
    - 3) proper custody level (any exceptions must be recommended by the Pod Manager and approved by the ARC;
    - 4) separation needs;
    - 5) detainers / warrants;
    - 6) health restrictions / category;
    - 7) sentence length;
    - 8) escape history;
    - 9) institutional need;
    - 10) public safety;
    - 11) fence restrictions, which include the following:
      - a) Minimum I and II - inside or outside the secure perimeter.
      - b) Medium II - inside the single or double fenced perimeter.
      - c) Medium I and Close- within the high side compound only.
      - d) Maximum - in cell or in locked housing Pod/section.
    - 12) reasonable accommodations that may be necessary to permit an inmate with a disability to participate in a work assignment.
  - b. Factors to consider when removing an inmate from a work assignment include but are not limited to the following:
    - 1) supervisor reasons;
    - 2) pending investigation;
    - 3) recent disciplinary infractions;
    - 4) work assignment evaluations;
    - 5) inmate behaviors;
    - 6) proper custody level;
    - 7) health category;
    - 8) institutional need;
    - 9) public safety;
    - 10) separation needs; and
    - 11) escape history.
3. An inmate may appeal their removal to the Classification Specialist or designee within 10 working days of the receipt of the job removal decision.
  4. An inmate shall not be removed from a work assignment as the result of disability if the inmate can be accommodated in the position without a fundamental alteration of the program. If the required accommodation would fundamentally alter the program, the inmate shall be offered work assignment in a similar reasonable position which does not require such an alteration if a similar position exists and is open, and the inmate is qualified, with or without a reasonable accommodation for the similar position. Factors to consider in finding suitable similar work assignment shall be the area of the facility in which the inmate was originally involved and the level of responsibility originally assumed.
  5. Supervisors must attach supporting documentation (incident reports, work evaluations, etc.) to an Assignment/Removal form requesting that an inmate be removed from his work assignment.

6. When removing an inmate from a work assignment, the Classification Staff must hold a hearing and determine whether or not to uphold the removal request. The inmate will remain assigned to the assignment pending this hearing and the removal appears on the daily activity sheet. If an inmate, as the result of a disability, would be unable to understand or participate in the hearing, an appropriate accommodation shall be provided. Appropriate accommodations shall include, but not be limited to, staff assigned to assist the inmate with understanding and participating in the hearing. All information shared between the individual inmate and staff assigned to assist him shall be confidential from other inmates and unnecessary staff and shall not be disclosed or used other than to ensure that an appropriate accommodation is provided and that he is able to participate and present his position in the hearing. All accommodations provided shall be documented in OMIS.
7. The Inmate Work Services Manager or designee must approve or disapprove all assignment and removal requests. The UMT must indicate why they approved or disapproved the request in the comments section on the assignment/removal form, and distribute copies of the completed form to the main file, six-part file, and inmate. If the inmate, as the result of a disability, would be unable to understand the work/assignment removal form, staff shall meet with the inmate to explain the form's contents. All information shared between the individual inmate and staff assisting him shall be confidential from other inmates and unnecessary staff and shall not be disclosed or used other than to ensure that an appropriate accommodation is provided, that the inmate is able to understand the form, and contest his removal or obtain employment.
8. When an inmate receives, a work related disciplinary violation, and the supervisor requests he be removed from the assignment, the inmate may be held in from the assignment pending the results of the disciplinary hearing. If the inmate is not sanctioned to removal from his assignment, and the supervisor still wishes to remove the inmate from the work assignment, the supervisor may request his removal by filling out and submitting an Assignment/Removal form (with documentation to justify removal) to the Classification Staff for processing.
9. The Classification Staff must turn in completed *Assignment/Removal* forms to the Classification Placement Office to be placed on the daily movement sheet.
10. The Classification Staff must process the assignment and removal of an inmate to or from a Community Work Program assignment in accordance with MWP Procedure 5.1.3, Inmate Community Work Programs & Projects.
11. Inmates not assigned to a specific work assignment will be assigned to the Labor Pool and may be assigned to a temporary work assignment at any time. This includes the following:
  - a. Inmate Work Services Manager or designee staff does not need to fill out an *Assignment/Removal* form to assign an inmate to temporary work less than five days in duration. However, the supervisor or the Inmate Work Services Manager or designee must provide written notice (memorandum) of the assignment to the Classification Placement Office, Command Post, and respective housing Pod to clear the inmate for movement to and from the work site; and
  - b. any time an inmate is utilized from the Labor Pool for a temporary work assignment for more than five days, the work supervisor must fill out and submit an *Assignment/Removal* form to the Inmate Work Services Manager or designee for processing, noting that it is for a temporary work assignment. When the tasks are completed, the supervisor must submit an Assignment/Removal form to the Inmate Work Services Manager or designee for processing the inmate's removal from the temporary work assignment.

## **J. Decisions and Appeals**

1. The Case Manager will notify the inmate of the classification decision in writing at the time of the hearing or within 72 hours of a notification of a custody, housing, or assignment change. The inmate will receive a copy of the classification report and an appeal form from the Case Manager. If the inmate wishes to appeal the classification decision, the inmate will need to fill out the appeal form that is presented. The inmate will hand the appeal form to the Case Manager and the Case Manager will date and sign the form; and then present it to the Bureau Chief of Classification for an appeal decision.
2. The appeal process is as follows:
  - a. the inmate may file a written appeal within 10 business days to the Bureau Chief of Classification.
  - b. the Bureau Chief of Classification may proceed in the following manner:
    - 1) affirm the decision made;
    - 2) reschedule a new classification hearing; or
    - 3) modify the decision made.
  - c. If the inmate receives a decision from the Bureau Chief of Classification with the finding of “affirming the decision made” the inmate may appeal the decision to the Warden for a scale override. This process is as follows:
    - 1) to apply for a scale override to the Warden, the inmate must notify the Bureau Chief of Classification within 10 business days. The Bureau Chief of Classification will present the case to the Warden. The Warden may:
      - a) affirm the decision made by the Bureau Chief of Classification; or
      - b) modify the decision made.
    - 2) The inmate may not appeal after the decision is made by the Warden.
3. The appeals process for regional prisons as follows:
  - a. the inmate may file a written appeal within 10 business days to the Bureau Chief of Classification;
  - b. the Bureau Chief of Classification may proceed in the following manner:
    - 1) affirm the decision made;
    - 2) reschedule a new classification hearing; or
    - 3) modify the decision made.
  - c. If the inmate receives a decision from the Bureau Chief of Classification with the finding of “affirming the decision made” the inmate may appeal the decision to the Contract Placement Bureau (CPB) Chief for a scale override. This process is as follows:
    - 1) to apply for a scale override to the CPB Chief, the inmate must notice the AW of Security within 10 business days. The Bureau Chief of Classification will present the case to the CPB Chief. The CPB Chief may:
      - a) affirm the decision made by the Bureau Chief of Classification;
      - b) reschedule a new classification hearing; or
      - c) modify the decision made.
    - d. After the scale override decision or if the inmate does not proceed after the AW of Security findings; staff will forward the answered appeal forms to the Classification Manager for tracking.
4. In the action of work assignment removal appeals, the inmate may file a written appeal of the classification action to the Classification Specialist within 10 days of receipt of the decision; however, the classification decision is imposed prior to the decision concerning the appeal. The Classification Specialist will have the following options:
  - a. affirm the decision made; or
  - b. modify the decision made.

5. In any of the above-described appeals processes, an accommodation shall be provided to any inmate who, as the result of a disability, would be unable to understand or participate in the appeals process in order to allow her to understand and participate in the process. Accommodations shall include, but not be limited to, a staff member assigned to assist the inmate in presenting his position. All information shared between the individual inmate and staff assigned to assist her shall be confidential from other inmates and unnecessary staff and shall not be disclosed or used other than to ensure that an appropriate accommodation is provided and that he is able to participate and present her appeal. All accommodations provided shall be documented in OMIS.

#### **IV. CLOSING**

Details concerning the classification process are outlined in the Classification Procedures Manual maintained by staff from the Technical Correctional Services Bureau. Please contact the Technical Correctional Services Bureau Chief with any questions concerning this operational procedure.

#### **V. ATTACHMENTS**

Warden Appeal form	attachment A
Classification Specialist Appeal form	attachment B
Job Assignment Form	attachment C

**MONTANA WOMEN'S PRISON**  
**Classification Appeal to the Warden**

**Top portion to be completed by Classification Staff**

Inmate Name \_\_\_\_\_ Offender Number \_\_\_\_\_

Last Name                      First Name

Classification Review Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**Current Housing Assignment:**

**Final Custody Level Decision:**

Enrolled/Waiting for Programming

Yes

No

Objective custody level: \_\_\_\_\_

Recommended custody level override : \_\_\_\_\_

State the reason you are appealing:

---

---

---

---

---

---

---

---

---

---

Warden's Signature \_\_\_\_\_

Appeal has been     granted         denied

**Wardens Comments:**

---

---

---

---

---

---

---

---

White - Main File

Pink - Inmate



**INMATE APPEAL OF CLASSIFICATION ACTION-Assignment/Removal**

Send this appeal form to Classification Manager\_\_\_\_\_. This appeal must be filed within 10 days of receipt of the Classification decision.

FROM: \_\_\_\_\_  
Last Name First Name

Pod \_\_\_\_\_  
Offender Number

**PART A - INMATE REQUEST (Attach all pertinent information. If additional space is needed, continue on a separate sheet of paper.)**

---

---

---

---

---

---

---

---

---

---

\_\_\_\_\_  
Inmate's Signature

\_\_\_\_\_  
Date

**PART B -CLASSIFICATION MANAGER'S RESPONSE**

Date Rec'd \_\_\_\_\_

---

---

---

---

---

---

---

---

---

---

Appeal has been  granted  denied

\_\_\_\_\_  
Classification Manager's Signature

\_\_\_\_\_  
Date



**STATE OF MONTANA  
DEPARTMENT OF  
CORRECTIONS  
WORK ASSIGNMENT /  
REMOVAL REQUEST**

**FORM**

Name: \_\_\_\_\_ MWP/DOC# \_\_\_\_\_

I am requesting the above inmate to be **ASSIGNED** to  
the

for the following reasons: \_\_\_\_\_ Title \_\_\_\_\_ Code \_\_\_\_\_

I am aware of the inmate's health status and am willing to employ him within its restriction(s).

Supervisor Name (Print Name) \_\_\_\_\_

Supervisor Signature \_\_\_\_\_ Date: \_\_\_\_\_

I am requesting the above inmate to be **REMOVED** from  
the

for the following reasons: \_\_\_\_\_ Title \_\_\_\_\_ Code \_\_\_\_\_

(attach incident report(s), performance evaluation(s), disciplinary and/or incident reports for removal)

I am aware of the inmate's health status and am willing to employ him within its restriction(s).

Supervisors Name (Print Name) \_\_\_\_\_

Supervisor Signature \_\_\_\_\_ Date: \_\_\_\_\_

**INMATE STATEMENT:**

Inmate Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Health Status Date:** \_\_\_\_\_

**Restrictions:** \_\_\_\_\_

Double Fence:  Yes  No

Outside Fence Roster:  Yes  No

Outside Fence w/Direct Supervision:  Yes  No

Industries Fence Roster:  Yes  No

Escape(s)/Walkaway:  Yes  No

Parole Date: NA

Community

Worker:  Yes  No

Long Term Worker:  Yes  No

Warrants:  Yes  No

Detainers:  Yes  No

Separation Needs:  Yes  No

Discharge Date: \_\_\_\_\_

**\*\*If any of the above are marked yes, explain below in designated area\*\***

**If Direct Supervision is requested  
explain expectations and special  
instructions below:**

**Present Status:**

Pod \_\_\_\_\_

Custody \_\_\_\_\_

Assignment \_\_\_\_\_

Code \_\_\_\_\_

**Management Decision:**

Pod \_\_\_\_\_

Custody \_\_\_\_\_

Assignment \_\_\_\_\_

Code \_\_\_\_\_

**UMT Reason for assignment or removal and any comments for items marked yes:**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**\*\*Outside fence clearance requires Warden approval\*\***

White – Main File

Canary – Six Part File