

**STATE OF ALASKA
DEPARTMENT OF
CORRECTIONS**

**Anchorage Correctional
Complex**


PRISONER HANDBOOK


PART ONE

REVISED

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Prisoner Handbook – Part 1

TABLE OF CONTENTS

Mission Statement	Page 3
Introduction	Page 3
Receptions and Orientation	
Booking Process	Page 4
Individual Determination of security and safety risks	Page 4
Communications	
Request for Interview (cop-out)	Page 5
Telephone	Page 5
Visiting	Page 6
Mail	Page 6
Property	Page 8
PRISONER RAPE ELIMINATION ACT	Page 8
Access to you Lawyer	Page 9
Access to Legal Materials and Law Library	Page 9
Access to media	Page 10
Classification Procedures	
Initial Classification	Page 11
Reclassification	Page 11
Short term designation	Page 11
Long Term designation	Page 12
Administrative Segregation	Page 14
Health Care	
Informed Consent	Page 15
Medical and Dental Problems	
Mental Health and Counseling Services	Page 16
Meals and Food Service	Page 16
Grooming, Clothing and Bedding	Page 16
Search and Shakedown	
Personal Search	Page 17
Institutional Search	Page 18
Shakedown	Page 18
Substance Abuse Screening	Page 18
Prohibited Conduct	
Major infractions	Page 18
High-Moderate Infractions	Page 19
Low-Moderate Infractions	Page 19
Minor Infractions	Page 20
Punishment	Page 20
Disciplinary Procedures	
Incident Reporting	Page 21
Disciplinary Report	Page 21
Advance Notice of Hearing	Page 22
Advisor at Hearing	Page 22
Composition of Disciplinary Committee	Page 22
Time Limits	Page 23
Agenda at Hearing	Page 23
Defense Witnesses, Examination of Witnesses and Evidence	Page 24
Lesser Infraction (lesser included)	Page 24
Punishment	Page 24
Hearing Officer Decision	Page 24
Appeal of Decision to Superintendent	Page 24
Appeal of Superintendent Decision to Director	Page 25
Imposition of Sanctions	Page 25
Grievances	
Regular Grievances	Page 26
Appeal of Superintendent's Decision to Director	Page 26
Review by Department Compliance Administrator	Page 27
Grievance against Superintendent	Page 27
Medical grievances	Page 27
Prisoner Funds Account	Page 28
Sentenced credits/Good time	
Time Accounting	Page 29
Restoration of Forfeited Statutory Good Time	Page 29
Restoration of Voting Rights	Page 29
Pre-Release Planning	Page 29
Parole Planning	Page 29

Prisoner Handbook – Part 1

Mission Statement

"The Alaska Department of Corrections enhances the safety of our communities. We provide secure confinement, reformatory programs, and a process of supervised community reintegration."

"We are trained professionals committed to a safe, open and respectful organization. We are dedicated to public safety and will always respect the rights and dignity of victims of crime. Offenders in our charge will be treated in a safe and humane manner, and will be expected to enhance their ability to reform every day."

Introduction

The purpose of this handbook is to give you a better understanding of the corrections system. It explains your rights and responsibilities and should help make your confinement as productive as possible.

Study the handbook and become familiar with the information in it. If you have a hard time reading or understanding it, a staff member will explain the contents to you.

The prisoner handbook is divided in two parts. The first is about subjects which are the same in all correctional institutions in Alaska. The second part gives you specific information about the institution in which you are housed.

Make the most of your opportunities while incarcerated. Please realize that when large groups of people live and work together, rules and procedures are necessary to avoid confusion and disruption. Respect the rights and property of staff and other prisoners. Conduct yourself not only as a person, but also as a conscientious human being and you will have little difficulty serving your required term. Always keep in mind that those who disobey rules or continually refuse to cooperate will be dealt with accordingly. Also remember that if you violate the laws of the State of Alaska or of the United States, while confined, you are subject to prosecution in a court of law.

We hope that a minimum of rules and maximum of information will be the spirit for understanding the mission and goals of the department. We dedicate this handbook to that understanding.

This Handbook is not intended to be a legal document. For legal information, consult the Alaska State Statutes and regulations, the Department of Corrections and Institutional Policy manuals.

Policy changes may not be reflected in this handbook immediately.

RECEPTION AND ORIENTATION**BOOKING PROCESS (22 AAC 05.005 - .035):**

1. Upon admission to a Correctional Facility you will be pat-searched, fingerprinted, photographed, and assigned an identification number (OFFENDER number). Your clothing and property will be inventoried. You and the booking officer must sign all booking records.
2. Before being escorted to your assigned housing area you will be strip-searched. If the searching officer has probable cause to believe you are concealing contraband within your body, you may be dry-celled.
3. After the booking process is completed, you will be assigned to a housing area. Upon completion of the initial classification you will be assigned to a housing unit appropriate to your custody level.
4. After the booking process is complete, you will be allowed to make a phone call to your attorney, family members or friends, or bonding office. If you are assaultive or combative during the admission process you will be allowed to use the phone when you have calmed down.
 - a. Calls to your attorney may not be monitored or recorded; however, all personal calls from prisoners are subject to monitoring and/or recording.
 - b. Long distance calls must be made collect.
5. You will be given a health screening by medical staff. If you have no communicable diseases or other significant health problems, you may be housed in the general population. If you have any specific medical concerns you may submit a request to see medical via a “Request for Interview” form (cop-out).
6. Prior to a move to a housing unit, you will be given basic items of personal hygiene: toothbrush, toothpaste, soap, and comb and, if you are a woman, feminine hygiene items. You will also receive towels and bedding.
7. If you are transferred to another institution after admission, you will be able to take the hygiene items in #6 with you.
8. If you have a problem or need information, ask a staff member.
9. Prisoner Handbooks are available for your review.
10. Upon transfer to a new facility, prisoner handbooks appropriate to that facility will be available for your review. This will be part of the intake and/or orientation process at the new facility.

INDIVIDUALIZED DETERMINATION OF SECURITY OR SAFETY RISK:

A number of provisions in this handbook discuss rights or privileges that are to be given to certain classifications of prisoners unless there is an “individualized determination” because a prisoner is an escape, smuggling or security risk. “Individualized Determination Restrictions” means the Superintendent or designee must define, in writing, specific facts that justify the determination that a particular prisoner is such a risk and, therefore, may not participate in a specific activity/privilege or right. Notice of this determination will be provided to the prisoner as soon as possible before or upon denial of the right or opportunity mentioned in this handbook. These restrictions are not connected to any Disciplinary Board findings of any type, and can only be challenged through the grievance process.

COMMUNICATIONS (22 AAC 05.510 – 545):

Listed below is general information about communication with institutional staff, personal and legal mail and packages. Please refer to Part II of this handbook for rules specific to this institution.

REQUEST FOR INTERVIEW (Cop-Out):

1. If you have a question about operational procedures, ask a staff member. You will either be given an answer or referred to the appropriate staff.
2. The most common way to get information is to submit a Request for Interview form (cop-out). Request for Interview forms are available in your housing unit or you can request them from staff.
 - a. Make sure you complete all information on the form to include your name, OFFENDER number and housing unit.
 - b. Fill in the name of the staff member (or position, if you don't know the name) to whom you are directing the question.
 - c. Ask your question so that the staff member can understand what you need. Do not use profanity.
 - d. Place your Request for Interview in the locked box provided. It should be picked up within 24 hours and distributed to the appropriate staff member.
 - e. You will receive an answer within a reasonable timeframe. If the staff member cannot answer your question, the Request for Interview will be forwarded to someone who can. In that case, your answer may be delayed.

TELEPHONE:

Part II of this handbook outlines specifics for use of the telephone.

1. Telephones are available for use by the general population, including segregated prisoners. Every prisoner may use the phone daily, it will be necessary to take turns.
2. If you are housed in a segregation unit you must request phone calls using a cop-out. Unless it has been "individually determined" that you have abused telephone privileges, you may place a phone call to anyone you want. If your phone use has been restricted by individual determination or court order, your calls may be limited.
3. Prisoners in punitive segregation are limited to telephone calls to attorneys, the Courts for scheduled hearings and the Ombudsman's Office.
4. Prisoner to prisoner telephone calls are prohibited. Superintendents may authorize calls between incarcerated family members at their discretion.
5. Phone calls to attorneys are not restricted but they should be made during normal work hours to increase your chances of contacting them. If your attorney is from outside the State of Alaska, you will need to submit a cop out to the Security Sergeant to place your call at a time appropriate for that time zone.
6. To call long distance, the person you are calling must set up an account with the current contractor. Ask the housing unit officer for the information.
7. You will not be able to call cell phones from the housing units. If you need to call a cell phone, put in a cop-out to the Shift Supervisor listing the name, telephone number and a valid reason why you need to make the call. The request will be denied if it is determined that the call is not important or an emergency.
8. Call forwarding, three way calls or any other methods to bypass institutional security is strictly prohibited, and will result in the called number being blocked.

VISITING:

1. You are entitled to visits from anyone, except those who will jeopardize the safety, security or order of the institution, or whose safety might be jeopardized by the visit. If you are denied a visit with anyone, you will receive written notice of the reasons why. You may grieve a denial directly to the Director of Institutions through the Grievance Coordinator (see Grievance Procedures). Anyone on probation or parole must have permission from their parole officer and the Superintendent to visit.
2. In order to visit you, all visitors must clear a security check. You will be responsible for submitting a visitor request for those persons you wish to have a contact visit with. You must provide a name, drivers license number, phone numbers, and addresses for your prospective visitors. There are two kinds of visits offered: secured and contact. Your contact visiting may be limited or denied in the first 30 days of incarceration or until your orientation is completed.
3. No one may visit without picture identification. Birth certificates and/or proof of relationship/guardianship are required for minor children.
4. A minor visitor who is a family member of a prisoner must be accompanied by an adult who is either an immediate family member or is approved by the Superintendent. A minor visitor who is not a family member of the prisoner must be accompanied by a parent or legal guardian.
5. The Superintendent or designee may deny visitation for security reasons if visitors dress inappropriately or their clothing (or lack of clothing) violates the following criteria:
 - A. A shirt and trousers for men; a shirt and skirt, shirt and slacks, or dress for women;
 - B. Visitors must wear footwear at all times;
 - C. Cut-offs, shorts, beach-type clothing, and provocative or revealing clothing such as mini-skirts, low-cut blouses, tube tops, low-cut pants and see-through blouses are not acceptable; and
 - D. Visitors may not wear hats in the visiting area, unless authorized by the Superintendent.
6. A person is not allowed to visit if the person was released from a correctional facility within the preceding 60 days, unless the Superintendent pre-approves the visit. (This section does not apply to a prisoner's family members or a person who was acquitted at trial or released because the State dismissed the charges);
7. Persons under probation, parole, or other community corrections supervision must obtain their individual supervising officer and the Superintendent's permission before visiting a prisoner.

See Part II of this handbook for more specific information about visitation.

MAIL (22 AAC 05.520):

1. You are not restricted on the amount of mail you may send and/or receive, however, you may not use the mail to conduct a business without the written consent of the Superintendent of the facility you are housed.
2. If you are indigent, the Department will pay postage for up to five (5) pieces of mail per week for you. Each piece may weigh up to two (2) pounds. You may not use this provision to send out excess personal property. It is for personal and/or legal/privileged mailings.
3. The mail you send and receive must show your full name, your offender number and the name of your housing area, the full name of the institution (no initials) and the institution's address. If you do not put this information on your outgoing mail, it may be returned to you.
4. All outgoing mail must be placed in the locked box provided in your housing area. A designated staff member will pick it up once each day.
5. A staff member will scan, but not read, all your outgoing and incoming personal mail to determine if it contains:

Prisoner Handbook – Part 1

- a. Plans for criminal activity or threats of physical harm against a person;
 - b. Plans for sending contraband into or out of the facility or other activities prohibited under statute;
 - c. A code not understood by the scanner;
 - d. Requests for gifts, money, credit or contractual purchases without the consent of the Superintendent;
 - e. Information that would, if communicated, create a risk of mental or physical harm to someone; or
 - f. Materials prohibited under 22 AAC 05.510(b).
6. If scanning reveals that your mail falls into one of the categories above, staff may read it. You will be given a written notice within two (2) working days that it was read and the reason.
7. The only exceptions to the scanning rules are:
- a. Staff will read mail you receive from another prisoner.
 - b. If staff reads your mail from another prisoner, you will receive written notice that it was read and that any future mail from that prisoner may be read without giving you another notice.
8. There is a category of mail called “privileged mail.” Privileged mail may only be opened in the presence of the prisoner, and only to search for contraband. If there is substantial doubt as to whether or not mail is in fact privileged, such as mail received from an unknown but official sounding organization, the mail may only be opened in the presence of the prisoner and only to search for contraband, unless at that time it is determined not to be privileged mail. Outgoing privileged mail may not be searched for contraband nor read for content, but is subject to verification in the prisoner’s presence that the ultimate intended recipient is the privileged addressee. Mail to or from the following organizations is privileged. You may not put non-privileged mail inside a “privileged” letter or packet requesting that it be sent on or forwarded to someone else.
- “Privileged Mail” means that it is to or from:
- a. The Governor of Alaska;
 - b. The Attorney General of Alaska;
 - c. Members of the U.S. Congress for Alaska;
 - d. Alaska Legislators;
 - e. Any Alaska or U.S. court;
 - f. Commissioner of the Alaska Department of Corrections;
 - g. Chairman of the Alaska Board of Parole;
 - h. Ombudsman for the State of Alaska;
 - i. Any attorney licensed to practice in the U.S.;
 - j. Physician of record for the prisoner;
 - k. Division of Occupational Licensing;
 - l. Alaska Human Rights Commission; or
 - m. Any organization that assists persons in the exercise of their legal rights, such as the American Civil Liberties Union, National Prison Law Project or Alaska Legal Services Corporation.
9. Your mail should be delivered to you within 24 hours of receipt. Packages should be delivered within 48 hours of receipt. This time frame does not include weekends and holidays.
10. There are limits on the amounts and kinds of property you may possess in your living area and in storage. The list of those items is in Part II of this handbook and in the law library. Some items must be purchased from an approved vendor; others may be purchased only through the commissary. All packages coming into the institution, no matter who sends them, must be authorized ahead of time. Each institution has established procedures for prisoners to receive property through the mail. Part II of the handbook will outline those procedures.

Prisoner Handbook – Part 1

- a. Prisoners are not allowed to receive any packages from friends or family. You are only allowed to receive packages from approved vendors.
 - b. All items that you order by mail must be authorized for receipt before being ordered. If you don't do this, the item will be returned to the sender. You will have to pay for the return postage if the package was opened by staff to check the contents. All items are subject to approval once they arrive at the institution regardless of pre-approval.
11. Pre-approval for books, magazines, or newspapers, is not required, however they must come from a publisher or vendor. Some types of publications are restricted. Those items that: incite violence, theft or destruction of facility property; shows martial arts techniques; would aid in escapes; are obscene; or, which describes or shows procedures for brewing alcohol or the manufacture of drugs, weapons or explosives are not permitted. Each magazine, book, or newspaper shall be reviewed on an issue by issue basis.
 12. All publications, including magazines, books or newspapers, must be ordered and received directly from an approved vendor or publisher. Prisoners must have sufficient funds to pay for any order in advance. Family or friends may order publications for delivery to a prisoner directly from the approved vendor or publisher. All books and magazines are subject to inspection for the material listed in #11 above. Magazines, books, and newspapers must be unaltered, in the original condition as the publisher intended them to be sold. Home made items or cards are not authorized. Gummed label stickers or laminated items are not allowed. Postage stamps are available on commissary and not allowed to be sent to you.

PROPERTY:

1. It is your responsibility to notify the property department of any changes to your inventory.
2. Personal property, including legal material a prisoner wants to accompany them at the time of transfer must all fit in one personal property box. The prisoner is allowed to decide which items they want in the transfer box (combination of legal material and items authorized on form 20-811.05F).
3. You will have ten working days from your arrival at the designated facility to make arrangements for the shipment (at your expense) or pickup of all property remaining at the sending institution. You may request an extension of up to 30 days in order to make arrangements to have the property picked up at the facility or obtain funds for mailing. You may not send the property to the new facility. Property allowed in one institution may not be allowed in another because of the mission of the facility. See Policy and Procedure 811.05 for further details.
4. Institutions do not have space to store property for you beyond what is allowed. If you accumulate more property than that, you will be required to send it out (disburse it) at your own expense or have someone pick it up.

See Part II for the list of property allowed in this institution.

PRISONER RAPE ELIMINATION ACT

The Department will maintain a zero tolerance toward all forms of sexual abuse and harassment. It is the policy of the Alaska Department of Corrections to provide a safe, humane and secure environment, free from the threat of sexual misconduct for all prisoners.

Any concerns should be reported immediately. The following are some, but not all, ways that a concern can be reported.

1. Report by cop-out,
2. Verbal report to an Officer,
3. Talking to Medical,
4. Have your attorney contact the institution,
5. Confidential letter to Security and/or the Superintendent.

ACCESS TO YOUR LAWYER (22 AAC 05.545):

1. Telephone calls to or from your attorney will not be monitored, except by court order.
2. There are no restrictions on the number of attorneys you may call or consult with unless by court order or individual determination.
3. You may call your lawyer(s) during normal office hours. Unless there are unusual circumstances, telephone calls to your lawyer can be made on the same day as requested, such as when you have presently pending litigation, including administrative hearings. In all cases, efforts will be made to complete your attorney calls on the day you request them.
4. Your attorney(s) may send you one page FAX messages, not including the cover sheet. The number is posted in the law library. The FAX messages must be on the letterhead of the attorney and be properly addressed using your full name, the name of the institution and your housing unit. They will be delivered to you as soon as possible. FAX messages from private citizens will not be delivered. **PLEASE NOTE:** FAX messages from your attorney are not considered legal/privileged mail and may be read before delivery.
5. Your lawyer may also send emails at ancjl.housing@alaska.gov following the same rules and criteria as FAX messages.
6. Your attorney or attorney's representative may visit you between 8:00 a.m. and 10:00 p.m., except when institutional counts are being conducted.
7. You can conduct a private conversation with your attorney or the attorney's representative and exchange or review legal documents without interference by correctional personnel. However, staff may search documents for contraband.

ACCESS TO LEGAL MATERIAL AND LAW LIBRARY (22 AAC 05.540):

1. You will have access to the library within one (1) working day of your request, unless there are unusual circumstances. If you have been individually determined to be a threat to the security of the institution, or if you are in punitive segregation, you are not allowed to go to the library. However, you will have access to the digital law library.
2. If the criminal or civil law materials you need to conduct your legal research are not in the facility's law library, you may request them on the forms provided. The law librarian will help you if you want. Copies of requested research are the property of the Department and must be left in the law library for others to use. If you want copies of your own, you must pay for them. Remember, there are limits on property, including legal material, so take advantage of the extensive research that others have done and do your part to preserve the library's research files.
3. A prisoner may receive assistance from another prisoner within the same facility only to use the law library, conduct legal research, or prepare legal pleadings. A prisoner has no right to assistance from a specific prisoner. A prisoner must secure the Superintendent or designee's approval before receiving assistance from any person other than the law librarian. The Superintendent may withhold approval only for legitimate reasons that relate to the security or orderly administration of the institution. A prisoner who assists another prisoner may not charge, demand or receive payment of any kind for services rendered. A prisoner may not possess another prisoner's legal materials outside the law library. The Superintendent may limit or deny assistance to or from a prisoner in segregation or maximum custody housing for security reasons, except for services provided by the law librarian.
4. You are entitled access to a properly functioning typewriter, typing paper, photo copies or carbon paper to prepare legal pleadings and documents. Typing paper, photo copies and carbon paper will be provided free of charge for indigent prisoners for legal work only.

If your access to a typewriter is denied because of security reasons, you will be provided with a pen with black ink or pencil and paper with which to prepare legal pleadings and legal correspondence.

ACCESS TO MEDIA (22 AAC 05.525):

1. Prisoners will be afforded reasonable opportunities to contact or correspond with media representatives. Institutional visits by news and media representatives for the purpose of interviewing prisoners must be approved in advance by the Director of Institutions. Interviews must be coordinated through the Superintendent and must take place during normal visiting hours. All interviews must be one-on-one.
2. Your contact with the news media is voluntary. You have a right not to be interviewed, photographed or recorded. You must sign a “Release and Permission for News Media Contact” form before being interviewed or photographed.

CLASSIFICATION PROCEDURES (22 AAC 05.200 – 271):

For more information of classification procedures refer to policy 700.01

Classification is a process that systematically subdivides a prisoner population into groups based on custody and individual rehabilitative program needs.

1. Initial Classification: The Initial Classification (Form 20-700.01A) shall be completed within five (5) days of remand and shall be utilized during the first year of incarceration for all classification actions. Classification processes shall include a review of the case record and a completion of the Department’s approved Substance Abuse Screening Tool, and the Department’s Risk/Needs Screening protocols, and to determine the need for referral to education and other rehabilitative programs.

2. Reclassification: The Reclassification (Form 20-700.01B) Form shall be utilized for all classification actions after the first year of incarceration and shall be completed every year thereafter for an annual classification review and six months prior to release. The reclassification process shall include a review of the case record, and the Offender Management Plan (OMP) and shall include a review of the Individual Reentry Plan (IRP) at six months prior to release.

The custody status assigned to a prisoner is based on the matrix score from the classification process and establishes the degree of staff supervision required to monitor and control the prisoner’s behavior.

1. Minimum Custody: Minimum custody prisoners are prisoners with less than ten years remaining to serve who participate in programs, have demonstrated appropriate institutional behavior, and meet institutional standards for the least restrictive housing and supervision based on current charges and criminal history.

2. Medium Custody: Medium custody prisoners do not meet institutional standards for minimum custody based on current charges, criminal history, and institutional behavior.

3. Close Custody: Close custody prisoners do not meet institutional standards for medium custody based on their current charges, criminal history, and lack of a substantial period of appropriate institutional behavior.

The initial classification/designation form will establish custody levels within five working days of remand or establish the custody level of a sentenced prisoner, and is forwarded to Central Classification for designation to an appropriate facility.

Prisoners shall be classified to the least restrictive custody level based on the assessment of behavioral risk factors, supervision needs, rehabilitative needs, and institutional behavior.

The classification process shall identify prisoners’ rehabilitative and reentry requirements that promote public safety and provides for the responsible reformation and reintegration of offenders.

Prisoners shall be housed based on their custody level.

Initial Classification

An Institutional Probation Officer, or other appropriately trained officer, shall review the prisoner's case record, including a complete criminal history and all other relevant information, to complete classification actions within five days of remand.

The prisoner may advise the Institutional Probation Officer of any factual errors on the Initial Classification Form or of a significant change in status that may affect a custody classification by submitting a request for interview, within three (3) working days. If that review is unsatisfactory, the prisoner may appeal to the Superintendent any factual errors or changes in status within three (3) working days. The Superintendent shall render a decision on the appeal within five (5) working days after the appeal is submitted. The Superintendent's decision is final.

Reclassification

A reclassification review shall be held one year after the initial classification review, yearly thereafter, six (6) months prior to release, and at any time at the discretion of the Superintendent. The reclassification review shall include the review of custody status, eligibility for placement on electronic monitoring, eligibility for furlough, eligibility for out-of-state transfer, rehabilitative needs, the Offender Management Plan, the Individual Reentry Plan, and the Department's approved Risk/Needs protocol.

The prisoner shall be provided at least 48 hours advance written notice of the Reclassification review utilizing Form 20-700.01C, Notice of Appearance. The prisoner has the right to appear and present evidence at the review.

The Superintendent has three (3) working days to approve, disapprove, or modify the recommendation(s) of the Institutional Probation Officer. If the recommendation is disapproved or modified, the Superintendent shall state the reasons on the Reclassification Form.

A copy of the completed Reclassification Form shall be provided to the prisoner within three (3) working days of the Superintendent's decision and shall include a description of the classification action appeal process.

A prisoner may appeal the reclassification decision to the Superintendent of the holding institution within five (5) working days of the prisoner's receipt of the decision. This appeal is limited to the effect a reclassification has on access to rehabilitative programs and the procedures followed in the reclassification process. The Superintendent shall render a decision on the appeal form within five (5) working days after the appeal is submitted. A copy of the decision shall be provided to the prisoner within three (3) working days of the decision. The Superintendent's decision is final with the exception of out-of-state transfer decisions which are appealable to the Director of Institutions.

Short-Term Designation

If a prisoner has a composite sentence of one year (366 days) or less, a Short-Term Designation shall be completed. A short-term sentenced prisoner shall be designated to a facility appropriate for the prisoner's custody level by the holding institution within five (5) working days after completion of the prisoner's time accounting sheet

The Short-Term Designation shall be completed by an Institutional Probation Officer and shall utilize the Initial Classification.

The officer completing the designation shall review the case record, including all appropriate documentation, and submit a recommended designation to the Superintendent or designee for review and final decision.

Short-term designations that require movement to another facility shall be submitted to Central Classification for the determination of the designated facility. Central Classification has the authority to override the prisoner's designated custody level. The reason for the override will be recorded on the Notice of Designation.

The prisoner shall be provided a copy of the Short-term Designation and/or Central Classification's Notice of Designation (Form 20- 700.01D), within three (3) working days.

A prisoner may appeal the short-term designation decision to the Director of Institutions within ten (10) working days of the prisoner's receipt of the decision. This appeal is limited to the effect a short-term designation has on access to rehabilitative programs and the procedures followed in the designation process. The Director shall render a decision on the appeal form within fifteen (15) working days after the appeal is submitted. A copy of the decision shall be provided to the prisoner within three (3) working days of the decision. The Director's decision is final.

Long-Term Designation

A Long-Term Designation shall be completed for a prisoner who has a composite sentence of more than one year (367 days or more).

The Institutional Probation Officer shall complete and review a Long-Term Designation packet and complete a Long-Term Designation on either the Initial Classification Form (Form 20-700.01A) or Reclassification Form (Form 20-700.01B). The Long Term Designation packet and Long Term Designation shall be forwarded to Central Classification within 15 working days after completion of the prisoner's time accounting sheet.

A prisoner may appeal the long-term designation decision to the Director of Institutions within ten (10) working days of the prisoner's receipt of the decision. This appeal is limited to the effect a long-term designation has on access to rehabilitative programs and the procedures followed in the designation process.

Administrative Transfer Procedures

Central Classification has the authority to initiate administrative transfers based on the need to manage population, facilitate prisoner access to court, medical and rehabilitative programs and services, and for other legitimate administrative objectives. Central Classification shall provide a statement of reasons for such a transfer contained in the transfer order along with supporting documentation.

The Superintendent of the holding institution may request an administrative transfer in response to an emergency or potentially hazardous situation, or to provide access to court, medical, or rehabilitative programs and services.

If an administrative transfer will result in the prisoner being assigned to Administrative Segregation, the prisoner must be provided a hearing within five (5) working days of arrival at the receiving institution in accordance with 804.01, Administrative Segregation.

A prisoner may appeal an administrative transfer decision within five (5) working days of the prisoner's arrival at the designated facility. This appeal is limited to the effect an administrative transfer has on access to rehabilitative programs and the procedures followed in the administrative transfer process.

Out-of-State Transfer Procedures

A prisoner may be transferred to an institution outside the State of Alaska which is operated by the Federal Bureau of Prisons, a state, county, city or municipality, or a private entity if a determination is made that the prisoner's rehabilitation or treatment would not be substantially impaired by the transfer.

Upon the request of Central Classification, the Institutional Probation Officer shall conduct a classification review to determine eligibility for an out-of-state transfer.

If a prisoner volunteers for out-of-state placement or waives his personal appearance at an out-of-state classification review, the Institutional Probation Officer shall complete the appropriate Classification Form and forward it to Central Classification.

The prisoner shall be provided at least 48 hours advance written notice of the review utilizing Form 20-700C. The prisoner has the right to appear and present evidence at the review.

The Institutional Probation Officer shall make a recommendation regarding whether the transfer will substantially impair the prisoner's access to rehabilitation or treatment and whether the prisoner has a special medical, mental health, safety, or security need that would be better met in a facility outside Alaska.

Prisoner Handbook – Part 1

An appeal of an out-of-state transfer decision shall be submitted to the Institutional Probation Officer within five (5) working days of the day the prisoner receives written notice of the Central Classification decision. This appeal is limited to the effect an out-of-state transfer has on access to rehabilitative programs and the procedures followed in the transfer process.

A prisoner who has an appeal pending under this section may not be transferred out-of-state until the appeal process is completed, to include the prisoner's signature on the appeal response from the Director of Institutions. Refusal to sign does not impede the transfer process. If the prisoner's appeal is denied, or no appeal is submitted, Central Classification will arrange transportation to the out-of-state facility.

A prisoner incarcerated outside the State of Alaska will be considered for return to Alaska within a reasonable amount of time for the following reasons:

- A. A verified and serious threat to the prisoner's personal safety exists.
- B. The prisoner's projected release date is approaching and reentry protocols need to be initiated.
- C. The prisoner has been approved for a prerelease furlough.
- D. The prisoner has been granted discretionary parole and all conditions have been met or the prisoner has met the conditions for mandatory re-parole.
- E. Alaska Mental Health and/or Medical request the prisoner return to an Alaska facility.
- F. At the request of the Director's office.

During the annual reclassification review the prisoner shall be reviewed for continued out-of-state placement.

Appeal Procedures

All Classification Appeals shall be submitted to the Institutional Probation Officer on the Appeal of Classification Action (Form 20-700.01E).

The time to appeal may be extended for an additional period if the prisoner states a valid reason.

The Institutional Probation Officer shall review appeals for form and content. Appeals containing profanity or derogatory language will be returned to the prisoner.

For purposes of appeal, a prisoner, upon request, shall have access to the recording of a related disciplinary hearing or the classification review being appealed, except that any portion of the recording which contains the testimony of an informant must be summarized in as much detail as possible while not placing the informant in danger, and the summary made available to the prisoner.

With the exception of a transfer to an institution outside of Alaska, a classification action may be commenced pending an appeal.

The official responding to the appeal may grant an appeal, grant an appeal and modify the classification decision, deny an appeal, or refer the matter back to the committee/hearing officer for rehearing. The failure to respond within the appropriate time period shall be considered a denial of the appeal. However, a late response to an appeal is valid.

Post-Remand CRC Placement Procedures

Sentenced and un-sentenced prisoners are eligible for non-furlough placement at a CRC immediately after remand based on the criteria established by Central Classification.

A prisoner may be removed for cause from a CRC placement under this section. A classification is not required to remove a prisoner from a CRC. The reason for a removal shall be stated in writing.

There is no appeal for CRC placements and removals.

Administrative Segregation

For more information on administrative segregation refer to policy 804.01

Administrative Segregation: A form of separation from the general population imposed by the Superintendent or his/her designee when the continued presence of the inmate in the general population poses a serious threat to life, property, self, staff, or other inmates or to the security or orderly operation of the institution. Inmates pending investigation for trial on a criminal act or pending transfer also can be included.

Administrative Segregation Maximum: Indicates that an inmate requires the maximum level of supervision available within the facility due to being identified as an escape risk, the most assaultive, predatory, riotous, or seriously disruptive to the orderly administration of the facility. A segregation maximum inmate must be placed in secure housing, with very limited program activities, with maximum supervision within the secure perimeter of the facility.

Protective Custody: A form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health or safety. The inmate's status is reviewed periodically by the Superintendent or his/her designee.

Punitive Segregation: A form of separation from the general population in which inmates who have committed serious violations of conduct regulations are confined by the disciplinary board and/or the Superintendent or his/her designee for short periods of time to individual cells separated from the general population. Placement in punitive segregation only may occur after a finding of a rule violation at an impartial hearing and when there is not an adequate alternative disposition to regulate the inmate's behavior.

The department shall not use administrative segregation as punishment.

ASSIGNMENT TO ADMINISTRATIVE SEGREGATION

The Department may assign a prisoner to administrative segregation if the prisoner:

1. Has not been classified since initial admission to the institution, or has not yet had a physical examination under policy #807.14, Health Examinations;
2. Is incapacitated;
3. is suffering or is suspected of suffering from a communicable disease;
4. Is prescribed segregation by a physician, physician's assistant, or mental health professional based upon his or her mental or physical condition;
5. Requests segregation and demonstrates a valid security-related or medical reason for the segregation;
6. Is detained as a non-criminal hold under A.S. 47.30.705 or A.S. 47.37.170;
7. Is being held as a material witness under a court order;
8. Presents a substantial and immediate threat to the security of the facility or public safety;
9. requires protective custody;
10. Requires the most restrictive housing based on the inmate's behavior which represents a severe threat to the safety and security of the facility. These inmates will be identified as Administrative Segregation Maximum.

ADMINISTRATION SEGREGATION HEARING

1. The Department shall give the inmate 48 hours notice of the hearing and advise the inmate of his or her right to assistance from a hearing advisor. The inmate shall be advised of the right to counsel when segregation is in connection with an infraction that would constitute violation of a felony criminal statute. An inmate is entitled to a hearing advisor to investigate the facts and coordinate the inmate's presentation at the hearing.
2. The inmate shall be given the opportunity to challenge the factual basis for the placement, to appear, present evidence, and examine witnesses, unless the hearing officer makes a written factual finding that to do so would subject another person to a substantial risk of harm. In that case, the Department shall provide

the inmate with the substance of the witness' testimony in a written or oral summary. The inmate must also be provided the opportunity to make a statement on his or her own behalf.

RIGHTS, PRIVILEGES AND OPPORTUNITIES FOR PRISONERS ASSIGNED TO ADMINISTRATIVE SEGREGATION:

Segregated inmates must be afforded rights and privileges consistent with the security risks inherent in the reasons and justifications for the segregation.

Access to visitation, mail, telephone, recreation, law library, and programs can be restricted only if an individualized determination is made that an inmate's participation threatens the order and security of the facility.

You are entitled to the rights, privileges and opportunities available to inmates in the general population as set out in policy. This does not apply if an "individualized determination" is made that participation in the specific rights, privileges or opportunities presents a threat to the order or security of the facility. This means that you are entitled to recreation, use of the law library or access to law library materials, mail, telephone access, visitation, practice of your religion, etc. It does not mean that you are entitled to as much personal property in your cell as prisoners in general population, or that other incidental privileges available to the general population will be available to you while you are in segregation.

PRISONERS WHO REQUEST ADMINISTRATIVE SEGREGATION:

The Department does not have to hold an initial classification hearing if you request placement in administrative segregation. If no hearing is held, you will be promptly released from that placement if/when you request it. This does not apply if you meet the requirements for emergency placement and they are invoked. You may be denied placement in administrative segregation if you don't or can't show a valid security or medical reason for requesting it.

Wanting a private room is not sufficient reason. You will be required to furnish information to document the reason you are requesting administrative segregation. Staff will use their professional judgment regarding your request. It is possible that an appropriate bed may not be available for you when you request release. If so, you will be released as soon as one becomes available.

CLASSIFICATION REVIEW HEARING:

If you are placed in administrative segregation and you remain in administrative segregation after the initial hearing, you will be given a classification review hearing every 30 days for as long as you remain in segregation. At this hearing, the Department must prove that conditions still exist which justify your continuation in that status.

If you are placed in administrative segregation on an emergency placement (without a hearing) the Superintendent must justify the placement in writing within 24 hours of placement. You will be given a hearing within three (3) working days to determine if your placement is still justified. In exceptional cases, and if good cause exists, that hearing may be delayed for 24 hours.

RELEASE FROM ADMINISTRATIVE SEGREGATION:

The Superintendent shall release a prisoner from segregation if they no longer meet the requirements of continual placement in segregation.

HEALTHCARE (22 AAC 05.120)

INFORMED CONSENT:

You have the same general rights as any other Alaskan citizen concerning examination, treatments, and procedures governed by Informed Consent. However, at the discretion of the health care provider, Informed Consent is not used in certain circumstances such as: an emergency that requires immediate medical intervention for your safety,

emergency care for you if you cannot understand the information given, or public health matters, such as communicable disease treatment.

MEDICAL AND DENTAL PROBLEMS:

Each institution has medical and dental personnel who handle all routine medical and dental problems. A physician visits routinely to conduct physicals and examinations for those referred by the health care staff.

Sick call is conducted during the week and on an emergency basis on weekends. At ACC sick call is done every day. If you need to see medical staff, put in a medical cop-out so you can be put on the schedule for the following day. If you have a medical emergency, tell a staff member. Most medical visits incur a cost to the prisoner of \$5.00 per visit. **See Part II for schedules and rules.**

If you have a chronic or serious illness such as a heart condition, diabetes, epilepsy, etc., and you haven't told anyone yet, tell the shift supervisor or nurse immediately.

Institutional medical staff must approve all prescription medication. If you were on a medication before you were arrested, inform medical staff immediately through a medical cop-out. If that particular medication is not allowed in the institution, a substitution may be prescribed for you.

Organ donations are only considered when the recipient is a member of the donor's immediate family. Any expenses incurred are not the responsibility of the DOC.

MENTAL HEALTH AND COUNSELING SERVICES:

Substance abuse counseling is available, along with anger management, crisis intervention and pre-release counseling. **See Part II for procedures and schedule.**

GENERAL INFORMATION

MEALS AND FOOD SERVICE:

You will receive three (3) nutritious and well-balanced meals every 24 hours; two (2) will be hot meals. Special religious, medical and vegetarian meals will be made available to the extent reasonably possible. Vegetarian and religious diets must be approved by the Superintendent or their designee on a case by case basis. Medical diets are available only when prescribed by medical staff and approved by the Superintendent.

GROOMING, CLOTHING AND BEDDING:

1. You may have any hair or beard style you want providing you keep it clean and it does not present a security or safety concern. If length or cleanliness becomes a safety, health or sanitation problem, you may be required to shorten and/or clean it.
2. If you have long hair and are assigned to a work area near machinery or in the health or food service areas, your hair must be covered with a hair net, beard net, hard hat or other appropriate clothing.
3. If your appearance changes because of growth or removal of facial hair or change of length or hair color, you will be photographed again for identification purposes.
4. You will be given an opportunity to shower at least three times per week. If you are assigned to special jobs like food service, health care or sanitation or mechanical services, you are required to shower daily.
5. You will be given an opportunity to use a razor daily. Depending on specific institution rules and regulation, razors are logged in and out; you are responsible for returning the razor unaltered.
6. Your living area must be kept clean and clutter free at all times.

Prisoner Handbook – Part 1

7. You must dress in accordance with the security standard of the institution. **See Part II for specifics.**
8. You will be provided with a least two sets of clean clothes per week, or a twice-weekly clothing exchange, or access to laundry facilities twice a week. You will be allowed 3 sets of underwear and socks per week or they will be exchanged 3 times per week.
9. Depending on the mission of the institution certain prisoners may wear personal clothes consistent with that institution's rules and regulation, except those prisoners in punitive or administrative segregation. The decision is up to the Superintendent on what clothing is allowable and in what area you are allowed to wear them.
If you are permitted to wear your personal clothes, you may have at least 2 sets in your possession. You will not be allowed to wear or possess the unique clothing of the opposite sex. **See Part II for specifics.**
10. If washers and dryers are not available to you, your personal clothing will be laundered at the department's expense if you sign a waiver for loss or damage. Your clothes will be washed in hot water and dried at high temperatures, so don't put in items requiring special treatment. You will not be allowed to send clothing out for dry cleaning or special laundering.
11. You may be required to wear special institutional clothing such as whites for kitchen work, orange for segregation, etc.
12. At a minimum, you will be provided with:
 - a. A clean, intact mattress and pillow;
 - b. A bed or boat (plastic sleeping platform) off the floor, unless documented individual health or safety is at risk;
 - c. Two (2) sheets, a pillowcase and two (2) blankets to keep you warm, unless documented individual health or safety is at risk;
 - d. An exchange of sheets and pillowcases at least once per week; and
 - e. A clean towel three times per week.
13. Your hair, clothing, person, living and work areas are always subject to search.

SEARCH AND SHAKEDOWNS:

Searches promote and maintain the security of the institution and the safety of prisoners and staff. No search is permitted merely as a form of harassment.

PERSONAL SEARCH (22 AAC 05.067):

There are three types of personal searches you may face during your incarceration. Failure to comply with a direct order to submit to a personal search may be grounds for disciplinary action.

1. Pat (frisk) search is one conducted with your clothes on and may occur at any time. Removal of coats and shoes may be required.
2. A reasonable basis to perform a strip search of a prisoner is presumed and must always be done under circumstances a-d below and may be done under circumstances e-h below:
 - a. Upon initial admission;
 - b. Upon apprehension from an escape or attempted escape;
 - c. When being admitted into segregation;
 - d. At any other time there exists a reasonable basis to conclude that a prisoner is in possession of contraband;
 - e. Upon re-entry to an institution after leaving the secure perimeter or grounds;
 - f. At the conclusion of a contact visit, including attorney visits;

Prisoner Handbook – Part 1

- g. After returning from an area where tools were present or in use, and other similar circumstances;
 - h. Upon return from the grounds of an institution which are accessible for the introduction of contraband, and other similar circumstances.
3. A prisoner is subject to a body cavity search if probable cause exists to conclude that the prisoner possesses contraband inside a body cavity. A body cavity search will be conducted by medical personnel in the presence of a correctional officer of the same sex as the prisoner being searched.

INSTITUTIONAL SEARCH (22 AAC 05.065):

Searches of living quarters may be conducted at any time and/or upon reasonable suspicion that your living area contains contraband. Random area searches are conducted continually throughout all institutions.

SHAKEDOWNS (22 AAC 05.065):

A complete and thorough search of any area in the institution may be conducted at any time. This may require a strip search of any prisoner in that area. Officers will take reasonable precautions not to disrupt your property during searches or shakedowns of your living area.

SUBSTANCE ABUSE SCREENING (22 AAC 05.069):

1. Collection of urine specimens does not require a signed consent form.
2. Before a blood sample is collected, you will be asked to sign Consent for Blood Screen. This form will be filed with your health record if blood is drawn.
3. A urinalysis may be conducted at anytime during your incarceration. If you refuse to participate you will be subject to disciplinary action for violating 22AAC 05.400(c)(16). For purposes of program assessment, your refusal to provide a urine sample for substance abuse screening may be used to indicate a positive test result.

You may request retesting of your urine sample by a different method of analysis or you may provide information for the test of a substance which you have used and which you believe caused a false-positive results. The institution shall provide this retesting at its expense for prisoners; if the prisoner is subsequently convicted of using contraband (i.e., retest is positive), the institution will recoup the costs of the retest directly from the inmate, including accessing the prisoner's account.

DISCIPLINARY**PROHIBITED CONDUCT (22 AAC 05.400):**

You will be held responsible for your individual actions while under the jurisdiction of the Department of Corrections. Rule infractions will be reported and acted upon. The local district attorney will be informed though the Alaska State Troopers if you commit an infraction which is a violation of a felony criminal statute. If the district attorney files a criminal complaint against you, the Superintendent may postpone any disciplinary action until the criminal prosecution is over.

Planning or trying to commit, or aiding or encouraging another to plan or try to commit an infraction, as outlined below, is considered the same as a commission of the infraction itself.

MAJOR INFRACTIONS:

1. Homicide;
2. Assaulting a staff member or visitor;
3. Escape or evasion from custody;
4. Setting a fire;

Prisoner Handbook – Part 1

5. Rioting;
6. Assaulting another prisoner under circumstances that create a substantial risk of serious physical injury;
7. Threatening or intimidating a witness in an official proceeding;
8. Possessing, using, or introducing weapons or escape implements;
9. Stealing, destroying, altering, or damaging government property or the property of another resulting in damages of \$1,000.00 or more; and,
10. Committing a class A or unclassified felony offense.

HIGH-MODERATE INFRACTIONS:

1. Fighting (e.g., mutual combat);
2. Extortion, blackmail, or protection, such as demanding or receiving favors or anything of value in return for protection against bodily harm, property loss, or under threat of informing;
3. Engaging in sexual acts with others or making sexual proposals or threats or sexual statements towards any staff or prisoner.;
4. Wearing a disguise or mask;
5. Stealing, destroying, altering, or damaging government property or the property of another resulting in damages of \$100.00 - \$999.99;
6. Tampering with or blocking a locking or security device, speaker, lights, doors or windows;
7. Possessing, using, or introducing any contraband, except that described in section B(8) above, that directly threatens the security of the facility, including but not limited to money, tobacco, unauthorized drugs, cell phones, camera, sound or video recorders or transmitters;
8. Intentionally misusing prescribed medication, e.g., hoarding medication or taking another person's medication;
9. Adulterating food or drink;
10. Participating in an organized work stoppage;
11. Possessing staff clothing or unauthorized civilian clothing;
12. Counterfeiting, forging any signature, or unauthorized reproduction of a document, article of identification, money, security, or official paper, or possessing or using such a document in a way that threatens the security of the facility;
13. Giving or offering a bribe to an official or staff member;
14. Threatening another person with immediate bodily harm;
15. Engaging in a group or individual demonstration or activity that involves throwing of objects, loud yelling, loud verbal confrontation, or pushing, shoving, or other physical contact that disrupts or interferes with the orderly administration of the facility;
16. Refusing to provide a urine specimen when requested by a staff member;
17. Spitting, spraying, wiping or throwing urine or fecal matter on or at a staff member;
18. Intentionally providing a false statement during a classification, disciplinary or grievance process, or to an investigator of a municipal, state, or federal agency;
19. Refusing to obey a direct order of a staff member;
20. Misusing the telephone, including but not limited to, making intimidating, obscene, harassing or threatening phone calls; making three way or call forwarding calls;
21. Encouraging others to engage in a food strike;
22. Refusing or failing to participate in a court-ordered treatment program, unless the conviction is being appealed and refusal is based upon advice of counsel;
23. Intentionally interfering with a prisoner count; and,
24. Committing a class C or B felony offense.

LOW-MODERATE INFRACTIONS:

1. Indecent exposure;
2. Stealing, destroying, altering, or damaging government property or another's property resulting in damages from \$50.00 to \$99.99;
3. Unauthorized use of the mail or telephone;
4. Lying or providing a false statement to a staff member under circumstances other than those described in section C(18) above;

Prisoner Handbook – Part 1

5. Giving or loaning property or anything of value for profit or favors if it threatens the security or order of the facility;
6. Threatening another person with future bodily harm;
7. Possessing anything not authorized for retention or receipt by the prisoner, and not issued through regular facility channels;
8. Malingering or feigning an illness, injury, or suicide attempt;
9. Missing a prisoner count, unexcused absence or tardiness from work or an assignment, failing to perform work/program as instructed by a staff member, or refusing to perform a work/program assignment for alleged medical reasons without being excused by health care staff;
10. Failing to abide by posted sanitation rules or failing to comply with the posted rules for personal grooming and cleaning quarters;
11. Being in an unauthorized area;
12. Using equipment or machinery without specific authorization or contrary to instructions or posted safety standards;
13. Using abusive or obscene language or gesture that is likely to provoke a fight or that clearly disrupts or interferes with security or orderly administration of the facility;
14. Tattooing or self-mutilation, other than suicide attempts;
15. Unauthorized communication or contact with the public or visitors to include but not limited to personal contact, mail, phone system or through a third party;
16. Giving, exchanging, or accepting anything of value from any person without the Superintendent's prior approval if it threatens the security or order of the facility;
17. Threatening damage to or theft of another's personal property;
18. Kicking, shouting, banging, or engaging in any other persistent nuisance noise or activity;
19. Willfully failing or refusing to keep a medical or health care appointment scheduled with the prisoner's knowledge and consent; and,
20. Committing a misdemeanor offense.

MINOR INFRACTIONS:

1. Gambling or possessing unauthorized gambling paraphernalia;
2. Possessing unauthorized prisoner clothing;
3. Failing to follow posted safety rules, except as described in section D(10) above;
4. Stealing, destroying, altering, or damaging government property or the property of another resulting in damages of less than \$50.00; and,
5. Failing to follow a facility's written rule after the Superintendent approved the rule and the prisoner was provided notice of it.

PUNISHMENT (22 AAC 05.470):

- (a) Only a disciplinary committee or hearing officer may impose punishment for an infraction. The disciplinary committee or hearing officer may impose at least one, and may impose all, of the following penalties if the prisoner is found guilty of an infraction:
1. Reprimand;
 2. Suspension of participation in activities described in, and except as limited in (b) of this section for a period of up to 20 days for a minor, up to 40 days for a low-moderate, up to 60 days for a high-moderate, and up to 90 days for a major infraction;
 3. Confinement in punitive segregation, confinement to quarters, or weekend or holiday lock-ups for periods not to exceed 20 days for a low-moderate, 40 days for a high-moderate, or 60 days for a major infraction;
 4. Restitution for the amount of property damage, theft, or, in the case of an injury, for the amount of medical care and related costs, or for costs incurred for a violation of 22 AAC 05.400(d)(19), including the placement of a hold on the prisoner's work compensation payments, withdrawal of money from the prisoner's account, or requiring the prisoner to work without benefit of compensation; and,

Prisoner Handbook – Part 1

5. Except as provided in 22 AAC 05.473, forfeiture of up to 90 days statutory good time for a low-moderate, up to 180 days statutory good time for a high-moderate and up to 365 days statutory good time for a major infraction.
- (b) Participation in the following activities is automatically suspended during the period of time the prisoner is placed in punitive segregation. They may be otherwise suspended for the periods described in (a)(2) of this section, except that participation in the activities described in 1 – 4 of this subsection for a prisoner who is not in punitive segregation may be suspended for no more than 15 days unless the infraction is directly related to the particular activity.
1. Participation in education programs or group religious services;
 2. Contact visiting;
 3. Secure visitation other than with immediate family members (i.e. spouse, parents, children, or siblings);
 4. Telephone calls except those to an attorney or ombudsman's office;
 5. Use of any electronic device or game unless approved for purposes of appeal.
 6. Recreation, except for one hour of exercise per day;
 7. Reading material, except for religious or legal matter, or educational materials if the prisoner is enrolled in a course;
 8. Eating in a community dining area; and
 9. Use of commissary.
- (c) The committee/hearing officer may suspend the penalties it imposes, except for the forfeiture of contraband money, for up to one year, contingent on the prisoner complying with reasonable conditions that the committee/hearing officer places on the prisoner. If the prisoner violates any of the conditions during the suspension period, the committee/hearing officer may impose the suspended penalties after a hearing; 22 AAC 05.470(c).
- (d) If the prisoner is found guilty of committing more than one infraction arising out of a single transaction or occurrence, penalties imposed must run concurrently unless the disciplinary committee finds that separate and distinct correctional interests exist which clearly justify penalties running consecutively.

DISCIPLINARY PROCEDURES:**Incident Reporting:**

A staff member may informally handle misconduct, if it's a minor infraction, without filing an incident report. They may verbally correct, counsel or advise you about what you should have done at the time of the misconduct.

If a staff member reports misconduct on your part, an incident report will be written and sent to the Assistant Superintendent or designated staff member. The staff member may tell you, at the time of the misconduct, that an incident report is being written.

The Assistant Superintendent or designee will do one of the following things:

1. Forward the report for a formal hearing before the disciplinary committee;
2. Refer the report for informal resolution; or
3. Determine that no formal action is necessary or that any informal action that was taken was sufficient and the matter is concluded. The report will then go in your case record;
4. You will be notified of the Assistant Superintendent's action.

Disciplinary Report (22 AAC 05.410):

You will receive a copy of any incident report written about you within five (5) working days after the alleged infraction, or the date upon which you were identified as a suspect in the alleged infraction, whichever occurred

later. If an ongoing investigation is likely to be jeopardized, you will be given a copy of the report when the investigation is finished.

The report must include:

1. The citation of the rule allegedly violated;
2. The details of the incident;
3. A description of the disposition of the physical evidence, if any;
4. The identification of any known witnesses (informants need not be named if safety or security considerations warrant); and
5. Any informal action taken (if a minor infraction).

Advance Notice of Hearing (22 AAC 05.415):

You will receive written notification of the hearing at least 48 hours before the hearing. Your hearing may be held earlier if you waive that 48-hour notice.

The Disciplinary Hearing Notice will:

1. Tell you that you must inform the disciplinary committee in writing at least 24 hours before the hearing which witnesses and/or evidence you want at the hearing; and
2. Provide you with a list of advisors to choose from.

Advisor at Hearing (22 AAC 05.440):

Unless you are accused of a minor infraction only, you are entitled to the help of a staff hearing advisor to investigate the facts and to help prepare and present your defense at the disciplinary hearing.

You do not have to accept the help of an advisor and can present your own defense if you wish. However, advisors are trained in the disciplinary process and can help you understand and work through it.

1. You will be given a choice of advisors from a list of three (3) or four (4) correctional or probation officers appointed by the Superintendent for that purpose.
2. The advisor must meet with you at least 36 hours before the scheduled hearing to help you coordinate your defense. Advisor duties include:
 - a. Telling you that you must request the writer of the disciplinary report be present at the hearing or you may be found guilty on the basis of the report alone, even if you deny any wrongdoing;
 - b. If requested by you, the advisor will interview witnesses, advise you how to proceed and prepare examination of witnesses scheduled to appear at the hearing; and,
 - a. If necessary, arrange for the help of an interpreter.
3. To protect your rights, an advisor will be appointed to stand in for you in any portion of the hearing from which you must be excluded and will present evidence and witnesses and/or hear or cross-examine witnesses.
4. In addition to the advisor, you may have an attorney in the hearing if the incident might result in a felony criminal prosecution.

Composition of Disciplinary Committee (22 AAC 05.450):

The committee must consist of three (3) members appointed by the Superintendent for B level infractions. The department may also use a hearing officer instead of a committee for C level infractions or lower. A person may not serve on the committee if he/she:

Prisoner Handbook – Part 1

1. Wrote the incident report about the alleged rule violation;
2. Performed or helped with the actual investigation of the alleged rule violation;
3. Has knowledge of the facts of the event or incident, unless the facts become common knowledge in the institution. In that case, the person can serve if he/she had no direct involvement in the incident and can make a decision solely on the facts presented at the hearing;
4. Will be reviewing the decision of the disciplinary committee;
5. Is a witness to the alleged infraction; or
6. Cannot, for any reason, remain impartial toward you.

Time Limits Within Which Hearing Must Occur (22 AAC 05.425):

The disciplinary committee must hold your hearing not more than seven (7) working days after you get a copy of the disciplinary report, unless a postponement is granted. See 22 AAC 05.425.

You may postpone appearance before the committee for two (2) working days;

1. If you request it from the committee chair in writing at least 24 hours before the hearing was originally scheduled;
2. If, at the hearing, a finding is made that good cause exists to postpone it; or
3. If you or your attorney request to review the case record before the hearing. You will be given access to the authorized material at least 24 hours before the hearing. After you receive it, you will be granted a postponement for circumstances which justify further continuance.

The chair of the committee may postpone the hearing if you have requested the appearance of the person who wrote the incident report and that person isn't available. The hearing may also be postponed if you have requested the appearance of another staff person as a witness and they are not available at the time of the hearing. The chair may, with good cause, make a ruling that the witness's testimony isn't necessary to your defense, in which case the hearing will go forward.

The Department may postpone a hearing in 30-day increments if further investigation of the alleged infraction is required until the hearing takes place. For more details, see 22 AAC 05.425.

Agenda at Hearing (22 AAC 05.420):

A disciplinary committee hearing occurs in two phases: adjudicative and dispositive. If you refuse to appear or participate, the hearing may go on in your absence.

1. The adjudication phase is to consider the facts and evidence connected with the alleged infraction(s). It is to determine whether or not you committed the infractions alleged.
 - a. Except for a minor infraction, the proceedings must be tape-recorded.
 - c. The disciplinary report(s) will be read into the record by the chair.
 - d. You will be asked if you admit or deny the alleged infractions.
 - e. If you admit guilt, the dispositive phase will begin.
 - f. If you deny the charge, you and the committee may present your witnesses and evidence.
2. The dispositive phase is to consider your case record information and program assessment and to decide what sanctions to impose.
 - a. You or your advisor may present evidence or information to mitigate punishment.
 - b. After consideration of your statements and evidence, the committee will inform you on the record, of its decision and of your right to appeal. You must declare your intent to appeal at this point in the hearing.

Defense Witnesses, Examination of Witnesses and Evidence (22 AAC 05.430 – 435):

1. You may present witnesses and other evidence in your defense. The committee chair must receive a list of your requested witnesses and evidence no later than 24 hours before the hearing, unless you can show good cause why this time requirement cannot be met.
2. You may be present for witness testimony unless that would jeopardize the witness's safety or your own. If you are not allowed to be present, your advisor will be allowed to participate.
3. If the chair declines to call a witness, limits examination, or doesn't admit evidence, he/she must note that on the tape record and give the reasons and, in addition, must file a supplemental report listing such and the reasons for excluding or limiting.
4. The decision in the dispositive phase of the hearing is based on evidence presented at the hearing, case record information and program assessment(s) contained in your case record.
5. If you are found "not guilty," all reference of the infraction will be taken out of your case record. (22AAC 05.465)

Lesser Infraction (lesser Included)(22AAC 05.455)

If the Hearing Officer is not convinced that you are guilty of the infraction charged, you may be found guilty of a lesser infraction – one directly related to the larger infraction charged.

Punishment (22AAC 05.470)

Punishment for an infraction may only be imposed by a hearing officer. Penalties imposed are listed under department policy 809.02, "Prohibited Conduct and Penalties" and on preceding pages of this handbook.

Written Decision of Committee/Hearing Officer (22 AAC 05.475):

If you are found guilty of an infraction, the committee or the Hearing Officer must issue a written Report of Disciplinary Decision within five (5) working days of the hearing. The report will be issued within one (1) working day if you are scheduled to be released from incarceration before the expiration of the time periods allowed for appeal. The decision must include:

1. A summary of your statement;
2. A summary of the testimony of witnesses;
3. A statement of the committee's adjudicative and dispositive decisions and the specific reasons for those decisions, including a brief statement of the evidence relied upon and the specific facts relied upon to support the committee's decisions; and
4. The supplemental report of Witnesses and/or Evidence Disallowed, Limited or Not Called. You will not get this report if it will create a risk of reprisal or a threat to security.

Appeal of Disciplinary Committee Decision to Superintendent:

1. Disciplinary actions for a minor, low-moderate or high-moderate may be appealed no higher than the Superintendent.
2. Write your appeal to the Superintendent on the form provided and send it to the staff member named on the form within three (3) working days of when you received the Report of Disciplinary Decision form. You may ask your advisor to help you with it. You may also request to listen to a copy of the tape of the hearing. If you believe your due process rights under Department policy were violated, you must say so in the appeal and, if possible, cite the policy section involved. Remember you may not grieve a disciplinary action, so your appeal must include your relevant points.

Prisoner Handbook – Part 1

3. The Superintendent will consider the facts in all the documents provided, including your appeal, and prepare a written decision to affirm, reverse, reduce or suspend the penalty or to send the matter back to committee.
4. You will be given a copy of the Superintendent's written decision within ten (10) working days after he/she received the documents.
5. The Superintendent's decision is final on all but major infractions.

Appeal of Superintendent's Decision on a Major Infraction to Director:

1. If the Superintendent denies your appeal, you may appeal to the Director of Institutions.
2. You have two (2) working days after you receive the Superintendent's decision to submit your appeal. Again, you must route it through the named staff person, who will forward it to the Director within three (3) working days.
3. The Director will review the materials provided, including your appeal and will prepare a written decision to affirm, reverse, reduce or suspend the penalty or to send the matter back to committee.
4. You will receive the Director's decision within 15 working days after he/she received your appeal. The Director is the final level of appeal.

Imposition of Sanctions:

1. Sanctions will be imposed when you have exhausted all levels of administrative appeal available to you within the Institution or Department. If you are scheduled to be released from incarceration before the expiration of the normal periods allowed for the administrative appeal, the punishment will begin immediately after the disciplinary hearing. This does not mean you cannot appeal. Special, faster time frames have been set up in department policy for this.
2. You may not be confined to administrative segregation pending an administrative appeal, except in accordance with 22 AAC 05.485 and policy 804.01, "Protective Custody and Administrative Segregation."
3. If an official doesn't respond to your appeal within the time limits, your appeal is considered denied. However, a late response granting an appeal is valid. Also, in accordance with 22 AAC 05.610, the failure of a staff member to follow the time limits or other procedural requirements does not invalidate a decision, unless you can show prejudice.

GRIEVANCES

You may file a grievance regarding any matter with the exception of classifications addressing custody levels, facility placement, work and program eligibility and assignment, furlough, administrative transfers, disciplinary actions, parole board procedures or decisions, court procedures or decisions or any other administrative procedure which has its own appeal process. These may be addressed through the appeal process outlined earlier. You may use the grievance process without fear of reprisal. However, if you intentionally provide a false statement in connection with a grievance, you may be subject to disciplinary action.

There are two tracks that grievances follow: regular and medical. Grievances about anything except medical follow an operational track; those about allegations of inappropriate health care follow the medical track.

All grievances involving emergency issues of a life threatening nature will be handled immediately by staff upon verbal or written notification of the emergency circumstances. This includes threats to the security of the facility or anything, which may cause imminent harm to any person.

Before filing a formal grievance, you are required to attempt informal resolution through staff. File a cop-out to the officer, shift supervisor or staff with responsibility for the area in which you have a problem. If you are not satisfied with the response from staff, file a formal grievance. If you just need information, write a cop-out.

To better familiarize yourself with the grievance process you may review Department of Corrections Policy and Procedure 808.03, which are available in digital form in the institutional law library.

Regular Grievances:

1. You must file a grievance within 30 calendar days after the date of the incident. If it's later than that, your grievance may be rejected or screened back to you.
2. The grievance must be filed on a Prisoner Grievance form. Get one from any officer or in the law library. Write your complaints as clearly as possible, include details and dates. Grieve only one issue or problem at a time. If you think department policy has been violated, cite the policy. Don't attach copies of the policy to your grievance. If you give a cite, the investigator will look it up.
3. Print or write neatly so your grievance can be read. There is no requirement that they should be typed. As a matter of fact, most facilities restrict the use of the institutional typewriters to legal work only.
4. **Do not use profanity or cuss words** in your grievance unless such words spoken by someone else are the subject of your grievance. You are expected to treat staff with the same respect that you want for yourself.
5. Be sure to fill in all the spaces on the form, especially the "Relief" section. That tells staff how you would like to have the problem resolved. Be sure to date and sign the form, and then place it in the locked box in your living area or other designated location.
6. A designated officer will pick up grievances at least once every 24 hours during normal work days. They will be logged in and assigned to an investigator. Emergency grievances will be given directly to the Superintendent, who will look into them.
7. After logging in your grievance, the grievance coordinator may "screen" it back to you if it's not a valid grievance, uses inappropriate language, deals with a classification or disciplinary action, if it's been answered before to you or is currently being investigated on behalf of another inmate.
8. The investigator may meet with you as part of the investigation and may interview others involved or those who have knowledge of the issue. The investigator will make a written recommendation to the Superintendent within ten (10) working days after the grievance was logged in.
9. The Superintendent has five (5) working days to consider the facts, make a decision on the issue and decide what action, if any, to take. It will then be sent back to the coordinator, logged and returned to you. Please sign the form to show you received it back and check off one of the boxes indicating whether or not you intend to appeal the grievance to the Director.

Appeal of Superintendent's Decision to the Director:

1. You must file your appeal to the Director within two (2) working days after receiving the Superintendent's decision. The appeal must be filed on the grievance appeal form, which is available from any officer or in the law library.
2. Again, make your appeal as clear and concise as possible. Make your point(s) and stop writing. Be sure to write the grievance log number on the appeal form and sign it.
3. Place your appeal in the locked box. You do not need to attach the whole grievance to the appeal; the coordinator will make a copy for the director.

Prisoner Handbook – Part 1

4. The Director shall respond to the prisoner in writing through the Facility Standards Officer within 15 working days after receiving the appeal. The original must be sent to the Facility Standards Officer with a copy to the prisoner. The Director shall either affirm or reverse the Facility Manager's decision, note any corrective action, and set out findings and conclusions sufficient to permit further review. If the prisoner does not receive a response within 15 working days, the appeal is considered denied. However, a late response granting the appeal is valid.

Review by Department Standards Administrator:

After you receive the decision of the Director, if you feel that your grievance has not been handled according to department policy, you may send the complete grievance, including your appeal and the Director's response, to the Department standards administrator asking for review. The address is:

Office of Commissioner
Alaska Department of Corrections
Standards Administrator
Po box 112000
Juneau, Alaska 99811

It is your responsibility to do this. Do not submit the review request to the institution's standards officer. If you do, it will be returned to you.

The administrator will review the documents and if he/she decides that there are unresolved issues, the administrator will work with the Director to resolve them. If agreement cannot be reached, the administrator will resolve the issue with the Commissioner or Deputy Commissioner. The administrator will send you a written decision within twenty (20) working days after receiving it.

Grievance Against Superintendent:

If your grievance alleges a violation by the Superintendent, the Facility Standards Officer shall forward it to the Director of Institutions for investigation or assignment to an impartial investigator. If the investigation is assigned, within 10 working days after receiving the assignment, the investigator shall forward a clear and concise written statement of findings and recommendations to the Director of Institutions. If you appeal the Director's decision, within 20 working days after receiving the appeal, the Standards Administrator will issue a determination in writing directly to the prisoner. The review by the Standards Administrator is the final administrative action within the Department on the grievance.

Medical Grievances:

You have a right to file a grievance alleging failure to provide appropriate health care services. The forms, process and time lines are the same as for regular grievances, except the institutional standards officer will assign investigation of your medical grievance to the facility health care officer and it will be routed through the Central Office Health Care Administrator.

1. Within 15 working days after receiving the grievance, the Institutional Health Care Officer shall investigate the grievance, compile copies of all relevant medical records, and issue a written decision containing a clear and concise statement of findings (on Form 808.03C) to the Facility Manager through the Facility Standards Officer.
2. The Superintendent will sign the grievance before you get a copy.
3. The Facility Standards Officer shall record and forward the grievance appeal and the copies of grievance and relevant medical records to the Medical Advisory Committee.
4. The Health Care Administrator shall promptly assign an impartial investigator.
5. Within 10 working days of receipt of the grievance, the assigned investigator shall investigate the matter and provide the Medical Advisory Committee with a written statement of findings and recommendations.

Prisoner Handbook – Part 1

6. Within 5 working days of receipt of the investigator's statement of findings and recommendations, the Medical Advisory Committee shall review the documentation and issue a written decision containing findings of fact and conclusions as to the merits of the grievance.
7. The decision will be sent to the prisoner through the Facility Standards Officer who will promptly log the grievance decision.
8. The Medical Advisory Committee shall send copies of all appeal decisions to the Standards Administrator.
9. If the appeal involves a health care decision made by the Medical Director, within 10 working days of receipt of the investigator's statement of findings and recommendations, the Medical Advisory Committee shall review the investigator's written recommendations and issue a written decision containing findings of fact and conclusions as to the merits of the grievance.
10. The decision of the Medical Advisory Committee is the final administrative action on the grievance by the Department.

PRISONER FUNDS

Any money on your person when you were admitted to the institution will be deposited in a prisoner account with your Offender Number used to identify it. All funds you receive after that will be deposited in that account, including money sent in from family/friends, your business or from institutional work (gratuities). You will be given a receipt for all funds deposited except for gratuities. For gratuities you may receive a monthly statement.

1. Sentenced prisoners may have outside bank accounts under certain circumstances. (Department policy 302.17 will give specifics). Prisoner checking accounts are discouraged. Approval for transactions in an outside checking account will rarely be granted for sentenced prisoners. Prisoners may maintain an outside savings account only under the following conditions:
 - A. A minimum balance of twenty-five dollars must be maintained in the Offender Trust Account (OTA).
 - B. All banking transactions require the written approval of the Superintendent.
2. Personal checks for deposit into your account will not be accepted by the institution. Money orders or cashier's checks made out to you will be accepted. Please notify anyone who might make a deposit into your account of this requirement. A ten-day hold shall be placed on all money orders, cashier's checks and corporation checks before the money is placed into your account. Federal, State, or City government warrants are not subject to the hold period.
3. Cash disbursements shall be held to a minimum. Any disbursement of cash other than at the time of a prisoner's release must be approved by the Superintendent or designee on the Departmental approved Cash disbursement form 302.12D. You must state your reasons for wanting to make the disbursement. You may not personally send, give or directly receive funds.
4. Disbursals for the purpose of disciplinary restitution, cost of care, court-ordered fine or restitution, or other authorized disbursals must be processed as follows:
 - A. A Request for Disbursement of Funds, Form 302.12D, must be completed by staff initiating the disbursement.
 - B. The Disbursement of Funds Form must state the specific purpose and authority for which the intended disbursal is being made.
 - C. A copy of the Disbursement of Funds Form must be provided to the prisoner from whose account the funds are being disbursed.
 - D. Another copy of the Disbursement of Funds Form will serve as the action document for the transfer of funds and must be retained in the prisoner case record. The original must be returned to the originating staff.
5. If you are charged with committing a disciplinary infraction or crime involving damage to property or injury to a person, your account may be frozen. While your funds are frozen, you will be considered "indigent" by the department. After resolution of the matter, your account will become available to you, except for any funds used to make these payments.

6. No loans may ever be made to or from your account.
7. Account records are kept in a statewide computer base. Your funds are always accessible even when you transfer to another institution in Alaska.
8. When you are released from incarceration, you will receive a check or cash for all the prisoner fund monies due you.

See Part II of this handbook for more specific information about inmate funds.

SENTENCE CREDITS/GOOD TIME (22 AAC 05.472 – 473):

Good time is how you, as a sentenced inmate, may reduce the time you spend incarcerated through good conduct. Award of good time is governed by law and is subject to change as new legislation is passed. If you have questions about your earned good time, put in a cop-out to the Records Officer.

Time Accounting:

A time accounting record will be started and maintained for you by the Department. The Records Officer is responsible for sentence time accounting.

Once sentenced, you will be given a copy of your time accounting record (TAC sheet) as soon as administratively possible.

Restoration of Forfeited Statutory Good Time (22 AAC 05.472):

Except as provided in 22 AAC 05.473, 100% of forfeited good time may be restored. Your record will be reviewed for satisfactory progress in observing the rules of the correctional facility. You must have served the following period of good conduct since the rule infraction: 30 days for a low moderate infraction and 60 days for a high moderate or major infraction. When you submit a request for restoration of Statutory Good Time (SGT) which can be obtained from the probation officers, your institutional record will be reviewed. Your request will then be submitted to the Superintendent. Any decision to deny immediate restoration of the entire amount of good time shall be forwarded to the Director of Institutions for review.

Restoration of Voting Rights:

If you have been convicted of a felony you lose your right to vote while under the jurisdiction of the Department.

When you are unconditionally released from custody on your felony (after you complete probation or parole), you will receive written notice of the restoration of your voting rights before you are released. One copy of that notification will be sent to the Division of Elections and another will be placed in your permanent case record. If you don't receive this notice, contact your probation officer and the Division of Elections in your city or town.

Pre-Release Planning:

To help you make the transition back to the community, the Department will make pre-release assessment and counseling available to you not later than 30 days before you are scheduled to be released. In a sentenced institution, prerelease classes may also be offered. These programs cover subjects from check writing and parenting to helping you find a place to live.

Pre-release planning and counseling is voluntary. If you have been incarcerated for longer than 180 days, your institutional probation officer or counselor will ask if you want to participate.

Discretionary Parole Planning:

If eligible you will be given the opportunity to meet with your institutional probation officer before you go before the Parole Board. Upon request, the probation officer will assist in preparing your appearance before the Board.