



Operating Procedure

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| Effective Date January 1, 2012 | Number 830.2 |
| Amended 6/26/12 | Operating Level Department |
| Supersedes Operating Procedure 830.2 (1/1/09) | |
| Authority COV §53.1-10, §53.1-32.1 | |
| ACA Standards 4-4295, 4-4296, 4-4300 | |
| Office of Primary Responsibility Chief of Classification | |

Subject
SECURITY LEVEL CLASSIFICATION

| | |
|--|---|
| Incarcerated Offender Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | FOIA Exempt Attachments Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> #4 |
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I. PURPOSE

This operating procedure establishes protocols governing the security level assignment of offenders within Department of Corrections institutions.

II. COMPLIANCE

This operating procedure applies to all institutions operated by the Department of Corrections (DOC). Practices and procedures shall comply with applicable State and Federal laws, Board of Corrections policies and regulations, ACA standards, and DOC directives and operating procedures.

III. DEFINITIONS

Acceptability - The level of acceptance of the offender by the community. Specifically, the length of sentence and nature of the crime may preclude the offender from being approved. Acceptability can be assessed using such documents as the Pre-Sentence Investigation, and other documentation related to expressed community sentiment.

Annual Review - A uniform yearly review of an offender's classification, needs, and objectives which utilizes the Initial Classification Date (ICD) (previously Custody Responsibility Date) to establish the review date. The review is all encompassing and should address all aspects of the offender's institutional life.

Central Classification Services (CCS) - Staff members from the Offender Management Services Unit who review certain recommendations made by the Institutional Classification Authority, and render a final decision regarding offender status and assignments.

Eligibility - The utilization of objective, measurable standards, or criteria to determine an offender's program status (transfer, security level, program placement, etc.).

Increase in Security Level - A security level status change which increases the amount of physical restraint and supervision required, i.e. higher security level number.

Initial Classification Date (ICD) – The date on which the offender was initially assigned to a Security Level

Institutional Classification Authority (ICA) - The facility staff person designated to conduct offender case review hearings.

Reduction in Security Level - A security level status change which decreases the amount of physical restraint and supervision required, i.e. lower security level number.

Security Level - A measure of the degree of physical restraint and supervision that is required to maintain adequate control over an offender to prevent escapes, minimize risk of staff and offender injury, and maintain orderly facility operations while providing for the safety of the general public. Security Levels in current usage are: (changed 6/26/12)

Security Levels

- 1 – Minimum
- 2 – Moderate
- 3 – Medium
- 4 – Close
- 5 – Maximum
- 6 - Security Level S Step-down

Specialty Designations

- U – Unassigned
- D – Hearing Impaired
- H - Non Compliant with Grooming
- P – Protective Custody
- T – Transition
- X – Death Row
- S – Segregation

Suitability - A reasoned, professional judgment regarding an offender's ability to perform in a certain security level or facility environment. It calls for a discerning judgment relative to length of sentence, crime, prior record, as well as sociological, medical, and psychological considerations. Suitability differs with each individual offender depending upon the offender's facility, parole eligibility, Mandatory Parole Release Date or Good Time Release Date.

VACORIS – The computer-based Virginia Department of Corrections offender information management system

IV. PROCEDURE

A. General

1. Classification of offenders into appropriate security levels and assignment to facilities equipped to provide appropriate security enhances public, staff, and offender safety by ensuring that each offender receives the appropriate level of control and management while reducing the operating cost of the DOC by ensuring that offenders are not subjected to excessive control and management. (4-4296)
2. The security level classification system provides for annual reviews of security level to provide the opportunity for systematic decrease in supervision and corresponding increase in offender responsibility allowing the offender to benefit from additional programmatic, educational, and work opportunities in preparation for reentry. (4-4300)
3. Classification decisions involve the assessment of each case based on a determination of eligibility, suitability, and acceptability. An offender's eligibility for a specific security level will be determined by use of an approved scoring instrument. Mandatory restrictors and discretionary overrides may be used in determining suitability and/or acceptability in individual cases. This system provides an accurate assessment of security needs at the various facilities, and provides efficiency in matching offenders to existing programs.
4. Authority to assign offender security level is vested with Central Classification Services (CCS) but may be delegated in accordance with this operating procedure.
5. CCS will continuously monitor and evaluate the security level classification system to determine whether it is meeting DOC needs to properly match offenders with available facility bedspace based on security level assignments. (4-4295)
6. All initial and reclassification security level assignments and changes will be documented in VACORIS and reported using the *Institutional Classification Authority Hearing Report* generated in VACORIS.
7. The *Classification Assessment* must be completed in VACORIS prior to the initial security level classification and reviewed and updated as necessary for any subsequent security level or annual reviews.

B. Eligibility Criteria

1. Initial eligibility for specific Security Levels will be determined using the *Initial Security Level Scoresheet* in VACORIS for offenders receiving their first classification since entering the DOC.
2. Eligibility for reclassification into specific Security Levels will be determined using the *Reclass Security Level Scoresheet* in VACORIS.
3. The *Security Level Scoring Guides* (see Attachment 1 (*Initial*) and Attachment 2 (*Reclassification*)) provide guidance in completing the *Security Level Score Sheets*. The *Severity of Offense Scale* (see Attachment 3) and *Disciplinary Report Severity Scale* (see Attachment 4) provide information for those data items.

4. Point score ranges for each Security Level are as follows:

a. Male Offenders

| Scored | Security Level | Scored | Security Level |
|--------------------|----------------|-------------------|----------------|
| To + 9 points..... | Level 1 | 26-31 points..... | Level 4 |
| 10-16 points..... | Level 2 | 32+ points..... | Level 5 |
| 17-25 points..... | Level 3 | | |

b. Female Offenders

| Scored | Security Level | Scored | Security Level |
|---------------------|----------------|-----------------|----------------|
| To + 12 points..... | Level 1 | 18+ points..... | Level 3 |
| 13-17 points..... | Level 2 | | |

C. Determining Suitability and Acceptability

1. In addition to the objective score, decision makers must weigh information in the Pre-Sentence Investigation (PSI), institutional adjustment, nature of the offense(s), time to serve, and other factors affecting the level of risk an offender may pose to facility order or to the community.
2. Mandatory Restrictors must be invoked if the overall score does not adequately reflect the level of risk the offender will present in a reduced security level.
 - a. Any offender who scores within any security level may have their security level assignment changed on the basis of the Mandatory Restrictors listed below which relate to an offender's suitability for a particular security level.
 - b. The applicability of the Mandatory Restrictors should be reviewed prior to any consideration given to invoking a Discretionary Override.
 - c. If the total score places an offender at or above the level required by a Mandatory Restrictor, no Mandatory Restrictor should be invoked.
 - d. Multiple Mandatory Restrictors should not be invoked. If more than one Mandatory Restrictor applies, the facility should invoke the restrictor that requires assignment to the highest security level.
 - e. If a Mandatory Restrictor is applicable, but the facility administration determines that the offender's security level assignment should be a higher level than indicated by the Mandatory Restrictor, no restrictor should be invoked. Instead, the appropriate Discretionary Override (see below) should be used to provide a more specific reason for the assignment to a higher security level.
 - f. A Mandatory Restrictor and a Discretionary Override may not both be used on the same review.
 - g. Recommendations for restrictors should be selected in VACORIS as R- (number of restrictor).
 - h. Mandatory Restrictors assign an offender to a higher security level than is indicated by score:
 - i. R-1- Time - More than 20 years remaining to serve - includes life, multiple life, and life+

- sentences - restrict from assignment to Security Levels 1 & 2. Life, multiple life, and life+ sentences must have served 20 consecutive years to be eligible for assignment to Security Level 3
- ii. R-2 - Offenses (current or prior) - 1st, 2nd Degree Murder, Violent Sexual Offenses, Kidnapping, Abduction, Felony Escape in the past 10 years - restricted from assignment to Security Level 1
 - iii. R-3 - Facility Adjustment – Offense code 100-108 infractions within past 24 months – restricted from Security Levels 1, 2, and 3
 - iv. R-4 - Detainers - (INS, Felony- Detainers, Non-Detainer Holds, Judgment & Commitments) - Restricted from Security Level 1
 - v. R-5 – Assignment Criteria – Scored level not supported by facility assignment criteria
- i. The Facility Unit Head may request in writing to CCS that the Mandatory Restrictor be overridden for the purpose of assigning an offender to a lower security level than that which the Restrictor indicates. CCS will review such requests; however, the authority to override a Mandatory Restrictor rests with the Chief Corrections Operations, or designee.
3. Discretionary overrides may be invoked if it has been determined the offender's score does not adequately reflect the level of risk the offender may present in a reduced or higher security level. Any offender who scores within any security level may have their security level assignment changed on the basis of one of the approved overrides listed below which relate to an offender's suitability for a particular security level.
- a. Discretionary Overrides should not be used if a Mandatory Restrictor has been invoked.
 - b. Multiple Discretionary Overrides should not be invoked. In those cases where more than one discretionary override applies, the facility should invoke the applicable override which best reflects the need for the change in a security level.
 - c. Discretionary Overrides may assign an offender to a HIGHER security level than indicated by the score due to:
 - i. H-1 - Assaultive prior facility conduct
 - ii. H-2 - Serious prior criminal record indicates caution
 - iii. H-3 - Severity of current offense
 - iv. H-4 - Serious escape history/risk
 - v. H-5 - Recent pattern of poor facility adjustment
 - vi. H-6 - Needs to establish stable adjustment in a general population setting
 - vii. H-7 - Other _____
 - d. A LOWER security level than indicated by the score may be assigned due to:
 - i. L-1 - Exceptional facility conduct
 - ii. L-2 - Singular nature of incident
 - iii. L-3 - Prior success at lower level
 - iv. L-4 - Other _____
 - e. Recommendations for discretionary overrides should be selected in VACORIS as H- (number of override), or L- (number of override). Explanations shall be included *Comments* section when an H-7 or L-4 override is invoked. Offenders requiring an override of two levels or more require approval from the Manager of Classification Services Section or designee.

D. Initial Classification Assignments

1. Security Level "U" should be data entered upon receipt of any new prisoner received or parole violator utilizing the date the offender was received.

2. Unless otherwise noted, initial security level assignments will be determined by the score indicated on the *Initial Security Level Scoresheet*, and restrictors or overrides if appropriate.
3. Initial security level and facility assignments for new prisoners received and parole violators will be made by the Institutional Classification Authority with approval of the Facility Unit Head or designee upon recommendation of treatment/security staff of the Reception Center. In some cases, CCS will make the final decision on security level and facility assignment. Note: assignment to Security Level S requires a formal ICA hearing and approval by CCS per the *Segregation Qualifiers – Security Level S* section of this operating procedure.
4. CCS will be responsible for the final classification action on the below listed types of cases upon recommendation from the Institutional Classification Authority (ICA). These offenders will be identified by both CCS and the Reception Centers.
 - a. Ex-Law Enforcement Officials
 - b. Ex-Public officials
 - c. Notorious offenders
 - d. **Mental Health Unit Referrals** (added 6/26/12)
5. Reception Center Institutional Classification Authority - The Reception Center Facility Unit Head or authorized designee will have the final authority on all New Prisoner Received cases except those listed above. The Institutional Classification Authority hearing process will be in accordance with Operating Procedure 830.1, *Facility Classification Management*. CCS will monitor these decisions as to propriety and productivity.
6. Parole Violator Institutional Classification Authority - Upon completion of a revocation hearing, offenders will be classified. The Reception Center Facility Unit Head or authorized designee will have the final authority on all Parole Violator cases except those listed above.
 - a. Out-of-state parole violators should be returned to a Reception Classification Center for their preliminary hearing, following which they may be transferred to another facility for revocation hearing and classification.
 - b. In all cases, following revocation hearing the offender will be maintained as if he/she were assigned Security Level 5 until scored on the *Initial Security Level Scoresheet*. For data entry purposes, prior to their initial classification assignment, unclassified offenders' security level will be entered as "U" on the database to reflect their "unclassified" status.
7. Any offender sentenced to Death will be assigned directly to Death Row and assigned the designated point score of "99" points for initial classification. No reclassification will be completed. For data entry purposes, Death Row offenders' security level will be entered as "X" on the database to reflect their Death Row status.
 - a. Offenders removed from Death Row by commutation of sentence will be reviewed and assigned to a proper security level.
 - b. The assigned facility will complete the *Reclass Security Level Scoresheet* and submit to CCS in VACORIS for approval to establish the appropriate security level.

E. Reclassification Reviews and Assignments

1. Unless otherwise noted, changes in an offender's security level will be determined by the score indicated on the *Reclass Security Level Scoresheet* and restrictors or overrides if appropriate. Regardless of the score, all security level assignments must be made using the good judgment, experience, and expertise of the decision maker.
2. The security level score and status of each offender will be reviewed during the Annual Review (See

Operating Procedure 830.1, *Facility Classification Management*).

3. Interim Reclassification Security Level Reviews

- a. At any time an offender's behavior or other factors indicate that the current security level assignment may not be appropriate, the facility administration may refer the offender for a security level review by a formal or informal ICA hearing held in accordance with Operating Procedure 830.1, *Facility Classification Management*.
- b. CCS may administratively review the offender population for security level reductions in order to maximize the efficient use of available bed space. Facility Unit Heads may be requested to review the offender population and make recommendations for security level reductions.
- c. An interim review will not change the next Annual Review date.
- d. The reason for the review should be stated in the *Comments* section in the VACORIS Classification module and reported using the *Institutional Classification Authority Hearing Report* generated in VACORIS (see Operating Procedure 830.1, *Facility Classification Management*).

4. Facility Unit Heads or designee have the final authority to approve ICA recommendations which indicate the offender remains in the current security level unless such action involves the use of overrides.

5. Security Level Reductions

- a. The Facility Unit Head has authority to approve an annual review security level reduction. Overrides of two or more levels require approval of the Manager of CCS or designee.
- b. CCS has the final authority to approve any security level reduction with or without the use of restrictors and discretionary overrides.
- c. Approval for an assignment to a lower security level should generally prompt a recommendation for the transfer of the offender in accordance with Operating Procedure 830.5, *Transfers, Facility Reassignments*. Acceptable reasons for not recommending a transfer for an offender would be:
 - i. Offender's need for medical or psychological treatment cannot be provided at another location that is compatible to the offender's reduced security level
 - ii. Offender's close proximity to completion of an educational/vocational (DCE) or Therapeutic Community program assignment
 - iii. Offender's assignment to a cadre/work assignment as established by an approved quota due to facility need - Note: The authority to establish a quota of Security Level 1 offenders to be housed at higher security facilities rests with the Chief of Corrections Operations.
 - iv. Facility recommendations for facility assignment should be included on the *Action Details* of the *Classification* section of VACORIS for consideration by CCS. The ICA may include the offender's preference of assignment in the "Comments" section.

6. Security Level Increases

- a. The Facility Unit Head has authority to approve an annual review security level increase except to Security Level S. Overrides of two or more levels require approval of the manager of CCS or designee.
- b. CCS will have the final oversight over facility recommendations for security level increases with or without the use of overrides or restrictors.
- c. Except at annual review, the offender will be given proper written notification, at least 48 hours in advance of the classification hearing for the purpose of reviewing their security level status. The written notification will state the reasons for the review for possible increase in security level.

- d. In accordance with Operating Procedure 830.1, *Facility Classification Management*, formal due process for an increase in the security level is not required during a general population offender's annual review (except for assignment to Security Level S) since such reviews are considered routine and afforded to every offender; however, the offender should be present during the review process and allowed input.
- e. Reassignment to a higher security level should generally necessitate a physical transfer. Facility assignment recommendations should be included on the *Action Details* of the *Classification* section of VACORIS for consideration by CCS when completing any resulting transfer order.
- f. In an emergency situation, the Regional Administrator is authorized through Operating Procedure 830.5, *Transfers, Facility Reassignments* to effect an Intra-Regional transfer to temporarily increase an offender's security level in the absence of ICA recommendations. In such cases, a formal classification hearing should be conducted within three working days after the offender's transfer to determine the appropriate security level.
- g. In an emergency situation, which results in the temporary transfer and increase in security level of an offender, it will be the receiving facility's Facility Unit Head's responsibility to assure that the necessary classification hearing is conducted in accordance with this and other pertinent operating procedures (Operating Procedure 830.1, *Facility Classification Management* and Operating Procedure 830.5, *Transfers, Facility Reassignments*). The sending facility will provide all necessary reports to the receiving facility to assist in the administration of this hearing.

F. Protective Custody Unit

1. Assignment of offenders to a Protective Custody Unit will be in accordance with Operating Procedure 830.5, *Transfers, Facility Reassignments*. Facility recommendations for the assignment of an offender to a Protective Custody Unit should be based on a formal ICA review and be submitted to CCS via VACORIS. CCS will have the final authority on assignment of offenders to a Protective Custody Unit. Offenders may not be placed in the Protective Custody Unit until final approval had been received from CCS.
 - a. For the duration of an offender's assignment to the Protective Custody Unit, the security level assignment will be designated as "P" for data entry purposes.
 - b. During an offender's assignment to the Protective Custody Unit, no review of the offender's security level will be necessary.
2. Removal of offenders from a Protective Custody Unit will be in accordance with Operating Procedure 830.5, *Transfers, Facility Reassignments*.
 - a. Facility recommendations for the transfer of an offender from a Protective Custody Unit should be based on a formal ICA review including completion of the *Reclass Security Level Score sheet* and be submitted to CCS via VACORIS.
 - b. CCS will have the final authority to transfer offenders from a Protective Custody Unit.

G. Segregation Qualifiers – Security Level S (changed 6/26/12)

1. While segregation is not a scored security level, it is a type of housing reserved for special purpose bed assignment which is utilized by facilities under proper administrative process for the protective care and management of offenders. Offenders assigned to segregation status will be afforded security level reviews only as a part of the formal segregation review process in accordance with Operating Procedure 861.3, *Special Housing*. Offenders assigned to segregation are ineligible to request a transfer outside the formal segregation review process.
2. The following Segregation Qualifiers indicate that the offender should be considered for assignment to Security Level S:
S-1 – Aggravated Assault on staff

- S-2 – Aggravated Assault on Inmate w/weapon or Resulting in Serious Injury w/o weapon
- S-3 – ~~Repeated or Continuous Refusal to enter GP at a Security Level 4 or 5 facility for 12 months~~
Not Used
- S-4 - Serious Escape Risk - requiring maximum security supervision
- S-5 - Commission of Crime of Exceptional Violence and/or Notoriety
- S-6 - Excessive **Violent** Disciplinary Charges – reflecting inability to adjust to a lower level of supervision
- S-7 - Setting Fire Resulting in Injury to Persons or Extensive Damage to State Property
- S-8 - Rioting resulting in Injury to Persons or Extensive Damage to State Property
- S-9 - Seizing or Holding Hostages
- S-10 - Possession of Firearms, Ammunition, Explosives, Weapons
- S-11 - Knowingly Transferring HIV or other Disease to Another Person or Refusal to Submit to Testing
- S-12 - Gang Activity Related to any Category I Offense or a Documented Gang Leadership Role
- S-13 – Staff Manipulator / Predator
- S-14 – Behavior that represents a threat level too great for the safety and security of a lower level institution
3. Facility recommendations for the assignment of an offender to Security Level S shall be based on a formal ICA review (including initial classification and annual review) and be submitted via VACORIS. ~~an Institutional Classification Authority Hearing Form DOC 11H, see Operating Procedure 830.1, Facility Classification Management) and a Classification Summary DOC 11D:~~
- CCS will ~~have the final authority on~~ review each assignment of offenders to Security Level S.
 - Each offender approved by CCS for Security Level S will be reviewed by the Warden of the primary maximum security prison (currently Red Onion State Prison) and the appropriate Regional Operations Chief or designee (Regional Administrator).
4. An offender approved by the Regional Operations Chief or designee for assignment assigned to Security Level S will be transferred to a the primary maximum security prison. ~~(currently Red Onion State Prison) for the duration of the Security Level S assignment.~~
5. On arrival at the primary maximum security prison, the Security Level S offender will be assessed and evaluated for appropriate security and program assignment.
6. Selected offenders may be transferred to the secondary maximum security prison (currently Wallens Ridge State Prison) upon agreement between the two Wardens.
7. The Institutional Classification Authority will perform periodic reviews on each Security Level S offender in accordance with Operating Procedure 425.4, *Management of Bed and Cell Assignments*.
8. After adequate progress in Security Level S, the ICA should recommend the offender for reduction to Security Level 6. The Wardens at the two maximum security prisons will review each ICA recommendation for Security Level 6. The Regional Operations Chief or designee will review cases in which the two Wardens do not agree. ~~Facility recommendations for the removal of an offender from Security Level S should be based on a formal ICA review including completion of the Reclass Security Level Scoresheet and be submitted to CCS via VACORIS. CCS will have the final authority to remove offenders from Security Level S.~~
9. After approval for Security Level 6, offenders will be moved to designated unit(s) in a maximum security prison for further programming and adaptation to general population housing. Security Level 6 housing units should be operated in accordance with Operating Procedure 841.7, *Structured Living Unit Program*.

10. The SLU Review Team will recommend offenders that have made adequate progress in Security Level 6 for reduction to Security Level 5. Recommendations for reduction to Security Level 5 must be reviewed by both maximum security prison Wardens and approved by the Regional Operations Chief or designee.
11. After approval for Security Level 5, offenders will be moved to an appropriate unit in one of the maximum security prisons for further progress in general population and eventual transfer to a lower security level institution.

H. Processing Of Escapees

1. An offender returned to DOC custody after being arrested out-of-state will be returned to Powhatan Reception and Classification Center (males) or Fluvanna Correctional Center for Women.
2. If feasible, an offender who escapes and is arrested in Virginia may be returned to a facility within the Region after a complete review of the circumstances of the escape, and review of the criminal and social history of the offender. Those offenders who present a continued serious escape risk or high risk of violence, regardless of the circumstances of the escape, will be classified to a higher security level facility. The purpose of the escapee remaining in the Region would be to facilitate a court hearing relative to the escape.
3. After disposition of the escape charge, the offender will be reviewed by the Institutional Classification Authority and security level recommendations will be forwarded to the Facility Unit Head for action.
4. An escapee who has been on escape status for an extended period may be processed back into the DOC through a reception center. Such offenders will be scored on the *Initial Security Level Scoresheet*.
5. If the offender is returned to a non-reception facility, reclassification will be rescored on *Reclass Security Level Scoresheet*.

I. Documentation

1. Facilities will complete appropriate security level and due process actions in VACORIS, when needed, and escalate to the Facility Unit Head for final action. Security level actions that require CCS approval will be escalated to CCS for action.
2. Facility staff shall be responsible for printing and distribution of copies of actions needed for the Institutional Criminal Record and to be provided the offender.

J. Offenders may appeal any classification decision through the Offender Grievance Procedure, (see Operating Procedure 866.1, *Offender Grievance Procedure*). Copies of the classification documents will generally serve to satisfy the informal procedure requirements of the Offender Grievance Procedure.

K. The Director of Corrections, through CCS, has the authority to assign any offender to any facility deemed appropriate to facilitate effective bed management and maintain orderly operations.

V. REFERENCES

Operating Procedure 425.4, *Management of Bed and Cell Assignments* (added 6/26/12)

Operating Procedure 830.1, *Facility Classification Management*

Operating Procedure 830.5, *Transfers, Facility Reassignments*

Operating Procedure 841.7, *Structured Living Unit Program* (added 6/26/12)

Operating Procedure 866.1, *Offender Grievance Procedure*

VI. FORM CITATIONS

None

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than January 1, 2015.

Signature Copy on File

A. David Robinson, Chief of Corrections Operations

Date