


Memo

TO: Director Wall

FROM: Robert M. McCutcheon 
Departmental Grievance Coordinator

DATE: January 11, 2013

SUBJECT: Procedure for Classification to "C" Category

The process for placing an inmate into "C" Category, the living conditions and the reviewing procedure do not exist in an individual policy. The Classification policy determines the process for reclassifying all inmates. This includes "C" Category. It requires all inmates to be reviewed by a reclassification board and a recommendation to be forwarded to you or your designee for approval. If you are in agreement with the board's recommendation, the decision stands as final. If you are in disagreement, you may forward an alternative recommendation to the reclassification board. If the board is in agreement, your decision becomes final. If they are in disagreement, they may forward you the reasons for an alternative recommendation. At this point, you have the authority to make the final decision. Although the policy does not reference "C" Category or the level of reviews, it is operationally 30, 60, or 90 day reviews as determined by the reclassification process. The information is located within Morris v. Trivisono (see attached).

RIDOC Policy 15.11-3 "C" Category Inmates governs that reasons for placing an inmate into "C" Category and living conditions (see attached). It should be noted that the process for managing "C" Category inmates was derived by conditions set forth in Morris v. Trivisono. It clearly defines the who, when, and where as it relates to "C" Category. Although Morris v. Trivisono was rescinded via a decision rendered in Frederick M. Heron, Jr. v. George A. Vose, Jr. effective August 12, 1996 (see attached), the Rhode Island Department of Corrections continues to procedurally operate "C" Category inmates as defined within the Morris rules.

B. Category "A"

General prison population. Normal category of referral from receiving unit and normal category of inmate term at the Adult Correctional Institutions.

Inmate may be removed from category for the following reasons:

- 1) Temporary removal for stated period by Disciplinary Board after conviction of disciplinary offense.
- 2) Reclassification by Classification Board shall be predicated on conduct of inmate which indicates inability to adjust in general prison population, for protection of the inmate or others, and for the security of the institution.

All inmates within category shall be eligible for all work and education, rehabilitative and recreational programs of the institution as availability provides. They shall be afforded full visiting privileges and normal category living location provided for by policy.

C. Category "B"

Category of inmates who, because of their pattern of conduct, require on a temporary basis close restrictive movement and closer supervision than Category "A" population. Work eligibility is suspended in this category, but the inmate shall have use of educational materials recommended by the education department.

The inmate in this category shall be subject to the following controls:

- 1) Living conditions to be determined by the administration.
- 2) They shall remain unemployed.
- 3) Meals in cells-subject to administrative decision.
- 4) No televisions or radios are allowed.
- 5) No institutional activities, other than rehabilitative and education programs in the discretion of the deputy assistant director or assistant director.
- 6) Visiting to be held in area other than regular visiting room to be approved by member of the administration staff, position of deputy warden or his superior.
- 7) May attend religious services.
- 8) Limited yard privileges for a period of one hour per day, weather permitting.
- 9) Routine health service-normal toilet articles allowed.
 - a. Showers-minimum of two a week or daily if possible.
 - b. Physician-submit request to officer.
 - c. Dentist-submit request to officer.
 - d. Medical emergencies to be attended to immediately.

- 10) Regular store orders except glass.
- 11) Usual clothing regulations.
- 12) Request to staff via "pink slip" or letter.
- 13) Reading material subject to administrative control.
- 14) Weekly change of linen and laundry service.

D. Category "C"

Category of inmates whose conduct indicates chronic inability to adjust to general prison population or who require maximum protection for themselves or others who constitute a threat to the security of the institution. The inmates shall have use of educational materials and services recommended by the education department and approved by the deputy assistant director. Hobby activity shall be allowed subject to the control of the deputy assistant director.

Inmates in this category shall be subject to the following controls:

- 1) Separate living location-to be determined by the deputy assistant director or his designee.
- 2) Visiting to be held in an area other than the regular visiting room to be approved by a member of the administration staff with the position of deputy assistant director or his superior. Inmates' hair length is not to be a factor in determining the visiting privileges.
- 3) All regular store orders except glass.
- 4) Normal toilet articles.
- 5) Meals in cells or at table as determined by assistant director or deputy assistant director after consultation with officer in charge.
- 6) Work routine housekeeping duties with the unit only.
- 7) Spiritual needs-chaplain to visit regularly or on request.
- 8) Request to see staff via "pink slip" or letter.
- 9) Health
 - a. Showers-minimum of three a week, but daily showers if possible.
 - b. Physician-submit request to officer.
 - c. Dentist-submit request to officer at breakfast time.
 - d. Exercise one hour a day, outdoors, at least every other day, Monday through Friday. Weekends and holidays excluded. Outdoor exercise will not be given in inclement weather.
 - e. Medical emergencies to be attended to immediately.
- 10) Travel-all inmates leaving and entering the unit shall be searched and shall be escorted to and from their destination.

- 11) Reading material, subject to institutional control.
- 12) No televisions or phonographs.
- 13) Radios with earphones only.
- 14) Weekly change of linen. Weekly laundry privileges.
- 15) Mail-usual mail priveleges.
- 16) Clothing-regulation shirt and trousers.
- 17) No institutional activities.

E. Category "D"

Category of inmates who because of their course of conduct while classified within Category "C" require closer control than provided with "C" category. In this category, the inmates shall have use of educational materials and services recommended by the education department and approved by the deputy assistant director. Hobby activity may be allowed subject to the discretion of the deputy assistant director. Inmates in this category shall be subject to the following controls:

- 1) Separate living location to be determined by the deputy assistant director, his designee, or superior.
- 2) Unemployed except housekeeping details in the unit.
- 3) Meals in the cell.
- 4) Spiritual needs-chaplain to visit regularly and upon request.
- 5) Health-same as "C". Exercise-same as "C".
- 6) Visits-same as "C".
- 7) Mail-same as "C".
- 8) Request to see staff-via "pink slip" or letter.
- 9) Normal toilet articles (except razors)-same as "C".
- 10) Store orders-toilet articles and tobacco products only.
- 11) Reading materials subject to institutional control.
- 12) No institutional activities.
- 13) No television, no radios.
- 14) Travel-same as "C".
- 15) Weekly change of linen. Weekly change of laundry.

III. CLASSIFICATION PROCEDURES

A. The Classification Board

1. The classification board will meet together as a whole or in sub-groups. It shall be the duty of the chairman of the board to preside at the classification meeting. He shall determine the order of proceedings in each hearing and shall be responsible for determining the relevancy of information presented to the board.

No sub-groups shall consist of less than three persons.

2. The Classification Board shall review the status of every inmate in "B" and "C" classification at least every ninety (90) days. An inmate placed in "C" classification shall be entitled to review upon his request in writing giving the reasons for such request, after thirty (30) days in such classification; and thereafter he shall be entitled to review if either (a) his request is supported by a statement from any institution officer, chaplain, teacher, classification counselor, physician, or employee, or (b) his request includes new information or circumstances not previously called to the attention of the Classification Board. Inmates in "D" classification shall be entitled to review every thirty (30) days.

B. Notice

In cases where any downgrading of classification grade is to be considered, an inmate shall receive timely written notice. Said notice shall indicate why and also inform the inmate of his right to be assisted by a classification counselor at the classification meeting. If an inmate requests assistance of a classification counselor, such assistance will be rendered a reasonable time in advance of the hearing.

C. Classification Meeting

1. No decision of the Classification Board considering a possible change of status shall be made without consulting the inmate's central file.

2. The chairman of the board shall explain the purpose of this meeting and the particular aspects of the inmates' records which may result in a classification change.

3. No misconduct shall be considered by the Classification Board unless the Disciplinary Board has made a finding unfavorable to the inmate.

4. The findings of the Disciplinary Board as to a particular infraction shall be conclusive.

5. The inmate's file shall not be available to the inmate but must be reviewed by the classification counselor representing the inmate.

6. The inmate shall have the right to present all pertinent information to the Board. In cases where downgrading of classification is being considered, this shall include the right to reasonable call and examine witnesses.

7. The Board shall discuss with the inmate any contemplation of classification change and the reasons therefore.

8. Upon completion of the discussion, the Board shall take the matter under advisement.

Rhode Island Department of Corrections
POLICY UNIT

TO: RIDOC Employees

VIA: Ellen Evans Alexander, Assistant Director, Administration

FROM: *gmc* Gina M. Caruolo, Chief/Program Development, Policy Unit

DATE: May 20, 2011

SUBJECT: 15.11-3 DOC; "C" Category Inmates; 05/23/11

The enclosed policy, 15.11-3 DOC; "C" Category Inmates, effective 05/23/11, supercedes the current policy 15.11-2 DOC and contains the following change(s) (underscore = new text; ~~strikethrough~~ = deleted text):

III. PROCEDURES:

E.4. Exercise

- c. Inmates are strip-searched before ~~entering~~ being secured in their cells following recreation.

Q. Standards:

1. Clothing



- (7 8) ~~Seven~~ Eight pair of underwear (male inmates)
(7 8) ~~Seven~~ Eight pair of underpants (female inmates)
(7 8) ~~Seven~~ Eight undershirts
(7 8) ~~Seven~~ Eight pair of socks

Unless otherwise specified, unit/program/facility managers are responsible for ensuring subordinate staff is adequately trained in the contents of this policy.

This policy IS approved for inmate/public access.

CAO
Enclosure

RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

	POLICY NUMBER: 15.11-3 DOC	EFFECTIVE DATE: 05/23/11	PAGE 1 OF 6
	SUPERCEDES: 15.11-2 DOC	DIRECTOR: Please use BLUE ink. 	
SECTION: CLASSIFICATION		SUBJECT: "C" CATEGORY INMATES	
AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director			
REFERENCES: ACA # 4-4305 (Special Needs Inmates) RIDOC policies 9.14-4 DOC, Detecting Contraband on or in the Possession of Inmates-Detainees (Including Frisk, Strip and Body Cavity Searches), 9.19-1 DOC, Restraining Devices, 15.01-2 DOC, Classification Process and 24.03-4 DOC, Visits.			
INMATE / PUBLIC ACCESS?		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
AVAILABLE IN SPANISH?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

I. PURPOSE:

To establish Department wide procedures for controlling and supervising inmates who are classified to "C" category.

II. POLICY:

Inmates are classified to "C" category when their pattern of conduct:

- Demonstrates chronic inability to adjust to the general population;
- Indicates maximum personal protection is required; or
- Constitutes a serious threat to the Adult Correctional Institutions (ACI).

III. PROCEDURES:

Inmates classified to "C" category require extremely close supervision and are subject to the following restrictions and controls:

- A. Housing: Separate living location - to be determined by the Director or designee.
- B. Meals: "C" category inmates consume meals in their cells, subject to the discretion of the Assistant Director for Institutions and Operations ("ADIO") or designee. All meal residues are removed by the housing module Correctional Officer thirty (30) minutes after meal delivery.
- C. Restraints: Restraints are applied whenever "C" category inmates are outside of their cells, secure shower areas, or secure exercise areas. Exceptions are granted only with the approval of the ADIO or designee.
 - 1. Handcuffs: "C" category inmates are cuffed behind their backs, palms facing out prior to their cell doors' being opened.
 - 2. Belly Chains: Belly chains are applied to "C" category inmates who are visiting the doctor or dentist, except as exempted by a Departmental physician, after consultation with the facility Warden, for medical reasons.
 - 3. Shackles: When departing or entering the "C" cell area, "C" category inmates are cuffed, shackled and escorted by at least one (1) Correctional Officer.
 - 4. After returning to the "C" cell area, "C" category inmates are strip searched in their cells.
- D. Visits: Non-contact visits are conducted outside the regular Visiting Room as determined by the ADIO or designee consistent with the provisions of RIDOC policy 24.03-3 DOC, Visits, or a successive policy.

E. Health:

1. Showers: minimum of three (3) per week; **daily whenever possible.**
2. Physician and Dentist: Request Form submitted to housing module Correctional Officer.
3. Medical Emergencies are attended to immediately.
4. Exercise: three (3) days per week, minimum; weekends and holidays excluded; outdoors only.
 - a. Once an inmate is out of his/her cell for recreation, he/she will be patted down before entering the secure exercise area.
 - b. Inmates are not permitted to return to their cells until termination of the recreation period.
 - c. Inmates are strip-searched before being secured in their cells following recreation.
 - d. Any violation of institutional rules and regulations is grounds for disciplinary action and immediate termination of recreation.
 - e. Inmates may not remove their shirts when engaged in outdoor recreation.

- F. Programming: "C" category inmates have use of educational materials and services recommended by the Education Unit and approved by the ADIO or designee. Any additional rehabilitative and educational programming may be authorized by the ADIO or designee.

Behavioral programming will be made available to facilitate adjustment to general population.

- G. Employment: "C" category inmates remain unemployed unless performing routine housekeeping duties within the unit, as authorized by the facility Warden.

H. Cells:

1. Will be maintained in an orderly and sanitary manner at all times.
2. Mattress will remain on the bed.
3. Bedding will be tucked under the mattress.
4. Clothing not being worn will be folded and properly stored or hung on hooks.
5. Are subject to search at any time.
6. Cell door and vents will not be obstructed.

I. Leisure Activities:

1. Televisions are not permitted.
2. Radios are permitted, with earphones only.
3. Reading material is subject to institutional/facility control. Library books or cart are available upon request (Request Form).

J. Store Orders: No glass.

K. Linen: Weekly change.

L. Laundry: Weekly privileges.

M. Mail: Usual facility mail privileges.

N. Clothing: Regulation, per facility. No "C" category inmate is allowed out of his/her cell unless in proper uniform.

O. Legal Assistance: Available upon request (Request Form). Interviews with law clerks are conducted in a secure area.

P. Requests to See Staff: Request Form or letter.

Q. Standards:

1. Clothing:

- (1) One pair of shower shoes
- (8) Eight pair of underwear (male inmates)
- (8) Eight pair of underpants (female inmates)
- (8) Eight undershirts
- (6) Six bras (female inmates)
- (2) Two pair of thermal underwear
- (1) One pair of regular footwear
- (8) Eight pair of socks
- (2) Two uniforms
- (1) One Kufi (only Muslim inmates; may only be worn when inside cell)

2. Personal Property:

- (1) One wristwatch
- (1) One wedding band
- (1) One religious medal with chain
- (2) Two large, legal size envelopes of legal material.
Other legal material secured in traps and available on request.
- (1) One photo album
- (2) Two pair of prescription eyeglasses

3. Writing Materials:

- (2) Two books of stamps
- (2) Two pencils
- (2) Two pens
- (1) One writing pad
- (1) One box of envelopes

4. Personal Hygiene Supplies:

- (2) Two bars of soap
- (1) One toothpaste or powder
- (2) Two rolls of toilet paper
- (1) One comb
- (1) One skin cream

- (1) One Styrofoam cup
- (1) One toothbrush
- (1) One towel
- (1) One shaving cream
- (1) One disposable razor*
- (1) One shampoo
- (1) One deodorant
- (1) One bath powder
- (1) One box tampons (female inmates)
- (1) One box sanitary napkins (female inmates)

* Correctional Officers distribute and retrieve razors daily.

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

No. 95-2137

FREDERICK M. HEON, JR.,
Plaintiff, Appellant,

v.

GEORGE A. VOSE, JR., ET AL.,
Defendants, Appellees.

Before

Torruella, Chief Judge,
Selya, Cyr, Boudin, Stahl and Lynch,
Circuit Judges.

ORDER OF COURT

Entered August 12 , 1996

The petition for rehearing and rehearing en banc is denied. Petitioner contends that he has a state-created liberty interest entitling him to due process protection under the classification provisions of state prison regulations (the Morris Rules), citing Rodi v. Ventetuolo, 941 F.2d 22 (1st Cir. 1991), and other decisions of this court which predate Sandin v. Conner, 115 S. Ct. 2293 (1995). He claims that our affirmance in this appeal conflicts with those decisions. In Sandin, the Supreme Court stated that it was abandoning the analysis previously used in determining the existence of state-created due process liberty interests -- whether state regulations contained mandatory language confining prison officials' discretion. Id. at 2300 n.5. Since Rodi and other cases cited by petitioner used that analysis, petitioner cannot rely on them to show the existence of the liberty interest he claims. Rather, he must show (as he failed to do) that the restriction placed on him by prison officials imposes an "atypical and significant hardship . . . in relation to the ordinary incidents of prison life." See id. at 2300.

Petition denied.

By the Court:

WILLIAM H. NG

Clerk.