

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 401.01

EFFECTIVE DATE: 01 July 2022 AMENDED

**SUBJECT: CLASSIFICATION
GUIDELINES**

POLICY DIRECTIVE

PURPOSE:

To maintain the regulations and procedures governing the general classification, including the criteria for “outside clearance,” of adult inmates convicted of felony offenses and court ordered to serve their sentences in Division of Corrections and Rehabilitation (DCR) prison facilities.

REFERENCE:

None.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject including DOC Policy Directive 401.01, dated 01 October 2013; and DOC Policy Directive 455.04, dated 01 September 2010.

APPLICABILITY:

All facilities within the Division of Corrections and Rehabilitation (DCR) that have custody of adult inmates. This Policy is available for general distribution and shall be made available for inmate review upon the effective date.

DEFINITIONS:

Case Management Plan: A plan developed by a Case Supervisor designed to provide program recommendations that most effectively address an inmate’s criminogenic risks and needs based upon the use of the LS/CMI; identifying the risk factors of the inmate that have been linked to criminal conduct through research.

Case Supervisor: The DCR staff member assigned by the Superintendent or Unit Manager to manage the caseload of a particular inmate or group of inmates (e.g., Corrections Case Manager, Reentry Coordinator, Corrections Program Specialist, or Correctional Counselor).

Classification: A process for determining the needs and requirements of those for whom confinement has been ordered and for assigning them to housing units and programs according to their needs and existing resources.

Classification Review: A formal meeting with the inmate to assign the appropriate custody level and security placement of that inmate.

POLICY:

- I. Division of Corrections and Rehabilitation (DCR) adult inmates convicted of felony offenses and court ordered to serve their sentences in DCR prison facilities are classified to the most appropriate level of custody and programming both on admission and upon review of their status.
- II. The DCR Director of Classification will maintain a Classification Manual that fulfills the classification plan and ensure its distribution to each applicable facility. The content of the Manual will be consistent with this Policy. The Director will also review/audit all classification procedures and practices as needed.
- III. The DCR recognizes and utilizes the following five (5) general classification/security custodies for inmates convicted of felony offenses and court ordered to serve their sentences in a prison facility.

A. **LEVEL V (Maximum)**

1. The most severe and restrictive custody relating to housing and movement.
2. Inmates housed in segregation units (punitive and administrative) are classified as Level V inmates.
3. Parole ineligible or discharge ineligible inmates.

B. **LEVEL IV (Close)**

The next most severe and restrictive custody relating to housing and movement.

C. **LEVEL III (Medium)**

1. A custody that permits inmates to function somewhat freely within the confines of a facility.

2. Inmates classified to Level III custody are not eligible to work outside of the confines of a facility.

D. LEVEL II (Minimum)

1. A custody classification that allows inmates to function more freely within the confines of a facility.
2. Inmates in Level II classification are eligible for selection to an outside inmate work crew.

E. LEVEL I (Community)

1. The least restrictive custody classification within the DCR.
2. Inmates classified as Level I are eligible for selection to an outside inmate work crew.

IV. Inmates who have classified to a lower-level custody may be selected for “outside clearance.”

A. Inmates classified as Level I (Community) or Level II (Minimum) (excluding inmates that have been “grandfathered” to a reduced classification level) who are less than sixty (60) months to potential release and meet the following criteria will have “outside clearance.”

1. Inmates serving sentences for First Degree Murder, Second Degree Murder and Sexual Offense will not be eligible for “outside clearance.”
2. Inmates must have no history of escape from federal, state, or county custody within the past three (3) years.
3. Inmates must have no outstanding felony detainers for high-risk offenses (of any type) or moderate risk detainers involving child/adult abuse, sexual charges, causing death/injury charges and escape charges.

B. The Superintendent/designee may make a written recommendation to the Deputy Commissioner through the Director of Classification to deny an inmate “outside clearance.” This recommendation will be based on potential risk to the public, inmate file review, or other relevant factors. An inmate’s disciplinary history may be taken into consideration by the Superintendent/designee in making this recommendation. The facility Director of Classification/designee will maintain a list of all inmates who are ineligible for “outside clearance” status based on this denial. At a minimum, this list will be reviewed annually to determine if any changes have occurred in the inmate’s status.

- V. All inmates convicted of felony offenses and court ordered to serve their sentence in a prison facility will be classified upon intake to a prison facility and at least annually thereafter. Time frames may vary at each facility; specific criteria will be outlined within the DCR Classification Manual.
- A. Inmates who are received as new commitments will receive an initial classification review within thirty (30) days of being received in accordance with established classification guidelines. Inmates should not be initially classified without obtaining official documentation or reports to verify their criminal history (e.g., PSI, NCIC, etc.).
 - B. The classification of applicable inmates who are received through intra-agency transfers shall be reviewed at the receiving facility within thirty (30) days of reception. Should the review determine the inmate's classification is accurate and appropriate, a classification hearing with the inmate will not be conducted. Should the review determine otherwise, the Classification committee will conduct a classification hearing with the inmate and appropriate classification decisions will be made.
 - C. Applicable inmates will receive a Release from Segregation review no later than thirty (30) days after the release from a segregation unit. This review **WILL NOT** replace the inmate's regular established month(s) for the reclassification review. *Example: If an inmate is released from segregation in June and the established reclassification month(s) are different, the inmate would receive a Release from Segregation review in June and still receive regular reclassification review(s) when due.*
- VI. An inmate will receive written notice of his/her appearance for his/her classification review at least forty-eight (48) hours prior to the review. The notice will include the time and place of the review; reason for the classification review; and list of all information which will be used in the classification decision-making process. An inmate may waive, in writing, his/her forty-eight (48) hour notice of the review.
- A. An inmate may request and be permitted to speak for him or herself and offer facts and information on his/her own behalf at the review or waive her/her appearance, in writing for the classification review.
 - B. An inmate's appearance for his/her classification review will be documented on the appropriate classification forms as provided in the DCR Classification Manual. The inmate will be required to show his/her identification card at the time of the review.
 - C. The Classification Committee shall consist of the facility Director of Classification or Unit Manager, the Case Supervisor, and other designated DCR staff members who have the responsibility and authority to determine the custody and housing needs and provide reinforcement and support to the Case Management Plan. Any three (3) of the referenced staff members will constitute a quorum.
 - D. All classification considerations/recommendations will be linked closely to the inmate's Case Management Plan. Classification staff will regularly confer with

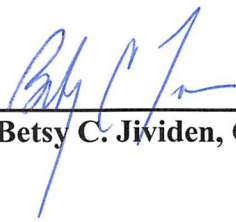
education staff concerning the inmate's educational levels and needs as well as the available programs and their requirements. The Classification Committee may address the following areas during the classification review:

1. Custody level;
 2. Housing assignment;
 3. Work performance;
 4. Education/vocational programming participation;
 5. Medical needs;
 6. Parole status;
 7. Transfer status;
 8. Case management plan, including program recommendations;
 9. Special needs; and
 10. Behavior/conduct expectations.
- E. The inmate will receive a written decision within five (5) business days of the review date. The decision will indicate the inmate's:
1. Custody level;
 2. Housing assignment;
 3. Behavioral expectations;
 4. Compliance with Case Management Plan; and
 5. Specific reasons for the classification decision.
- F. The inmate may appeal the Committee's decision in writing within five (5) days of receipt of the decision to the Superintendent (**Attachment #1**).
- G. All completed classification forms will be uploaded to the appropriate files in the Offender Information System (OIS).
- VII. Nothing in this Policy prohibits inmates convicted of felony offenses and court ordered to serve their sentences in a prison facility from being classified while housed in a jail facility prior to transfer to a prison facility.

ATTACHMENT(S):

#1 Classification Appeal Form

APPROVED SIGNATURE: _____



Betsy C. Jividen, Commissioner

6-23-22

Date

**WEST VIRGINIA DIVISION OF CORRECTIONS AND
REHABILITATION**

CLASSIFICATION APPEAL FORM

An inmate who desires to appeal the decision of the Classification Committee must use this form and submit it to the Superintendent within five (5) days of receipt of the classification decision. Failure to use this form will result in the return of the appeal to the inmate for proper filing. An inmate may submit only one appeal each time he/she is classified.

TO THE INMATE: Please provide the following information –

NAME: _____ OID #: _____

HOUSING ASSIGNMENT: _____

CURRENT CLASSIFICATION: _____

In the space below, set forth the facts of your appeal and state your reason(s) for the appeal herein:

DATE

INMATE'S SIGNATURE

DO NOT FILL IN BELOW THIS LINE

Date the Classification Appeal was received by the Superintendent: _____

DECISION OF THE SUPERINTENDENT:

DATE

SUPERINTENDENT'S SIGNATURE