

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 01/06/2014	NUMBER 05.01.100
SUBJECT PRISONER PROGRAM CLASSIFICATION		SUPERSEDES 05.01.100 (05/30/11) DOM 2013-23	
		AUTHORITY MCL 791.203	
		PAGE 1 OF 6	

POLICY STATEMENT:

The programming needs, risks, and strengths of prisoners in Correctional Facilities Administration (CFA) institutions shall be assessed by incorporating evidence-based principles, assessments, individualized case planning, and specialized transition planning as set forth in this policy.

POLICY:

GENERAL INFORMATION

- A. The CFA Deputy Director or designee shall maintain a program classification manual, which shall be reviewed annually and updated as needed. The manual shall set forth the objectives of program classification, program referral criteria, and the methods for achieving them. Prisoner placement into core CFA programs shall be prioritized by earliest release date (ERD) in accordance with the referral criteria outlined in the Program Classification Manual. The manual shall be available to staff involved in program classification.
- B. Each prisoner shall be assessed for program needs in accordance with PD 04.01.105 "Reception Facility Services." The prisoner's program recommendations shall not be changed unless authorized in accordance with the Program Classification Manual and related operating procedures or by court order.
- C. Each Warden shall designate a Classification Director for the institution. The Classification Director shall have final authority for program classification decisions, subject only to review by the CFA Deputy Director or designee and the Warden.

INITIAL PROGRAM CLASSIFICATION

- D. Due to the unique nature of intake facilities, the classification process developed in PD 04.01.105 "Reception Facility Services" shall be utilized while accessing prisoners in quarantine status for program needs. All other facilities shall conduct the initial program classification process as detailed in Paragraphs E - H of this policy.
- E. After orientation is provided at each facility in accordance with PD 04.01.140 "Prisoner Orientation", each prisoner shall be interviewed by the Program Classification Director or designee appointed by the Warden, to determine initial program classification. The prisoner's Record Office file must be reviewed prior to conducting the interview.
- F. During initial classification at each facility, prisoners shall be classified to work and school assignments and referred to programs in accordance with the program recommendations established in PD 04.01.105 "Reception Facility Services" or as otherwise authorized by the CFA Deputy Director or designee, consistent with this policy. Institutional needs and resources, custody and security concerns, any special needs of the prisoner, the prisoner's eligibility for reduced custody, discharge, and parole, and to the extent possible, the prisoner's preference also shall be considered when making program classification decisions. The prisoner's history of assaultive or predatory behavior shall be considered before assigning a prisoner to a sensitive or isolated assignment or to an assignment supervised by only one staff person.
- G. A prisoner may be given preference for an assignment for which s/he has related experience or training. If an appropriate work or school assignment or program vacancy does not exist at the time of the initial classification, the prisoner shall be placed on a waiting list (i.e., "pool") for the assignment or program.
- H. The Classification Director shall create a case plan for each prisoner that outlines initial classification decisions, program referrals, enrollments, and terminations on the Program Classification Report and Transition Accountability Plan (CSX-175). The Classification Director also shall notify appropriate staff whenever a prisoner is assigned to a work or school assignment or is referred for placement in institutional programs (e.g., substance

abuse, employment readiness). All prisoner program, school, and work assignment data shall be recorded and stored in the Department's computerized database utilizing the Program Classification Report and Transition Accountability Plan (CSX-175).

CLASSIFICATION REVIEW

- I. Each prisoner shall be provided with a program classification review every six months. The Resident Unit Manager (RUM) or designee shall interview the prisoner to discuss the prisoner's progress toward program recommendations and eligibility for custody reduction. The prisoner's progress shall be recorded on the Department's computerized database Program Classification Report and Transition Accountability Plan (CSX-175), and the Classification Director shall be notified via email of the need for review. The Classification Director shall ensure the report is complete and contains accurate and relevant information. If the report also includes either a request from the prisoner, or a recommendation from staff, for reclassification, the Classification Director shall proceed as set forth below.

RECLASSIFICATION

- J. A prisoner may be reclassified for the following reasons upon the request of the prisoner or the recommendation of any staff member, however, repeated prisoner requests which are deemed inappropriate need not be acted upon:
1. The prisoner has successfully completed an education program.
 2. The prisoner has demonstrated responsibility in a work assignment for at least six months and a more desirable assignment is being requested or recommended.
 3. The prisoner is not progressing in or has difficulty in adjusting to an assignment or program as documented on the Prisoner Program and Work Assignment Evaluation (CSJ-363) or Education Program Plan (CSJ-363A), as appropriate.
 4. The prisoner has been found guilty of a Class I or Class II misconduct.
 5. The prisoner has been terminated from an assignment. A prisoner who has been terminated from an assignment may not request reclassification to that assignment until at least 120 calendar days after the date of termination.
 6. The prisoner no longer meets the criteria for being considered unemployable, as set forth in Paragraph X.
 7. Institutional needs and resources.
- K. Each prisoner requesting reclassification, or for whom a reclassification is recommended by a staff person, shall be interviewed by his/her RUM or designee. The RUM or designee shall discuss the request and/or recommendation with the prisoner and review the prisoner's progress toward program recommendations. The RUM or designee shall summarize the reasons for the request and/or recommendation utilizing the Program Classification Report and Transition Accountability Plan (CSX-175), including his/her recommendation, and notify the Classification Director of the need for review.
- L. The Classification Director shall consider the same factors considered to determine initial classification decisions for reclassification decisions. If the Classification Director and the prisoner agree with the reclassification, no further interview is necessary before the prisoner is reclassified. If the Classification Director or prisoner disagrees with the reclassification, the Classification Director shall interview the prisoner before reaching a final reclassification decision.

RETURN FROM TEMPORARY ABSENCE

- M. A prisoner who returns from a temporary absence from the institution (e.g., jail, hospital) within 30 calendar days shall be returned to the assignment s/he had prior to leaving, if available. If the position is not available, the prisoner shall be placed at the top of the pool for the assignment from which s/he was removed. This also shall apply if a prisoner is temporarily unable to work or attend school due to a documented medical restriction but is cleared within 30 calendar days.

- N. A prisoner who returns from a temporary absence within 30 calendar days shall retain his/her original placement on any assignment pools s/he was in prior to leaving. This also shall apply if a prisoner is temporarily unable to work or attend school due to a documented medical restriction but is cleared within 30 calendar days.
- O. A prisoner who returns from an absence after more than 30 calendar days shall be reclassified or interviewed for initial classification, as determined by the Classification Director.

WORK/SCHOOL ASSIGNMENTS

- P. All employable prisoners shall be classified to a work assignment unless assigned to school in accordance with PD 05.02.112 "Education Programs for Prisoners." Prisoners shall be assigned to only one work assignment at a time. Prisoners who have not completed required General Education Development (GED) programming may be assigned to a combination of work and school as approved by the Warden consistent with PD 05.02.112. However, a Warden shall not prohibit a prisoner from being assigned to a combination assignment solely because the prisoner has not completed required GED programming. The scheduling of combination assignments shall not interfere with critical activity on a work assignment (e.g., peak hours in food service). Whenever possible, a prisoner's work day shall simulate the work day in the community.
- Q. Prisoners may be assigned to public works and gate pass assignments if they meet the eligibility requirements set forth in PD 03.02.121 "Public Works/Gate Pass Assignments."
- R. The Warden or designee shall identify work assignments that are to be considered special security assignments. Factors which shall be considered in making this determination include the location of the assignment, use of critical tools, amount of supervision and degree of contact with the public. The Warden shall ensure screening criteria is developed and that prisoners are screened prior to placement in such assignments. A prisoner who has either been convicted of an offense or found guilty of a misconduct involving serious assaultive behavior toward staff, including a sexual assault, which involved injury or use of a weapon within the preceding five years shall not be placed on a special security assignment. Questions as to the seriousness of the behavior shall be directed to the Warden or designee for a final determination prior to placement on the assignment.
- S. Prisoners may be assigned to Michigan State Industries (MSI) assignments consistent with the MSI Operating Manual developed pursuant to PD 05.02.110 "Prisoner Work Assignment Pay and School Stipend."
- T. Prior to placing a prisoner in a food service or health service area assignment, the Classification Director shall ensure the prisoner is cleared to be placed in that assignment by Bureau of Health Care Services (BHCS) staff.
- U. The Classification Director has the primary responsibility to ensure referrals are recorded in the Department's computerized database in a timely and accurate manner. The Classification Director shall maintain a list of all institutional work assignments available to prisoners and, as necessary, a pool of eligible prisoners for each assignment. When a pool exists for an assignment and an opening occurs, the Classification Director shall ensure that prisoners are assigned in the same order they were placed on the pool.
- V. Staff supervision shall be provided for each assignment. No prisoner shall have authority or control over another prisoner.
- W. Assigned prisoners shall be paid for work assignments and/or receive school stipends in accordance with PD 05.02.110 "Prisoner Work Assignment Pay and School Stipend" or, for prisoners assigned to public works, PD 03.02.121 "Public Works/Gate Pass Assignments."

UNEMPLOYABLE PRISONERS

- X. A prisoner may be reclassified as unemployable and therefore be ineligible for a work assignment for any of the following reasons:
1. The prisoner has a currently valid medical restriction which prohibits participation in all work and school assignments.
 2. The prisoner is in segregation and not eligible for work and school assignments pursuant to PD 04.05.120 "Segregation Standards."

3. The prisoner refused to accept, or fails to fully and actively participate in, a work assignment, or a school assignment required pursuant to PD 05.02.112 "Education Programs for Prisoners." This includes refusing or failing to fully and actively participate in required testing.
 4. The prisoner refused to participate in program classification as required by this policy.
 5. The prisoner has a documented history of disruptive behavior on a work or school assignment.
- Y. Prior to being reclassified as unemployable, appropriate staff shall ensure the prisoner understands the consequences of that action by reviewing the Assignment Waiver Form (CSJ-126) with the prisoner and, as appropriate, witness the prisoner's signature, or refusal to provide a signature, on the form. This paragraph does not apply to prisoners who are unemployable due to medical restrictions or placement in segregation.
- Z. Unemployable prisoners shall not be permitted to participate in any more leisure time activities than those who work full time. However, this does not apply to prisoners who are unemployable due to medical restrictions although the medical restriction may preclude participation in certain activities, as determined by BHCS.
- AA. Unemployable prisoners shall be considered for reclassification every 30 calendar days until returned to work or school or, if on a medical restriction, after BHCS staff have medically cleared the prisoner to return to work or school. This does not apply to prisoners in segregation who are unemployable because they are not eligible for work and school assignments pursuant to PD 04.05.120 "Segregation Standards."

MISCONDUCTS

- BB. With prior approval of the Warden or designee, a prisoner who is charged with any misconduct may be temporarily suspended (i.e., "laid in") from his/her assignment pending the misconduct hearing. However, if a prisoner who is assigned to a public works or gate pass assignment is charged with a Class I or Class II misconduct, whether the misconduct was received on the assignment or elsewhere, the prisoner shall be immediately suspended from his/her assignment.
- CC. If the prisoner is found guilty at the initial misconduct hearing, s/he shall be considered for reclassification in accordance with this policy. The prisoner shall not be returned to the same assignment if the Classification Director determines it to be a threat to the safety or security of the facility. If the guilty finding is subsequently reversed either on rehearing or on appeal, the prisoner shall be paid for any time s/he was removed from the assignment pending the initial hearing.
- DD. If the prisoner is not found guilty at the initial hearing, s/he shall be paid for any time s/he was removed from the assignment pending the hearing. The prisoner may be returned to the same assignment or considered for reclassification in accordance with this policy, as determined by the Classification Director. The prisoner shall not be returned to the same assignment if the Classification Director determines it to be a threat to the safety or security of the facility.

PERFORMANCE EVALUATIONS

- EE. Prisoners assigned to work or school or placed in recommended programs shall be evaluated by the assignment or program supervisor using the Prisoner Program and Work Assignment Evaluation, Education Program Plan or Substance Abuse Client Discharge Form (CSJ-111), as appropriate. Prisoners on school assignments, including cell study, shall be evaluated quarterly. Prisoners on food service assignments shall be evaluated monthly. Prisoners on any other work assignment shall receive an initial evaluation after two months and every six months thereafter. Prisoners assigned to programs shall be evaluated as determined by the program supervisor. Evaluations shall be discussed with the prisoner and submitted to the Classification Director for review.
- FF. If a prisoner earns a below average score on the Prisoner Program and Work Assignment Evaluation for his/her work assignment, his/her performance shall be closely monitored for the next 30 calendar days. If after 30 calendar days the prisoner does not raise that score to a satisfactory/average score, the prisoner shall be referred for reclassification. If a prisoner earns a below average score on the Education Program Plan for his/her school assignment, his/her performance shall be closely monitored for the next 90 calendar days. If after 90 calendar days the prisoner does not raise that score to a satisfactory/average score, the prisoner shall be referred for reclassification.

GG. When termination from a work or school assignment is necessary, the recommendation shall be submitted by the assignment supervisor using a Prisoner Program and Work Assignment Evaluation and forwarded to the Classification Director. The RUM or designee shall be notified whenever a prisoner is terminated. The prisoner shall be considered for reclassification in accordance with this policy.

TERMINATION FROM PROGRAMS

HH. Prisoners who voluntarily refuse to participate in the following core programs shall be removed from the program and remain ineligible for 60 calendar days from the removal date. Subsequent refusals to participate shall result in ineligibility for a minimum of 180 calendar days.

1. Thinking For A Change (T4C)
2. Cage Your Rage (CYR)
3. Substance Abuse Outpatient
4. Substance Abuse Education
5. Violence Prevention Program High (VPP High)
6. Violence Prevention Program Moderate (VPP Moderate)
7. Bridges
8. Sex Offender Program (SOP)
9. Residential Substance Abuse Treatment (RSAT)
10. Moving On
11. Seeking Safety
12. Beyond Violence
13. Meridians
14. Voices

II. Prisoners who are terminated from the core programs listed in Paragraph HH as a result of their actions and/or behavior shall have the program referral closed and shall be placed back on the waiting list for the program when they become eligible to participate.

JJ. Prisoners refusing to participate in the core programs listed in Paragraph HH, or exhibiting conduct warranting removal (i.e., placement in segregation) from those programs, shall be advised that their actions and/or behavior will result in program ineligibility.

KK. Notwithstanding termination from the core programs, at the completion of the ineligibility period for any other program, prisoners may request for consideration to be placed back on the waiting list through the facility's classification director.

LL. Information detailing the termination reason, period of ineligibility, and date prisoner is eligible for reconsideration shall be documented in the termination reason field and notes section of the core program tracking tab in the Department's computerized database.

PROCEDURES

MM. Wardens shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive; this shall be completed within 60 calendar days after the effective date of the policy directive. This

DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 01/06/2014	NUMBER 05.01.100	PAGE 6 OF 6
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requirement includes ensuring that their existing procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed. Facility procedures shall not conflict with procedures issued by the Director.

AUDIT ELEMENTS

NN. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self audit of this policy pursuant to PD 01.05.100 "Self Audit of Policies and Procedures."

APPROVED: DHH 12/18/13