

JAIL BULLETIN

Number 92

November/December, 1992

The Jail Bulletin is a monthly feature of the Crime Commission Update. The Bulletin may be used as a supplement to your jail inservice training program if officers study the material and complete the attached "open book" quiz. The Bulletin and quiz may be reproduced for use by your staff. We welcome any jail training material you would like to contribute to the Bulletin.

INMATE CLASSIFICATION

Inmate classification is a systematic process for determining the needs and characteristics of inmates in order to objectively and consistently assign them to defined groups.

There are a number of reasons you should be concerned about a classification system. First, liability, court action, state laws and jail standards require that you implement a fair process, based on objective information, to provide safe and secure detention. Nebraska Jail Standards require the following:

- o Females shall be housed separately from and out of sight of males.
- o Inmates under the age of 16 shall be housed separately from and out of sight of other inmates.
- o Inmates who are intoxicated or under the influence of a controlled substance shall be housed separately from the general population.
- o A classification committee, board or officer shall be designated.
- o The classification process shall be initiated as soon as practical, however, not exceeding 15 consecutive days after admission.
- o The classification board of officer shall conduct interviews and gather sufficient information to determine the inmate's appropriate custody categories, housing assignments, and eligibility or interest for available jail facility programs or activities.
- o Each inmate's custody status, housing assignment, or assignment to any programs or activities will be reviewed periodically.

The Jail Bulletin is a monthly feature of the Crime Commission Update. The Bulletin may be reproduced and used to supplement your jail staff in-service training program. The contents of the Jail Bulletin represent the views of the author(s) and do not necessarily reflect official views or policies of the Nebraska Crime Commission or the Nebraska Jail Standards Board.

The Standards recommend the following separations:

- o Pretrial inmates should be housed separately from convicted inmates.
- o Those inmates charged or convicted of crimes involving serious physical harm to persons or attempt to do serious physical harm to persons should be housed separately from other inmates.

The Standards require equal protection and opportunity in classification. They also prohibit discrimination based on race, national origin, color, creed, sex, economic status, or political belief.

Another reason you should be concerned about an inmate classification system is that you have an obligation to protect your community from inmates who pose a threat. That means you must prevent escapes, provide in-house individual programs which attempt to lessen the inmate's threat to the community when he is released, and, at a minimum, return the individual to the community no worse off than when he was admitted.

A good classification system also enables you to identify inmates who pose no threat to the community and to make sure they do not become a threat. You can do this by using, in some instances, alternatives to detention and community programs in conjunction with detention, and by separating them from more dangerous inmates to prevent them from learning worse behavior.

You should be concerned about a classification system because a good one enables you to operate more cost effectively by housing only those inmates who require it, by using only the amount of security and supervision necessary, and by using existing resources (including community resources) more effectively.

CAN YOU OPERATE A CLASSIFICATION SYSTEM IN YOUR JAIL?

Most jails do not have enough staff, funds, or space to develop and maintain a complex classification system. Yet you are required to have a system that provides a process by which to make fair and consistent decisions for handling inmates and identifying their program needs.

Informally at least, you are probably already doing what is essential for a good classification system. You are collecting information on your inmates, verifying (at times) this information, and making decisions based on the information.

Although an informal system may be working for you, it leaves you vulnerable to litigation. But turning it into a formal system does not have to be expensive or complicated. It can be done by existing staff, in a minimum amount of time, and without complicated instruments.

TWO CLASSIFICATION SYSTEMS TO CONSIDER FOR YOUR JAIL

Kennebec County and Oxford County, Maine

The Kennebec County Jail in Augusta, Maine has a capacity of forty. What follows is a description

of the classification system developed and implemented there and later adopted by the Oxford County Jail in South Paris, Maine, a facility housing an average of sixteen inmates. In developing this system, Kennebec researched several systems, tested three complete systems, and combined the three into one, which is regularly reevaluated.

The Kennebec/Oxford system has three phases. The first phase, initial classification, involves a structured, nondirective interview and an assignment of points. The interviewer uses a printed sheet of paper which tells him/her the kind of information that must be learned from the inmate. This information concerns prior criminal record, escape risk, dependency problems, family ties, employment, education, and several other factors. The better the education, the stronger the family ties, the less the dependency problem, etc., the more points are assigned, never exceeding four on any one factor. For less education and so on, fewer points are assigned and on some factors, points can even be subtracted (that is, negative points assigned).

The remainder of the initial classification consists of verifying the information elicited from the inmate (using phone calls, records, etc.), recommending program needs, measuring the inmate's verified total points on a classification scale to determine whether he should be placed in minimum, medium, or maximum custody, and finally, making the classification assignment. Sample 1 is the form used to collect and verify initial information. included on the form is the classification scale used to determine the initial housing assignment.

In the second phase of the Kennebec/Oxford classification system, a classification committee, within ten days of admission, assigns the inmate to his proper classification category based on verified, objective information. The committee also develops a program to meet the special needs of the inmate within the limits of the classification assignments.

The classification committee contains a minimum of three members, including a manager, a line officer/supervisor, and a volunteer citizen. In addition to the functions noted above, it can also reclassify inmates.

The third phase of the Kennebec/Oxford system, entirely optional, gives inmates a means of appealing classification decisions to the sheriff or administrator.

Greenville County, South Carolina

In contrast to the Kennebec County system, Greenville County, S.C. has developed a system based on a detailed chart. By considering a series of prioritized factors, a jail staff member can tell at a glance the proper classification and housing assignment for each inmate. Sample 2 displays the decision chart which is used. Sample 3 is the classification form completed at the time of booking. The first two factors respectively are sex and age. Obviously, males and females are housed separately, as are adults and juveniles.

The next factor to be considered is special health problems. Listed in this category are "communicable disease", "mentally ill", "developmentally disabled", "suicidal", "physically handicapped", and "intoxicated". If the staff member determines that the inmate suffers from any one of these problems, he checks the chart for the proper housing assignment for that health problem and places the inmate there. Until that health problem is cured (if it can be), there is no further need to consult the chart.

If the inmate has no personal safety problem, the next factor to be considered is whether he has any known or demonstrated aggressive behavior. If he does, he is placed in the housing specified by the chart.

If the inmate has no special health problems, the next factor to be considered is personal safety. Listed in this category are slightly built, inadequate personality, witnesses, public officials, and sexual deviators. (For juveniles, the first and fourth items are omitted.) If any of these descriptions apply to the inmate, he is placed in the housing specified by the chart.

If the inmate does not appear to be aggressive, the last factor to be considered is his legal status. This factor refers to whether the inmate is sentenced or not. A sentenced inmate is put in one of four categories, with a special housing assignment for each: "trusties", "county sentenced", "post conviction returnees", and "awaiting transfer". These four groupings do not take into account the type of offense committed by the inmate.

By contrast, those inmates not sentenced are housed according to the type of offense they are charged with committing. The type of offense is the priority after age and sex in making housing assignments if the inmate has no special health problems, no personal safety problems, and has no known or demonstrated aggressive behavior. The three groupings for inmates not sentenced are minor offenders, charged with crimes against property, and charged with crimes against person(s).

There are several other important aspects of the Greenville system:

- o When a person is charged with more than one type of offense, housing determination is based on the most serious offense.
- o Separation of inmates by race, color, creed, or national origin is prohibited as much as possible.
- o A second stage of classification takes place 48 hours after the inmate has been booked. Inmates remaining at the facility 48 hours or more are interviewed again in order to obtain information which may not have been obtained or observed at the time of booking but could affect the inmate's housing assignment.
- o After the second interview, the interviewing officer and the inmate both sign a special form containing any new recommendations or comments.
- o The shift commander gives final approval on any housing reassignment as a result of the special form that was filled out at the second interview.
- o Classification forms are attached to the back of the booking card until the inmate is released. Thereafter, the forms are maintained in a separate file in the Records Section of the jail.

IMPLEMENTING YOUR OWN CLASSIFICATION SYSTEM

Developing your own classification system requires the merging of your current facility practices with the requirements outlined in this section (collect information, verify, make decisions).

The two systems described here offer different approaches to inmate classification. Consider applying elements of one or both systems to your jail.

If you adopt elements of the Kennebec/Oxford system, consider that:

1. It is based on verifiable past behavior. The best you can do with your knowledge of an individual's past behavior is make an intelligent estimate of his current mental state and likely future behavior. It is not an iron-clad indicator of anything. For example, even though an individual may have no record of attempted suicide, and may have strong family ties and a good job record, he may still turn out to be a suicide risk. This is unlikely but possible.
2. The point system developed in Kennebec County involved complex research which took into account the social, cultural, and economic conditions of that particular area. Your point system must be developed with equal rigor and reflect the peculiar conditions of your area. Furthermore, when you have developed a system you like, it must be applied consistently and not arbitrarily adjusted for different individuals.
3. The system must be regularly reevaluated to be sure it continues to provide good results.

If you adopt elements of the Greenville system, remember that:

1. It uses several key variables as determinants of housing assignment, but that each is considered independently (as compared to the Kennebec system which accumulates variables).
2. It assumes that you are able to separate inmates as indicated on the chart. If you do not have as many separation options, you will need to adjust your system, your facility, or both.
3. The decision chart and classification form are used to determine the initial housing assignment; further interviews and analysis are required after 48 hours.

Ideally, you can merge the two systems with your current practices to produce a classification system which meets all requirements and which is practical for your facility.

SUMMARY AND ANALYSIS

Classification and separation remains the most important tool for efficient day-to-day operation. Failure to protect remains a potent charge, as the victim is one without the ability to provide his/her own protection.

The latest Supreme Court rulings address the problem of pretrial detainees held with sentenced inmates. Appropriate separation is required at intake. Formal classification is followed by periodic review and a process for appeal is made available to inmates. Separation of pretrial detainees from sentenced inmates has not been held to be constitutionally required. It is highly advisable to separate pretrial detainees from sentenced inmates except in those times of serious problems. Then, the standard of duty owed must be that owed to the pretrial detainees.

Discrimination remains an issue. If done for safety and security reasons, it must be re-assessed when the danger has passed. Desires of inmates are irrelevant. Population of the jail must be reasonable aligned with cell assignments, trusty status, and level of custody.

Courts are reluctant to interfere in an institution's classification system, but if the system is nonexistent, grossly inadequate, or has broken down, the court will not hesitate to order the implementation of adequate classification procedures. This is typically done where the court finds violence levels violate the Constitution and can tie the violence levels to inadequate classification.

Courts uniformly recognize as necessary certain requirements in a classification system. Males must be housed separately from females. However, courts will find violations of equal protection if female and male inmates are treated differently merely on the basis of their sex. The Supreme Court ruled that inmates are to be classified without regard to race, color, creed or national origin. Several federal courts have ruled that any difference between mens' and womens' programs and facilities must be justified by an important governmental objective that is substantially served by the differences. In these cases, security concerns are not viewed as justification for treating women differently.

Inadequate classification systems, which fail to separate inmates thereby resulting in inmate-on-inmate attacks, are a frequent basis to the lawsuits against jails and prisons. The courts all agree that inmates have the right to be free from physical abuse by both staff and other inmates.

If an inmate is in need of protection from others, he may be confined to a segregated unit with more limited privileges without a violation of his constitutional rights.

In addressing the issue of involuntary segregation either for protection or pending investigation, the court ruled that the Constitution itself does not create any protected liberty interest with regard to an inmate's placement in the general population.

*-Adapted from Small Jail Resource Manual
provided by the National Institute of Corrections,
Rod Miller, Ralph Nichols. Authors*

OXFORD COUNTY JAIL INTERIM CLASSIFICATION SCORE FORM

Resident's Name _____ DOB _____

Status: Pre-arraignment Pre-trial Pre-sentenced Sentenced

Interviewer _____ Date _____

INT. VER.

I. PRESENTLY BEING HELD OR SENTENCED ON A

- | | | | |
|----|----|---------------|---------------------------------|
| -2 | -2 | Class A Crime | |
| 0 | 0 | Class B Crime | * use most severe crime class |
| 2 | 2 | Class C Crime | if held on more than one charge |
| 3 | 3 | Class D Crime | |
| 4 | 4 | Class E Crime | |

II. PRIOR CRIMINAL RECORD

- | | | |
|----|----|--|
| 4 | 4 | No criminal convictions |
| 2 | 2 | No criminal convictions in the past year |
| 2 | 2 | One C, D, E criminal conviction in the past year |
| 1 | 1 | 3 or more class C,D,E convictions |
| -1 | -1 | 2 or more class A,B convictions |

III. OTHER PENDING COURT ACTIONS

- | | | |
|----|----|--|
| 4 | 4 | No pending court action |
| 3 | 3 | Pending class D,E charge |
| 0 | 0 | Presently on Probation/Parole or pending Class C crime |
| -2 | -2 | Pending class A or B charge |
- *includes crimes not used in section one, if being held on more than one charge

IV. ESCAPE RISK

- | | | |
|----|----|---|
| 4 | 4 | No escapes or attempted escape convictions |
| 2 | 2 | Has failed to appear on bail |
| -1 | -1 | Has a walk away history or has been convicted of escape from a mental health institute or minimum security correctional institute |
| -2 | -2 | Has an attempted escape or escape conviction from a correctional institution |
- *for each additional escape, attempted escape conviction subtract one point

V. DEPENDENCY PROBLEM (mental illness history, suicide circle one attempts, drug abuse, alcohol abuse)

- | | | |
|---|---|---------------------------------|
| 3 | 3 | No dependency problems |
| 2 | 2 | Prior problem/occasional abuser |
| 0 | 0 | Current dependency problem |

VI RESIDENCE

- | | | |
|---|---|--|
| 4 | 4 | Present residence in Maine 3 years or more |
|---|---|--|

5
11

3	3	Present residence in Maine 1-3 years
2	2	Present residence in Maine 6-11 months
0	0	Present residence in Maine less than 6 months
-1	-1	Transient

VII. LIVING ARRANGEMENTS

4	4	Owens home
2	2	Rents
2	2	Lives in family home
1	1	Lives in friends home, no cost
0	0	Lives in institution (AMHI, VA, MCC, MSP, MYC, OTHER)
-1	-1	No living arrangements

VIII. FAMILY TIES

4	4	Lives with spouse and has contact with other family members
3	3	Lives with spouse or parents
1	1	Lives alone with family contact*
0	0	Lives alone with no family contact

IX. EXTENT OF EDUCATION

3	3	Completed post H.S. education or training
3	3	High School graduate or obtained GED
2	2	8-11 grades completed
1	1	Less than 8th grade completed

X. EMPLOYMENT

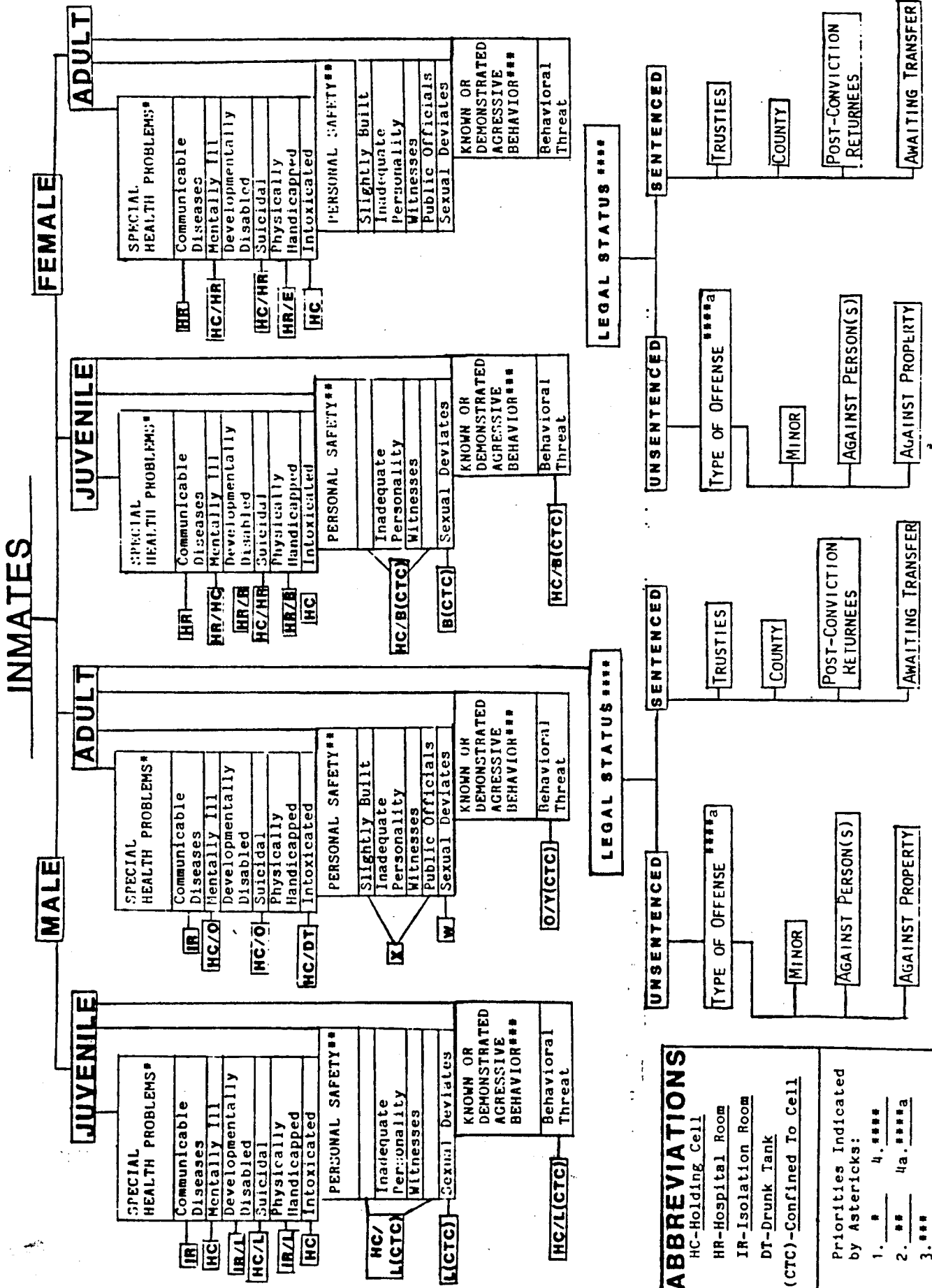
4	4	Present job 1 year or more
3	3	Present job 6-11 months
2	2	Present job 3-5 months
1	1	Current job less than 3 months or:
		1. unemployment 3 mos. with at least 9 mos. or more prior job
		2. supported by family
		3. receiving unemployment compensation or welfare (SSI, WIN, VA, Disability)
		*deduct one point from the first 3 questions under employment if job is a. not steady; b. no salary involved or c. resident has no investment in it
0	0	Unemployed receiving no compensation

INTERVIEWER'S COMMENTS _____ Score; _____ Classification.

_____	<u>POINTS</u>	<u>HOUSING</u>	_____
_____	23-38	Minimum Security	_____
_____	16-22	Medium Security	_____
_____	5-15	Maximum Security	_____

12
12

CLASSIFICATION CHART: Greenville County, S.C.



ABBREVIATIONS
 HC-Holding Cell
 HR-Hospital Room
 IR-Isolation Room
 DT-Drunk Tank
 (CTC)-Confined To Cell

Priorities Indicated by Asterisks:
 1. * 4.****
 2. ** 4a.*****
 3. ***

Handwritten mark resembling the number 3.

GREENVILLE COUNTY DETENTION CENTER
CLASSIFICATION FORM

Sample 3

NAME: _____

ID# _____ AGE _____

LEGAL STATUS:

- AWAITING TRIAL
- SERVING SENTENCE
 - UNDER INVESTIGATION
 - AWAITING INDICTMENT
 - AWAITING APPEAL
 - AWAITING TRANSFER
 - AWAITING PROB/PAR REV.

CURRENT OFFENSE:

- PROPERTY
- AGAINST PERSON
- OTHER _____

FOR SHIFT COMMANDER
HOUSING ASSIGNMENT:

DATE: _____
APPROVED BY: _____

EMPLOYMENT:

- PRESENTLY EMPLOYED

GENERAL HEALTH CONDITION:

- GOOD
- FAIR
- POOR

PRIOR COMMITMENT:

EDUCATION: HIGHEST GRADE COMPLETED

1 2 3 4 5 6 7 8 9 10 11 12 GED

COLLEGE 1 2 3 4 MORE

PRESENTLY ATTENDING

PRESENT COMPLAINTS:

HISTORY OR INDICATION OF:

- ALCOHOL DEPENDENCY
- DRUG ADDICTION
- EVER CONSIDERED SUICIDE
- PHYSICAL HANDICAP
- COMMUNICABLE DISEASE
- MENTAL ILLNESS
- DEVELOPMENTALLY DISABLED
- SEXUAL DEVIATION

DESCRIBE: _____

CODEFENDENTS: _____

- HAS SEEN NURSE
- TAKING MEDICATION

KNOWN ENEMIES WITHIN DETENTION CENTER:

- URGENT PERSONAL OR FAMILY PROBLEMS. IF YES, DESCRIBE:

ADDITIONAL COMMENTS: _____

HOUSING RECOMMENDATION: _____

OFFICER'S SIGNATURE: _____ DATE _____

QUIZ

Nebraska Jail Standards require that jail staff receive eighteen (18) hours of inservice training each year. The Jail Bulletin may be used to supplement inservice training if an officer studies the bulletin, completes the quiz, and this process is documented by the jail administrator for review during annual jail inspections.

SUBJECT: INMATE CLASSIFICATION

NAME _____

NUMBER 92

SUBJECT _____

1. Give 5 reasons you should be concerned about an inmate classification system.

2. Nebraska Jail Standards require that inmates under the age of _____ be housed separately and out of sight of other inmates.

3. Nebraska Jail Standards require that the classification process be initiated as soon as practical, not exceeding _____ days after admission.

4. Define inmate classification:

5. By knowing an inmate's past behavior, it is possible to predict his future behavior with 100% accuracy.

TRUE _____ FALSE _____

CREDIT: 1 HOUR CREDIT TOWARDS JAIL INSERVICE TRAINING REQUIREMENTS

QUIZ

Nebraska Jail Standards require that jail staff receive eighteen (18) hours of inservice training each year. The Jail Bulletin may be used to supplement inservice training if an officer studies the bulletin, completes the quiz, and this process is documented by the jail administrator for review during annual jail inspections.

SUBJECT: INMATE CLASSIFICATION

NAME _____

Number 92

SUBJECT _____

1. Give 5 reasons you should be concerned about an inmate classification system.

LIABILITY, COURT ACTION, STATE LAWS, JAIL STANDARDS, PROTECT
THE COMMUNITY, IDENTIFY INMATES WHO ARE NOT A THREAT, COST
EFFECTIVENESS, BUDGET JUSTIFICATION.

2. Nebraska Jail Standards require that inmates under the age of 16 be housed separately and out of sight of other inmates.
3. Nebraska Jail Standards require that the classification process be initiated as soon as practical, not exceeding 15 days after admission.

4. Define inmate classification: A SYSTEMATIC PROCESS FOR

DETERMINING THE NEEDS AND CHARACTERISTICS OF INMATES IN
ORDER TO OBJECTIVELY AND CONSISTENTLY ASSIGN THEM TO
DEFINED GROUPS.

5. By knowing an inmate's past behavior, it is possible to predict his future behavior with 100% accuracy.

TRUE

FALSE

CREDIT: 1 HOUR CREDIT FOR JAIL INSERVICE TRAINING REQUIREMENT.

ANSWER SHEET SHOULD BE RETAINED BY JAIL ADMINISTRATOR OR TRAINING OFFICER.

12/13