

NEBRASKA

JAIL BULLETIN

FEBRUARY 1997

NUMBER 132

The *Jail Bulletin* may be used as a supplement to your jail in-service training program. If officers study the material and complete the attached "open book" quiz, they may receive **one hour of credit**. The bulletin and quiz may be reproduced for staff use as necessary. *We welcome any material you would like to contribute to the "Jail Bulletin"*.

INMATE CLASSIFICATION PROGRAM PART IV

MODEL CLASSIFICATION SYSTEM

III. COMPLETING THE INITIAL CLASSIFICATION FORM

Completing the Initial Classification requires completion of a number of activities. These include: accessing and interpreting the inmate's NCIC/NCIS records, interviewing the inmate, completing the Initial Classification forms and explaining the completed classification form to the inmate and obtaining her/his signature.

A. Reading the NCIC/NCIS properly

1. Upon initial inspection the classification officer should establish that the NCIC/NCIS s/he is observing is actually that of the person being classified. Always check personal demographics to assure that the physical description of the inmate matches that listed on the NCIC and that any associated information, such as Social Security

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.

number, also match. The classification

officer will also need to assure that all demographics associated with any alias listed on the NCIC/NCIS match up with the inmate's demographics as well. Once an alias has been determined to belong to the inmate in custody, the information which might be associated with the alias should be used in the classification.

2. NCIC/NCIS information is compiled from a number of state law enforcement records agencies. Therefore, there is no consistent format regarding listings of information. The classification officer should not disregard any information which does not appear in a familiar format or sequence as valid, and pertinent information may be listed. The demographics detailed on all listings should match the inmate demographics before being considered.
3. Once the classification officer has determined which information on the NCIC/NCIS is related to the inmate in custody, then s/he should review the information, recording any listings, within the last seven years, associated with convictions, escapes, assaults, releases from correctional facilities, detainers either in-state or out-state, and any fugitive from justice warrants. The classification officer will use this information when completing the initial classification form.

B. Interviewing the Inmate

Policy should require that a personal interview be conducted by the Classification Officer with the individual who is being initially classified. This interview is at least as important as the numerical assessment. It serves the following four purposes: First, it allows the Classification Officer an opportunity to verify information obtained from criminal history records or departmental files with the individual being classified. (Contrary to popular belief, all inmates do not lie all the time. In fact, criminal justice literature indicates that most people will cooperate with accurate information if they are advised that accuracy is important for their own best interest, and if they are approached in a caring manner.) This aspect of the interview also

allows the officer an insight as to whether the individual is attempting to give accurate information or is attempting to deceive.

Second, the interview allows the officer to physically view the individual, allowing an assessment of the physical stature, maturity, and attitude of the person. These assessments are important in determining if the individual may be susceptible to victimization (perhaps requiring a recommendation for Protective Custody); if the person can function in general population; or if the person may be predatory or violent, requiring a recommendation for Administrative Segregation.

Third, the interview allows assessment of the individual's state of mind. Generally, this assessment will relate to the person's condition with regard to possible mental illness, mental retardation, suicide risk, or medical problems.

Fourth, the interview allows the Classification Officer to comply with State and Federal Law, which require that the individual being classified be allowed a reasonable amount of input into the classification process.

The four-step assessment described above helps the officer more accurately identify the risk factors the inmate poses in the facility. The risk may be to him/herself or to others. Physical characteristics, criminal history and any special management concerns are used to determine the risk factor.

In view of the above purposes, what types of questions should be asked of the individual being classified? The following are some examples:

1. Verification of Records

- a. Have you ever been convicted of offenses more serious than traffic violations? What type? When?
- b. Have you been incarcerated in a jail in the last seven years? Prison? When? When were you released?
- c. What housing unit of the facility were you housed in? Why?
- d. What type of behavior record did you have? Ever Disciplined? What for?

- e. Verification of NCIC/NCIS records, for example; (if records show a history of escape, where did you escape from? Type of custody (Maximum unit, medium, etc.)?)

Note: Be aware that you may and should consider convictions which the individual admits to that may not show on NCIC or local records.

2. Assessment of Victimization Potential

- a. **Observational attributes:** small and frail, old and weak, very young, an effeminate male, submissive or easily intimidated, or physically or mentally disadvantaged.
- b. Has the person ever been an informant?
- c. Former criminal justice employee?
- d. Additional observational attributes which, according to the Nebraska State Department of Corrections Manual, 1988, may indicate a potential for victimization: naive, shy, inadequate personality, depressed, unassertive, nervous, afraid, unhappy, afraid to fight, gives mixed messages with no firm “no”, boisterous, loud “tough guy” attitude which draws attention, willing to pay to keep others away, naively generous, access to large amounts of outside money, no community ties (which may breed a need to cling to others for emotional satisfaction), dependent with a high need to please.
- e. Level of education completed? (This can be a measure of maturity as usually a higher level of education completed relating to a more mature individual.)
- f. Community ties?
- g. Attributes which may indicate potential for violence: flippant, argumentative, abusive, threatening, aggressive.

Note: Persons who answer “yes” to questions a or b, or who exhibit attributes shown in items c or d, may be candidates for Special Needs Housing or Protective Custody.

3. Assessment of State of Mind

- a. Have you ever been treated for mental illness? When? Where? What type of problem? Taking medication?

- b. Are you affiliated with a State or County developmental disability treatment center.
- c. Have you ever attempted to harm yourself? When? Weapon?
- d. Some observational attributes regarding state of mind as described by instruments from the Maricopa County Sheriff's Department:
 - 1) **Disoriented**: inmate appears not to understand or know the situation, location, charge, name, etc.
 - 2) **Depressed**: there is an expected sad reaction to being incarcerated, but depression is much more serious than being sad. Look for exaggerated feelings of helplessness, loss of thought, blocking, stereotyped verbal expression, no meaningful communication.
 - 3) **Apathetic**: listless, severe fatigue, lack of affect, minimizes current situation.
 - 4) **Alienation**: no reported significant relationships, communication or contact in the inmate's life.
 - 5) **Anxious**: beyond the expected anxiety produced by incarceration, inappropriate agitation, inability to focus or concentrate.
 - 6) **Withdrawn**: disinterest with situation or welfare, detached, non-verbal, little eye contact, lacking in expression.
 - 7) **Frightened**: unduly suspicious, cautious or fearful.
 - 8) **Hostile**: overly aggressive or angry, challenging, confrontational, exhibits potential violence.
 - 9) **Hallucinating**: inmate reports or appears to be experiencing sensations, auditorally, visually, olfactorily or tactilely.
 - 10) **Crying**: persistent sobbing or manifest distress.
- e. **Observational attributes regarding mentally ill behavior:**
 - 1) Inmate believes that people are trying to harm him, plot against him, or talk about him.

- 2) Inmate is fearful, panicky to a point considered inappropriate or overly intense.
- 3) Inmate talks to himself, hears voices, is delusional or smells non-existent odors.
- 4) Inmate claims to be God, Christ, Satan, or important political or historical figure (delusion of grandeur).
- 5) Inmate is unresponsive and unable to react to surroundings.
- 6) Inmate exhibits behavior which is dangerous to self or others.
- 7) Inmate exhibits very unrealistic beliefs about personal body, such as fear that inmate is incurably ill or that some body part is malfunctioning (i.e., the heart has stopped.)

Note: Persons answering yes to questions a, b or c, or exhibiting any of the attributes listed in d or e, should be immediately referred to a mental health counselor, who should evaluate the individual and make recommendations before a permanent housing assignment is made.

As can be seen, the initial classification interview is much more than simply preparing a classification document and asking the inmate to sign. The interview, in fact, establishes much of the ground work which results in requests and justifications for over-rides of the numerically determined custody status. Failure to properly pursue the classification interview results in sloppy classification and, according to Doe v. Swinson, F. Supp. 20 Crim. L. Rptr. 2222 (E.D. Va 1976), "Sloppy classification is liable."

C. Completing the classification Assessment Form

Items a through f are intended to establish a custody score for each inmate and identify any inmates who present a serious risk to the safety, security and orderly operation of the facility.

1. Comprehensive Custody Evaluation Scoring

- a. **Severity of Current Offenses:** Use current offenses and if more than one determine the most serious offense. Enter the number of points associated with the severity category into which the inmates most serious offense falls. Add 1 point if an additional misdemeanor exists. Add 2 points if additional felonies exist. Add 3 points if both additional misds. and additional felonies exist. When considering sentenced inmates, assign points based upon the charges which they

were sentenced on.

- b. **Prior Offense History**: Utilize current NCIC/NCIS information and determine the most serious prior conviction. Enter the number of points associated with the severity category into which inmate's most serious conviction falls. Add 1 point if an additional misdemeanor exists. Add 2 points if additional felonies exist. Add 3 points if both additional misds. and additional felonies exist. If inmate has no record of prior charges, enter 0.
- c. **Prior History of Incarceration**: Consider any incarcerations within the last seven years. Determine the date of release from incarceration(s) within the last seven years. Enter the number of points associated with the most severe incarceration within the last seven years. If inmate has no record of prior incarcerations, enter 0.
- d. **Assault History**: Access information from current charges, prior offense history, and NCIC/NCIS. Consider any assault conviction(s) (including sexual assaults) prior to initial classification, including current charges. Enter the appropriate number of points for inmate's most serious assault charge.
- e. **Escape History**: Access information from current charges, prior offense history, and NCIC/NCIS. Consider any escape or attempted escape convictions prior to initial classification, including current charges. Enter the number of points corresponding to inmate's most serious escape or attempt.
- f. **Institutional Disciplinary History**: Consider inmate's entire disciplinary history. Enter the appropriate number of points for inmate's most serious prior sustained disciplinary charge.
- g. **Comments**: Comments sections are located on each page and should be used to note information associated with points assigned.

2. Scale Summary and Recommendations

- a. **Custody level indicated by scale**: Using the custody classification scale determine the custody level and indicate this on the form.
- b. **Special Management Concerns**: This section is designed to address management issues that warrant attention and possible intervention by staff in the form of special housing and/or supervision. The following special management concerns should merit special attention:

- 1) **Protective Custody**: Individuals who may require protective custody to ensure their safety and well-being include criminal justice personnel, witnesses, know informants, inmates with know enemies in the facility, and inmates charged with heinous/notorious crimes.

- 2) **Mental Health Concerns**: Inmate has been examined by mental health staff and found to be incapable of functioning in any unit other than a highly structured treatment environment because he or she constitutes a danger to self or others, or inmate has been found to have difficulty interacting with others possibly due to limited comprehension and communication skills.

- 3) **Escape Threat**: Inmate has made significant threats to escape or has a documented history of violent conduct, such as murder, rape, assault, intimidation involving a weapon, and arson. This conduct may have occurred while confined or while in the community.
 - 4) **Serious Violence Threat**: Inmate has a documented history of violent conduct, such as murder, rape, assault, intimidation involving a weapon, and arson. This conduct may have occurred while confined or while in the community.
 - 5) **Known Gang Affiliation**: Inmate is known to be a member of a racial, political, or religious group that uses violence to achieve its goals within a correctional setting and/or in the community and this affiliation is considered to be a management issue in the facility.
 - 6) **Known Management Problem**: Inmate has a documented history of management problems while confined and/or disruptive behavior while in the community. Inmate is known to have incited, provoked, and/or agitated peers; disrupted facility operation; and/or to have demonstrated a substantial lack of cooperation with authority figures.
 - 7) **Suicide Risk**: Inmate has been examined by mental health staff and is considered to be at risk for attempting to take his or her own life.
 - 8) **Medical Problems**: Inmate has medical problems which may require special housing or supervision. This includes inmates that have been diagnosed by medical staff as having a communicable disease.
 - 9) **Physical Impairment**: Inmate presents impairments which may require special housing or supervision.
- c. **Override Recommendation**: If the assessing officer believes there are factors which warrant a custody classification which is different from that which is indicated by the scale, enter "yes" on the form and provide rationale. Otherwise, enter "No". Overrides may be recommended to higher or lower levels, depending upon the circumstances.
- d. **Recommended Custody Level**: After reviewing the scale score and all other information which may justify an override, enter the code indicating the recommended custody level. This will be the same code as above, if no override is recommended

- e. **Recommended Housing**: Enter the recommended housing assignment.

Note: This section must contain the signature of the classification officer and the date.

3. Jail Manager Approval of Override

Management approval is required if the classification officer recommends a scale override. The Jail Manager, referred to here is the Facility Superintendent, Sheriff or Administrator.

- a) **Custody Level Approved**: Enter the custody level approved by the Jail Manager. Written rationale must be provided if this level is different from above.
- b) **Housing Assignment Approved**: Enter the housing assignment approval.

Note: This section must be signed and dated by the Jail Manager.

C. Obtaining the Inmates Signature

A classification is not considered valid unless a hard copy is signed by the inmate and the completing staff member. An inmate must have the opportunity to provide input into his/her classification through the interview process. Additionally, the classification and point total must be explained to the inmate and the classification officer should assure that inmate questions are addressed prior to gaining the inmate's signature.

If the inmate refuses to sign the classification form, the classification officer should note this on the form and request that a second staff member witness his/her refusal. Both staff members should then sign the form.

D. Appeal of Initial Classification

Due process requirements established by Constitutional Law stipulate that inmates may appeal their initial classification, and any classification review that results in a change in custody status, not necessarily housing unit, and any classification action placing or retaining them in an Administrative Segregation status. Details should be found in policies.

Classification officers are not required to know the intricacies of the appeal process, however, they are required to notify the inmate that the inmate may appeal the above mentioned changes in status.

Once the classification officer has notified the inmate of the appeal option, the final obligation is

to provide the inmate with the proper appeal form.

E. Updating an initial classification

An initial classification may be updated if there is justified reason to do so. Such instances might include:

1. There has been an error made that needs to be corrected;
2. There has been a change in charge status that makes the initial classification invalid, such as reduction of charges, added charges, or sentencing on charges;
3. Behavior or mental health problems become apparent that would affect the inmate's classification status during the first 30 days.

The next *Jail Bulletin* will continue with “Classification Reviews”

The “Inmate Classification program” was adapted from material contributed by the Lancaster County Department of Corrections, Lincoln, Nebraska. We greatly acknowledge the contributions of Administrator Mike Thurber and his staff for this and other material. If you or your agency wish to contribute to the Jail Bulletin or have a special subject to be addressed through the bulletin, please contact: Jail Standards Division, P.O. Box 94946, Lincoln, Nebraska 68509-94946, Telephone 402-471-3710, FAX 402-471-2837.

QUIZ

Nebraska Jail Standards require that jail staff receive eighteen (18) hours of in service training each year. The Jail Bulletin may be used to supplement in service 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.

FEBRUARY 1997

NUMBER 132

**SUBJECT: Inmate Classification Program
Part IV
Model Classification System**

NAME: _____

DATE: _____

1. Completion of the Initial Classification requires at least 5 separate activities. Name 3 out of 5.

1. _____
2. _____
3. _____
4. _____
5. _____

2. Information accessed from NCIC/NCIS data is applicable for classification purposes for a period dating back at least _____ years. (circle one)

- a. 10
- b. 7
- c. 20
- d. 5

3. NCIC/NCIS data will always be listed with a consistent format of information.

- a. True
- b. False

4. The personal interview of the inmate may be conducted by any jail staff.

- a. True
- b. False

5. Statistics show most inmates will give accurate information in a properly conducted classification interview.

- a. True
- b. False

6. What was the determination of Doe v. Swinson, F. Supp. 20 Crim. L. Rptr. 2222 (E.D. Va 1976) regarding the failure to pursue proper classification?

7. Establishing a comprehensive custody evaluation score is determined in part by: (circle those that apply)

- a. severity of current offenses
- b. inmate gender
- c. prior history of incarceration
- d. current medical concerns
- e. assault or escape history

8. Once the initial custody level indicated by numerical scale has been determined, an _____ may be necessary if there are factors which warrant a custody classification different from that which is indicated by scale. (fill in the blank)

9. Constitutional law does not stipulate that an inmate may appeal his/her initial classification or any review thereof.

- a. True
- b. False

QUIZ

Nebraska Jail Standards require that jail staff receive eighteen (18) hours of in service training each year. The Jail Bulletin may be used to supplement in service 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.

FEBRUARY 1997

NUMBER 132

**SUBJECT: Inmate Classification Program
Part IV
Model Classification System**

NAME: _____

DATE: _____

1. Completion of the Initial Classification requires at least 5 separate activities. Name 3 out of 5.
 1. Accessing and interpreting the inmate's NCIC/NCIS records
 2. Interviewing the inmate
 3. Completion of the initial classification forms
 4. Explaining the completed classification form to the inmate
 5. Obtaining the inmate's signature

2. Information accessed from NCIC/NCIS data is applicable for classification purposes for a period dating back at least _____ years. (circle one)
 - a. 10
 - ⇒ **b. 7**
 - c. 20
 - d. 5

3. NCIC/NCIS data will always be listed with a consistent format of information.
 - a. True
 - ⇒ **b. False**

4. The personal interview of the inmate may be conducted by any jail staff.
 - a. True
 - ⇒ **b. False**

5. Statistics show most inmates will give accurate information in a properly conducted classification interview.
 - ⇒ **a. True**
 - b. False

6. What was the determination of Doe v. Swinson, F. Supp. 20 Crim. L. Rptr. 2222 (E.D. Va 1976) regarding the failure to pursue proper classification?

“sloppy classification is liable..”

7. Establishing a comprehensive custody evaluation score is determined in part by: (circle those that apply)

⇒ a. severity of current offenses

b. inmate gender

⇒ c. prior history of incarceration

d. current medical concerns

⇒ e. assault or escape history

8. Once the initial custody level indicated by numerical scale has been determined, an override recommendation may be necessary if there are factors which warrant a custody classification different from that which is indicated by scale. (fill in the blank)

9. Constitutional law does not stipulate that an inmate may appeal his/her initial classification or any review thereof.

a. True

⇒ b. False

CREDIT: One Hour credit for jail in service training requirement.

Answer sheet should be retained by the Jail Administrator.

INITIAL CLASSIFICATION ASSESSMENT FORM

SECTION 2 - SCALE SUMMARY AND RECOMMENDATIONS

Scored 0-12 Medium (Pre-sentence) Minimum (Sentenced)

Scored 13-18 Close

Scored 19+ Maximum

COMPREHENSIVE SCORE ()

A. Custody level indicated by scale _____ (Minimum/Medium/Close/Maximum)

B. Special management concerns which apply _____

C. Override of scale custody level is recommended _____

D. Recommended custody level _____ (Minimum/Medium/Close/Maximum)

E. Recommended housing assignment _____ Date Assigned _____

Signature of Classification Officer _____

SECTION 3 - JAIL MANAGER OVERRIDE

Override Approved _____

Override Modified _____

Override Not Approved _____

A. Custody Level Approved _____

RATIONALE: _____

B. HOUSING ASSIGNMENT _____ DATE _____ NEXT REVIEW DATE _____

Jail Manager's Signature _____

D. Request for Appeal _____ Date _____

E. Update to initial classification _____ Date _____