

RHODE ISLAND DEPARTMENT OF CORRECTIONS

POLICY AND PROCEDURE



POLICY NUMBER:
15.01-7 DOC

EFFECTIVE DATE:
07/06/2020

PAGE 1 OF 20

SUPERSEDES:
15.01-6 DOC

DIRECTOR:

Please use BLUE ink.

SECTION:
CLASSIFICATION

SUBJECT:
CLASSIFICATION PROCESS

AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director; § 42-56-20 (Care and employment of short term inmates); § 42-56-20.2(h); § 42-56-21 (Labor of prisoners committed for criminal offense, qui tam, penal action, or failure to give recognizance); § 42-56-29 (Receiving and orientation unit-Study of incoming prisoners); § 42-56-30 (Classification Board); § 42-56-31 (Determination of Classification and rehabilitation programs of prisoners); § 42-56-32 (Classification Unit); § 12-19-2 (Selection Method and amount or term of punishment); § 31-27-2.2 (Driving under the influence of liquor or drugs, resulting in death)

REFERENCES: Rhode Island General Laws (RIGL) § 42-56-31 (Classification); § 42-56-18 (Inmate furloughs); § 42-56-20 (Community confinement); § 42-56-21 (Work release); § 42-56-24 (Good behavior); § 42-56-26 (Meritorious service); § 11-37-1.2 (Sexual offenders registration and community notification); Americans with Disabilities Act of 1990; Confidentiality of Health Care Communication and Information Act, 5-37.3; the most recent versions of RIDOC policies 9.34 DOC, [Confidential Security Risk Group \(SRG\) Inmates](#); 12.01 DOC, [Protective Custody for Inmates](#); 12.27 DOC, [Conditions of Confinement](#); 15.07 DOC, [Work Release Eligibility](#); 27.01 DOC, [Community Confinement Program](#); *State v. Dowell*, 623 A.2d 37 (R.I. 1993); *State v. Bishop*, 667 A.2d 275 (R.I. 1995); *DiCiantis v. A.T. Wall*, 795 A.2d 1121 (R.I. 2002); *State v. Graff*, 17 A.3d 1005; PREA Final Standards 115.41 Screening for risk of victimization and abusiveness; 115.42 Use of screening information

INMATE / PUBLIC ACCESS? X YES

AVAILABLE IN SPANISH? X YES

I. **PURPOSE:**

- A. To provide a classification process that properly classifies inmates in accordance with statutory requirements.
- B. To specify the procedures to be followed by Rhode Island Department of Corrections (RIDOC) staff to properly classify inmates to a status that best meets the safety and security requirements of RIDOC, and the treatment needs of the inmate.

II. **POLICY:**

Each inmate under the statutory authority of the Director of Corrections shall be classified to the most appropriate assignment for security and treatment needs to promote effective population management and prepare inmates for release from confinement and subsequent supervision.

III. **DEFINITIONS:**

- 1. Administrative Confinement - Category of inmates whose conduct indicates a chronic inability to adjust to the general prison population, who require maximum protection for themselves or others on a temporary basis, or who constitute a threat to the security of the institution (see the most recent version of RIDOC Policy 12.27 DOC, Conditions of Confinement).
- 2. Classification - The ongoing process of collecting and evaluating information about each inmate to determine the inmate's risk and need level for appropriate confinement location, treatment, programs and employment assignment whether in a facility or community-based program.
- 3. Community Corrections Eligibility Date (CCED) - Date used to determine when an inmate may be eligible for consideration to be placed in a Community Custody Program. The CCED determination is based upon the sentence received and the amount of time served in minimum custody.
- 4. Community Custody Program - Community Custody programs that include Work Release and Community Confinement for those inmates who are in a minimum custody level.

5. Custody Level – A level of security that is determined based on risk an inmate poses to the public, staff and other inmates.
6. Disciplinary Confinement (DC) - A form of temporary separation from the general population for those inmates who are found guilty of serious disciplinary infractions; place of confinement to be designated by the Warden/designee; duration is commensurate with the seriousness of the offense, consistent with RIDOC's Discipline Severity Scale; includes a loss of privileges and loss of good time.
7. Discussion Hearing - A hearing conducted by the Administrator of Classification Services/designee to review the Director's/designee decision related to custody recommendation.
8. Newly Sentenced Inmate - A newly sentenced inmate/parole violator and/or Interstate Compact inmate who enters RIDOC under a new period of commitment.
9. Override - A documented condition of fact warranting an increase or decrease in the overall custody level of an inmate indicated by the scoring instrument or from the Classification Board's recommendation. Overrides can be either:
 - a. Mandatory - Those governed by statute or the Director's mandate; or
 - b. Discretionary - Done for a reason other than mandated by law or the Director's mandate.
10. Protective Custody (PC) - A form of separation from the general population for an inmate who requires additional protection from other inmates for reasons of safety.
11. Re-classification - The process of periodically re-evaluating an inmate to determine the inmate's changing risk and needs level for appropriate confinement location, treatment, programs and employment assignment whether in a facility or community-based program.
12. Sex Offender – Please see Attachment 1 for the statutory definition of a sex offender.
13. Transitional Confinement – A category of inmates who, because of their pattern of conduct require, on a temporary basis, close restriction of movement and closer supervision (see the most recent version of RIDOC Policy 12.27 DOC, Conditions of Confinement).

IV. PROCEDURES:

A. Classification Management and Responsibilities:

1. Administrator of Classification Services - Shall be responsible for RIDOC's classification system. S/he shall review annually and update as necessary RIDOC policy 15.01-7 Classification Process. The Administrator of Classification Services is responsible for overseeing the Classification Unit, which schedules all classification boards.
2. Counseling Services Coordinator - Shall be responsible for:
 - a. Administering the initial classification/re-classification procedures under this policy;
 - b. Serving as Chair of a Classification Board as needed;
 - c. Supervising Adult Counselors to ensure policy compliance;
 - d. Coordinating the Adult Counselors' preparation and participation in the Classification Boards;
 - e. Coordinating review of all studies made of each sentenced inmate;
 - f. Coordinating recommendations pertaining to Classification custody level; and
 - g. Issuing the Post-Classification Recommendation Form.
3. Adult Counselor - Shall be responsible for reviewing the inmate's record and any additional information necessary to complete the initial classification and re-classification of inmates. Responsibilities also include reviewing information relating to Classification and/or Re-classification Boards. Adult Counselors present classification findings to Classification and Re-classification Board members. An Adult Counselor shall be responsible to serve as the Chair of Classification Boards as needed.
4. This policy shall not preclude the Director, Assistant Director of Institutions & Operations (ADIO) and/or the Administrator of Classification Services from intervening in any classification decision at any time.

B. Classification Board Process and Responsibilities

1. Membership - To regulate a system of classification of persons committed to the custody of RIDOC, there shall be Classification Boards (Boards) appointed by the Director. The Board shall be comprised of five (5) members; a Chairperson and RIDOC staff. Each member of the Board shall have one (1) equal vote. The Director also has the authority to establish additional Boards to facilitate the classification system when deemed necessary.
2. Duties - The Board reviews all studies made of each sentenced inmate during the period from the point of commitment and from time to time thereafter as shall be necessary. The Board also recommends to the Director/designee a Classification custody level as well as a rehabilitation/treatment plan. If the Director/designee disapproves the Board's recommendation, s/he requests the Board hold a Discussion Hearing for further study and review. A Discussion Hearing is conducted by the Classification Board to review the Director's/designee decision relating to custody recommendation. The Director/designee reviews the recommendations from the Discussion Hearing and renders a final decision that is then implemented.

C. Classification Levels

1. Each sentenced male inmate shall be classified according to risk and need and shall be assigned to one of the following custody levels:
 - a. High is the highest supervision custody level. A high custody level classification allows inmates to be classified to one of two statuses: Administrative Confinement Status or Transitional Confinement Status (see the most recent version of RIDOC policy 12.27 DOC, [Conditions of Confinement](#)).
 - b. Maximum is a close supervision custody level; A maximum custody level allows inmates to be classified to PC when necessary (see the most recent version of RIDOC policy 12.01 DOC, [Protective Custody for Inmates](#)).
 - c. Medium is a moderate supervision custody level;

- d. Minimum is a low supervision custody level. (A minimum custody level classification **may** allow inmates to be placed in work assignments in the public sector or to pursue education at an outside institution, if the inmate is deemed eligible).
- 2. Each sentenced female inmate shall be classified according to risk and need and shall be assigned to one of the following custody levels:
 - a. Administrative Confinement is the highest supervision custody level;

NOTE: Modifications have been made to the Administrative Confinement status due to gender-responsive principals implemented in the Women's Facilities.
 - b. Medium is a moderate supervision custody level;
 - c. Minimum is a low supervision custody level. (A minimum custody level classification **may** allow inmates to be placed in work assignments in the public sector, if the inmate is deemed eligible).
- D. Admissions and Orientation (A&O)
 - 1. Intake Service Center - Pursuant to Rhode Island General Laws § 42-56-29; § 42-56-30; § 42-56-31 and § 42-56-32, any sentenced male offender shall be admitted to the Intake Service Center.
 - a. An initial classification assessment is conducted over a period of thirty (30) business days;
 - b. The sentenced inmate shall also have a rehabilitative risk/need assessment;
 - c. The offender is classified and transferred to the appropriate facility.
 - 2. Gloria DiSandro McDonald Facility - Pursuant to Rhode Island General Laws § 42-56-29; § 42-56-30; § 42-56-31 and § 42-56-32 any sentenced female offender shall be admitted to this facility.
 - a. An initial classification assessment is conducted over a period of thirty (30) business days;

- b. The sentenced inmate shall also have a rehabilitative risk/need assessment;
- c. The offender is classified and transferred to the appropriate security.

E. Administrative Transfer Process

1. Males -- The Counseling Services Coordinator at the Intake Service Center identifies those sentenced male inmates serving a sentence of six (6) months or less and who may be eligible for Administrative Transfer to a minimum custody level. The Adult Counselor completes the Administrative Classification Assessment--Males in INFACS for each eligible sentenced male inmate.
2. Females -- In the Gloria DiSandro McDonald Facility, the Counseling Services Coordinator identifies those sentenced female inmates serving a sentence of nine (9) months or less and who may be eligible for Administrative Transfer to a minimum custody level. The Adult Counselor completes the Administrative Classification Assessment--Females in INFACS for each eligible sentenced female inmate.
3. When completed, the Administrative Classification Assessment is sent to the Administrator of Classification Services/designee for approval or denial for eligible sentenced male inmates and to the Warden of the Gloria DiSandro McDonald Facility for approval or denial for eligible sentenced female inmates.
4. Inmates approved for Administrative Transfer are moved to the appropriate facility. The Classification Office schedules those inmates denied Administrative Transfer for an Initial Classification Board Hearing.
5. Adult Counselors shall complete the Intake Assessment screen and the Intake Recommendation screen which can be found in the Transition from Prison to Community Data System (TPCDS).

F. Initial Classification Review

1. Males -- The Initial Classification Scoring screen in INFACS is used to determine the recommended custody level for each newly sentenced male inmate. The Adult Counselor reviews the inmate's record and enters the appropriate information into the screen.

- a. The Intake Assessment screen and the Intake Recommendation screen are major assessment components of the initial classification process. They shall be completed by the Adult Counselor at the Intake Service Center for each newly sentenced inmate, parole violator, probation violator, Interstate Compact inmate (ICA), Interstate Agreement on Detainer (IAD) inmate and court-ordered inmate during the Admissions and Orientation (A&O) process.
 - b. The Adult Counselor shall complete the Initial Classification Form Report in INFACITS. The Adult Counselor shall also review the police reports (if available), NCIC information and the inmate's assessment and treatment documents.
2. Females -- The Initial Classification Scoring screen is used to enter a classification record in INFACITS.
 - a. The Intake Assessment screen and the Intake Recommendation screen are major assessment components of the initial classification process. They shall be completed by the Adult Counselor at the Gloria DiSandro McDonald facility for each newly sentenced inmate, parole violator, probation violator, Interstate Compact inmate (ICA), Interstate Agreement on Detainer (IAD) inmate and court-ordered inmate during the Admissions and Orientation (A&O) process.
 - b. The Adult Counselor shall complete the Initial Classification Form Report in INFACITS. The Adult Counselor shall also review the police reports (if available), NCIC information and the inmate's assessment and treatment documents.
3. Inmate Risk/Need Assessment

A rehabilitative risk/need assessment is used to determine the program and treatment needs for each newly sentenced inmate. Assessment of inmate risk and need is the responsibility of Adult Counselors with oversight from the staff member responsible for the training, monitoring and evaluation of the Level of Service Inventory-Revised (LSI-R) for the Department.

- a. Males - All males sentenced to a term of over six (6) months shall be administered the LSI-R Screening Version (LSI-R: SV). Adult Counselors shall administer the full LSI-R for males who have a score of four (4) or higher on the LSI-R: SV.

- b. Females - Adult Counselors shall administer the full LSI-R to any female offender sentenced to more than nine (9) months.
 - c. Scoring - Once the Adult Counselor has completed the Initial Classification Scoring screen and the LSI-R (for sentenced men), or the LSI-R (for sentenced women) s/he recommends a custody level designation and prepares a case plan for presentation to the Initial Classification Board (Initial Board).
4. Initial Classification Custody Level Designations

An inmate's initial custody level shall be determined based on the Classification Board's recommendation and the following factors:

<u>Factors</u>	<u>Custody Level Recommendations</u>		
	Minimum	Medium	Maximum/ High
Sentence Length	5 years <u>or less</u>	5 years up to 15 years	Exceeds 15 years, life, or life without parole
Classification Risk Assessment Score (males only)	-1 - 6	7 - 13	14+
LSI-R Score (females only)	0 - 37	38+	N/A

5. Recommendation and Approval Process
- a. The Adult Counselor provides the Initial Board with information from the Initial Classification Scoring screen, the LSI-R, and his/her custody recommendation for review. The Initial Board meets with the inmate and engages him/her in a discussion about his/her classification and case management plan. The Adult Counselor uses the LSI-R as part of the case management plan and as the basis on which to recommend programs, priority of programs and order in which the programs should be taken. The Initial Board may also consider factors (e.g., physical limitations) which preclude housing in certain facilities.

- b. If the Classification Board does not agree with the initial classification score, the chart below is used as the rationale.

Discretionary Override - Higher Custody	Discretionary Override - Lower Custody
Recent Assaultive Behavior in the past 3 years	Crime Less Severe than Scored
Gang Affiliation/Recent Gang Activity	Pre-release/Re-Entry Programming Needs
Crime more Severe than Scored	Prior Record Less Severe than Scored
Prior Record More Severe than Scored	Behavior Warrants Less Restrictive Environment
Recent Disruptive Behavior	
Notoriety of Offense	
Mental Health Needs	

- c. Inmates who are ineligible for Minimum Security include:
- (1) More than five (5+) years to serve;
 - (2) Convicted sex offender (see Attachment 1);
 - (3) Detainers/holds/warrants;
 - (4) Prior escape in the past ten (10) years;
 - (5) Sentenced to life without parole;
 - (6) Sentenced to life without an advanced parole release date.
- d. The Classification Board Chairperson and all voting members shall print and sign the [Classification Board Recommendation Form](#).
- e. Inmates who are recommended to be classified to Administrative or Transitional Confinement are issued the [Post-Classification Recommendation Form](#) at the end of the Classification Board Hearing.

f. Males

For sentenced male inmates, the Initial Board recommends a high, maximum, medium, or minimum custody level and submits their recommendation to the Administrator of Classification Services for his/her final custody level approval as delegated by the Director, with the following exceptions.

- (1) For male inmates sentenced to nine (9+) or more years with a recommendation of minimum custody level, the Director has final custody level approval.
- (2) For male inmates who are designated as "Security Risk Group" (SRG) Level I or II or "Protective Custody" (PC), the ADIO has final custody level approval as delegated by the Director.

g. Females

For sentenced female inmates, the Initial Board determines a custody level of Administrative Confinement, medium, or minimum and submits their recommendation to the Warden of the Gloria DiSandro McDonald Facility who has custody level approval as delegated by the Director with the following exceptions.

- (1) For female inmates sentenced to nine (9+) or more years with a recommendation of minimum custody level, the Director has final custody level approval.
- (2) For female inmates who are designated as Level I or Level II SRG, the ADIO has final custody level approval as delegated by the Director.

- h. If the Director/designee (as outlined above) agrees with the Initial Board's recommendation, the inmate's custody level is finalized.
- i. If the Director/designee disagrees with the Initial Board's recommendation, the case is sent back to its members for a Discussion Hearing. The Director/designee provides the Initial Board with written reasons for his/her disagreement with their recommendation.

At the Discussion Hearing the Initial Board (the same Classification Board members who made the initial/original decision, when possible) is re-convened to consider the Director/designee's concerns and may either decide to alter its recommendation to agree with the Director/designee's determination or the Initial Board may maintain its original recommendation.

The results of the Discussion Hearing are sent back to the Director/designee and s/he has the final decision-making authority to determine the inmate's custody level designation. If the final decision deviates from the Initial Board's recommendation or from the Initial Classification Scoring results, the reasons for the override are documented in the computer record.

- j. Final decisions will be documented and signed-off by the Director, ADIO and the Administrator of Classification Services on the [Classification Board Recommendation Form](#).

G. Inmate Re-classification Review

Re-classification Board hearings are held at regular intervals and whenever necessitated by a major change in an inmate's programming and/or behavior. Re-classification Board reviews help to ensure continuity in the treatment, programming and custody level placement to meet the inmate's changing needs.

1. Re-classification Scoring Instrument

- a. The Adult Counselor reviews the sentenced male inmate's record, completes the Re-classification Scoring screen in INFACS, and updates program/treatment plan for presentation to the Classification Board.
- b. The Adult Counselor reviews the sentenced female inmate's record completes the Re-classification Scoring screen in INFACS, and updates program/treatment plan for presentation to the Classification Board.
- c. The Adult Counselor shall complete the Classification Form Report in INFACS.

2. Re-classification Schedule

An inmate's classification is reviewed at least annually depending on the time remaining to be served on his/her sentence. Inmates are notified by the Adult Counselor one (1) month in advance of their re-classification hearing date. The re-classification schedule is determined by the following:

- a. Inmates with five (5) years or less remaining until their good time date (GTD) **may** be assigned a six (6) month review date;
- b. Inmates with more than five (5+) years remaining until their GTD shall be reviewed at least on an annual basis.
- c. Inmates classified to Administrative or Transitional Confinement shall be reviewed at least every 90 days.

3. Scoring

Once the Adult Counselor has completed the Re-classification Scoring screen, reviewed the LSI-R and the inmate's program participation, s/he recommends a custody level designation to the Re-classification Board.

4. Re-classification Custody Level Designations

An inmate's re-classification custody level shall be determined based on the Classification Board's recommendation and the following factors:

<u>Factors</u>	<u>Custody Level Recommendations</u>		
	Minimum	Medium	Maximum/ High
Classification Risk Assessment Score (<i>males only</i>)	-1 - 6	7 - 12	13+
LSI-R Score (<i>females only</i>)	0 - 37	38+	N/A

5. Recommendation and Approval Process

- a. The Re-classification Board reviews the Re-classification Scoring screen in INFACTS, the LSI-R, and the custody recommendation that has been provided by the Adult Counselor. The Re-classification Board may also consider factors (e.g., physical limitations) which preclude housing in certain facilities. The Re-classification Board then meets with the inmate and engages him/her in a discussion about his/her classification and case management plans.
- b. If the Re-classification Board does not agree with the re-classification score, the chart below is used as rationale.

Discretionary Override - Higher Custody	Discretionary Override - Lower Custody
Recent Assaultive Behavior in the past 3 years	Crime Less Severe than Scored
Gang Affiliation/Recent Gang Activity	Pre-release/Re-Entry Programming Needs
Crime more Severe than Scored	Prior Record Less Severe than Scored
Prior Record More Severe than Scored	Behavior Warrants Less Restrictive Environment
Recent Disruptive Behavior	
Notoriety of Offense	
Mental Health Needs	

- c. Inmates who are ineligible for Minimum Security include:
 - (1) More than five (5+) years to serve;
 - (2) Convicted sex offender (see Attachment 1);
 - (3) Detainers/holds/warrants;
 - (4) Prior escape in the past ten (10) years;

- (5) Sentenced to life without parole;
- (6) Sentenced to life without an advanced parole release date.
- d. The Re-classification Board Chairperson and all voting members shall print and sign the [Classification Board Recommendation Form](#).
- e. Inmates who are classified to Administrative or Transitional Confinement are issued the [Post-Classification Recommendation Form](#) at the end of the Classification Board Hearing.
- f. Males

The Re-classification Board recommends a custody level of minimum, medium, maximum, or high and submits the recommendation to the Administrator of Classification Services for final custody level approval as delegated by the Director, with the following exceptions:

- (1) For male inmates sentenced to *more than* nine (9+) years with a recommendation of minimum custody level, the Director has final custody level approval.
 - (2) For male inmates who are designated as SRG Level I or II or (PC), the ADIO has final custody level approval, as delegated by the Director.
- g. Females

The Re-classification Board recommends a custody level of administrative confinement, medium, or minimum and submits their recommendation to the Warden of the Gloria DiSandro McDonald Facility who has final custody level approval as delegated by the Director, with the following exceptions:

- (1) For female inmates sentenced to nine (9+) years *or more* with a recommendation of a minimum custody level, the Director has final custody level approval.

- (2) For female inmates who are designated as Level I or Level II SRG, the ADIO has final custody level approval as delegated by the Director.
- h. If the Director/designee agrees with the Re-classification Board's recommendation, the custody level designation is finalized.
- i. If the Director/designee disagrees with the Re-classification Board's recommendation, the case is sent back to the Re-classification Board for a Discussion Hearing. The Director/designee provides written reasons for his/her disagreement with the Re-classification Board's recommendation.

At the Discussion Hearing, the Re-classification Board (the same Classification Board members, when possible) considers the reasons for the Director's/designee's disagreement with their recommendation and may decide to alter their recommendation to agree with the Director/designee's determination or may maintain their original recommendation.

The results of the Discussion Hearing are sent back to the Director/designee and s/he has final authority to determine the inmate's custody level designation. If his/her final decision deviates from the Re-classification Board's recommendation or from the Re-classification Scoring results, the reasons for the override are documented in the computer record.

- j. Final decisions will be documented and signed-off by the Director/designee, on the Classification Board Recommendation Form.

H. Transfer of Inmates

Once the final approval and custody level designation is made for an inmate at either an Initial or a Re-classification Hearing, the inmate is moved to the appropriate facility for his/her custody level. An inter-facility transfer list is initiated by the Classification Office the day before the scheduled transfer and provided to the appropriate Institutions and Operations staff.

I. Immediate Review Dates

Significant changes in classification status may result in an immediate review and may alter an inmate's custody level and/or establish a six (6) month or an annual review cycle. For example, an immediate review may be scheduled for the following reasons, but not limited to:

1. Removal of an enemy issue;
2. Change in SRG status;
3. Parole release date;
4. Parole eligibility date;
5. Change in sentence (reduction, modification, or new sentence);
6. New charges or removal of pending charges;
7. New holds, detainers, warrants or removal of holds, detainers, warrants;
8. Significant discipline;
9. Program completion;
10. Positive institutional record.
11. Voluntary/Involuntary return from out-of-state transfer;

Immediate review dates can be requested by staff or by an inmate by contacting the Administrator of Classification Services.

J. Custody Level/Status Changes

Based on all the information presented at an inmate's regularly scheduled review, the Re-classification Board determines if any changes in custody shall occur. Determinations include:

Status quo: No change in custody level;

Increase: Higher level of supervision required;

Decrease: Lower level of supervision required.

1. High Custody Level/Status Changes

- a. Inmates who are approved for removal from Administrative Confinement Status or Disciplinary Confinement may be reduced to Transitional Confinement or a maximum custody level.

NOTE: Female inmates who are approved for removal from Administrative Confinement Status may be gradually transitioned into general population. For a period of transition, generally not more than thirty (30) days, female inmates on Administrative Confinement may remain housed in a restrictive housing unit and be allowed limited recreational and program opportunities with general population inmates.

- b. Inmates approved for removal from Transitional Confinement Status can be reduced to a lower custody level.
- c. No inmate is considered for a custody level reduction lower than maximum custody level without approval from the Director.

2. Maximum Custody Level/Status Changes

- a. Inmates serving a sentence of life without parole (LWOP) are not considered for a reduction to a medium custody level unless such reclassification is needed for either security or clinical reasons. The decision to reduce a LWOP inmate's classification to a medium custody level is the exception rather than the rule and is made with consideration of either the specific security or clinical issues that justify this change. The Director must approve every decision to reclassify a LWOP inmate to a medium custody level.
- b. Inmates serving a sentence of LWOP are not considered for a minimum custody level.
- c. No inmate is considered for a custody level reduction lower than medium custody without the approval from the Director.

- d. Inmates approved for removal from PC are reduced to any custody level deemed appropriate with the proper evidence and documentation to support the custody reduction.

3. Medium Custody Level/Status Changes

- a. Inmates serving sentences of more than five (5+) years, and up to and including ten (10) years, may be eligible for a reduction to a minimum custody level when they are parole eligible. Inmates with a sentence of more than ten (10+) years, up to and including Life for Murder I and Murder II, may be eligible for a reduction to a minimum custody level when they are granted a parole release date by the Rhode Island Parole Board.
- b. Medium custody level inmates are **NOT** eligible for a reduction to a minimum custody level if one of the following circumstances exists:
 - (1) Outstanding warrant(s);
 - (2) Violent felony charges pending;
 - (3) Out-of-state detainers (Interstate Agreement on Detainers [IAD], Interstate Compact Agreement);
 - (4) Sentence conviction: Sex offender (see Attachment 1) unless approved by the Director/designee.

4. Minimum Custody Level/Status Changes

- a. The community corrections eligibility date (CCED) determines when the inmate is eligible to be seen by a Re-classification Board for review and consideration to a community custody program.

To be considered eligible for these programs:

- (1) An inmate cannot have a No Contact Order (NCO) regarding a person or person(s) lodged against him/her;
- (2) An inmate cannot have pending felony/misdemeanor charges;

- (3) An inmate must meet the eligibility criteria as defined in RIGL § 42-56-20.2(h) if being considered for Community Confinement.
- (4) The community correctional program for women: Inmates being considered for placement in this community correctional program must meet the criteria as defined in RIGL § 42-56-20.3 (b) Persons subject to this section.

b. Community Custody Program /Status Changes

- (1) The community custody programs provide an eligible inmate classified to a minimum custody level with the opportunity to reintegrate into the community. Any inmate who refuses to participate in any program assignment and/or work assignment consistent with the inmate's assessed needs may be excluded from a community custody program placement until s/he complies with the classification/case management assignment.
- (2) Level I and Level II SRG inmates are ineligible for a community custody program placement unless approved by the Director/designee.
- (3) Community custody programs include Work Release and Community Confinement.

(a) Work Release Program

For further information on Work Release eligibility see the most recent version of RIDOC Policy 15.07 DOC, [Work Release Eligibility](#).

(b) Community Confinement Program

For further information on Community Confinement eligibility see the most recent version of RIDOC Policy 27.01 DOC, [Community Confinement Program](#).

RHODE ISLAND DEPARTMENT OF CORRECTIONS

Definition of a Sex Offender

A sex offender is someone who:

- (a) a judgment of conviction has been entered against for any offense specified below, regardless of whether an appeal is pending, or
- (b) has been found guilty for any offense specified below, regardless of whether an appeal is pending, or
- (c) has a plea of guilty or nolo contendere for any offense specified below, regardless of whether an appeal is pending, or
- (d) has an admission of sufficient facts or a finding of delinquency for any offense specified below, regardless of whether or not an appeal is pending.

In the event that a conviction has been overturned, reversed, or otherwise vacated, the person who was the subject of the conviction shall no longer be considered a sex offender. This shall not be construed to eliminate a sex offender designation for a person who has another applicable conviction or is again convicted of an offense specified below.

The following list of sex offenses was derived from RIGL § 11-37.1-2 and is inclusive but not exhaustive, and is subject to change:

MURDER OF A KIDNAPPED MINOR	KIDNAPPING (ages 16-17)
RAPE	KIDNAPPING WITH INTENT TO EXTORT (16-17)
AIDING & ABETTING RAPE	EXPLOIT CHILD COM / IMM PURPOSE
CONSPIRACY RAPE	ABOMINABLE & DETESTABLE CRIME AGAINST NATURE
SEXUAL ASSAULT 1ST DEGREE	SODOMY
SEXUAL ASSAULT 2ND DEGREE	SEXUAL MISCONDUCT
SEXUAL ASSAULT 3RD DEGREE	CHILD PORNOGRAPHY
ASSAULT W/INT COMM SPECIF FELONY	PROSTITUTION OF A MINOR
ASSAULT W/INT RAPE	INVOLUNTARY SERVITUDE - SEX
ASSAULT W/INT COMM 1ST DEGREE SEX ASSLT	HUMAN TRAFFICKING FOR COMMERCIAL SEXUAL ACTIVITY
ATTEMPTED SEXUAL BATTERY	SEX TRAFFICKING OF MINOR
CHILD MOLESTATION 1ST DEGREE	ELECTRONIC TRANSFER OF INDECENT MATERIAL TO A MINOR
CHILD MOLESTATION 2ND DEGREE	INDECENT SOLICITATION OF A CHILD
INDECENT ASSAULT ON CHILD	VIDEO VOYEURISM OF A MINOR
ENTICEMENT OF A CHILD	
KIDNAPPING OF A MINOR (under 16)	