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<b>Community Corrections Assessment</b>	<b>ACA Standards: 2-CO-4B-01, 4-4277, 4-4296, 4-4444, 4-ACRS- 2A-07, 4-ACRS-5A-06, 4-ACRS-5A-13, 4-ACRS-5A-14, 4-ACRS-5A-16, 4-ACRS-6A-11, 4-ACRS-6A-12, 4-ACRS-6B-02</b>		
<b>Robert Patton, Director Oklahoma Department of Corrections</b>	<b>Signature on File</b>		

## Community Corrections Assessment

The goal of community corrections is to balance the interests and safety of the community while addressing the offender’s need for reintegration services by providing equitable opportunities and appropriate sanctions for the offenders. (2-CO-4B-01, 4-4444, 4-ACRS-5A-13, 4-ACRS-5A-16)

For the purpose of this procedure, the term “community corrections” includes community work centers (CWC), community contract facilities and community corrections centers (CCC’s). The term “facilities” will be used when referring to community corrections’ facilities collectively.

I. Assessing Offenders for Community Corrections Placement or Global Positioning Satellite Surveillance Program Eligibility (4-ACRS-6A-11)

All new reception offenders and offenders assigned minimum custody and meeting the following eligibility requirements will be reviewed for community

corrections placement/Global Positioning Satellite Surveillance Program (GPS). (4-4296)

A. Eligibility Criteria – New Reception (Initial Custody) Offenders

1. Upon initial reception, male offenders having 1460 days or less and female offenders having 2920 days or less remaining to serve and having no disqualifying criteria as indicated in Section II. item A. of this procedure, may be considered for initial placement at a community facility. If a community eligible offender is placed initially at a minimum facility, the Population Office will track the offender and a transfer packet will not be required by the initial placement facility. This will be indicated on the initial custody assessment.
2. Upon initial reception, offenders sentenced to five years or less to serve and having no disqualifying criteria as indicated in Section II. item A. of this procedure and in accordance with [OP-061001](#) entitled “Global Positioning Satellite Surveillance Program (GPS),” will be screened and considered for initial placement at a community facility for GPS. If a GPS eligible offender is placed initially at a minimum facility, the Population Office will track the offender and a transfer packet will not be required by the initial placement facility. This will be indicated on the initial custody assessment.
3. During the initial assessment process if the offender is determined to be inappropriate for initial community/GPS placement, the reasons will be documented. Documentation will be entered in the Offender Management System (OMS) and on the “Initial Custody Assessment/Facility Assignment Form” ([DOC 060102A \(M\) \(F\)](#)) and a higher level of security assigned. After the initial 90 days from Lexington Assessment and Reception Center (LARC)/Mabel Bassett Assessment and Reception Center (MBARC), offenders may be reviewed for appropriateness for community placement.
4. DUI offenders may be placed directly in a community based reentry treatment program regardless of the days remaining contingent upon the following criteria:
  - a. Has a current conviction (s) for a violation of 47 O.S. § 11-902; driving, operating, or being in the actual physical control of a motor vehicle while under the influence of alcohol or other intoxicating substance; If the offender has current misdemeanor convictions for driving related offenses such as driving under suspension and reckless driving, these convictions will not exclude the offender from placement, but should be considered in evaluating the offender’s risk to the public. Offenders cannot have concurrent or consecutive cases with a sentence of incarceration for any other offense;

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- b. Have no convictions of a violent offense within the previous 10 years;
  - c. Have not been previously removed from PPCS, EMP, SSP, or GPS due to violation of the established rules and conditions; or
  - d. Have not been deemed by the agency to be a security risk or a threat to the public.
5. Probation or post-imprisonment supervision violators serving an intermediate revocation sanction may be placed directly in a community facility if not deemed by the agency to be a security risk or a threat to the public.

**B. Eligibility Criteria-Minimum Custody**

1. To be considered for community placement, offenders must be assessed and assigned minimum security, have no disqualifying criteria as outlined in this procedure, and meet the following minimum requirements:
  - a. Be assigned to earned credit class 2 or above;
  - b. Be at a minimum facility at least 60 days; and
  - c. Have no more than 2920 days remaining to serve.
2. Offenders considered for community placement will be screened for GPS eligibility prior to community placement. Offenders, who at 1100 days or less remaining on a non-violent crime, have no disqualifying criteria as outlined in this procedure and that meet the guidelines outlined in [OP-061001](#) "Global Position Satellite Surveillance Program" will be identified on page 2 of the "Custody Assessment Scale" [DOC 060103A \(M\) \(F\)](#).
3. Offenders who have a current conviction in the highest crime category during this incarceration, or receive no earned credits or have restricted earned credits due to their crime, i.e. Trafficking, Distribution of a Controlled Dangerous Substance Within 2000 Feet of a School, Possession/Purchase of a Controlled Dangerous Substance Within 1000 Feet of a School or offenders who do not receive earned credits until they have served 85% of their sentence are not eligible for community placement until such time as they have no more than 760 days remaining to serve on the highest crime or earned credit restricted crime sentence. Offenders in these categories must be approved by the administrator of Classification and Population. Active suspended, rebilled and paroled sentences are not considered.

4. An active class "B" misconduct will not be sufficient grounds to deny community placement.

C. Placement Criteria for Reentry

For reentry purposes, all offenders assigned to minimum security facilities that meet the below criteria will have a community packet submitted to the Population Office. Custody assessment points will not disqualify an offender from consideration or placement.

1. 730 days or less remaining.
2. Have been at minimum security for 120 days.
3. Have no consecutive sentences for incarceration.
4. Have no felony detainers.
5. Have no ICE detainer.
6. Have no active class X misconduct(s).
7. Is assigned to earned credit level 3 or 4 or enhanced level 3 or 4.
8. Have no current sex offender registry crime(s).
9. Have no current sentence for any disqualifying "Crimes Against Children" listed in [Attachment A](#) (attached).
10. No active escape points.

D. Parole Stipulations

When a parole stipulation for community placement is approved or imposed by the Governor/Pardon and Parole Board, the offender will be community eligible. The administrator of Classification and Population will make appropriate movement decisions to comply with the Governor's/Pardon and Parole Board directive.

1. The offender's case manager will prepare the necessary transfer packet for placement and indicate there is a parole stipulation approved by the Governor/Pardon and Parole Board. The packet will be forwarded to the Population Office.
2. Approvals

Any offender approved for transfer will spend time at each progressive security level for a minimum of 30 days prior to beginning the community parole stipulation (i.e., a maximum

security offender will spend 30 days each at a medium and minimum security facility prior to community placement).

- a. Upon successful completion at each security level, the facility will notify the parole process coordinator and submit a transfer packet to the Population Office indicating the offender has completed that level successfully and is recommended to move to the next lower security level. As the offender successfully progresses from one security level to the next lower level, each facility will continue this process until the offender begins the parole stipulation.
- b. An offender who receives a misconduct will not be transferred without notification to the administrator of Classification and Population or designee. Both the parole process coordinator and Population Office will be notified that the offender has unsuccessfully completed this step-down process.
- c. If an offender elects to waive parole after he/she has begun the step-down process or has reached community level, the case manager will determine if the offender is eligible for that level. If the offender is eligible per procedure, the offender may remain at that level. If not eligible, the case manager will take the appropriate measures to return the offender to the proper security level.

E. Additional Eligibility Criteria (57 O.S. § 521)

- 1. In accordance with 57 O.S. § 521, non-violent offenders (to include all current and prior adult and juvenile criminal history; both misdemeanor and felony), who are not considered a risk to public safety, will be considered for transfer to community corrections when they are not less than 210 calendar days before release, regardless of security level.
  - a. Offenders may not have any violent disciplinary history to include the following misconducts: 01-4, 04-1, 04-2, 04-3, 04-4, 04-5, 04-6, 04-7, 04-8, 04-9, 05-2, 05-4, 05-5 or 06-1.
  - b. Offenders who have failed at community in the past 12 months due to Class A or Class X misconducts will not normally be considered again.
- 2. Unless the offender is currently participating in an approved program based upon the offender's needs assessment, offenders will be submitted for community placement according to the following:

Earned Credit Level

Days Remaining

Enhanced Level 4	660
Enhanced Level 3	560
Level 4	550
Level 3	470
Level 2	390
Level 1	225

3. Placement will be subject to availability of bed space.

F. Eligibility Criteria for Work Release (4-ACRS-5A-14)

1. Offenders who are assigned to a community corrections center or a community work center will be placed on work release in accordance with [OP-090110](#) entitled "Work Release."
2. Probation or post-imprisonment supervision violators serving an intermediate revocation sanction may be placed on work release if such placement is deemed beneficial to the offender's reentry back into the community.

G. Eligibility for Community Corrections

Offenders under the supervision of probation and parole who are terminated for chronic technical violations such as curfew violations, itinerary violations, etc. or low category crimes, traffic, or misdemeanor law violations, may be placed in community corrections if such placement provides the appropriate structure without compromising the security of the facility.

H. Domestic Abuse/Victim Protective Orders

Offenders with domestic abuse convictions and/or who have active Victim Protective Orders (VPO) normally will not be placed in the community where the offense occurred or where the VPO is active.

II. Disqualifying Criteria for Community Corrections (4-ACRS-5A-06, 4-ACRS-6A-11)

A. Initial Placement

Before initial placement, an offender assigned minimum custody will be ineligible should one or more of following apply:

1. Has active Class X misconduct points;
2. Has active points in the escape section;
3. Community placement is precluded by other agency policy;

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4. Is unable to be medically cleared for community corrections placement as indicated on the "Activity/Housing Summary" (MSRM form);
5. Has felony detainers including Immigration and Customs Enforcement (ICE) detainers;
6. Misdemeanor consecutive cases that will result in the offender serving time in the county jail;
7. Has a conviction for Racketeering unless the first 50 percent of the sentence is completed; or
8. Any conviction (prior or current) for a sex offense in accordance with [OP-020307](#) entitled "Sex and Violent Crime Offender Registration" and/or a current conviction for any disqualifying "Crimes Against Children" as listed in [Attachment A](#) .

**B. Previous Community Corrections Failures**

Offenders determined to have community corrections failures, defined as a transfer from a community corrections facility to a minimum or higher security facility for disciplinary reasons or failure in assigned programs, will be considered as follows:

1. Offenders who have two or more failures from a community corrections center, community work center, or halfway house (not to include temporary placements from EMP, PPCS, GPS or probation) during this incarceration will not normally be considered for community placement for three years from the date of the second failure.
2. Offenders who have one failure from community corrections, excluding probation or temporary placement during this incarceration, will not normally return to community corrections for a period of six months.
3. If the failure was due to a misconduct for substance abuse, the offender will be reassessed for a need in this area. If a need exists after assessment it will be addressed prior to the offender's return to community corrections
4. Offenders who have an escape in the last 10 years, except those whose escape was from an early release program (PPCS/EMP/GPS) cannot be placed at community work centers or on PPWP crews.

### III. Referral Packet (4-ACRS-2A-07)

Recommended transfers will be processed as follows:

#### A. Packet Information

At the conclusion of the classification committee, the case manager will prepare a packet with the following information to be submitted to the case manager IV:

1. "Facility Assignment Form (FAF)" ([DOC 060204A](#));
2. "Custody Assessment Scale" ([DOC 060103A \(M\) \(F\)](#));
3. Rap Sheet (to include FBI/OSBI/NCIC/JOLTS Teletype);
4. "Activity/Housing Summary" (located in the EHR);
5. "Offender Profile Screening Form" (OMS 0081D);
6. "Consolidated Record Card" - current cards front and back-All prior CRCs front only ([DOC 060211H](#));
7. Risk assessment results, if available; and
8. ASUS assessment results, if available.

#### B. Offender Packet Review

1. The facility head will review all offenders prior to placement in community corrections by signing the "Facility Assignment Form (FAF)" ([DOC 060204A](#)) and the "Custody Assessment Scale" ([DOC 060103A \(M\) \(F\)](#)).
2. Normally, packets on those offenders eligible will be entered on the OMS packet tracking system and submitted through the facility head to the Population Office one month (approximately 20 working days) before eligibility or completion of Career Tech or an approved substance abuse treatment program. If the offender has a sentence that requires specific program participation with the balance of the sentence suspended or the offender will discharge upon completion of the program, no packet is required.
3. In instances where an offender placed on GPS is returned to higher security or when a community corrections offender is recommended for placement to medium security, the transfer packet will be forwarded to the appropriate division office for review and recommendation prior to submission to the Population Office.

4. The Population Office will review the packets and take appropriate action. All packet activity will be recorded on the OMS packet tracking system. Denied packets will be recorded and returned to the facility.

#### IV. Considerations

##### A. Discrimination

Discrimination regarding assignment to community security on the basis of gender, disability, race, creed, political views or national origin is prohibited. (4-4277, 4-ACRS-6B-02)

##### B. Community Custody

All offenders assigned to community custody on the effective date of this procedure will remain at their current custody level until an event occurs that indicates the offender is no longer determined to be an acceptable risk for community custody, such as a misconduct conviction, newly issued detainer, warrant, new charges, etc. (4-ACRS-5A-06)

#### V. References

Policy Statement No. P-060100 entitled "Classification and Case Management of Offenders"

OP-020307 entitled "Sex and Violent Crime Offender Registration"

OP-060102 (M) (F) entitled "Male/Female Initial Custody Assessment Procedures"

OP-061001 entitled "Global Position Satellite Surveillance Program"

OP-090110 entitled "Work Release"

57 O.S. § 521

63 O.S. § 2-401

63 O.S. § 2-415

75 O.S. § 510.1

Young v. Harper, 520 U.S. 143, (1997)

#### VI. Action

The appropriate division manager and the administrator of Classification and Population are responsible for compliance with this procedure.

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The associate director of Field Operations is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-060104 entitled "Community Corrections Assessment" dated November 20, 2013

Deleted: OP-060104 Revisions-01 dated May 29, 2014

Distribution: Policy and Operations Manual  
Agency Website (4-ACRS-6A-12)

<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
<a href="#">DOC 060102A (M) (F)</a>	"Initial Custody Assessment Procedures/Facility Assignment Form"	<a href="#">OP-060102 (M) (F)</a>
<a href="#">DOC 060103A (M) (F)</a>	"Custody Assessment Scale"	<a href="#">OP-060103 (M) (F)</a>
<a href="#">DOC 060204A</a>	"Facility Assignment Form (FAF)"	<a href="#">OP-060204</a>
<a href="#">DOC 060211H</a>	"Consolidated Record Card"	<a href="#">OP-060211</a>
MSRM Form	"Activity/Housing Summary"	EHR
OMS Form 0081D	"Offender Profile Screening Form"	OMS Website
<u>Attachments</u>	<u>Title</u>	<u>Location</u>
<a href="#">Attachment A</a>	"Offense Severity Category"	<a href="#">OP-060102 (M) (F)</a>
<a href="#">Attachment A</a>	"Crimes Against Children"	Attached