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<b>Section-06 Classification and Case Management</b>	<b>OP-060107</b>	<b>Page: 1</b>	<b>Effective Date: 07/27/2015</b> <b>Revision-01 Effective: 09/02/2015</b> <b>Page 4</b>
<b>Systems of Incarceration</b>	<b>ACA Standards: 2-CO-4B-01, 4-4277, 4-4296, 4-4300, 4-4444, 4-4461, 4-ACRS-5A-05, 4-ACRS-5A-14, 4-ACRS-6B-01</b>		
<b>Robert Patton, Director</b> <b>Oklahoma Department of Corrections</b>	<b>Signature on File</b>		

## Systems of Incarceration

Discrimination in providing program access, job assignments, custody, or level assignments based on an offender’s race, religion, national origin, sex, disability, or political views is prohibited. (4-4277, 4-ACRS-6B-01)

For the purpose of this procedure, the term “offender” applies to anyone under the custody or care of a prison or community-based facility operated by or contracted with the Oklahoma Department of Corrections (DOC).

### I. Level System

An offender’s incarceration will be based on a level system that determines custody level, job status, program status, and privileges earned. (4-4296, 4-4444, 4-4461) Offenders who are assigned to community corrections may have designated privileges available that are not specifically linked to their assigned earned credit level. (4-ACRS-5A-14)

#### A. Level Criteria

##### 1. Transfers/New Arrivals

Offenders transferring will normally remain at their current level unless they have been assigned to Level 1 due to a situation defined in this procedure. If the transfer is determined to have been due to an inappropriate placement or incorrect custody

assessment, the offender will not normally be dropped in level unless deemed necessary by the transferring or receiving facility.

2. At least once every 120 days, an offender shall be reviewed by the classification committee, with no less than three staff members in attendance. Staff members, at a minimum, will include the offender's case manager, a correctional officer or correctional unit assistant, and will be chaired by the unit manager or designated staff. In addition to the required 120-day reviews, a review will be done at the time the offender becomes eligible for promotion in level. (4-4296, 4-4300, 4-ACRS-5A-05)

In order for an offender to promote, he/she will meet the minimum following requirements:

a. Level 1

Offenders may be assigned to Level 1 by the facility/unit classification committee and under the following circumstances:

- (1) When placed on escape status;
- (2) When an offender is found guilty of a misconduct and sanctioned to Level 1, pursuant to [OP-060125](#) entitled "Department Offender Disciplinary Procedures; or
- (3) When an offender is not eligible to be placed on Level 2 or higher.

b. Level 2

- (1) Offenders will be placed on Level 2 upon initial reception at an assessment and reception center (excluding those offenders returned from escape); unless they meet the criteria listed below to be placed at a higher earned credit level.
- (2) Eligibility includes offenders who have been given a work, education, or program assignment; have received good evaluations in the work, education, or program assignment; good evaluations for personal hygiene and maintenance of living area; and maintains a good attitude and relationship with staff and other offenders.

c. Level 3

Offenders are eligible for a promotion to Level 3:

- (1) After being incarcerated for at least three months;
    - (a) All post-sentencing jail time will be included in the calculation;
    - (b) Any time spent incarcerated in an intermediate revocation facility or delayed sentencing program will be included in the calculation;
  - (2) Receiving excellent work, education or program evaluations;
  - (3) Excellent evaluations for personal hygiene and maintenance of living area; and
  - (4) Maintaining a good attitude and relationship with staff and other offenders.
- d. Level 4 offenders are eligible for a promotion to Level 4 after:
- (1) Being incarcerated for at least eight months;
    - (a) All post-sentencing jail time will be included in the calculation;
    - (b) Any time spent incarcerated in an intermediate revocation facility or delayed sentencing program will be included in the calculation;
  - (2) Receiving outstanding work, education or program evaluations;
  - (3) Outstanding evaluations for personal hygiene and maintenance of living area; and
  - (4) Maintaining a good attitude and relationship with staff and other offenders.

The prior service of an offender returning to DOC custody from escape or as a parole violator will not count toward the time frame criteria for promotion to Level 3 or 4. The prior service of an offender returning to DOC custody from appeal bond, reverse or remand order will count toward the time frame for Level 3 or 4.

### 3. Promotions in Earned Credit Level

- a. Assignment to a higher level will be effective on the first day of the month in which the adjustment occurs. Exceptions are:
  - (1) Offenders who are being promoted following a sanction to Level 1 pursuant to [OP-060125](#) entitled "Department Offender Disciplinary Procedures." Under this circumstance, the offender should begin receiving the earned credits at the class level to which the offender is being promoted effective the date the sanction to Level 1 expired.
  - (3) (Revision-01 09/02/2015) Offenders who are being restored to a previous level after a misconduct expungement, misconduct dismissal or a release from segregation due to no disciplinary action being taken; in these situations, the offender will be returned to the previous level in effect on the date of the demotion.
  - (3) Discretionary action by the facility head taken to remedy or correct a circumstance not clearly defined in policy.

4. Demotions in Earned Credit Level

- a. Assignment to a lower level will be effective on the first day of the following month after the adjustment occurs. Exceptions are:
  - (1) Offenders who are sanctioned to Level 1 pursuant to [OP-060125](#) entitled "Department Offender Disciplinary Procedures." Under this circumstance, the offender should begin his sanction to Level 1 on the date the sanction is imposed.
  - (2) Discretionary action by the facility head taken to remedy or correct a circumstance not clearly defined in policy.

5. Any demotion in level is effective for a minimum of 30 days. The offender will be promoted after the 30 day time period if the offender is eligible to be promoted to the next class level. The action by the committee cannot be prior to the end date of the 30 days.

6. It is intended for the offender to progress through the levels to the highest level for which he/she qualifies.

B. Areas of Consideration for Promotion and Demotion

Promotions and demotions will be based on the desired behavior of the offender from all aspects of institutional life. In addition to the previously stated criteria, the adjustment review committee/unit treatment team will consider the following areas:

1. Job/Program Performance and Attendance

This aspect will be documented by the "Monthly Offender Evaluation Time Credit Report" ([DOC 060211M](#)), "OCI/Agri-Services Pay Report" ([DOC 080501F](#)), and/or case manager case notes. In order to determine if the offender meets the work evaluation criteria (e.g., excellent, outstanding), evaluation scores will be averaged for the past 120 days. Offenders who are not employed due to the lack of facility job availability or not in assessed programs due to unavailability may promote in levels, to include receiving the appropriate pay, if all other level criteria is met. Such exceptions would include:

- a. Offenders who have promoted in levels while participating in a program will not be dropped in level upon completion of the program due to the lack of job availability.
- b. Offenders assigned to death row who are not employable due to lockdown status or other justifiable reasons may promote to Level 3 if all other level criteria is met.
- c. Offenders assigned to the Mabel Bassett Correctional Center, Oklahoma State Penitentiary or Joseph Harp Correctional Center mental health units may promote through the level system without benefit of a job if all other level criteria is met.
- d. Offenders who have assessed needs and are assigned to an available program will be required to participate. Failure to participate may be considered in earned credit promotions/demotions.

2. Attitude/Relationship to Staff and Other Offenders

The offender will consistently demonstrate cooperative behavior toward staff, other offenders, and facility visitors.

3. Personal and Living Area Appearance

The offender will maintain good hygiene and grooming habits and maintain a clean and orderly living area at the standards required for their assigned level.

4. Performance During Present Level

The offender must be satisfactorily participating in the requirements of the present level before a promotion will be considered. Advancement in level must be done incrementally and levels cannot be skipped. Unsatisfactory participation in any one area may be cause for a demotion in level.

The scale of standards of assessing performance will be as follows:

a. Outstanding

For offenders who display consistently exceptional initiative and motivation.

b. Excellent

For offenders who display above average habits with only minor errors and rarely perform below expectations.

c. Good

For offenders who perform in a satisfactory manner and complete tasks as required; doing what is expected, with only occasional performance above or below expectations.

d. Fair

For offenders who may perform satisfactorily for some periods of time, but whose performance is marked by obviously deficient and weak areas and could be improved.

e. Poor

For offenders whose performance is unsatisfactory and falls below expected and acceptable standards.

C. Special Earned Credit Consideration

Oklahoma statutes and circumstances for certain crimes and situations may deny or limit the application of credits. Exceptions to the general rules regarding application of credits will be in accordance with [OP-060211](#) entitled "Sentence Administration."

II. Identification and Level Guidelines

A. Offender identification cards (I.D.'s) will be color coded to identify the offender's assigned level. Color coding will be as follows:

1. Level 1 – red;

2. Level 2 – green;
  3. Level 3 – yellow; and
  4. Level 4 – blue.
- B. Private prison facilities which do not issue color coded I.D. badges must mark or have similar identification available to designate the assigned level of each offender.
- C. Offenders will be required to keep their I.D in their possession at all times, except while showering or sleeping. Offender I.D.'s will be transferred with offender and placed in offender's field file.
- D. Offenders assigned to community corrections must retain their previously issued I.D. badge upon reception at the community corrections facility. Offender I.D. badges will not be re-issued due to a change in the level while assigned to community corrections facilities.
- E. Level assignment will determine accessibility and degree of privileges as follows:
1. Level 1
    - a. Earned Credits                      0 Credits
    - b. Pay Grade                              None – Will be evaluated after 30 days for a possible level change.
    - c. Clothing                                In accordance with [OP-030120](#) entitled "Offender Property."
    - d. Planned Recreation                None - If on a segregation housing unit for disciplinary segregation. If in general population or administrative segregation, individual activities are permitted.
    - e. Visits                                    1 hour non-contact per week and legal/clergy visits, unless on disciplinary detention status. If on disciplinary detention status, visits will be in accordance with [OP-030118](#) entitled "Visitation." Community corrections offenders will be afforded visitation in

accordance with [OP-030118](#) entitled "Visitation."

- f. Telephone
 

Legal (Attorney of Record)/clergy only. If in segregation housing, telephone privileges will be in accordance with [OP-040204](#) entitled "Segregation Measures." Community corrections offenders will receive telephone privileges in accordance with [OP-030119](#) entitled "Offender Telephone Privileges."
  - g. Exercise
 

General population offenders may exercise according to the institutional schedule. Offenders in segregation housing may exercise 1 hour a day a minimum of 5 days per week as outlined in [OP-040204](#) entitled "Segregation Measures." Community corrections offenders in transit detention housing may exercise 1 hour a day a minimum of 5 days per week as outlined in [OP-040206](#) entitled "Transit Detention Units."
  - h. Television/ Personal
 

None.
  - i. Television / Dayroom
 

None.
  - j. Radios with earphones
 

None.
- 2. Level 2
  - a. Earned Credits
 

22 credits per month – unless statutorily prohibited.
  - b. Pay Grade
 

Grade 2 - \$7.23 per month. (4-4461)
  - c. Visits
 

In accordance with [OP-030118](#) entitled "Visitation."
- 3. Level 3

- a. Earned Credits 33 credits per month or 45 credits per month if enhanced eligible – unless statutorily prohibited.
  - b. Pay Grade Grade 3 - \$10.84 per month. (4-4461)
  - c. Visits In accordance with [OP-030118](#) entitled “Visitation.”
4. Level 4
- a. Earned Credits 44 credits per month or 60 credits per month if enhanced eligible – unless statutorily prohibited.
  - b. Pay Grade Grade 4 - \$14.45 per month. (4-4461)
  - c. Visits In accordance with [OP-030118](#) entitled “Visitation.”

F. Canteen

Offenders may spend up to \$140 per week in the canteen. A maximum of \$140 in goods is authorized in possession.

G. Medical and Mental Health Limitations

Mental health and medical limitations will not restrict offenders from progressing through the level system. When an offender is assessed by appropriate medical or mental health staff as totally incapable (physically or mentally), of participating in work or programs, the offender may be assigned to Class Levels 1 through 4 subject to the guidelines of this policy. If the offender is physically or mentally challenged, but assessed by appropriate medical staff as capable of performing some limited function, the appropriate job, education or program assignment, and class level assignment will be made.

H. Delayed Sentence

Although no credits are to be granted during the delayed sentence period of incarceration, upon receiving a determinate sentence of incarceration, the offender will begin earning credits according to the assigned earned credit level.

I. Exceptions to Level Pay Grades (4-4461)

Offenders may be paid at a higher rate of pay under the following circumstances:

1. Offenders who are journeymen or licensed in their field and are assigned jobs at the facility to perform in that capacity, or those assigned to the department's construction/maintenance (C&M) crew, may be paid at the same rate as a special project pay grade. Pay at this level must be approved by the facility head.
2. The facility head may identify jobs that require a higher skill level (e.g., mechanics, bakers, offender research assistants/law clerks, etc.) that may be paid at the rate of \$27.09 per month. The ability to receive a higher pay rate will be reflected in the job description. All requests for pay at this rate must be approved by the facility head and division manager.
3. Special project pay grades may be established as needed to accomplish difficult or extraordinary construction projects or other important projects that require special measures to accomplish.
  - a. Pay for a special project will not exceed \$.54 per hour.
  - b. These special pay grades can only be established after the recommendation of the affected division manager, with sufficient justification, and a specific time period established.
  - c. Each request will be reviewed by executive staff and approved by the director.
4. With exception of OCI and construction and maintenance programs, offender pay will not be pro-rated.

### III. Community Corrections Privileges (4-ACRS-5A-14)

#### A. Possession of Currency

1. Offenders may have in their possession no more than a total of \$75 cash, in denominations of \$20 bills, \$10 bills, \$5 bills, \$1 bills and coins.
2. Offenders who are assigned to PPWP crews may have no more than \$5 on their person when they are signed out to their assigned work crew.

#### B. Property/Packages

1. Offenders are authorized personal property as defined in [OP-030120](#) entitled "Offender Property."

2. Once per month, offenders at community corrections may receive food/hygiene/property packages.
  - a. Packages may be mailed into the facility or delivered during visitation.
  - b. The total amount of items cannot exceed the amount allowed on the property matrix.
  - c. Food products are limited to single serving size or re-sealable, non-perishable items.

C. Visitation

Offenders shall have visitation privileges as defined in [OP-030118](#) entitled "Visitation."

D. Telephone Privileges

Offenders shall have access to telephone privileges as defined in [OP-030119](#) entitled "Offender Telephone Privileges."

E. Escorted Leave/Activities

Offenders shall have access to escorted activities and leave as defined in [OP-031001](#) entitled "Offender Escorted Leave/Activities."

IV. References

Policy Statement No. P-030200 entitled, "Offender Housing, Jobs and Program Integration"

OP-030118 entitled "Visitation"

OP-030119 entitled "Offender Telephone Privileges"

OP-030120 entitled "Offender Property"

OP-031001 entitled "Offender Escorted Leave/Activities"

OP-040204 entitled "Segregation Measures"

OP-040206 entitled "Transit Detention Units"

OP-060125 entitled "Department Offender Disciplinary Procedures"

OP-060211 entitled "Sentence Administration"

Oklahoma State Statute Titles 21, 57, and 63

V. Action

The division managers are responsible for compliance with this procedure.

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-060107 entitled "Systems of Incarceration" dated July 9, 2013

Deleted: Operations Memorandum No. OP-060107 Addendum-01 dated November 1, 2013

Operations Memorandum No. OP-060107 Addendum-02 dated January 8, 2014

Distribution: Policy and Operations Manual  
Agency Website

<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
<a href="#">DOC 060211M</a>	"Monthly Offender Evaluation Time Credit Report"	<a href="#">OP-060211</a>
<a href="#">DOC 080501F</a>	"OCI/Agri-Services Pay Report"	<a href="#">OP-080501</a>

