

Readopt with amendment Cor 400, effective 3-23-18 (Document #12503), to read as follows;

CHAPTER Cor 400 CLASSIFICATION

PART Cor 401 PURPOSE AND SCOPE

Cor 401.01 Purpose. The purpose of this chapter is to provide rules that establish the general framework for an objective corrections classification system. The day-to-day internal practices and procedures of the classification system are contained in the classification handbook.

Cor 401.02 Applicability. These classification rules shall apply to all department of corrections staff and all persons under departmental control. ~~in the custody of the department.~~

PART Cor 402 DEFINITIONS

Cor 402.01 Definitions.

- (a) AHC means Administrative Home Confinement.
- (b) CORIS means the correctional offender information system.
- (c) Dangerous instrument means an instrument or device that under the circumstances which it was used, is readily capable of causing death or serious bodily injury.
- (d) General Population means person or persons under departmental control in non-restrictive housing units.
- (e) NJA means No Job Available.
- (f) PAR means Pending Administrative Review.
- (g) PUDC means person or persons under departmental control.
- (h) RPS means Reduced Pay Status.
- (i) SPU means Secure Psychiatric Unit.
- (j) THU means Transitional Housing Unit.
- (k) TWC means Transitional Work Center.
- (l) Weapon means firearm in the individuals possession; knife or bladed instrument; dangerous instrument, explosives, incendiaries, etc.

PART Cor 4023 CORRECTIONAL CLASSIFICATION SYSTEM

Cor 4023.01 Correctional Classification System.

(a) The objective corrections classification system utilized by the department shall be based upon a nationally recognized model.

(b) The model shall systematically identify the following 8 security, ~~and~~ program and treatment needs of ~~persons under departmental control~~ PUDC and match them with the department's facilities and program resources:

- (1) Public risk (P);
- (2) Institutional risk (I);
- (3) Medical and health care needs (M);
- (4) Behavioral health needs (BH);
- (5) Treatment needs (T);
- (6) Educational needs (E);
- (7) Vocational needs (V); and
- (8) Work skills (W).

(c) The objectives of the model used shall be to provide an objective classification system that:

- (1) Considers the safety of the public as well as the institutional safety of the staff and the facility population;
- (2) Places ~~persons under departmental control~~ PUDC in the least restrictive custody commensurate with their security needs and custody requirements with regard to public safety and institutional risk in a consistent and fair manner;
- (3) Militates against extended maximum custody status unless exceptional reasons or circumstances exist, such as escape attempts, numerous and recent major disciplinary violations, repeated returns to maximum custody, or an ongoing public threat;
- (4) Matches the needs of the ~~persons under departmental control~~ PUDC with agency resources to include utilizing staff in the most efficient and effective manner;
- (5) Is easily administered, provides for ease in training staff, and is easily explainable to the ~~persons under departmental control~~ PUDC, as well as to the public;
- (6) Maximizes the use of the institutional classification process through specialized testing and interviews by prison program and support staff, and which develops a system that will not only assign housing to ~~persons under departmental control~~ PUDC but also assure that they receive the maximum benefit of training and programming available to them in accordance with their rehabilitative needs;
- (7) Is capable of validation; and
- (8) Can be easily incorporated into a computerized management information system that could be further used for planning for the needs of the department and the ~~persons under departmental control~~ PUDC.

- (a) There shall be classification staff at every facility.
- (b) The classification staff shall:
 - (1) Conduct quarantine interviews and provisionally assign the ~~persons under departmental control~~ PUDC to a housing unit for the remainder of the diagnostic period;
 - (2) Make recommendations to the administrator of ~~inmate~~ classification and ~~offender client~~ records on behalf of the initial classification board;
 - (3) Sign and submit the re-entry plan to the administrator of ~~inmate~~ classification and ~~offender client~~ records for approval;
 - (4) ~~Track the implementation of the re-entry plan and the progress of the person under departmental control;~~
 - (5) Function as a fact-finder in reviewing the reclassification recommendations of unit boards, and thereafter make reclassification recommendations to the administrator of ~~inmate~~ classification and ~~offender client~~ records;
 - (6) Monitor the activities of unit classification boards to assure that standards and eligibility criteria are being followed;
 - (7) Make recommendations for special conditions such as requirements for conditional parole commitment and alternative release programs;
 - (8) Train departmental personnel in the classification process; and
 - (9) Inform the victim services coordinator about recommended ~~person under departmental control~~ PUDC transfers or reduced custody levels to facilitate timely notification of crime victims pursuant to NH RSA-M:8-k Rights of Crime Victims.

PART Cor 404 INTAKE HOUSING ASSIGNMENT

Cor 404.01 Intake Housing Assignment.

- (a) Intake housing assignments shall be in a facilities reception and diagnostic unit unless the PUDC:
 - (1) Has a documented history of assaulting staff or other PUDC;
 - (2) Has escaped from a secure facility;
 - (3) Is sentenced to life without parole;
 - (4) Is sentenced to death;
 - (5) Has documented protective custody issues; or
 - (6) Requires constant medical or psychiatric care.

(b) PUDC who meet any of the above criteria shall be housed during the intake process in either the:

- (1) Special Housing Unit;
- (2) Secure Psychiatric Unit; or a
- (3) Health Services Center.

PART Cor 403 405 INITIAL CLASSIFICATION INTAKE AND ORIENTATION

Cor 403.01 405.01 Intake Procedures.

(a) Upon admission to a facility each ~~person under departmental control~~ PUDC shall be brought to the reception and diagnostic area by the transporting authorities.

(b) Initial processing shall consist of the following:

- (1) A thorough body search shall be done to check for contraband;
- (2) Medical or acute psychiatric problems shall be noted and reported by the intake officer to the medical department and security as soon as possible for triage;
- (3) All new ~~persons under departmental control~~ PUDC and ~~persons under departmental control~~ PUDC brought in from an overnight stay over 48 hours at another facility, and ~~persons under departmental control~~ PUDC returning from C-1 status, shall receive a shower with a delousing solution;
- (4) The ~~person under departmental control~~ PUDC shall be dressed in state issued clothing and given bedding and toiletries;
- (5) All property and money shall be collected and placed in storage for safekeeping;
- (6) A property receipt shall be issued to the ~~person under departmental control~~ PUDC;
- (7) The receiving officer shall interview the new ~~person under departmental control~~ PUDC and complete the necessary reception data entry;
- (8) Fingerprints and photographs of the ~~person under departmental control~~ PUDC shall be taken;
- (9) The committal paperwork of the ~~person under departmental control~~ PUDC shall be reviewed to ensure that the individual has been committed to the custody of the department; and
- (10) A copy of the correctional handbook including the rules and expectations required as well as the initial guidelines of the classification process shall be provided to each incoming ~~persons under departmental control~~ PUDC.

(c) The ~~persons under departmental control~~ PUDC shall sign a receipt for the correctional handbook to assure that he or she has been properly notified of his or her responsibilities as a ~~persons under departmental control~~ PUDC.

(d) Every ~~person under departmental control~~ PUDC shall receive an identification card which he or she shall carry on his or her person at all times unless otherwise directed. ~~Persons under departmental~~

~~control~~ PUDC shall be subject to disciplinary action if the ID card is lost or destroyed, and shall be responsible for the replacement cost ~~per departmental policy and procedure directive 5.25.~~

(e) Upon completion of the intake process the ~~persons under departmental control~~ PUDC shall be housed in the appropriate housing unit in a quarantine status, as determined by the classification staff. The initial quarantine ~~phase period~~ shall last for ~~approximately~~ 30 days unless a shorter or longer period is necessary during which time the ~~person under departmental control~~ PUDC shall be oriented and initial assessments shall be ~~made~~ conducted.

~~Cor 403.03 (hf)~~ Persons under departmental control PUDC who demonstrate behavior(s) that reception staff suspect to be behavioral health related shall be evaluated by the ~~chief~~ administrator of behavioral health or designee to assess special housing needs.

~~Cor 403.02~~ 405.02 Person Under Departmental Control Orientation.

(a) Reception staff members shall on the first day of incarceration interview and orient the ~~persons under departmental control~~ PUDC as well as answer questions or direct the questions to the appropriate staff member(s). As a result of these interviews, management shall be alerted to any special need which requires attention prior to the initial classification ~~board~~ evaluation.

(b) Staff members shall provide the quarantined ~~person under departmental control~~ PUDC with an oral presentation of ~~the institutional rules and activities pursuant to departmental policy and procedure directive 1.25", attachment 12, diagnostic and assessment procedures, and a summary of the prison classification process to enable the person under departmental control to prepare for the initial classification board as well as to start planning for his or her future progress through the system~~ which shall include:

- (1) The facility warden's name;
- (2) The facility chief of security's name;
- (3) The unit supervisor's name;
- (4) At what time the PUDC can participate in recreational activities;
- (5) How and when to shower;
- (6) The process for cleaning laundry and bedding;
- (7) Meal times;
- (8) Visitation process and hours;
- (9) Diagnostic and assessment procedures;
- (10) A summary of the prison classification process to enable the PUDC to prepare for their initial classification evaluation as well as to start planning for his or her future progress through the system; and
- (11) Eligibility requirements for Administrative Home Confinement.

(c) Methods other than oral will be provided for PUDC that do not read or speak the English language or that are hearing impaired.

(~~e~~) (~~d~~) A member of the investigations bureau, or designee, shall interview each quarantined ~~person under departmental control~~ PUDC for the purpose of gathering information and assessing any special needs or concerns that the ~~person under departmental control~~ PUDC might have.

PART Cor 406 ASSESSMENTS

Cor ~~403.03~~ 406.01 Persons Under Departmental Control Assessment Process.

(a) During the first 30 days of incarceration, the ~~person under departmental control~~ PUDC shall be seen by:

- (1) The medical staff to determine his or her medical needs;
- (2) Behavioral health staff to determine his or her behavioral health needs;
- (3) Program staff to determine his or her program needs;
- (4) Education staff to determine his or her educational needs;
- (5) Career and technical education staff to determine his or her career and technical education needs; and
- (6) A classification staff member to review assessment results and develop the re-entry plan.

(b) There shall be 5 custody levels as follows:

- (1) C-1 or “community corrections” where ~~persons under departmental control~~ PUDC work, recreate, and receive treatment in the community;
- (2) C-2 or “minimum custody” where ~~persons under departmental control~~ PUDC may work in the community, but recreate, and receive treatment at a departmental facility;
- (3) C-3 or “medium custody” where a ~~person under departmental control~~ PUDC lives, works, recreates, and participates in treatment with the general population of a departmental facility;
- (4) C-4 or “close custody” where a ~~person under departmental control~~ PUDC lives, works, recreates, and participates in treatment under some restriction in a departmental facility; and
- (5) C-5 or “maximum custody” where a ~~person under departmental control~~ PUDC lives, works, recreates, and participates in treatment within a secure unit of a departmental facility;

(c) Custody level shall be determined by the intersection of public risk and institutional risk scores as designated in Table ~~403-1~~ 406-1, Custody Level Matrix:

Table ~~403-1~~ 406-1 Custody Level Matrix

	P-1	P-2	P-3	P-4	P-5
I-1	C-1	C-2	C-2	C-3	C-5
I-2	C-1	C-2	C-3	C-3	C-5
I-3	C-2	C-2	C-3	C-3	C-5

I-4	C-3	C-3	C-4	C-4	C-5
I-5	C-4	C-4	C-4	C-5	C-5

Cor 406.02 Public Risk Assessment.

(~~a~~) Public risk, which relates to an inmate's PUDC's escape potential, and if he or she does escape what danger he or she would present to the public, shall be determined by the highest rating assigned to any of the following 9 factors assessed independently on a scale of 1 to 5 in arriving at the public risk score: listed below. For example, if a PUDC receives a combination of ratings ranging from "1" to "5", the "5" rating will dictate the public risk rating, which would be P-5.

- (1) Extent of violence in current offense;
- (~~2~~) Weapon used in current offense;
- (~~3~~) Escape history;
- (~~4~~) Violence history;
- (~~5~~) Nature of sexual offense;
- (~~6~~) Confinement history;
- (~~7~~) Sentence length;
- (~~8~~) Detainer status or known pending charges; and
- (9) Substance abuse history.

(b) The factors for (a)(1) above shall be assessed independently on a scale of 1 to 5 in the following manner:

- (1) Only one of the following ratings is entered for "extent of violence in current offense":
 - a. 5 for death, premeditated or unprovoked;
 - b. 4 for death resulting from a crime of passion, or armed robbery, kidnapping, arson of an occupied structure, and 1st degree assault;
 - c. 3 for serious injury or death resulting from the sale of a drug, 2nd degree assault or armed unarmed robbery;
 - d. 2 for threat or minor injury; and
 - e. 1 for no violence involved.
- (2) Attempted offenses shall be treated the same as if the offense was committed;
- (3) Parole violation shall be scored on the original crime that they were sentenced; and

(4) The P-score for parole violators shall be over-ridden by one score where the nature of the violation, which returned them to prison, contained no violence.

(c) The factors (a)(2) above shall be assessed independently for “Weapon in current offense” on a scale of 1 to 3 in the following manner:

(1) Only one of the following ratings is entered for “Weapon used in current offense”:

- a. 3 for weapon involved; or
- b. 1 for no weapon involved.

(d) The factors for (a)(3) above shall be assessed independently for on a scale of 1 to 5 in the following manner:

(1) Only one of the following ratings is entered for “Escape History”.

- a. 5 for escape or attempted escape from a secure perimeter facility less than two years ago or multiple escapes or escape attempts in the past 5 years;
- b. 4 for escape or attempted escape from a secure perimeter facility over 2 years ago;
- c. 3 for escape or attempted escape from a non-secure perimeter facility less than 3 years ago or default, bail jumping, fugitive from justice or escape during arrest process less than 3 years ago;
- d. 2 for escape or attempted escape from a non-secure facility over 3 years ago, or default, bail jumping, fugitive from justice, or escaping during arrest process more than 3 years ago; or
- e. 1 for no escape history.

(e) The factors for (a)(4) above shall be assessed independently on a scale of 1 to 5 in the following manner:

(1) Only one of the following ratings is entered for “Violence History”:

- a. 4 for two or more serious offenses;
- b. 3 for one serious offense or two or more minor offenses;
- c. 2 for one minor offense; or
- d. 1 for no violent offenses.

(f) The factors for (a)(5) above shall be assessed independently on a scale of 1 to 5 in the following manner:

(1) Only one of the following ratings is entered for “Nature of sexual offense”:

- a. 5 for sexual offense resulting in death, or of a particularly heinous or violent nature;

- b. 4 for rape or a sexual offense resulting in injury;
- c. 3 for molestation of a lesser nature than rape, or sexual offense other than rape resulting in minor injury;
- d. 2 for sexual offense not described in the above ratings such as child pornography where no physical or mental force was used or in crimes not specific to a NH RSA Crime code of a sexual offense but the indictment describes a crime sexual in nature; or
- e. 1 for no sexual offense.

(g) The factors for (a)(6) above shall be assessed independently on a scale of 1 to 3 in the following manner:

(1) Only one of the following ratings is entered for “Confinement history”:

- a. 3 for 2 or more confinements in a correctional institution;
- b. 2 for one confinement in a correctional institution; or
- c. 1 for no previous confinement.

(h) The factors for (a)(7) above shall be assessed independently on a scale of 1 to 5 in the following manner:

(1) Only one of the following ratings is entered for “Sentence length”:

- a. 5 for death penalty or life without parole;
- b. 4 for 16 years or more including life;
- c. 3 for 5 to 15 years;
- d. 2 for 1 to 4 years; or
- e. 1 is not applicable.

(i) The factors for (a)(8) above shall be assessed independently on a scale of 1 to 4 in the following manner:

(1) Only one of the following ratings is entered for “Detainer status or known pending charges”:

- a. 4 for detainer or known pending charge or charges for a capital offense;
- b. 3 for detainer or known pending charge or charges for a felony offense;
- c. 2 for detainer or known immigration detainer for deportation, or pending charge or charges for a misdemeanor, fine traffic offense, etc.; or

d. 1 for no detainees or pending charges.

(j) The factors for (a)(9) above shall be assessed independently on a scale of 1 to 3 in the following manner:

(1) Only one of the following ratings is entered for “Substance abuse”:

- a. 3 for serious abuse directly related to offense;
- b. 2 for Moderate abuse not related to the offense; or
- c. 1 for minimal or no substance abuse.

~~Cor 403.03~~ Cor 406.03 Institutional Risk Assessment.

~~(ea)~~ (ea) The institutional risk score, shall be determined by the highest rating assigned to any of the ~~9~~ 5 factors listed ~~in (f)~~ below. For example, if an ~~inmate~~ PUDC receives a combination of ratings ranging from “1” to “4”, the “4” rating shall dictate the institutional risk score, which would be I-4.

~~(fb)~~ (fb) The institutional risk categories ~~rating~~ shall be ~~determined on a scale of 1 to 5 using the following 9 factors:~~

- (1) Prior institutional adjustment;
- (2) Community stability;
- (3) Cooperativeness;
- (4) Probation and parole adjustment; and
- (5) Security threat group affiliation or membership;
- ~~(6) Protective custody needs;~~
- ~~(7) Drug trafficking;~~
- ~~(8) Urine analysis; and~~
- ~~(9) Urine testing refusals.~~

(c) The factors for (a)(1) above shall be assessed independently on a scale of 1 to 5 in the following manner:

- (1) 5 for poor with multiple rule violations related to violence, escape, contraband possession, etc.;
- (2) 4 for unsatisfactory with serious rule violations or a series of multiple minor rule violations that interrupt the orderly operation and safety of the institution;

(3) 3 for satisfactory with minor rule violations without pattern or disruption to the institution, or no prior adjustment record available but known prior incarcerations;

(4) 2 for good with few minor rule violations; or

(5) 1 for exemplary with no disciplinary record or prior incarceration.

(d) The factors for (a)(2) above shall be assessed independently on a scale of 1 to 3 in the following manner:

(1) 3 for poor with serious adjustment problems while in the community;

(2) 2 for satisfactory. Individual's overall adjustment in the community was satisfactory;

(3) 1 for excellent. Individual was able to adjust extremely well to community life; or

(4) 0 for no prior community supervision or incarceration.

(e) The factors for (a)(3) above shall be assessed independently on a scale of 1 to 3 in the following manner:

(1) 3 for poor. Individual either refuses or limits cooperation

(2) 2 for Satisfactory. Individual provides basic information but does not go beyond in providing assistance; or

(3) 1 for Excellent. Individual not only provides basic information but also assists staff in identifying possible program and service needs.

(f) The factors for (a)(4) above shall be assessed independently on a scale of 1 to 3 in the following manner:

(1) 3 for poor. Overall adjustment on probation or parole is deemed to be unsatisfactory based on documented records;

(2) 2 for satisfactory. Adjustment on probation or parole is perfunctory, with no notable problems or exemplary actions; or

(3) 1 for excellent. Adjustment to probation or parole is replete with above average ratings by the probation or parole officer.

(g) The factors for (a)(5) above shall be assessed independently on a scale of 1 to 4 in the following manner:

(1) 4 for known leader or high ranking member of a security threat group member;

(2) 3 for known security threat group member;

(3) 2 for known affiliation with security threat group or groups; or

(4) 1 for no connection to any security threat group.

(h) Only one rating is entered for each of (c) through (g) above.

~~Cor 403.03~~ Cor 406.04 Medical Assessment.

~~(ga)~~ Each ~~person under departmental control~~ PUDC shall be given a complete physical examination during the quarantine period by a qualified health care professional. The physical examination shall include a complete medical history. Particular attention shall be paid to current illnesses and health problems that need appropriate attention. Laboratory testing shall be done as needed and other tests as necessary. ~~After a health appraisal~~ the physical examination is completed, each PUDC shall be coded ~~result in coding each inmate~~ based upon his or her physical condition and needs. ~~Those conditions which are temporary shall be noted.~~

(b) Medical coding will range from 1 to 5 based on the following:

- (1) M-5: An individual severely limited in physical capacity or is incapable of handling work assignments. They may be able to handle some training assignments or may require specialized placement or extensive medical monitoring;
- (2) M-4: An individual has very limited physical capacity and requires special work or training assignment or has impairments that are generally not correctable;
- (3) M-3: An individual who has limited physical capacity for work or training assignments; and can work for moderate periods of time and may not do heavy lifting;
- (4) M-2: An individual who is physically capable, but may have chemical imbalance that can be managed as long as the individual follows treatment regime; and can handle most any work or training assignment; or
- (5) M-1: An individual who is physically capable of performing any work or training with no restrictions.

Cor 406.05 Behavioral Health Assessment.

(a) Behavioral health coding will range from 1 to 5 based on the following:

- (1) BH-5: Severe impairment due to psychiatric illness requiring management in a secure psychiatric facility. Individuals in this category would meet the criteria used in the voluntary or involuntary transfer of individuals from correctional institutions or jails to a psychiatric facility for treatment pursuant to RSA 623:1;
- (2) BH-4: Severe impairment due to psychiatric illness requiring special monitoring and treatment, but no transfer to a secure psychiatric facility. Individuals in this category include those diagnosed by a physician or psychiatric provider as behaviorally ill and requiring on-going treatment including prescribed medication or counseling and whose unpredictable behavior indicates the need for special evaluation and management regarding individual or program placement;

(3) BH-3: Moderate to mild impairment due to psychiatric illness or psychological problems. Individuals in this category are in need of on-going mental health clinical, psychiatric, or psychological services which might include prescribed medication, psychotherapy, or counseling on a regular basis (weekly/bimonthly, etc.). Individuals in this category would usually be assigned to regular individual and program placements. This group may also be seen as manifesting crisis of a behavioral nature such as acting out or self-injury requiring special individual maintenance from time to time;

(4) BH-2: Mental health alert due to history of psychiatric illness currently in remission and not requiring special individual or program assignment. There may be individual or staff initiated clinical intervention for unspecified, non-critical emotional or psychological problems; and

(5) BH-1: No mental health needs. Is appropriate for regular individual and program placements. An individual with a history of psychiatric illness whose condition remains in remission may, at the discretion of mental health staff, be assigned this rating code.

Cor 406.06 Treatment Assessment.

(a) The “T” category is an unchangeable need and a minimal graduation scale shall be applied to show the individual’s progress in accomplishing institutional goals in the treatment or programming need area(s). The following numbers shall indicate progress levels for the individual’s assigned the code of T-5:

- a. “4”: Institutional requirements are not in progress or less than halfway completed;
- b. “3”: All institutional requirements are in progress and are halfway or more completed;
- c. “2”: All but institutional requirements are met but community-based treatment or programming has been not been identified or followed through on; or
- d. “1”: All institutional requirements are met and community-based treatment or programming has been identified such as receiving a letter from a sponsor or agency stating that they will be providing community treatment.

(b) “T”: Sub-codes shall be:

- (1) “A” for Drug or alcohol use disorder or addiction;
- (2) “S” for Sexual Offender Treatment; and
- (3) “DV” for Domestic violence.

(c) “T” individuals require and shall have treatment or programming within the institution, and shall be referred for continued treatment or programming after release.

(d) “T” individuals shall be assessed to determine treatment or programming needs as referred by clinical, custody, or classification staff.

(e) “T” individuals shall be permitted to voluntarily participate in treatment or programming.

(f) "T" individuals shall be permitted to voluntarily participate in treatment or programming when resources are available.

(g) Results of these assessments shall be documented in the PUDC's client record.

Cor 406.07 Educational, Vocational and Work Skills Assessment.

All incoming PUDC shall be interviewed by education staff. This interview shall include:

(a) Review of existing educational records;

(b) Collection of self-reported work history and experience data; and

(c) Obtaining a release of information which is required for obtaining needed educational records.

PART 407 CLASSIFICATION PROCESS

Cor ~~402.03~~ 407.01 Classification ~~Boards~~ Evaluations.

(a) There shall be 3 formal classification ~~boards~~ evaluations within each facility as follows:

(1) The initial classification ~~board~~ evaluation which shall be completed within 30 days of a ~~person under departmental control~~ PUDC arriving at a facility pursuant to Cor ~~403.06~~ 407.04;

(2) The administrative classification ~~board~~ evaluation which shall be completed within 30 days of a ~~person under departmental control~~ PUDC being removed from general population and placed on special status in accordance with Cor ~~405~~ 410.04(f); and

(3) The unit classification ~~board~~ evaluation which shall be completed at the unit level to determine the progress or needs of the ~~person under departmental control~~ PUDC in accordance with Cor ~~404.04~~ 407.10.

(b) The initial classification ~~board~~ evaluator shall make recommendations to the administrator of ~~inmate~~ classification and ~~offender client~~ records relative to the initial classification and the re-entry plan of the ~~person under departmental control~~ PUDC. The initial classification ~~board~~ evaluation shall be facilitated by a bureau of ~~inmate~~ classification and ~~offender client~~ records staff member and the results documented in the electronic ~~offender~~ client record.

(c) The administrative classification board shall review the circumstances surrounding placement of the ~~person under departmental control~~ PUDC in special status pursuant to Cor ~~409~~10 and make recommendations to the administrator of ~~inmate~~ classification and ~~offender~~ client records for resolving the status.

(d) The administrative classification board shall be comprised of:

(1) The sending unit supervisor or designee who shall be the board chair; and

(2) At a minimum, one other member.

(e) The unit classification board shall review the progress of the ~~person under departmental control~~ PUDC and make reclassification recommendations to the administrator of ~~inmate~~ classification and ~~offender-client~~ records.

(f) The unit classification board shall be comprised of:

(1) The unit supervisor or designee who shall be the board chair; and

(2) The case manager of the person under departmental control.

Cor 407.02 Notification of Classification Evaluation.

(a) PUDC will be given 48 hours' notice of an evaluation.

(b) The 48 hours' notice may be waived by the PUDC.

(c) PUDC shall attend an evaluation a minimum of once per year.

(d) Refusal to attend the yearly evaluation will not result in disciplinary action against the PUDC.

(e) The evaluation shall be completed and a note shall be made in the electronic client record documenting the refusal.

Cor 407.03 Notification of Classification Evaluation Form.

(a) The Notice of Classification Evaluation shall be paper or electronic.

(b) Staff shall supply the following on the notice:

(1) Name of person scheduling the evaluation;

(2) Date of the scheduling notice;

(3) Name of the PUDC;

(4) Booking number;

(5) Date of the evaluation;

(6) Reason for the evaluation, either:

a. To review work performance, disciplinary record and programming progress of the PUDC; or

b. To review the circumstances of the PUDC being placed in administrative review status.

(c) The PUDC shall supply on the form:

- (1) The PUDC's desire to be present and to participate in the evaluation;
- (2) The PUDC's desire not to be present at the evaluation;
- (3) The PUDC's desire to exercise their right to a 24 hour notice of the evaluation; or
- (4) The PUDC's desire to waive their 24 hour notice of the evaluation.

(d) The PUDC shall sign the "Notification of Classification Evaluation form" and note:

- (1) The date the notice was received, and
- (2) The time the notice was received.

(e) If the PUDC refuses to sign the completed form, there shall be no consequence to him or her. The form shall simply be processed through appropriate channels, with a notation that the PUDC has refused to sign it.

(f) Opening of the electronic notice shall serve as proof that the notice was received.

Cor 403.06 407.04 Initial Classification Board-Evaluation.

- (a) The initial classification ~~board~~ evaluation shall be facilitated by a classification staff member.
- (b) The participation of the ~~person under departmental control~~ PUDC shall be mandatory.
- (c) The classification staff member shall, at the initial board:
 - (1) Review and discuss the assessments and re-entry plan of the ~~person under departmental control~~ PUDC; and
 - (2) For ~~persona under departmental control~~ PUDC with victim notification requirements, inform the victim services coordinator when the board recommends assignment to a prison at a location other than the facility in which the ~~person under departmental control~~ PUDC was received.
- (d) The ~~person under departmental control~~ PUDC shall sign the re-entry plan.
- (e) If the ~~person under departmental control~~ PUDC refuses to sign the completed plan, there shall be no consequence to him or her. The plan shall simply be processed through appropriate channels, with a notation that the ~~person under departmental control~~ PUDC has refused to sign it.
- (f) After the initial housing assignment is made under Cor 403.04 404.01, the classification staff member shall:
 - (1) Recommend assignment to various programs within the available resources based upon the re-entry plan of the ~~person under departmental control~~ PUDC; and

(2) Make a recommendation for a job assignment based upon the needs of the institution and the needs and skills of the ~~person under departmental control~~ PUDC.

(g) Job assignment shall be mandatory unless the facility's medical department certifies that the ~~person under departmental control~~ PUDC is medically precluded from working pursuant to Cor ~~302.03(b)~~ 406.04.

(h) The ~~person under departmental control~~ PUDC complete all necessary programs before being considered for movement forward in custody levels including reduced custody programs.

(i) The ~~person under departmental control~~ PUDC shall upon successful completion of any program inform their case manager so that appropriate documentation can be made on the re-entry plan.

(j) Modifications to re-entry plans shall be made as follows:

(1) Additions to, deletions from, or changes in an approved plan, after plan implementation, to modify certain component and program areas to better meet the needs of the ~~person under departmental control~~ PUDC shall be based on factual, objective documentation, such as notification to ~~offender~~ client records of active detainers, warrants, or known pending charges, receipt of negative background information, minor or major disciplinary reports, written documentation of behavioral health or changes in behavioral health status, or drug, alcohol, or sexual offender needs; and

(2) These changes shall only be made by the classification staff after consultation with appropriate staff. Program needs that were not originally diagnosed during the ~~incarceration~~ orientation period of the ~~person under departmental control~~ PUDC shall be ~~justified~~ sufficient justification to make modifications to a plan.

(k) The classification staff or designee of each facility shall inform the victim services coordinator, upon completing classification ~~boards~~ evaluations for ~~persons under departmental control~~ PUDC who have victim or witness notification requests, when ~~persons under departmental control~~ PUDC are being considered for the following custody changes:

(1) From medium (C3) to minimum custody (C2);

(2) From minimum custody (C2) status to work release or administrative home confinement (C1) status;

(3) From C1 or C2 to any higher custody status;

(4) Transfer to another in-state facility;

(5) Transfer to or from a county house of correction; and

(6) Transfer to or from an out-of-state prison.

(l) When there is an escape from custody from any department facility, the shift commander's office shall determine if there is an obligation to notify a victim or agency and notify the victim services coordinator accordingly.

Cor 403.04 ~~407.05~~ Initial Housing Assignment.

(a) ~~Initial housing~~ assignments shall be determined by the overall classification score of the ~~person under departmental control~~ PUDC.

(b) The public risk rating shall be determined pursuant to Cor 403.03 ~~(d)~~ 406.02.

(c) The institutional risk rating shall be determined pursuant to Cor 403.03 ~~(e) and (f)~~ 406.03.

(d) ~~Persons under departmental control~~ PUDC shall not be assigned a classification score lower than C-3 if:

(1) They are sentenced to life without parole; or

(2) They have a public risk score of 5 which signifies they are ~~persons under departmental control who are~~ an extreme public risk.

(e) Death sentence ~~persons under departmental control~~ PUDC shall:

(1) Not be assigned a ~~classification score~~ custody level lower than C-5 at initial classification;

(2) Not be eligible for re-classification to a custody level lower than C-5 and thus not be subject to re-classification hearings; and

(3) Be afforded all the same access to programs, recreation, and other services as afforded to other C-5 ~~persons under departmental control~~ PUDC.

(f) If a ~~person under departmental control~~ PUDC has an initial classification score of C-2 or lower, the classification staff shall, after the re-entry plan is complete, recommend to the administrator of ~~inmate~~ classification and ~~offender client~~ record, direct placement to a housing unit designated for C-2 ~~persons under departmental control~~ PUDC.

(g) In order to provide the consistency that is desired from this objective classification system, the classification staff shall use all the available information to make the appropriate initial housing designation to avoid frequent changes. In cases where the records of the ~~person under departmental control~~ PUDC are missing information upon which to classify them to their least restrictive custody status pursuant to Cor 4023.01(c)(2), as well as maintain the appropriate security level, the ~~person under departmental control~~ PUDC shall be assigned to the unit that provides the most suitable security according to the information available. Upon receipt of additional information that indicates a review in custody status is necessary, a rehearing shall be scheduled within 30 business days of receipt of the additional information.

(h) The department approved Prison Rape Elimination Act (PREA) assessment shall be completed within 72 hours of the arrival of a ~~person under departmental control~~ PUDC at ~~the prison~~ a departmental facility to determine the cell, pod, and tier assignment for each ~~person under departmental control~~ PUDC assigned to its unit. The PREA assessment shall provide a process whereby ~~persons under departmental control~~ PUDC are assessed through review of past behaviors, staff observations, and inmate interviews to determine type and compatibility for housing assignments within a designated living unit. Thereafter, ~~person under departmental control's~~ PREA assessment of the PUDC shall be updated at a minimum of once a year.

Cor 403.05 407.06 Documentation and Processing of Individual Re-entry Plans.

(a) Upon completion of assessments, data shall be assessed and compiled by the classification staff for the purpose of developing the individual re-entry plan. Program and treatment needs shall be determined and defined by behavioral health, medical, educational, vocational, and relevant program staff.

(b) The classification staff or designee shall write the re-entry plan.

(c) The plan, based on assessed needs, shall include applicable:

(1) Programs;

(2) Goals;

(3) Objectives; and

(4) Electives.

(d) The completed plan shall be signed by the person under departmental control and the classification staff member.

(e) The completed plan shall then be forwarded to the administrator of ~~inmate~~ classification and ~~offender client~~ records for review.

(f) If the administrator of ~~inmate~~ classification and ~~offender client~~ records considers the plan not to be relevant to the program needs of the ~~person under departmental~~ PUDC control in accordance with the assigned classification needs scores, it shall be returned to the author of the plan for further review or clarification.

~~Cor 403.03~~ (ig) Pre-trial detainees, immigration detainees, and federal detainees shall not have re-entry plans developed due to their un-sentenced status but shall be assigned an initial classification score at the time of their initial classification board which shall govern their custody level, housing assignment, and work assignment throughout their stay unless their sentencing status changes.

~~Cor 403.03~~ (jh) ~~Persons under departmental control~~ PUDC who transferred from other jurisdictions to serve their sentence shall have a re-entry plan developed following the same procedures as sentenced New Hampshire ~~persons under departmental control~~ PUDC but all decisions involved in this plan that require approval by the sending jurisdiction shall be subject to such approval before any change in status is made.

~~Cor 402.02 Removal from Housing or Program.~~ (a) (i) The commissioner shall have the authority to remove any PUDC from any approved plan, at any level of custody, at any time if in his or her opinion the placement might jeopardize the safety, security, or the orderly operation of the institution ~~from any housing or program any person under departmental control whom he or she can articulate is a threat to institutional security, staff, other inmates~~ PUDC, or the public.

(j) The re-entry plan for the PUDC shall be a recommended course of action and shall not be binding on the department to grant movement forward in custody levels, recommend parole or special alternative programs.

(k) The classification staff member shall date and sign the “Initial Classification Evaluation and Re-entry Planning” form.

(l) The PUDC shall date and sign the “Initial Classification Evaluation and Re-entry Planning” form.

(m) If the PUDC refuses to sign the completed form, there shall be no consequence to him or her. The form shall simply be processed through appropriate channels, with a notation that the PUDC has refused to sign it.

Cor ~~403.08~~ 407.07 Initial Classification Evaluation Authorization and Re-entry Planning Form.

(a) The classification staff shall supply the following on the “Initial Classification Evaluation Authorization and Re-entry Planning” form:

- (1) Name of the ~~person under departmental control~~ PUDC;
- (2) Booking number;
- (3) Date of birth;
- (4) Custody level;
- (5) Facility or unit recommendation;
- (6) Program assignments and recommendations;
- (7) Job assignment; and
- (8) Timeframe for review of classification plan;
- ~~(11)~~ (9) Referrals; and
- ~~(12)~~ (10) Comments, if applicable.

~~(9)~~ (b) Notice that the commissioner has the authority to remove any person under departmental control from any approved plan, at any level of custody, at any time if in his or her opinion the placement might jeopardize the safety, security, or the orderly operation of the institution; shall be preprinted on the form.

~~(10)~~ (c) Notice that the ~~the~~ re-entry plan for the ~~person under departmental control~~ PUDC is a recommended course of action and shall not be binding on the department to grant movement forward in custody levels, recommend parole or special alternative programs shall be pre-printed on the form.

~~(b)~~ (d) The classification staff member shall date and sign the “Initial Classification Authorization Evaluation and Re-entry Planning” form.

~~(e)~~ (e) The ~~person under departmental control~~ PUDC shall date and sign the “Initial eClassification authorization Evaluation and Re-entry Planning” form.

~~(d)-(f)~~ If the ~~person under departmental control~~ PUDC refuses to sign the completed form, there shall be no consequence to him or her. The form shall simply be processed through appropriate channels, with a notation that the ~~person under departmental control~~ PUDC has refused to sign it.

Cor ~~403.07~~ 407.08 Notification to Person under Departmental Control of Classification Results and Re-entry Plan. The classification staff shall notify the person under departmental control of the initial classification results and re-entry plan on the “Initial Classification ~~Authorization~~ Evaluation and Re-entry Planning” form within 30 days of the evaluation.

Cor ~~403.09~~ 407.09 Appeal of Classification Board Decisions.

(a) A ~~person under departmental control~~ PUDC may appeal the classification board results to the administrator of ~~inmate~~ classification and ~~offender~~ client records by completing and submitting an “~~Inmate~~ Request Slip” form within 15 days of receipt of the results.

(b) If the appeal is denied, the ~~person under departmental control~~ PUDC may bring a further appeal to the commissioner on an “~~Inmate~~ Request Slip” form submitted within 15 days of receipt of the denial.

(c) The ~~person under departmental control~~ PUDC shall not appeal to the commissioner until receiving a response from the administrator of ~~inmate~~ classification and ~~offender~~ client records.

(d) The commissioner's decision shall be final.

PART ~~Cor 404~~ UNIT CLASSIFICATION BOARD

Cor ~~404.01~~ 407.10 Unit Classification ~~Boards~~ Evaluations.

(a) ~~Persons under departmental control~~ PUDC housed out-of-state or in other facilities shall be subject to the classification procedures of that institution. That institution shall submit the proposed classification for approval by the New Hampshire department of corrections. The department shall approve the classification if the ~~person under departmental control~~ PUDC would qualify for the classification pursuant to Cor 400. Classification boards evaluations for state ~~persons under departmental control~~ PUDC housed at county facilities shall be done telephonically or electronically.

(b) Each ~~person under departmental control~~ PUDC residing in a departmental facility shall attend a unit classification board evaluation at least on an annual basis.

(c) For other than annual unit classification boards evaluations, ~~persons under departmental control~~ PUDC residing in a departmental facility shall be requested to attend unit classification boards evaluations. After notification, if the ~~person under departmental control~~ PUDC chooses not to participate, the ~~person under departmental control~~ PUDC shall notify the unit supervisor in writing.

(d) A recommendation for an unscheduled reclassification hearing evaluation shall be made for a ~~person under departmental control~~ PUDC by the unit supervisor of the housing unit of the ~~person under departmental control~~ PUDC or by the classification staff in cases where new information is obtained or in cases where the behavior of the ~~person under departmental control~~ PUDC, either positive or negative, warrants earlier consideration.

(e) The schedule for standard reviews for reclassification shall be as follows:

(1) ~~C-5 persons under departmental control~~ PUDC assigned to the special housing unit shall be reviewed every 3 months by the unit team, except for death sentence inmates per Cor 403.04(e)(2) 407.05(e).

a. The warden will review every case in which a PUDC has resided in the special housing unit in excess of 3 consecutive months.

b. The commissioner will review every case in which a PUDC has resided in the special housing unit in excess of 6 consecutive months.

c. A new case management plan is required each time a C5 PUDC is evaluated after the first 6 months.

1. The case management plan shall specifically state what the PUDC must do to be reclassified to a lower custody and a timeframe for such re-evaluation.

2. A copy of the plan shall be given to the PUDC.

d. The warden shall be notified each time a PUDC is moved into or out of the special housing unit.

(2) ~~C-4 persons under departmental control~~ PUDC shall be reviewed every 6 months, or earlier, if considered appropriate, pursuant to (f), below, by the unit team or the classification staff.

a. C4 PUDC accepted into a therapeutic community shall receive a classification override of one step to C3 custody in order to fully participate in the curriculum.

b. Therapeutic community staff will evaluate the custody level of all PUDC and facilitate a classification evaluation to determine the current needs of all PUDC leaving the therapeutic community.

(3) ~~C-3 persons under departmental control~~ PUDC shall be reviewed every 6 months, or earlier, if considered appropriate, pursuant to (f), below, by the unit supervisor or the classification staff, for those ~~persons under departmental control~~ PUDC with less than 3 years to their minimum parole date, except for those with a consecutive sentence to serve;

(4) ~~C-3 persons under departmental control~~ PUDC shall be reviewed every year, or earlier, if considered appropriate pursuant to (f), below, by the unit supervisor or the classification staff, for those ~~persons under departmental control~~ PUDC with more than 3 years to their minimum parole date or who have a consecutive sentence to serve; and

(5) ~~C-2 persons under departmental control~~ PUDC shall be reviewed every 6 months, or earlier, if considered appropriate, pursuant to (f), below, by the unit supervisor or the classification staff, for those ~~persons under departmental control~~ PUDC with less than 3 years to their minimum parole date, except for those with a consecutive sentence to serve.

(6) C1 PUDC shall not be reviewed unless:

- a. They are charged with a major disciplinary infraction;
- b. They are charged with multiple minor disciplinary infractions; or
- c. They are having difficulty adjusting to living and working in the community.

(f) Reviews for reclassification shall be held earlier than the schedule in (e), above, based upon, but not limited to, the following:

- (1) Changes in the disciplinary record of the ~~person under departmental control~~ PUDC;
- (2) Court orders;
- (3) Changes in the sentence of the ~~person under departmental control~~ PUDC;
- (4) New sentences;
- (5) Changes in the physical health of the ~~person under departmental control~~ PUDC; and
- (6) Changes in the behavioral health of the ~~person under departmental control~~ PUDC.

(g) The case manager of the ~~person under departmental control~~ PUDC shall automatically schedule the ~~person under departmental control~~ PUDC for reviews in accordance with the time frames above and notification to the ~~person under departmental control~~ PUDC that a unit classification ~~board evaluation~~ has been scheduled. ~~Persons under departmental control~~ PUDC who believe they have legitimate reasons for an earlier review may request review consideration to the unit supervisor via an "Inmate Request Slip" form.

(h) It shall be the case manager's responsibility one week prior to the unit ~~board evaluation~~ to have the re-entry plan of the ~~person under departmental control~~ PUDC updated and available for review at the unit classification ~~board evaluation~~. No reclassification reconsideration shall be made without written documentation for review at the unit classification ~~board evaluation~~. It is the responsibility of the ~~person under departmental control~~ PUDC to inform the case manager of completion of any program so appropriate notations can be made on the plan.

Cor 407.11 Notification of Unit Classification Evaluation.

The PUDC shall receive notification pursuant to Cor 407.02.

Cor 407.12 Documentation and processing of Individual Re-entry Plans.

The unit classification evaluation will be documented pursuant to Cor 407.06 and Cor 407.07.

Cor 407.13 Unit Classification Evaluation and Re-entry Planning Form.

(a) The unit evaluation board chair shall supply the following on the "Unit Classification Authorization Evaluation and Re-entry Planning" form:

- (1) Name of the ~~person under departmental control~~ PUDC;

- (2) Booking number;
- (3) Housing Unit;
- (4) AHC Eligibility;
- (5) PUDC's desire to pursue AHC;
- (6) PUDC's non-desire to pursue AHC;
- (7) If the decision to pursue AHC is not applicable;
- (8) Any pending legal issues or amendments including but not limited to:
 - a. Detainers; and
 - b. Consecutive Sentences,
- (9) Escape history to include but not limited to:
 - a. Dates;
 - b. Location; and
 - c. A summary of the event.
- (10) Notation of any specific public risks or concerns;
- (11) If victim notification is required;
- (12) If approval from the sentencing judge or jurisdiction is required;
- (13) The PUDC's disciplinary history for the past year;
- (14) The PUDC's needs, including but limited to:
 - a. Sexual offender evaluation & treatment as directed;
 - b. Substance use disorder evaluation and treatment as directed;
 - c. Academic skills;
 - d. Vocational skills;
 - e. Self-help;
 - f. Transitional housing; or
 - g. Community based treatment, etc.

(15) Whether the needs in (14) above are:

- a. Court recommended;
- b. Court ordered;
- c. DOC recommended; or
- d. DOC required.

(16) Custody level recommendation of either:

- a. C5;
- b. C4;
- c. C3;
- d. C2; or
- e. C1.

(17) Housing recommendation of either:

- a. NH state prison for men;
- b. Northern NH correctional facility;
- c. NH correctional facility for women;
- d. Transitional work center;
- e. Transitional housing unit;
- f. Out-of-state; or
- g. County placement.

(18) Time frame for next review, either:

- a. 30 days;
- b. 60 days;
- c. 90 days;
- d. 120 days;
- e. 6 months;
- f. 1 year; or

g. Other.

(19) Document that the 24 hour notice of evaluation was:

a. Received;

b. Not received; or

c. Waived.

(20) Documentation whether the PUDC:

a. Was present at the evaluation;

b. Was not present at the evaluation; or

c. Waived their right to be present at the evaluation.

(21) The PUDC shall sign the completed evaluation form.

(22) If the PUDC refuses to sign the completed evaluation form, there shall be no consequences to him or her. The form shall simply be processed through the appropriate channels with a notation that the PUDC has refused to sign it.

(23) The form shall be forwarded to the classification staff office.

(24) Classification staff shall review the form for completeness and correctness.

(25) Incomplete or incorrect forms shall be returned to the evaluator board chair for correction.

(26) For completed and correct forms, the classification staff will either:

a. Approve the evaluation; or

b. Deny the evaluation.

(27) Classification staff shall document the reason for denial in the comments section.

(28) The administrator of classification and client records shall approve or deny any classification evaluation where movement to or from the special housing unit, or the special management unit is recommended. The administrator will document the reason for the approval or denial in the comments section, and sign the evaluation form.

(29) The commissioner or designee will approve or deny and recommended change in custody of two steps or more in any direction, and sign the evaluation form.

(30) The final decision shall be noted of the evaluation form to include;

a. Custody level;

b. Housing assignment; and

c. Review time.

(b) Notice that the commissioner has the authority to remove any person under departmental control from any approved plan, at any level of custody, at any time if in his or her opinion the placement might jeopardize the safety, security, or the orderly operation of the institution shall be preprinted on the form.

(c) Notice that the re-entry plan for the PUDC is a recommended course of action and shall not be binding on the department to grant movement forward in custody levels, recommend parole or special alternative programs shall be pre-printed on the form.

Cor 404.02 407.14 Notification to Persons Under Departmental Control of Classification and Re-entry Plan Recommendations.

(a) The classification staff shall notify the ~~person under departmental control~~ PUDC in writing of the classification board results on the “Unit Classification Authorization and Re-entry Planning” form via unit staff.

Cor 407.15 Appeal of Classification and Re-entry Planning recommendations.

(e) The classification evaluation recommendations may be appealed pursuant to Cor 403.09 407.09, above.

Cor 407.16 Administrative Classification Changes.

(b) The administrator of ~~inmate~~ classification and ~~offender client~~ records shall override the overall classification score by one level in either direction if in his or her opinion the placement might jeopardize the safety, security, or the orderly operation of the institution or public safety. When the administrator of ~~inmate~~ classification and ~~offender client~~ records overrides the classification score in a manner which causes a ~~person under departmental control~~ PUDC to either remain in or transfer to a more restrictive status than the ~~person under departmental control~~ PUDC would be entitled to under the normal operation of the classification system, the ~~person under departmental control~~ PUDC may ~~shall~~ be permitted to request, via an “~~Inmate~~ Request Slip” form, a written explanation of the facts relied upon and the basis for override.

PART Cor 408 REDUCED CUSTODY PROGRAMS

Cor 408.01 Levels of Reduced Custody.

(a) There shall be a reduced custody program for individuals who do not require higher levels of custody and for those who require gradual reintegration back into society thereby providing the best possible method of both protecting society and providing a chance for rehabilitation through a supervised and meaningful process.

(b) The reduced custody programs shall consist of:

(1) Administrative Home Confinement (AHC)

a. PUDC shall be eligible to apply for AHC If:

1. They are within 14 months of their minimum sentence; and
2. Have served a minimum of 90 days at a state prison facility, unless the department authorized housing the PUDC in another secure facility, not including county pre-trial time, or the release is for participation in an educational program.

b. PUDC shall not be eligible to apply for AHC if:

1. They have been convicted of the following offense(s):
 - (i) Capitol, first degree, or second degree murder;
 - (ii) Attempted murder;
 - (iii) Manslaughter;
 - (iv) Aggravated felonious Sexual Assault, Felonious Sexual Assault, Sexual Assault, or Failure to register/Duty to report pursuant to RSA 651-B;
 - (v) First degree Assault;
 - (vi) Class B Assault by Prisoner;
 - (vii) Robbery; or
 - (viii) Escape.
2. They have two or more DUIs within the past 5 years from the date sentenced to prison; or
3. They have any AHC revocations in the past three years.

c. PUDC shall receive orientation on the AHC program at their initial classification hearing and by unit correctional case managers as individuals approach the window of opportunity for application. The program and application process shall be fully explained to appropriate individuals at those times.

(2) Transitional Work Center (TWC): Individuals that are within twenty-four (24) months of their minimum parole date shall be eligible for a TWC.

- a. Individuals shall be eligible for placement at a TWC within 36 months of their minimum parole date, when authorized by the Commissioner or Commissioner's designee, as dictated by the operational needs of a facility and only after a review of public risk as defined in N.H. Admin. Rule Cor 406.02.

(3) Transitional Housing Units (THU)

- a. Individuals within twelve months of their minimum parole date are eligible for a THU.
 - b. THUs shall be outside a main prison facility's grounds and PUDC job assignments shall be in the community.
 - c. If a PUDC has not yet reached his or her minimum parole date, the sentencing judge shall be notified and given a 10-day opportunity to object to the PUDC being assigned to work release before placement into the work release program.
 - d. If the sentencing judge objects, the individual will not move until they have reached their minimum parole date.
- (c) C-2 individuals shall be placed at THUs to serve as:
- (1) Trustee cooks;
 - (2) Central office workers; and
 - (3) Maintenance workers.
- (d) C-2 individuals will remain in the THUs except when accompanied elsewhere by staff.
- (e) A PUDC that is sentenced to the New Hampshire Department of Corrections that has treatment or program recommendations by the court noted on their MITMUS or triggered during the assessment process shall have a referral to determine the level of care or service needed prior to being considered for reduced custody.
- (1) A PUDC that is deemed high risk or requires a higher level of treatment or programming shall successfully complete required programming before being considered for any level of reduced custody.
 - (2) Requests for exception shall be addressed to the administrator of client classification and offender records and shall be triaged through the director of security and training, the facility warden/director, administrator of client classification and offender records and the commissioner as a group.

Cor 408.02 Gaining Reduced Custody

- (a) Requirements for gaining reduced custody are:
- (1) Major (A level) disciplinary free for a 60-day period prior to applying
 - (2) Minor (B level) disciplinary free for a 30-day period prior to applying
 - (3) Minor (C level) disciplinary infractions shall be discretionary at time of unit reclassification hearing.

(4) All required programs have been completed unless the program is available in reduced custody.

a. Approved reduced custody individuals shall be housed in secure facilities until the completion of required programs if the required programs are not available in reduced custody; and

(5) Classification score based on the public risk and institutional risk ratings must be at the appropriate level.

(b) Restrictions to gaining reduced custody

(1) Individuals serving a sentence for escape or attempted escape from a non-secure facility over three years ago, or default, bail jumping, fugitive from justice, or escape during an arrest process shall not eligible until on or after their minimum parole date.

(2) Individuals serving a sentence for escape or attempted escape from non-secure facility less than three years ago, or absconding, default, bail jumping, fugitive from justice are not eligible for reduced custody.

(3) Inmates serving a sentence for escape from a secure facility are not eligible for reduced custody until on or after their minimum parole date and only if:

a. They have completed all required programs or have a verifiable plan for completing required programs while in custody; and

b. They are "A" and "B" level disciplinary free for the past 365 days; or

c. They obtain the written approval from the commissioner of corrections or his or her designee.

(4) Individuals having warrant(s), detainer(s), active indictment(s), known pending charge(s) or consecutive sentence(s) shall be eligible for reduced custody if:

a. They have completed all required programs or have a verifiable plan for completing required programs while in custody; and

b. They have obtained permission from the entity with jurisdiction over the warrant(s), detainer(s), indictment(s), pending charge(s) or consecutive charge(s).

(5) Individuals having other sentences that are longer or consecutive to their New Hampshire sentence are disqualified for reduced custody unless approval is granted by the other authority.

Cor 408.03 Maintaining Reduced Custody

While assigned to minimum custody status, an individual is required to remain disciplinary report free. If an individual receives a disciplinary report, they may be removed from the reduced custody program and returned to a secure facility pending administrative review.

Cor 408.04 Regaining Reduced Custody Status:

(a) A PUDC who is returned from reduced custody status for disciplinary reasons shall be subject to disciplinary action.

(b) If the PUDC is found guilty at a disciplinary hearing, a classification evaluation will be conducted to determine whether this infraction is cause to change the PUDC's custody level.

(c) If the PUDC's custody level recommendation remains "C-1" or "C-2" that individual will be returned to the reduced custody program:

(1) 30 days after pleading guilty to or being found guilty of a Minor (B-level) offense; or

(2) 60 days after pleading guilty to or being found guilty of a major (A-level) offense.

(d) PUDC may be returned to reduced custody sooner with extenuating circumstances and if approved by the administrator of classification and client records.

(e) If the PUDC is found not guilty of the offense they shall be returned to the previous custody at the first available bed.

(f) When a PUDC is reclassified to C-3 or higher custody, from either C-2 or C-1 level, they will return to the higher custody level and shall not be eligible for reduced custody until their next regularly scheduled classification evaluation, unless there is a change in their status that warrants earlier review. If the PUDC is again recommended for reduced custody at that time they shall be placed on the appropriate waiting list will move as bed space becomes available.

(g) Disputes resulting from removal from reduced custody shall be settled using the grievance process pursuant to Cor 313.

PART Cor 409 JOB ASSIGNMENTS AND CHANGES

Cor 404.03 409.01 Job Assignments Changes.

(a) ~~Persons under departmental control~~ PUDC shall be assigned to a work or training program unless medically unable to participate.

(b) Assignments to work and training areas shall be made through the following:

(1) ~~Formal e~~Classification board evaluations;

(2) "Job Change Request" form completed and approved by the classification staff during one of the quarterly job fairs; or

(3) "Job Change Request" form approved by classification staff based on institutional needs.

(c) Assignment to a specific job shall be based on the following:

(1) Classification score of the ~~person under departmental control~~ PUDC;

(2) Needs of the institution; and

(3) Needs and skills of the ~~person under departmental control~~ PUDC.

(d) Available areas of work and training shall be as follows:

- (1) Correctional industries;
- (2) Custodial assignments;
- (3) Service related jobs in the kitchen, laundry, warehouse, or maintenance department;
- (4) Vocational training;
- (5) Education; and
- (6) Reduced custody programs.

(e) Job fairs shall be held at each prison facility on a quarterly basis within each calendar year in order to present potential employment opportunities to ~~person under departmental control~~ PUDC. This process shall allow ~~persons under departmental control~~ PUDC to request a change in their current job assignment without going through formal classification hearings for those jobs that do not affect their overall classification scores. Those ~~persons under departmental control~~ PUDC not wishing, or not being recommended, to stay in their present assignment shall attend the job fair to seek other employment.

(f) To seek a job change the ~~person under departmental control~~ PUDC shall complete a "Job Change Request" form pursuant to Cor ~~404.04~~ 409.02, below.

(g) No staff member shall sign-off a job change request to any state certified vocational training program unless it has been verified that the ~~person under departmental control~~ PUDC has:

- (1) Achieved a minimum grade level of 7.5 in reading and math on the tests of adult basic education (TABE);
- (2) Earned a verified high school diploma or ~~HiSET~~ high school equivalency certificate; or
- (3) Successfully completed all pre-requisite courses.

(h) The classification staff shall reassign a ~~person under departmental control~~ PUDC to any job that needs to be done at a departmental facility.

(i) The ~~person under departmental control~~ PUDC may appeal the decision for an unrequested job change on an ~~Inmate~~ "Request Slip" form to the classification staff stating the reasons for his or her disagreement. If the classification staff upholds the job change, an appeal may be made to the administrator of inmate classification and offender records on an ~~Inmate~~ "Request Slip" form.

(j) Individuals who work in the Health Services Center or who may be exposed to infectious diseases or blood borne pathogens in their work assignment shall be required to attend infection control training.

(a) Each facility shall identify work areas that are security sensitive due to posing potential risks to institutional security.

(b) PUDC shall be in C3 classification for a minimum of 120 days before applying for a security sensitive position.

(c) PUDC in C2 classification and being housed in C2 housing shall be permitted to apply for security sensitive positions without a waiting period.

(d) PUDC being assigned to security sensitive work areas shall require the approval of the facility chief of security or designee.

(e) PUDC who meet the following criteria shall not be permitted to work in security sensitive areas without the approval of the warden:

a. Possession of escape implements within the last 5 years;

b. Possession of drugs with the intent to distribute or possession of weapons within the last 2 years;

c. Positive drug screen within the past 1 year; or

d. Major disciplinary infraction within the past 60 days.

Cor 404.04 409.03 Job Change Request Form.

(a) There shall be two types of job-change request forms:

(1) "Job Change Request" Form; and

(2) "Transitional Work Center Job Change Request" Form.

(b) ~~A person under departmental control~~ PUDC shall be permitted to request a job change at any time.

~~(c) A person under departmental control~~ PUDC who wants a job change shall supply the following on the applicable "Job Change Request" form:

(1) Date, name, and identification number;

(2) Current housing unit;

(3) Present job;

(4) Proposed job; and

(5) Reasons for the request.

~~(b)~~ (d) The ~~person under departmental control~~ PUDC shall present the form to his or her present job supervisor.

~~(c)~~ (e) The present job supervisor of the ~~person under departmental control~~ PUDC shall supply on the form comments on the job performance and behavior on the job of the ~~person under departmental control~~ PUDC.

~~(d)~~ (f) The present job supervisor shall then:

(1) Sign and date the form; and

(2) ~~Return~~ Forward the form to the proposed job supervisor ~~person under departmental control~~.

~~(e)~~ The ~~person under departmental control~~ shall present the form to his or her proposed job supervisor.

~~(f)~~ (g) The proposed job supervisor shall supply on the form comments as to whether there is a position available for the ~~person under departmental control~~ PUDC.

~~(g)~~ (h) The proposed job supervisor shall then:

(1) Sign and date the form; and

(2) Return the form to the person under departmental control's unit supervisor.

~~(h)~~ The ~~person under departmental control~~ shall present the form to his or her unit supervisor.

(i) The unit supervisor shall supply on the form the following information:

(1) Comments on the proposed job change; and

(2) Whether the job change request is approved.

(j) The unit supervisor shall then sign and date the form and forward the form to classification staff.

~~(1) Return the form to the person under departmental control if the person under departmental control plans to attend the next quarterly job fair; or~~

~~(2) Forward the form to the classification staff.~~

(k) The classification staff upon receipt of the form shall supply the following on the form:

(1) Comments on the proposed job change; and

(2) Whether the job change request is approved.

(l) Job change requests approved by the current and prospective employer shall be approved unless there is evidence that approving the change would put staff, institutional security, or the public in

jeopardy, or approving the job would invalidate the re-entry plan of the ~~person under departmental control~~ PUDC.

(m) The classification officer shall then:

- (1) Sign and date the form; and
- (2) Forward copies of the form to the following:
 - a. Person under departmental control;
 - b. Present job supervisor;
 - c. Proposed job supervisor;
 - d. Unit supervisor; and
 - e. ~~Offender~~ Client records.

(n) The ~~person under departmental control~~ PUDC shall begin work at the new job within 90-days.

Cor 409.04 Reduced Pay Status.

(a) If a PUDC is to be fired from their assigned job for cause, they shall not be terminated until their right to due process is exercised.

(b) A PUDC found guilty of a disciplinary infraction involving the work or program assignment shall be placed on RPS by the appropriate work site supervisor using the Placement on Reduced Pay or No Job Available Status Form.

(c) PUDC placed on RPS for disciplinary reasons may appeal the assignment to the warden or director's designee using a Request Slip form.

(d) PUDC placed on RPS shall not be assigned another job until 90 days has lapsed from the date of placement in RPS status.

(e) PUDC who are on RPS shall remain in their housing area except when they are directed by a staff member to be elsewhere.

(f) If approved by the housing unit and program area, PUDC on RPS may participate in education and programs but will be paid RPS wages.

(g) PUDC under 21 years of age who are receiving special education services may continue to attend classes when on RPS.

(h) If a PUDC's job performance is not satisfactory through no fault of their own, the supervisor will so note, stating the reasons on the Placement on Reduced Pay or No Job Available Status Form noting that no disciplinary action needs to be taken. Copies will be forwarded to the classification office, the PUDC, and the unit security representative, within 24 hours. Classification staff shall enter this information into CORIS and the PUDC will be able to seek other employment.

(i) PUDC placed in No Job Available status may get another job assignment once a completed job change request has been approved by classification staff for the specific facility.

(j) PUDC unable to continue in their current job due to a medical condition and who have been provided with a medical lay-in pass will be reassigned to a medical lay-in job code.

Cor 409.05 No Job Available Status.

PUDC shall be assigned to the No Job Available Status when:

- (a) They are newly incarcerated and are in the orientation period; or
- (b) Their work performance at an assigned job is substandard through no fault of their own;

Cor 409.06 Placement on Reduced Pay or No Job Available Status Form.

The Reduced Pay Status Form shall contain the following:

- (a) The PUDC's name;
- (b) The PUDC's ID number;
- (c) The PUDC's housing assignment;
- (d) The PUDC's job assignment and shift;
- (e) Whether the placement is in:
 - (1) Reduced Pay Status; or
 - (2) No Job Available Status.
- (f) The specific reason for the placement;
- (g) The staff member's name; and the date.

Cor 409.07 Job Assignment Suspension.

(a) PUDC may be suspended from their work assignment without pay during the disciplinary and due process procedures utilizing the Individual Job Assignment Suspension Form.

(b) PUDC suspended without pay that are found not guilty of the charges used to suspend them shall be reimbursed all missed pay while suspended.

(c) PUDC removed from their work assignment administratively pursuant to (9) above shall be paid at the standard NJA pay-rate, and permitted to pursue employment in other areas.

(d) PUDC may appeal their administrative removal from an assigned job to the warden or director on a Request Slip form.

Cor 409.08 Individual Job Assignment Suspension Form.

(a) The Individual Job Assignment Suspension Form shall contain the following:

(1) The PUDC's name;

(2) The PUDc's ID number;

(3) The PUDC's housing assignment;

(4) The pending disciplinary infractions;

(5) The suspension effective date;

(6) The PUDC's work site and shift;

(7) The worksite supervisor's printed name and signature;

(8) Notification to the PUDC of either:

a. You have pled guilty to or been found guilty of the disciplinary infraction(s) referenced in (4) above. You are hereby placed in RPS effective (date). All movement and employment restrictions apply pursuant to Cor 409.05 (e); or

b. You have been found not-guilty of the disciplinary infraction referenced in (4) above. You will report back to your work-site effective (date).

(9) In addition, the form shall contain the following language for notification:

Although you have not been found guilty of a disciplinary infraction, you are being removed from your work assignment permanently per documented unusual circumstances, confidential intelligence information, or first-hand knowledge of individual misbehavior. This removal requires the approval of the facilities chief of security or higher authority.

PART Cor 405 ~~410~~ SPECIAL STATUSES

Cor ~~405.01~~ 410.01 Protective Custody.

(a) The department shall provide a protective custody status for those ~~persons under departmental control~~ PUDC that face a verifiable danger of being physically harmed by another ~~person(s) under departmental control~~ PUDC.

(b) Protective custody may be sought by a ~~person under departmental control~~ PUDC. The ~~person under departmental control~~ PUDC shall demonstrate to an administrative review board that he or she faces danger of being physically harmed by describing the nature of the harm and identifying the ~~person(s) under departmental control~~ PUDC who have threatened him or her.

(c) ~~Persons under departmental control~~ PUDC in quarantine status may submit a request for consideration for protective custody to the unit supervisor. The approving unit supervisor shall schedule that ~~person(s) under departmental control~~ PUDC for a protective custody review ~~board~~ evaluation.

(d) If a ~~person under departmental control~~ PUDC housed in general population has a rational fear for his or her safety, he or she shall report his or her concern to a staff member who shall notify the shift supervisor.

(e) The shift supervisor shall immediately place the ~~person under departmental control~~ PUDC in pending administrative review status pending protective custody review pursuant to Cor 405.04 409.04 below. A report shall be completed and distributed to the shift commander, the unit supervisor of the housing area of the ~~person under departmental control~~ PUDC, and the classification staff before the end of the shift supervisor's tour of duty that day.

(f) The approving unit supervisor shall advise the case manager of the ~~person under departmental control~~ PUDC to interview the ~~person under departmental control~~ PUDC requesting protective custody and attempt to mediate the issue. If the case manager is unable to mitigate the problem ~~believes that protective custody might be appropriate~~, the case manager shall file a report with ~~notify~~ the approving unit supervisor, and document the attempted mitigation in the PUDC's record.

(g) The approving unit supervisor shall schedule a protective custody review ~~board~~ evaluation. The ~~persons under departmental control~~ PUDC shall be notified 24 hours in advance of the protective custody review ~~board~~ evaluation. The PUDC may waive this notice.

(h) The protective custody evaluation board shall consist of:

- (1) The shift commander or designated shift supervisor;
- (2) A member of the department's investigation bureau; and
- (3) The approving unit's supervisor or designee.

(i) A ~~persons under departmental control~~ PUDC may object to the presence of a particular officer on the evaluation review board based on a disciplinary infraction involving the officer and the ~~persons under departmental control~~ PUDC control within 3 months immediately preceding the hearing evaluation.

(j) The evaluation review board in reaching its decision shall consider the following:

- (1) What is in the best interest of the health, welfare, and safety of the other ~~persons under departmental control~~ PUDC;
- (2) All evidence relevant to the request of the ~~person under departmental control~~ PUDC to be placed in or to continue in protective custody status;
- (3) Any alleged conflict the ~~person under departmental control~~ PUDC might have with other ~~persons under departmental control~~ PUDC currently confined in the institution;
- (4) Whether the ~~person under departmental control~~ PUDC currently would be in any danger should the ~~person under departmental control~~ PUDC control be returned to the general population; and
- (5) Whether the ~~person under departmental control~~ PUDC specified a verifiable danger and named the ~~person under departmental control~~ PUDC who he or she feared would cause him or her physical harm.

(k) A ~~person under departmental control~~ PUDC shall not be refused protective custody status or removed from such status based on disciplinary reasons or reasons unrelated to the ~~person under departmental control~~ PUDC or of other ~~persons under departmental control~~ PUDC in that status.

(l) The ~~person under departmental control~~ PUDC shall have a right to appear at his or her ~~board evaluation~~, testify, call witnesses, and present relevant evidence. However, the protective custody review board chair shall exclude any witness called by a ~~person under departmental control~~ PUDC from testifying if the presence of that witness at the ~~board evaluation~~ might pose a danger to prison security, the safety of the ~~person under departmental control~~ PUDC or the testimony of the witness is irrelevant or cumulative. In no event shall the board chair require a ~~person under departmental control~~ PUDC to offer evidence that would incriminate himself or herself.

(m) The chair of the review board shall issue a written recommendation to the administrator of inmate classification and offender records, who shall make the final decision, which shall include the board's conclusions and the facts, relied upon in arriving at such conclusions.

(n) If protective custody status is recommended, the board shall recommend a housing placement based on the nature of the threat to the ~~person under departmental control~~ PUDC, and the ~~person under departmental control~~ PUDC shall:

- (1) Remain in or be returned to the same or another housing unit in general population;
- (2) Be transferred out of state;
- (3) Be transferred to a county facility; or
- (4) Be transferred to a different departmental facility.

(o) Verbal notification shall be provided to the ~~person under departmental control~~ PUDC by ~~classification unit~~ staff. Due to the potential danger to the ~~person under departmental control~~ PUDC involved by possessing protective custody documents written notification shall be provided to the ~~person under departmental control~~ PUDC of the administrator of inmate classification and offender records final decision only if requested by the ~~persons under departmental control~~ PUDC.

(p) If the ~~persons under departmental control~~ PUDC is dissatisfied with the decision of the review board the ~~person under departmental control~~ PUDC may, within 7 days, appeal to the administrator of inmate classification and offender records on an "~~Inmate~~ Request Slip" form stating the reasons why this status should be granted. ~~The standards governing the decision on appeal shall be identical to the standards governing the review board.~~ During the pendency of the appeal the ~~persons under departmental control~~ PUDC shall remain in pending administrative review status.

Cor ~~405.02~~ 410.02 Secure Psychiatric Unit (SPU) Assignments.

(a) A ~~person under departmental control~~ PUDC shall be a candidate for transfer to SPU if the ~~person under departmental control~~ PUDC control is:

- (1) Classified at level BH-5, a behavioral health score of 5, and is of danger to self or others;

- (2) Observed by a behavioral health clinician engaging in behavior that would qualify the ~~person under departmental control~~ PUDC for reclassification to level BH-5 and is dangerous to self or others;
 - (3) Certified by a psychiatric provider as needing management or treatment in a secure psychiatric facility; or
 - (4) Ordered transferred by the superior court of the sentencing jurisdiction.
- (b) If a court order is issued, delivery of a copy of the order to the administrator of the secure psychiatric unit shall initiate the transfer.
- (c) Whenever any of the necessary criteria listed in ~~the~~ section (a), above are met, the administrator of the behavioral health unit or designee, in consultation with the administrator of ~~medical and forensic services~~ the secure psychiatric unit, shall initiate proceedings by completing a "Transfer of a Person Under Departmental Control to the Secure Psychiatric Unit for Behavioral Health Treatment Services Pursuant to NH RSA 623:1" form, pursuant to Cor ~~405.03~~ 409.03, below.
- (d) The completed transfer form shall be forwarded to the SPU prior to the transfer of the ~~person under departmental control~~ PUDC so that admission arrangements can be made.
- (e) If a person in the custody of the commissioner needs emergency treatment and requires immediate transfer to the SPU, the due process review shall occur within 24 hours following the transfer.

Cor ~~405.03~~ 410.03 Transfer Of A Person Under Departmental Control to The Secure Psychiatric Unit For Behavioral Health Treatment Pursuant To RSA 623:1 Form.

- (a) The administrator of behavioral health or designee initiating a transfer to the SPU of a ~~person under departmental control~~ PUDC shall supply the following on the "Transfer of a Person Under Departmental Control to the Secure Psychiatric Unit for Behavioral Health Treatment Services Pursuant to NH RSA 623:1" form:
- (1) The name of the ~~person under departmental control~~ PUDC;
 - (2) Correctional facility name;
 - (3) Address; and
 - (4) His or her name and title.
- (b) The transfer form shall contain a notice to the ~~person under departmental control~~ PUDC that includes:
- (1) A statement that he or she is being considered for transfer to the SPU pursuant to RSA 623: 1 for the purpose of receiving behavioral health treatment;
 - (2) A list of the criteria for admission ~~from the transfer of a person under departmental control~~ to the secure psychiatric unit for behavioral health treatment services pursuant to RSA 623:1 ~~for SPU admission~~;

(3) Definitions of the terms “behavioral health illness” and “harm to himself, herself, or others” for the provider’s certification; and

(4) A statement that he or she has due process rights, which include the opportunity for a hearing.

(c) The licensed provider who examines the ~~person under departmental control~~ PUDC shall supply the following on the transfer form ~~pursuant to Cor 405-03:~~

(1) His or ~~H~~her name and title;

(2) Person recommended for transfer name; and

(3) Date on which he or she personally examined the person under departmental control.

(d) The licensed provider shall then:

(1) Sign and date the form; and

(2) Certify by his or her signature that in his or her opinion the criteria for transferring the ~~person under departmental control~~ PUDC to the SPU have been met.

(e) A ~~person under departmental control~~ PUDC who agrees to be transferred to the SPU shall sign and date a waiver of his or her right to a hearing.

(f) A ~~person under departmental control~~ PUDC who objects to being transferred to the SPU shall sign and date page 3 of the “Transfer of a Person Under Departmental Control to the Secure Psychiatric Unit for Behavioral Health Treatment Services Pursuant to NH RSA 623:1” form to request a hearing.

(g) If a hearing is held, the independent decision maker shall supply the following on the form:

(1) His or ~~H~~her name;

(2) His or her finding of facts;

(3) Rulings; and

(4) Decision.

(h) If the independent decision maker appointed by the director of medical and forensics services concludes that the ~~person under departmental control~~ PUDC presently meets the criteria for transfer, the warden or administrator of medical and forensic services shall approve the transfer by signing and dating page 5 of the “~~t~~Transfer of a ~~p~~Person ~~u~~nder ~~d~~Departmental ~~e~~Control to the ~~s~~Secure ~~p~~Psychiatric ~~u~~nit for ~~b~~Behavioral ~~h~~Health ~~t~~Treatment ~~s~~Services pursuant to N.H. RSA 623:1” form.

(i) The staff member who serves a copy of the “~~t~~Transfer of a ~~p~~Person ~~u~~nder ~~d~~Departmental ~~e~~Control to the ~~s~~Secure ~~p~~Psychiatric ~~u~~nit for ~~b~~Behavioral ~~h~~Health ~~t~~Treatment ~~s~~Services pursuant to N.H. RSA 623:1” form to the ~~person under departmental control~~ PUDC showing the decision of the independent decision maker shall supply the following on the form:

(1) The name of the ~~person under departmental control~~ PUDC; and

(2) Date and time of service on the ~~person under departmental control~~ PUDC.

(j) The staff member shall then:

(1) Sign page 3 of the “Transfer of a Person Under Departmental Control to the Secure Psychiatric Unit for Behavioral Health Treatment Services Pursuant to NH RSA 623:1” form; and

(2) Certify by his or her signature that a copy of the “~~Transfer of a pPerson uUnder dDepartmental eControl to the sSecure pPsychiatric uUnit for bBehavioral hHealth tTreatment sServices~~ pursuant to N.H. RSA 623:1” form was served on the ~~person under departmental control~~ PUDC.

Cor 405:04 410.04 Pending Administrative Review (PAR).

(a) “Pending administrative review (PAR)” means a temporary classification status in which a ~~person under departmental control~~ PUDC is placed, in which his or her current classification status is suspended to allow investigation of various issues as delineated in (e), below.

(b) PAR shall be imposed on a ~~person under departmental control~~ PUDC when circumstances arise involving the ~~person under departmental control~~ PUDC that might place the safety, security, and orderly operation of the facility in jeopardy or for any other valid penological purpose. It shall be imposed only for the minimum amount of time necessary when the continued presence of the ~~person under departmental control~~ PUDC in the reduced custody or general population presents a clear danger to the ~~person under departmental control~~ PUDC, others, or facility safety.

(c) When a ~~person under departmental control~~ PUDC is involved in an incident that threatens institutional security, staff, or other ~~inmates~~ PUDC, and, in the opinion of the on-duty shift supervisor, it is necessary that the ~~person under departmental control~~ PUDC be placed in PAR status to prevent further incidents, or because of the seriousness of the incident, the shift supervisor shall advise the ~~person under departmental control~~ PUDC of the imposition of PAR status and have the ~~person under departmental control~~ PUDC moved to the housing unit designated for that purpose.

(d) The responsible officer shall prepare a PAR form, pursuant to Cor ~~405:04~~ 410.05, below, forward it to the shift supervisor, and file a report for investigation and distribution before going off duty. The shift supervisor shall sign the form, ~~give ensure~~ a copy ~~is delivered~~ to the ~~person under departmental control~~ PUDC, and forward copies to the investigations bureau, the offender records office, and classification. The “Pending Administrative Review Notification and Review” form shall indicate to the ~~person under departmental control~~ PUDC that a written appeal of this status may be made on an “~~Inmate~~ Request Slip” form to the warden within 48 hours.

(e) The various categories of administrative review shall be designated as follows in Table ~~405-1~~ 410.01, Administrative Review Designation:

Table ~~405-1~~ 410-1 Administrative Review Designation

Category	Designation
Administrative	Administrative Review-Pending Reclassification
Investigation	Administrative Review-Pending Investigation

Protective Custody	Administrative Review-Pending PC Review
Behavioral Health	Administrative Review-Pending Behavioral Health Review
Reclassification based on Discipline	Administrative Review-Pending Reclassification
Transfer	Administrative Review-Pending Transfer

(f) The sending unit staff shall schedule an administrative review ~~board~~ evaluation within 7 days.

(1) If there is no change in the PAR status of the ~~person under departmental control~~ PUDC, a meeting every 7 days thereafter shall be scheduled.

a. The PUDC shall be present at every 7 day meeting and shall be given the opportunity to speak at the meeting.

b. The 7 day meetings will be documented on the PAR form.

c. If the PAR status is not resolved the reviewer will note the specific reason why not on the form.

(2) These weekly meetings ~~reviews~~ shall not be administrative review ~~boards~~ evaluations, but administrative meetings ~~reviews~~.

(3) When the PAR status is resolved, or it is determined that it cannot be resolved, an administrative review ~~board~~ evaluation shall be scheduled.

(4) Except for extenuating circumstances an with the approval of the administrator of classification and client records, PAR status shall be cleared in no more than 30 days.

(g) For ~~person under departmental control~~ PUDC with victim notification required, the classification staff or designee shall inform the victim services coordinator when the board recommends reclassification to a higher custody level, reclassified to minimum custody, ~~from~~ work release, ~~or~~ Administrative Home Confinement (AHC), or reclassified to any custody level inside the secure perimeter.

(h) The administrative review board shall review the facts and circumstances regarding the imposition of PAR and shall recommend to the administrator of inmate classification and offender records that the ~~person under departmental control~~ PUDC be released from PAR or recommend the continuation of PAR until such time as a disciplinary hearing can be scheduled. If the administrative review board concludes that the return of the ~~person under departmental control~~ PUDC to the prison population would not pose a clear danger to institutional security, or to the well-being of the ~~person under departmental control~~ PUDC, the board shall recommend to the administrator of inmate classification and offender ~~client~~ records that the ~~person under departmental control~~ PUDC be released from PAR status. If the board determines that release of the ~~person under departmental control~~ PUDC from secure housing would pose a clear threat to the ~~person under departmental control~~ PUDC, others, or to institutional security, it shall recommend the ~~person under departmental control~~ PUDC be retained in secure housing pending a re-classification evaluation.

(i) The administrator of inmate classification and offender client records shall approve all recommendations unless the administrator of inmate classification and offender client records can

articulate a reason why approving the recommendation would create a threat to institutional security, staff, or other ~~person under departmental control~~ PUDC.

(j) ~~Persons under departmental control~~ PUDC retained in pending administrative review shall be reviewed by the sending unit supervisor or designee at 7-day intervals and shall be advised of the reason for any delay in obtaining a hearing or recommended action, as well as the approximate date by which they can expect the action to be completed.

(k) ~~Persons under departmental control~~ PUDC in pending administrative review shall have the same cell furnishings offered the other ~~persons under departmental control~~ PUDC in the same housing unit unless reduction or restriction of certain items are necessary to maintain security control or to prevent ~~the persons under departmental control~~ PUDC from harming themselves or others.

(l) ~~Persons under departmental control~~ PUDC retained under this rule in pending administrative review status shall be afforded the same recreation, work, education, and other activities as are other ~~persons under departmental control~~ PUDC in the same housing unit unless security of the institution mandates otherwise.

~~Cor 405.05~~ 410.05 Pending Administrative Review Notification and Review Form.

(a) The officer who is placing a ~~person under departmental control~~ PUDC in PAR status shall supply the following on the “Pending Administrative Review Notification and Review” form:

- (1) The date;
- (2) The name and identification number of the ~~person under departmental control~~ PUDC;
- (3) The officer’s name; and
- (4) The PAR category as described in Cor ~~405.04~~ 409.04 above, in which the ~~person under departmental control~~ PUDC is being placed.

(b) The officer shall sign the “Pending Administrative Review Notification and Review” form.

(c) The officer who delivers the “Pending Administrative Review Notification and Review” form to the ~~person under departmental control~~ PUDC shall supply the following on the “Pending Administrative Review Notification and Review” form:

- (1) His or her name; and
- (2) The delivery date.

Cor 410.06 Administrative Review Evaluation Form.

(a) The “Administrative Review Evaluation” form shall be used to document evaluations for PUDC placed in administrative review status.

(b) The “Administrative Review Evaluation” form shall contain:

- (1) Name of the PUDC
- (2) Booking number of the PUDC;
- (3) Names of board members;
- (4) Sending facility and unit;
- (5) Current facility and unit;
- (6) Reason for placement in administrative review status;
- (7) Documentation of 24-hour notice being:
 - a. Received;
 - b. Not received; or
 - c. Waived.
- (8) Documentation of the PUDC being:
 - a. Present;
 - b. Absent; or
 - c. Attendance being waived.
- (9) Summary of the evaluation;
- (10) Documentation of witness statements being:
 - a. Attached; or
 - b. None attached.
- (11) Custody level recommendation of either:
 - a. C1;
 - b. C2;
 - c. C3;
 - d. C4; or
 - e. C5.
- (12) Housing recommendation of either:
 - a. NH state prison for men;

- b. Northern NH correctional facility;
- c. NH correctional facility for women;
- d. Transitional work center;
- e. Transitional housing unit;
- f. Out-of-state; or
- g. County placement.

- (13) Specific unit, county or state (if applicable);
- (14) Notation of any escape history;
- (15) Notation of any public risk concerns;
- (16) The board chair's signature;
- (17) Warden or director's approval or denial;
- (18) Reason for denial if applicable.
- (19) Facility warden's signature if the review was protective custody related;
- (20) Commissioner's approval or denial if the result is a 2-step change in the PUDC's classification status.
- (21) Final decision of the PUDC's:
 - a. Classification;
 - b. Housing; and
 - c. Time to next review.
- (22) Instructions on how to appeal the decision; and
- (23) Notice that the commissioner has the authorization to remove any inmate from any approved plan, at any custody level, at any time if in his or her opinion the placement might jeopardize the safety, security or orderly operation of any departmental facility.

Cor 410.07 Notice of Evaluation Form. PUDC shall be notified of the Administrative Review Evaluation pursuant to Cor 407.03.

Cor 405.06 410.08 Medical Segregation.

(a) Medical segregation shall be imposed only by a doctor, licensed provider, or advance practice registered nurse, hereinafter called the medical authority, who upon examination of the ~~person under departmental control~~ PUDC has determined that it is necessary to separate the ~~person under departmental control~~ PUDC from the general population because the ~~person under departmental control~~ PUDC might be contagious or a threat to his or her self or others because of his or her medical or mental condition.

(b) Medical segregation shall be imposed only for as long as necessary to resolve the medical or psychiatric concern. It shall occur in any housing facility within the institution consistent with security requirements, and the medical needs of the ~~person under departmental control~~ PUDC as determined by the medical authority. Items available to the ~~person under departmental control~~ PUDC in the housing location shall be limited or restricted by the medical authorities if necessary, pursuant to (g) below.

(c) ~~Persons under departmental control~~ PUDC in medical segregation shall be restricted from work or participating in recreation by the medical authority if necessary, pursuant to (g) below. In each case the limitations associated with that condition shall be specified and shall become part of the treatment folder health record of the ~~person under departmental control~~ PUDC.

(d) ~~Persons under departmental control~~ PUDC held in medical segregation for psychological reasons shall visit with the psychiatric providers or behavioral health counselor as determined by the medical authority. Such visits shall be for the purpose of monitoring or checking the ~~person under departmental control~~ PUDC, providing therapy and treatment, and determining on a regular basis whether the status should continue. That determination shall be made by the medical authority based on the authority's own examination and reports from the healthcare staff.

(e) Upon initial examination and during the period of medical segregation, the medical authority shall determine whether referrals or transfers should be made to other facilities or medical or psychiatric personnel.

(f) The medical authority shall keep medical records regarding imposition of the status, including recording the reasons for imposition of the status and what referrals, if any, to outside facilities were sought. The medical condition shall be regularly reviewed to insure that segregation is imposed only for the period absolutely required for valid medical and psychiatric reasons. The medical authority and the behavioral health staff or healthcare staff shall on a regular basis keep progress notes and indicate the reason for continuation of the status in the health record of the ~~person under departmental control~~ PUDC.

(g) A ~~person under departmental control~~ PUDC placed in medical segregation shall retain all rights and privileges in consonance with the custody level of the ~~person under departmental control~~ PUDC including all personal property and participation in programs, unless the medical authority determines in his or her opinion that the exercise of a particular right or privilege by the ~~person under departmental control~~ PUDC might jeopardize the medical treatment that the ~~person under departmental control~~ PUDC is undergoing, in which case the medical authority shall prescribe in writing a partial or total curtailment of such rights and privileges.

Cor ~~405.07~~ 410.09 Punitive Segregation.

(a) Punitive segregation shall be imposed on a ~~person under departmental control~~ PUDC by the disciplinary board as punishment for a specific disciplinary infraction after the ~~person under departmental control~~ PUDC has been afforded a due process hearing pursuant to Cor 311.01 in accordance with NH department of corrections policy and procedure directive 5.25.

(b) Punitive segregation shall be imposed for up to 15 days at a time with a 24-hour break between any consecutive impositions.

(c) ~~Persons under departmental control~~ PUDC in punitive segregation shall:

- (1) Be visited by a member of the medical or behavioral health staff on a daily basis to determine whether they have any medical complaints;
- (2) Receive one hour out of cell, 7 days a week;
- (3) Have the opportunity to shower on a daily basis;
- (4) Have the opportunity for issue and exchange of clothing, bedding, linen, and laundry at least three times a week;
- (5) Be provided the same opportunities for the writing and receipt of letters available to general population. In addition, writing paper and pencils will be supplied to punitive segregation inmates upon request;
- (6) Be restricted to only placing telephone calls to their attorney of record, New Hampshire Legal Assistance, and family members during a verified family crisis;
- (7) Have access to counseling services, social service, religious guidance, and commissary purchased personal hygiene toiletries;
- (8) Be provided access to reading materials. Soft cover books shall be requested only from the chaplain or tier officer. Personal magazines and newspapers shall be held in property until the punitive time is completed;
- (9) Only receive visits from their attorney of record, New Hampshire Legal Assistance, and family members during a verified family crisis. These visits shall be scheduled and facilitated through the ~~warden or~~ unit supervisor or designee.

Cor ~~405.08~~ 410.10 Temporary Confinement of Prisoner to Cell (TCC).

(a) When a ~~person under departmental control~~ PUDC becomes so hostile or agitated that opening the cell door might result in a violent incident, he or she shall be temporarily confined to his or her cell (TCC).

(b) The shift supervisor shall be notified immediately of the TCC.

(c) The shift supervisor or designee shall, upon notice of the TCC:

- (1) Speak with the ~~person under departmental control~~ PUDC in an attempt to resolve the situation;
- (2) Review the situation, including talking with any witnesses;
- (3) Advise the warden or chief of security if the situation is not resolved within 2 hours; and

(4) Call a behavioral health worker if needed.

(d) If the TCC continues beyond one day, the warden or director shall evaluate whether the circumstances outlined in (a) above continue to be present and make a decision thereupon each day whether to continue the status.

(e) A classification ~~board~~ evaluation shall be convened within 3 days if the behavior of the ~~person under departmental control-PUDC~~ person under departmental control-PUDC does not allow the ~~inmate~~ person under departmental control-PUDC to be released from the cell by that time.

(f) Use of TCC shall be documented in an incident report. Any limitations on property shall be documented and justified on the TCC log and no property or furnishings shall be removed unless the ~~person under departmental control-PUDC~~ person under departmental control-PUDC is destroying property, attempts to set fire to those items, is assaultive, or self-destructive. The clothes of the ~~person under departmental control-PUDC~~ person under departmental control-PUDC shall not to be removed unless absolutely necessary. The underwear of the ~~person under departmental control-PUDC~~ person under departmental control-PUDC shall not to be removed unless the warden or designee finds that in light of the condition of the ~~person under departmental control-PUDC~~ person under departmental control-PUDC the underwear might be used by the ~~person under departmental control-PUDC~~ person under departmental control-PUDC to harm himself or herself or others. Any limitations on clothing shall be documented and justified on the TCC log.

(g) No ~~person under departmental control-PUDC~~ person under departmental control-PUDC shall be placed in a cell bare of any furnishings without an immediate referral and evaluation by behavioral health, and the condition shall continue only so long as is necessary.

(h) ~~Persons under departmental control-PUDC~~ Persons under departmental control-PUDC in temporary cell confinement shall not be let out of their cells for the ordinary recreation, showers, or other activities enjoyed by ~~person under departmental control-PUDC~~ person under departmental control-PUDC who are compliant. Since this status poses a serious hardship on a ~~person under departmental control-PUDC~~ person under departmental control-PUDC, it shall continue only for the period of time necessary to insure the safety of the ~~person under departmental control-PUDC~~ person under departmental control-PUDC or others.

Appendix

RULE NUMBER	STATUTE IMPLEMENTED
Cor 401	RSA 21-H:13, III(a)
Cor 402	RSA 21-H:13, III(a)
Cor 403.01	RSA 21-H:13, III(a); RSA 622:23
Cor 403.02	RSA 21-H:13, III(a)
Cor 404	RSA 21-H:13, III(a)
Cor 405	RSA 21-H:13, III(a)
Cor 406	RSA 21-H:13, III(a)
Cor 407	RSA 21-H:13, III(a)
Cor 408.01	RSA 21-H:13, III(a); RSA 651:25
Cor 408.02	RSA 21-H:13, III(a)
Cor 408.03	RSA 21-H:13, III(a)
Cor 408.04	RSA 21-H:13, III(a)
Cor 409	RSA 21-H:13, III(a)
Cor 410	RSA 21-H:13, III(a)