



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON
OFFENDER/SPANISH MANUALS

REVISION DATE
10/26/16

PAGE NUMBER
1 of 13

NUMBER
DOC 320.250

POLICY

TITLE
**MAXIMUM (MAX) CUSTODY PLACEMENT/
TRANSFER/RELEASE**

REVIEW/REVISION HISTORY:

- Effective: 6/7/00
- Revised: 12/27/05
- Revised: 11/21/06
- Revised: 1/25/08
- Revised: 12/23/08 AB 08-035
- Revised: 7/9/09
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- Revised: 5/19/14
- Revised: 2/1/15
- Revised: 10/26/16

SUMMARY OF REVISION/REVIEW:

Update from IMS/ITS to MAX custody throughout to include title II.C.1. & 2., III.A.1., III.C., and V.B.2.a. - Removed unnecessary language
 Added II.D.1. that ISDP offenders will not be promoted without Secretary approval
 III.A., III.B., III.C.1., IV.A., IV.A.2.b., and V.B. - Adjusted language for clarification
 IV.B.1., V.B.2., and VI.A.1.b.13) & 15) - Added language for clarification
 Added B.1.b. & c. regarding development of IBMPs
 Removed VI.B.3. that offenders demoted to or retained on IMS who are within 6 months of release to the community will receive additional services to address release planning


APPROVED:

Signature on file

RICHARD "DICK" MORGAN, Secretary
Department of Corrections

9/30/16

Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 10.95.170](#); [ACA 4-4254](#); [ACA 4-4404](#); [DOC 300.380 Classification and Custody Facility Plan Review](#); [DOC 320.200 Administrative Segregation](#); [DOC 320.255 Restrictive Housing](#)

POLICY:

- I. The Department has established guidelines for offender demotion to, transfer between, and release from Maximum (MAX) custody for:
 - A. Presenting a serious threat to the safety of employees, contract staff, volunteers, or other offenders through a pattern of violent or seriously disruptive behavior, or
 - B. Extreme protection needs, or
 - C. Designated offenders with serious mental illness.

DIRECTIVE:


- I. Responsibilities
 - A. Superintendents will designate an employee(s) responsible for coordinating MAX custody assignments, transfers, and releases.
 - B. The Director of Mental Health will develop criteria, as needed, for the placement of seriously mentally ill offenders on MAX custody and will serve on the Headquarters MAX Custody Committee.
 - C. The Command A Deputy Director or Mission Housing Administrator (MHA) will chair the Headquarters MAX Custody Committee, which will be multidisciplinary and include at least:
 1. Classification and Case Management Administrator/designee,
 2. Director of Mental Health/designee,
 3. Chief of Investigative Operations/designee, and
 4. Correctional Specialist 3.
- II. Maximum Custody Housing
 - A. Select Prisons will have designated Security Level 5 MAX custody beds.
 1. Intensive Treatment Units (ITUs) have been established at the Monroe Correctional Complex (MCC) in the Special Offender Unit (SOU) and at the Washington Corrections Center for Women for seriously mentally ill offenders.

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- B. Offenders of any custody level may be referred for MAX custody.
1. Before requesting assignment to MAX custody, less restrictive alternatives will be considered.
 2. Referrals to MAX custody may occur at any point in the Administrative Segregation (Ad Seg) process.
- C. Offenders housed in an Intensive Management Unit (IMU) or an ITU are:
1. Deemed to present an immediate and serious threat to the security and safety of the facility, the offender, or others by means of, but not limited to:
 - a. Commission of a serious infraction(s),
 - b. Chronic behavioral/infraction problems,
 - c. Acts that present a risk (e.g., escape, security threat group affiliation), and/or
 - d. Extreme protection needs.
- D. An Inmate Sentenced to the Death Penalty (ISDP) offender will be housed in the IMU at the Washington State Penitentiary (WSP).
1. Custody will not be promoted without Secretary approval and will not be less restrictive than close custody per DOC 300.380 Classification and Custody Facility Plan Review.

III. [4-4404] Referral Process


- A. The following procedures are required for referral to MAX custody:
1. The Ad Seg Hearing Officer will review all pertinent information, conduct a formal hearing, and make a recommendation to the Superintendent/designee using the Custody Facility Plan (CFP) in the offender's electronic file.
 - a. The offender's custody level should be reviewed at this time.
 - b. For ITU placement:
 - 1) Documentation of a seriously mentally ill offender's status by a mental health professional is required.
 - 2) A mental health professional should confirm the offender's current mental status.

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2. Recommendations will be submitted through the Correctional Program Manager/Correctional Mental Health Program Manager (CPM/CMHPM).
 3. The Superintendent/designee will review and approve/deny the recommendation.
 4. If approved, the CFP will be sent to the Correctional Specialist 3 at Headquarters for Headquarters MAX Custody Committee review.
- B. If an offender needs to be housed in an ITU, and no beds are available in facilities with an ITU, the offender will be housed in other restrictive housing with appropriate mental health staffing until a bed becomes available.
- C. Offenders assigned to MAX custody with a PULHESDXT "S" code of 3 or higher will be transferred to the IMU at MCC within 30 days of being assigned, unless the Headquarters MAX Custody Committee identifies specific programming for the offender in another IMU.
1. If beds are limited or legitimate reasons exist not to place an offender assigned to MAX custody in the IMU at MCC, s/he may be housed at the WSP IMU as space allows.

IV. Headquarters MAX Custody Committee

- A. The Correctional Specialist 3 will review the plan for Headquarters MAX Custody Committee consideration and:
1. Concur with the facility's recommendation, or
 2. Develop a recommendation based upon information including:
 - a. The facility's recommended plan,
 - b. Active offender separation/prohibited placements,
 - c. Available facility beds, and
 - d. Available programming on MAX custody.
- B. The Correctional Specialist 3 will present the facility's recommendation, with his/her own recommendation, to the Headquarters MAX Custody Committee.
1. The Headquarters MAX Custody Committee chair will:
 - a. Identify committee members and determine when a quorum has been established. Once established, the committee will review the plan(s) and placement options.
 - b. Consider the committee's input and make the final decision.

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1) If the chair denies MAX custody placement/transfer/release, the Correctional Specialist 3 will provide the Superintendent with direction regarding the offender's housing assignment.


C. Offenders who wish to appeal a Headquarters MAX Custody Committee decision must submit a written request to the Assistant Secretary for Prisons/designee.

V. Maximum Custody Procedure

A. The Ad Seg Hearing Officer will preside over Facility Risk Management Team (FRMT) reviews of offenders assigned to MAX custody. MAX custody FRMT reviews for seriously mentally ill offenders will include a mental health professional.


B. Employees will identify the offender's risks and needs, using the Static Risk Assessment, Offender Needs Assessment (ONA), criminal conviction record, past CFPs, and other available information.

1. This process will be completed within the first 10 working days and will include development of a Behavior and Programming Plan (BPP) in the offender's electronic file.
 - a. The offender's input and response to the BPP will be reviewed and recorded. The results of the review will be documented in the Offender Comments section.
 - b. If the electronic file is not accessible, employees will use DOC 21-472 Behavior and Programming Plan (BPP) and enter the information into the offender's electronic file when available.
2. An Individual Behavior Management Plan (IBMP) may be developed at the discretion of mental health employees/contract staff with input from unit classification and custody employees, using DOC 13-069 Individual Behavior Management Plan.
 - a. The offender will be invited to participate in the development of the plan(s). If the offender refuses to participate, the plan will be developed without his/her input.
 - b. Employee/contract staff and offender safety will be a priority in the development of IBMPs.
 - c. IBMPs are developed for an individual offender and may contain unconventional approaches to encourage offender change. The


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Superintendent/Facility Medical Director must review and approve an IMBP that contains language that appears to conflict with Department policies and/or procedures.

3. A Mental Health Treatment Plan (MHTP) may be developed at the discretion of mental health employees/contract staff.
- C. If an offender on MAX custody exhibits dangerous negative behavior that is detrimental to his/her own safety or the safety of others, a Security Enhancement Plan may be completed per DOC 320.255 Restrictive Housing.
- D. Appropriate facility employees will:
1. Update the CFP.
 2. Maintain case planning activities with offenders, as applicable, and update the offender's electronic file.
 3. Update separatee/protective custody and prohibited facility information in the offender's electronic file.
 4. Ensure Chronological Events (chrono) entries in the offender's electronic file are up-to-date addressing case plan activities, classification hearing results, level assignment, or other pertinent information concerning the offender's status.
- E. An ITU mental health employee/contract staff will provide mental health treatment and maintain appropriate documentation in the MHTP, IBMP, and progress notes.
- VI. Maximum Custody Level/Step System
- A. An offender's compliance with the BPP or IBMP will determine his/her management level/step assignment, with increased privileges used as positive reinforcement.
1. When eligible, offenders will seek level/step promotion in writing to the CUS/CMHUS. Employees/contract staff may also initiate reviews for level/step promotion. The CUS/designee will act on all requests within 5 calendar days of submission of the request.
 2. Level promotions/demotions will be documented in the BPP by the offender's Classification Counselor.


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- B. Promotions and demotions to different program management levels/steps will not be automatic, and will be based on the following criteria:
1. Infraction history,
 2. Cell cleanliness,
 3. Personal hygiene,
 4. Compliance with the BPP or IBMP, including acceptable communication, cooperation, and interaction with employees/contract staff and other offenders,
 5. Overall behavior and attitude,
 6. Behavior Observation(s) in the offender's electronic file from employees/contract staff, and/or
 7. For ITU, mental health stability as it relates to safety and security issues.
- C. The Unit Sergeant may immediately demote an offender's level based on offender behavior. Permanent level demotion must be approved by the CUS/CMHUS within 2 working days.
- D. If an offender's program level/step is demoted, or a promotion request is denied, the offender will receive the decision and the timeframe to reapply on DOC 21-621 Maximum Custody Intensive Management Unit (IMU) Level/Step Demotion Review within 2 business days.
- E. Demotions and denials may be appealed to the CPM/CMHPM or designee.
1. Appeal requests must be submitted in writing within 48 hours of receipt of the written decision.
 2. The CPM/CMHPM will provide a final decision within 5 working days.
- F. The assigned Counselor will update the level status in an offender's BPP to reflect a level promotion or demotion.
- VII. Progressive Movement to Less Restrictive Custody
- A. Progression through the levels/steps will be considered when determining promotion to a less restrictive custody level.
 - B. An offender's compliance with the BPP or IBMP will determine his/her progressive movement out of IMU through the MAX Custody Level System.
 1. Offenders assigned to an IMU will enter at the orientation level, which will last for 10 days.

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- a. Offenders will be provided a unit handbook including unit rules and expectations.
 - b. The assigned Counselor will complete an intake review and a BPP will be developed and provided to the offender.
2. After the orientation level, offenders may promote to level 2. After a minimum of 20 days on Level 2, offenders may be reviewed for promotion to Level 3.
 3. After a minimum of 30 days on Level 3, offenders may be reviewed for promotion to Level 4.
 4. Transferring MAX custody offenders will retain their assigned level from the previous facility.
 - a. Within 10 days of arrival:
 - 1) Offenders will be provided a unit handbook including unit rules and expectations, and
 - 2) The assigned Counselor will complete an intake review and provide the offender with a copy of the updated BPP.
 - b. Offenders initially assigned to ITU will enter at Step 2. If an offender has transferred to ITU directly from an IMU, the offender's current MAX custody level will be considered as follows:
 - 1) IMU Level 2 is equal to Step 2
 - 2) IMU Level 3 is equal to Step 5
 - 3) IMU Level 4 is equal to Step 6
 5. Time that an offender spends outside the unit on court order will not count in the time calculation for a level promotion.
 6. Step promotions for seriously mentally ill offenders will be managed through a multidisciplinary process involving the offender, mental health employees/contract staff, counselors, and custody employees.
- C. The MAX Custody Level System Grid (Attachment 1) identifies authorized activities and allowable items for IMU levels. [4-4273]


VIII. [4-4249] Work Programs

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- A. Offenders assigned MAX custody Level 4 or are seriously mentally ill will be eligible to apply and/or be assigned to a unit work program, if available.
- B. Offenders will be under continuous supervision when performing their assigned tasks.
- C. If an offender from another unit is brought into the unit to perform assigned tasks, the offender will be strip searched and under direct supervision of employees while in the unit.
- D. Offender work program assignments will be documented in the offender's electronic file.

IX. Program Opportunities


- A. Each facility IMU/ITU will operate specified Cognitive Behavior Change Programs (CBCPs) and/or Offender Change Programs (OCPs).
- B. Program opportunities will be identified that are consistent with reasonable safety and security practices, while providing interventions consistent with the BPP or IBMP. Based on risks and needs, offenders assigned to MAX custody will be required to participate in at least one CBCP/OCP.
 - 1. An assessment will be conducted to identify and match the offender's risks and needs with available programs in the IMU/ITU/Segregation unit.
 - 2. Offenders must actively participate in or complete designated program(s) that are consistent with their BPP/IBMP.
 - a. Recommended OCPs will be documented in the offender's BPP.
 - 3. Upon receiving a programming decision from the Headquarters MAX Custody Committee, the facility offering the OCP will be notified of the decision.
 - a. A list of offenders approved for specific programming will be maintained in Offender Management Network Information (OMNI). This list will include each offender's enrollment priority.
 - 4. Once accepted, the offender's progress in the program, including attendance, participation, evaluations, and achievements, will be documented in his/her electronic file.

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5. Failure to participate in programming opportunities will be cause to deny level promotion and may impact promotion to a lower custody classification.
- C. Facilities that house offenders assigned to MAX custody will provide programming/activities in a congregate classroom environment using authorized programming security chairs per DOC 320.255 Restrictive Housing.
- X. Classification Reviews
- A. Classification reviews will be conducted per DOC 320.200 Administrative Segregation and DOC 300.380 Classification and Custody Facility Plan Review. These reviews will be conducted out-of-cell, include the reason for placement, and should focus on the specific behavioral expectations for the offender.
 1. Formal classification reviews will be held at intervals not to exceed 180 days.
 - a. A review and determination of the offender's adjustment and progress in meeting the specific criteria in the BPP/IBMP will be completed and documented in the CFP.
 - 1) Progress will be considered in developing a plan for less restrictive housing, but will not necessarily result in promotion.
 - b. FRMT reviews recommending placement, transfer, or promotion will address the following objective criteria:
 - 1) Recent infractions and dates,
 - 2) Number and severity of infractions, and nature of infractions resulting in previous restrictive housing assignment or disciplinary segregation,
 - 3) Previous MAX custody assignments,
 - 4) Level of cooperation with employees/contract staff,
 - 5) Voluntary program participation, including names and completion dates,
 - 6) General adjustment in segregation,
 - 7) Documented affiliation with subversive and security threat groups,
 - 8) Presence and/or extent of threat the offender poses to the safety of the facility, him/herself, and/or others,
 - 9) Mental health issues, including compliance with medications and mutually agreed-upon treatment for offenders,

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- 10) Case plan activities,
 - 11) Separatee issues prior to release,
 - 12) Review of confidential information which contributed to the initial placement,
 - 13) Offender comments, and
 - 14) Program management level and date assigned.
- c. Reasons for requesting transfer between IMUs include, but will not be limited to:
- 1) History of offender's disruptive behavior,
 - 2) Mental health issues,
 - 3) Preparing the offender for transition, and
 - 4) Facility operational needs.
2. Informal classification reviews will be held at intervals not to exceed 60 days.
- B. [4-4254] CFPs requesting demotion/transfer/promotion from MAX custody will be sent to the Correctional Specialist 3 for Headquarters MAX Custody Committee review.
1. For seriously mentally ill offenders, the CFP will be sent to the Director of Mental Health/designee before sending to the Correctional Specialist 3 for committee review.
 2. Retention of offenders on MAX custody for 36 months or longer requires review and approval by the Assistant Secretary for Prisons.
- C. The CFP screen in the offender's electronic file will be updated to reflect the decision of the Headquarters MAX Custody Committee.
1. A transfer order will be initiated, as appropriate, in the offender's electronic file using the applicable facility location code.
- D. If an offender is promoted from MAX custody and no bed is available in general population, the offender will remain on MAX custody until a bed becomes available. The offender will not be placed in Ad Seg status while awaiting a bed, unless specific behavior warrants the placement.
- E. An offender promoted from MAX custody and transferred to another facility will not be placed in Ad Seg status pending assessment at the receiving facility unless specific behavior warrants the placement. The MHA will be notified if this occurs.

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1. If transferring through the Washington Corrections Center (WCC) IMU and scheduled to stay there for more than 7 calendar days, the offender will retain the last MAX custody level achieved.

XI. Headquarters Direct Release Committee

- A. The Headquarters Direct Release Committee will monitor MAX custody offenders that have 6 months or less until their Earned Release Date (ERD). The committee will:

1. Consist of a multidisciplinary team with a minimum of the following members:
 - a. MHA serving as the chair
 - b. Headquarters Classification Correctional Specialist 3
 - c. Director of Mental Health/designee
 - d. Chief of Investigative Operations/designee
 - e. Voucher/Transition Fund Program Administrator/designee
 - f. Community Corrections Division Senior Administrator/designee
 - g. Offender's assigned Counselor or CUS/CMHUS
2. Meet monthly to review/discuss an offender's release planning to include:
 - a. General population release options
 - b. Transition funds/vouchers
 - c. Victim/witness concerns
3. Collaborate with facility employees to house offenders in the least restrictive environment possible before release to the community.
 - a. If placement in general population is not feasible, the committee will ensure offenders have a clear transition plan in place with access to services that may be available.

DEFINITIONS:

The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Mental Health Professional; Security Level 5. Other words/terms appearing in this policy may also be defined in the glossary.

ATTACHMENTS:

[Maximum Custody Level System Grid \(Attachment 1\)](#) [4-4273]

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[DOC 13-069 Individual Behavior Management Plan](#)

[DOC 21-472 Behavior and Programming Plan \(BPP\)](#)

[DOC 21-621 Maximum Custody Intensive Management Unit \(IMU\) Level/Step Demotion Review](#)