



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON
OFFENDER/SPANISH MANUALS

REVISION DATE
8/11/20

PAGE NUMBER
1 of 14

NUMBER
DOC 320.250

POLICY

TITLE
**MAXIMUM 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
- Reviewed: 6/14/12
- Revised: 5/19/14
- Revised: 2/1/15
- Revised: 10/26/16
- Revised: 3/6/20
- Revised: 8/11/20

SUMMARY OF REVISION/REVIEW:


Added I.D. that the Classification Corrections Specialist 4 will manage all transfers for individuals assigned to MAX custody
 Added X.A.1.c. 5) & 6) programming and court order to the reasons for requesting transfer between IMUs
 Added X.A.1.c. 6) a) that the Classification Corrections Specialist 4 will monitor the status of individuals transferred per a court order and document contact with the court in the electronic file

APPROVED:

Signature on file

STEPHEN SINCLAIR, Secretary
 Department of Corrections

7/28/20
 Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 10.95.170](#); [DOC 300.380 Classification and Custody Facility Plan Review](#); [DOC 320.180 Separatee and Facility Prohibition Management](#); [DOC 320.200 Administrative Segregation](#); [DOC 320.255 Restrictive Housing](#); [DOC 320.400 Risk and Needs Assessment](#)

POLICY:

- I. The Department has established guidelines for demotion to, transfer between, and release from Maximum (MAX) custody for incarcerated individuals who:
 - A. Pose a significant risk to the safety and security of employees, contract staff, volunteers, or other individuals,
 - B. Have validated protection needs, or
 - C. Designated individuals 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 individuals 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,
 4. Cognitive Behavioral Change Administrator/designee, and
 5. Corrections Specialist 4.
 - D. The Classification Corrections Specialist 4 will manage all transfers for individuals assigned to MAX custody based on decisions made by the MAX Custody Committee's decision of where the individual will be housed.
- II. Maximum Custody Housing
 - A. Select Prisons will have designated Security Level 5 MAX custody beds.

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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 individuals.

B. Individuals 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. Individuals housed in an Intensive Management Unit (IMU) or an ITU are a significant risk to the security and safety of employees, contract staff, volunteers, and/or other individuals by means of, but not limited to:

1. Commission of violent serious infraction(s),
2. Chronic behavioral/infraction problems,
3. Acts that present a significant risk (e.g., escape, active security threat group participation), and/or
4. Validated protection needs.

III. 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 individual's electronic file.


a. The individual's custody level should be reviewed at this time.

b. For ITU placement:

1) Documentation of a seriously mentally ill individual's status by a mental health professional is required.

2) A mental health professional should confirm the individual's current mental health status.


2. Recommendations will be submitted through the Correctional Program Manager/Correctional Mental Health Program Manager (CPM/CMHPM).

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3. The Superintendent/designee will review and approve/deny the recommendation.
 4. If approved, the CFP will be sent to the Corrections Specialist 4 at Headquarters for Headquarters MAX Custody Committee review.
- B. If an individual needs to be housed in an ITU, and no beds are available in facilities with an ITU, the individual will be housed in other restrictive housing with appropriate mental health staffing until a bed becomes available.
- C. Individuals assigned to MAX custody with a PULHESDXTR “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 individual in another IMU.
1. If beds are limited or legitimate reasons exist not to place an individual assigned to MAX custody in the IMU at MCC, the individual may be housed at the Washington State Penitentiary IMU as space allows.

IV. Headquarters MAX Custody Committee


- A. The Corrections Specialist 4 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 separation/prohibited placements,
 - c. Available facility beds, and
 - d. Available programming on MAX custody.
- B. The Corrections Specialist 4 will present the facility’s recommendation, with Corrections Specialist 4’s 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. The committee will meet weekly to 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 Corrections Specialist 4 will provide the Superintendent with direction regarding the individual's housing assignment.
- c. Consider the individual's eligibility to progress through levels based on the reason(s) the individual was demoted to MAX custody.
- 1) The individual may be eligible for Level 2 only if assigned MAX custody for:
 - a) Assault on an employee/contract staff/volunteer,
 - b) Assault with a weapon,
 - c) Disturbance/assault involving multiple individuals, or
 - d) Has been identified as an influential member of a security threat group.
 - 2) The individual may not be eligible for level promotion when refusing placement in general population (e.g., protection concerns that have not been validated).
- C. Individuals who wish to appeal a Headquarters MAX Custody Committee decision must complete DOC 07-037 Classification Appeal and submit it to the Assistant Secretary for Prisons/designee.

V. Maximum Custody Procedures

- A. The Correctional Unit Supervisor (CUS)/Ad Seg Hearing Officer will preside over Facility Risk Management Team (FRMT) reviews of individuals assigned to MAX custody.
 1. MAX custody FRMT reviews for seriously mentally ill individuals will include a mental health professional.
- B. Employees will identify the individual's risks and needs and program expectations per DOC 320.400 Risk and Needs Assessment, and using the case plan, criminal conviction record, past CFPs, and other available information.
 1. This process will be completed within the first 10 business days of arrival at the assigned facility and will include development of a Behavior and Programming Plan (BPP) in the individual's electronic file.
 - a. The individual'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.

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- 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 individual'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 individual will be invited to participate in the development of the plan(s). If the individual refuses to participate, the plan will be developed without the individual's input.
 - b. Employee/contract staff and the individual's safety will be a priority in the development of IBMPs.
 - c. IBMPs are developed specific to each individual and may contain unconventional approaches to encourage change.
 - 1) The 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 individual on MAX custody exhibits dangerous negative behavior that is detrimental to the individual's 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 individuals, as applicable, and update the individual's electronic file.
 3. Update separatee/protective custody and prohibited facility information in the individual's electronic file per DOC 320.180 Separatee and Facility Prohibition Management.
 4. Ensure Chronological Event (chrono) entries in the individual's electronic file are up-to-date addressing case plan activities, classification hearing

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results, level assignment, or other pertinent information concerning the individual's status.

5. Review Behavior Observation Entries (BOEs) and discuss content with the individual during formal and informal reviews.

- 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. Individuals may earn levels, including privileges, through their behavior per DOC 320.255 Restrictive Housing.

1. Individuals assigned to an IMU will enter at Level 1 or the level earned during the Ad Seg process per DOC 320.200 Administrative Segregation.


- B. An individual's compliance with the BPP or IBMP will determine the individual's management level/step assignment, with increased privileges used as positive reinforcement.

1. When eligible, individuals will seek level/step promotion in writing to the CUS/Correctional Mental Health Unit Supervisor (CMHUS). Employees/contract staff may also initiate reviews for level/step promotion. The CUS/designee will act on all requests within 5 business days of submission of the request.

2. Level promotions/demotions will be documented in the BPP by the individual's case manager.

- C. Promotions and demotions to different program management levels/steps will not be automatic, and will be based on the following:


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 individuals,
5. Overall behavior and attitude,
6. BOE(s) in the individual's electronic file, and/or
7. For ITU, mental health stability as it relates to safety and security issues.

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- D. The Unit Sergeant may immediately demote an individual's level based on the individual's behavior. Permanent level demotion must be approved by the CUS/CMHUS within 2 business days.
- E. If an individual's program level/step is demoted, or a promotion request is denied, the individual 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.
- F. 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 business days.
- G. The case manager will update the level status in an individual's BPP and as a chrono in the electronic file 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.
 - 1. Individuals will be provided a unit handbook containing unit rules and expectations, and
 - 2. The case manager will complete a BPP and provide a copy to the individual.
- B. An individual's compliance with the BPP or IBMP will determine progressive movement out of IMU through the MAX Custody Level System.
 - 1. After a minimum of 30 days on Level 1, an individual may be reviewed for promotion to level 2.
 - 2. After a minimum of 30 days on Level 2, an individual may be reviewed for promotion to Level 3.
 - 3. Identified individuals housed in a Transition Pod may be reviewed for promotion to Level 4 based on programming participation and employee/contract staff observation.
 - 4. Transferring MAX custody individuals will retain their assigned level from the previous facility.

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- a. Within 10 days of arrival at the assigned facility:
 - 1) Individuals will be provided a unit handbook containing unit rules and expectations, and
 - 2) The case manager will complete a BPP and provide a copy to the individual.
- b. Individuals initially assigned to an ITU will enter at Step 2. If an individual has transferred to ITU directly from an IMU, the individual's current MAX custody level will be considered as follows:
 - 1) IMU Level 1 is equal to Step 2
 - 2) IMU Level 2 is equal to Step 3
 - 3) IMU Level 3 is equal to Step 4 or 5 as determined by the CUS
5. Time that an individual 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 individuals will be managed through a multidisciplinary process involving the individual, mental health employees/contract staff, case manager, and custody employees.

VIII. Work Programs


- A. Individuals assigned MAX custody:
 1. Level 3/4 or are seriously mentally ill will be eligible to apply and/or be assigned to a unit work program, if available.
 2. Will be under continuous supervision when performing their assigned tasks.
- B. When an individual from another unit is brought into the unit to perform assigned tasks, the individual will be strip searched and under direct supervision of employees while in the unit.
- C. Work program assignments will be documented in the individual's electronic file.

IX. Program/Treatment/Activity Opportunities


- A. Each IMU/ITU will operate facility-specific programs, treatment, and activities that allow for out-of-cell time.

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- B. Out-of-cell opportunities will be identified that are consistent with reasonable safety and security practices, while providing interventions consistent with the BPP or IBMP and assigned level. Based on risks and needs, individuals assigned to MAX custody will be required to participate in at least one programming opportunity.
1. An assessment will be conducted to identify and match the individual's risks and needs with available programs.
 2. Individuals must actively participate in or complete designated program(s) that are consistent with their BPP/IBMP/MHTP.
 - a. Recommended programming/treatment will be documented in the individual's BPP/IBMP/MHTP.
 3. Upon receiving a programming decision from the Headquarters MAX Custody Committee, the facility offering the programming/treatment will be notified of the decision.
 - a. A list of individuals approved for specific programming will be maintained in Offender Management Network Information (OMNI). This list will include each individual's enrollment priority.
 4. Once accepted, the individual's progress in the program (e.g., attendance, participation, evaluations, achievements), will be documented in the individual's electronic file.
 5. Failure to participate in programming opportunities may be cause to deny level promotion and may impact promotion to a lower custody classification.
- C. Facilities that house individuals 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 individual.
 1. Formal classification reviews will be held at intervals not to exceed 180 days.

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- a. A review and determination of the individual's adjustment and progress in meeting the specific criteria in the BPP/IBMP/MHTP 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.
 - 2) When it has been determined that the individual has met expectations for custody promotion, the CFP will be submitted immediately.
- 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 Restrictive Housing,
 - 7) Documented affiliation with subversive and security threat groups,
 - 8) Presence and/or extent of threat the individual poses to self, the safety of the facility, and/or others,
 - 9) Mental health issues, including compliance with medications and mutually agreed-upon treatment for individuals,
 - 10) Case plan activities,
 - 11) Separatee/prohibited placement issues prior to release,
 - 12) Review of confidential information which contributed to the initial placement,
 - 13) Release planning (e.g., Offender Reentry Community Safety, release plan),
 - 14) The individual's comments, and
 - 15) Current level and date assigned.
- c. Reasons for requesting transfer between IMUs include, but will not be limited to:
 - 1) History of individual's disruptive behavior,
 - 2) Mental health issues,

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- 3) Preparing the individual for transition,
- 4) Facility operational needs,
- 5) Programming assigned by the MAX Custody Committee, and,
- 6) Court order.

a) The Classification Corrections Specialist 4 will:

- (1) Monitor the status of individuals transferred per a court order to ensure the individual remains at the holding location or is cleared to return to the facility assigned by the MAX Custody Committee, and
- (2) Document contact with the court as a chrono in the individual's electronic file.

2. Informal classification reviews will be held at intervals not to exceed 60 days.

B. CFPs requesting demotion/transfer/promotion from MAX custody will be sent to the Corrections Specialist 4 for Headquarters MAX Custody Committee review.


1. Retention of individuals on MAX custody for 36 months or longer requires review and approval by the Assistant Secretary for Prisons.

C. The CFP screen in the individual'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 individual's electronic file using the applicable facility location.

D. If an individual is promoted from MAX custody and no bed is available in general population, the individual will retain the earned level privileges until a bed becomes available. The individual will not be placed on Ad Seg status while awaiting a bed, unless specific behavior warrants the placement.

E. An individual promoted from MAX custody and transferred to another facility will not be placed on 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 IMU and scheduled to stay there for more than 7 days, the individual will retain the last MAX custody level achieved upon request.

XI. Headquarters Direct Release Committee

- A. The Headquarters Direct Release Committee will monitor MAX custody individuals 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 Corrections Specialist 4
 - c. Director of Mental Health/designee
 - d. Housing Program Administrator/designee
 - e. Community Corrections Division Regional Administrator/designee
 - f. Individual's case manager or CUS/CMHUS
2. Meet monthly to review/discuss an individual'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 individuals in the least restrictive environment possible before release to the community.
 - a. If placement in general population is not feasible, the committee will ensure individuals 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:

None

DOC FORMS:



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[DOC 07-037 Classification Appeal](#)

[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](#)