

LEVEL V/VI TABLE OF PROCEDURES, FORMS, AND ATTACHMENTS

Revised: **06/24/14**

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|  <p>CD-143000</p> | <h1>NEW MEXICO CORRECTIONS DEPARTMENT</h1> <p>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always." Courage Responsibility Ethics Dedication - CREDibly serving the public safety of New Mexico</p> | |
| | ISSUE DATE: 04/30/01 | REVIEW/REVISED: 06/24/14 |
| | EFFECTIVE DATE: 04/30/02 | |
| TITLE: Prison Security Levels V and VI | | |

AUTHORITY:

- A. NMSA 1978, Section 33-1-6, as amended.
- B. Policy *CD-010100*.

REFERENCES:

- A. ACA Standards 2-CO-4B-01 and 2-CO-4B-04, *Standards for the Operation of Correctional Agencies*, 1993.
- B. ACA Standards 4-4133, 4-4140, 4-4141, 4-4249, 4-4250, 4-4251, 4-4253 through 4-4271, 4-4273, 4-4312-1 and 4-4400, *Standards for Adult Correctional Institutions*, 4th Edition.

PURPOSE:

To establish and monitor guidelines for assignment of inmates classified to Prison Security Levels V and VI including Level VI MHTC and provide for regular review.

APPLICABILITY:

All employees and inmates at secure facilities that house NMCD inmates within the State of New Mexico, particularly classification and security staff assigned to Levels V and VI.

All facilities with a Level V/Level VI Mental Health Treatment Center (MHTC), particularly mental health staff, psychiatrists and program staff responsible for the delivery of services and who may sit as a member of the Unit Management Team.

DEFINITIONS:

- A. Adjustment Controls: A behavior management tool for Level V/VI inmates intended to modify an inmate's assaultive, disruptive, or self-injurious behavior if continuous or repetitive. Inmates placed in Adjustment Controls will be placed in a Control Cell, if available, pursuant to these procedures.
- B. Assaultive Behavior: Examples include, but are not limited to: striking or attempting to strike another person; any action which causes a person to reasonably believe that he is in danger of an immediate battery; throwing food, body substances or liquids, spitting; or, acts intended to harm others.

- C. Behavioral Management Contract (BMC): An individualized behavior modification plan designated to discourage an inmate's specific and repetitive disruptive behavior through a systematic reinforcement approach. (Not applicable to inmates assigned to Level VI MHTC.)
- D. Conditions A & B of the Behavior Management Contract (BMC):
- Condition A:** The most restrictive status under which the Unit Management Team may place an inmate. An inmate who exhibits violent and/or disruptive behavior, and fails to comply with institutional rules and regulations may be placed under Condition A.
- Condition B:** A less restrictive status than Condition A under which the Unit Management Team may place an inmate. An inmate who is beginning to demonstrate behavior inconsistent with institutional rules and regulations may be placed under Condition B.
- E. Conditions of Confinement Step System: A behavior-driven progressive incentive system consisting of steps that encourages appropriate behavior. Step assignments are not classification steps, but are behavior-based decisions.
- F. Criminal Management Information System (CMIS): An automated computer system utilized by the Corrections Department for the purpose of tracking the status of inmates.
- G. Criminal Management Information System (CMIS) MAP: The area of the CMIS, under Offender Search, that indicates the status of segregated inmates to include PHD; Disciplinary Segregation as well as each of the steps to which Level V and VI inmates have been assigned.
- H. Deputy Director of Adult Prisons: Responsible for making decisions regarding all inmates who are assigned to Level V or Level VI status.
- I. Disruptive Behavior: Behavior that threatens the security and/or operations of the institution; creates, encourages or incites a disruptive atmosphere; or creates a serious health hazard. Examples of such behavior include, but are not limited to: covering window/tray slot, continuous yelling, kicking or banging on cell door, any act or verbalization that incites racial tensions or advocates institutional disruption, throwing feces, urine or other substances.
- J. Initial Level V or VI Hearing: A hearing which takes place following the inmate's transfer to a Special Control Unit after the inmate has been approved by the Classification Bureau Chief, Deputy Classification Bureau Chief or the Deputy Director of Adult Prisons for Level V or VI classification. During this hearing the inmate will be given the opportunity to appeal the decision placing him in Level V or Level VI.
- K. Inmate Protection: Placement based upon the need to separate an inmate from the general population based upon a determination that housing in general population would place the inmate in jeopardy of serious bodily harm. Such placement may be voluntary (at the request of the inmate pursuant to the criteria contained herein) or involuntary (based upon a determination by the administration).

- L. Interim Level VI: Temporary placement of the inmate in the segregation unit by the shift supervisor or unit manager based on inmate meeting the Level VI placement criteria including threat to the security of the institution and/or protection needs. An inmate in this status requires review by the Interim Level VI Classification Committee.
- M. Involuntary Placement into Custody Levels V and VI: Separation from the general population of an inmate whose continued presence in the general population represents a threat to the security of the institution or the inmate is in danger of bodily harm or other violent acts from himself/herself or other inmates, if the inmate remains in the general population. This category includes all pre-trial detainees (county jail holds) and death-sentenced inmates.
- N. Level V/IV Classification Committee Review: A transfer/custody review conducted by the Unit Management Team regarding decisions on inmates who have already been classified to Level V or Level VI by the Classification Bureau Chief, Deputy Classification Bureau Chief or a Deputy Director of Adult Prisons. These reviews shall be handled in accordance with the transfer/custody review procedures outlined in policy (*CD-080100*). Such reviews include consideration of release from Level V or VI or reclassification from Level V to Level VI. Committee membership shall include at a minimum the Unit Manager or Acting Unit Manager who shall serve as the Chairperson and a security representative (Sergeant or above). A mental health representative will participate as required by policy.
- O. Level VI MHTC Mental Health Clinician: The psychologist(s) assigned to treat inmates in the Level VI MHTC.
- P. Level VI Mental Health Treatment Center (MHTC): A designated living area(s) for inmates who (1) have a Level V or Level VI status designation; and, (2) who meet specified mental health criteria. Placement in the Level VI MHTC occurs in order to best facilitate mental health service delivery for such inmates
- Q. Level VI MHTC Unit Psychiatrist: The psychiatrist(s) assigned to provide psychiatric services to Level VI MHTC inmates, also responsible for other duties specific to Level VI MHTC inmates as specified in this policy.
- R. Level V or VI Referral Memorandum: A memorandum signed by the Warden or Deputy Warden which contains a chronology of events and information regarding an inmate's past and current behavior that justifies the inmate's placement in Level V or Level VI.
- S. Level V/VI Release Packet: Documents required for the Level V/VI Release Packet Includes Unit Management Team Review for Release from Level V or VI or Consideration for Level V Progression (*CD-143004.1*); Classification: /Release Investigation (*CD-143004.2*) and Housing Officer: / Release Investigation (*CD-143004.3*).

- T. Pending Transfer Hold (PTH): An inmate who is placed into Interim Level VI status and is not subsequently classified to Level V or VI but instead has been approved by the Central Office Classification Bureau for transfer to another general population and is awaiting space availability.
- U. Prison Security Level: The physical features and operational requirements of a facility. Security levels are referred to in terms of Level I, II, III, IV, V and VI.
- V. Regular Level V/VI Housing: Housing locations designated for inmates who are classified as Level V or Level VI and who have been evaluated as having no mental health condition that would preclude such placement.
- W. Security Levels V and VI: The most restrictive custody statuses for inmates posing the greatest risk to institutional security and the safety of others. Such inmates cannot function in general population based on classification designation, the need for Inmate Protection, the need to separate the inmate for the secure and orderly operation of the institution, or the service of a disciplinary sanction in Level VI.
- X. Shift Supervisor: A lieutenant or above who is responsible for the overall operation of the shift.
- Y. Special Control Unit: The locations designated for the housing of inmates who are classified as Level V or Level VI. The Secretary of Corrections designates Special Control Units.
- Z. Substantial Evidence: Such evidence that a reasonable person would accept as adequate to support a conclusion. It is that quality of evidence necessary for a court to affirm a decision of an administrative agency.
- AA. Table of Services: A matrix that describes the privileges, programs, and services for each Level and Step.
- BB. Threat to the Security of the Institution: Any behavior or situation which involves, causes or is reasonably likely to cause acts of violence, a substantial risk of death or serious injury to any person, substantial destruction of property, escape or risk of escape, and it also includes introduction of contraband or conspiracy or attempt to introduce contraband. It also includes inmates who are the suspect or the subject of an investigation regarding a serious criminal offense.
- CC. Transition Accountability Plan (TAP): A plan that sets out the goals and activities for each inmate in order to prepare for a successful reintegration. In each TAP, goals will be prioritized by a TAP committee, and the inmate, to ensure the inmate's risk and needs are addressed during incarceration and throughout community supervision.
- DD. Unit Management Team (UMT): A team responsible for inmate management within a distinct housing unit, consisting of a Unit Manager, classification officer, appropriate housing security supervisor or designee and an education representative. A mental health representative will participate when an adverse action is being contemplated (i.e., regression, suspension of privileges, retention in a level or step, and certain good time decisions).

EE. *Voluntary Placement into Custody Level VI*: Placement in Inmate Protection based upon (1) the inmate's written request and (2) approval by the Unit Management Team/Classification Committee.

POLICY:

A. Management of Level V and Level VI Inmates:

It is the policy of the New Mexico Corrections Department (NMCD) that inmates who cannot be managed in general population or cannot function in general population due to criteria established by this policy will be separated from the general population and placed in a Special Control Unit. Management of such inmates will be based upon a behaviorally based Step program, in which increased privileges are granted for inmates who demonstrate appropriate behavior for specified periods of time.

B. Designation of Units:

Facilities and Units that are designated as Level V or Level VI are set forth in Attachment (*CD-143000.A*) to this policy, (*Designated Special Control Units*).

C. Review and Release from Custody Level V or VI:

Inmates in Security Level VI will receive status reviews and inmates in both Level V and Level VI will be considered for release as specified in these procedures.

D. Identification of Mental Health Needs and Provisions of Services:

1. NMCD will use established screening criteria to identify inmates who should be excluded from placement in Regular V/VI Housing on the basis of their mental health status. Such inmates may be located in the Level VI MHTC.
2. For those inmates placed in Regular V/VI Housing, NMCD will provide mental health and psychiatric treatment to inmates with special needs and identified as needing such services, pursuant to NMCD Behavioral Health Policies. **[2-CO-4B-04]**
3. A qualified mental health professional shall personally interview and prepare a written report on any inmate remaining in segregation for more than *thirty (30) days*. If confinement continues beyond *thirty (30) days*, a mental health assessment by a qualified mental health professional shall be made at least every three months or more frequently if prescribed by the chief medical authority. **[4-4256]**
4. Mental Health services for Level V and Level VI inmates assigned to the Level VI MHTC are specified in Policy(*CD-180400*), (*Mental Health Screening and Services for Level V/VI Inmates*) and Policy (*CD-180500*), (*Level VI MHTC Mental Health and Related Services for Level V/VI Inmates*).

- E. All inmates shall be classified into the most appropriate security and program level. Policies shall include: [2-CO-4B-01]
- Classification plans;
 - Classification status reviews;
 - Pre-parole progress reports; and
 - Special needs.
- F. When segregation units exist, written policy and procedure govern their operation for the supervision of inmates under administrative segregation, protective custody, and disciplinary detention. [4-4249]
- G. Segregation housing units provide living conditions that approximate those of the general inmate population; all exceptions are clearly documented. Segregation cells/rooms permit the inmates assigned to them to converse with and be observed by staff members. [4-4140]
- H. All cells/rooms in segregation provide a minimum of eighty (80) square feet, of which thirty-five (35) square feet is unencumbered space. [4-4141]
- I. The Warden or shift supervisor can order immediate segregation when it is necessary to protect the inmate or others. The action is reviewed within 72 hours by the appropriate authority. [4-4250]
- J. Inmates are admitted to the segregation unit for protective custody only when there is documentation that protective custody is warranted and no reasonable alternatives are available. [4-4251]
- K. A review of the status of inmates in administrative segregation and protective custody shall be conducted by the classification committee or UMT every *seven (7) days* for the first *two months* and at least every *thirty (30) days* thereafter. [4-4253]
- L. The review process used to release an inmate from administrative segregation and protective custody shall be specified. [4-4254]
- M. Inmates held in disciplinary segregation for periods exceeding *sixty (60) days* shall be provided conditions of confinement as per the **Table of Services** Attachment (*CD-143001.A*). [4-4255]
- N. All special management inmates shall be personally observed by a correctional officer at least **every 30 minutes** on an irregular schedule. Inmates who are violent or mentally disordered or who demonstrate unusual or bizarre behavior shall receive more frequent observation; suicidal inmates shall be under continuous observation. [4-4257]

- O. Inmates in segregation shall receive daily visits from the senior correctional supervisor in charge, daily visits from a qualified health care official (unless medical attention is needed more frequently), and visits from members of the program staff upon request. **[4-4258]**
- P. Written policy and procedure shall govern the selection criteria, supervision, and rotation of staff who work directly with inmates in segregation on a regular and daily basis. **[4-4259]**
- Q. Staff operating segregation units shall maintain a permanent log. **[4-4260]**
- R. All inmates in segregation shall be provided prescribed medication, clothing that is not degrading and access to basic personal items for use in their cells unless there is imminent danger that an inmate or any other inmate(s) will destroy an item or induce self-injury. **[4-4261]**
- S. Inmates in segregation shall have the opportunity to shave and shower at least three (3) times per week. **[4-4262]**
- T. Inmates in segregation shall receive laundry, barbering, and hair care services and are issued and exchange clothing, bedding, and linen on the same basis as inmates in the general population. Exceptions are permitted only when found necessary by the senior officer on duty; any exception is recorded in the unit log and justified in writing. **[4-4263]**
- U. Alternative meal service may be provided to an inmate in segregation who uses food or food service equipment in a manner that is hazardous to self, staff or other inmates. Alternative meal service is on an individual basis, is based on health or safety considerations only, meets basic nutritional requirements, and occurs with written approval of the warden and responsible health authority. The substitution period shall not exceed seven (7) days. **[4-4264]**
- V. Whenever an inmate in segregation is deprived of any usually authorized item or activity, a report of the action is filed in the inmate's case record and forwarded to the chief security officer. **[4-4265]**
- W. Inmates in segregation can write and receive letters on the same basis as inmates in the general population. **[4-4266]**
- X. Inmates in segregation shall have opportunities for visitation unless there are substantial reasons for withholding such privileges. **[4-4267]**
- Y. Inmates in segregation shall have access to reading materials and legal materials. **[4-4268]** **[4-4269]**
- Z. Inmates in segregation shall receive a minimum of **one hour** of exercise per day outside their cells, five (5) days per week, unless security or safety considerations dictate otherwise. **[4-4270]**

- AA. Inmates in administrative segregation and protective custody shall be allowed telephone privileges. [4-4271]
- BB. Unless authorized by the warden or designee, inmates in disciplinary detention are allowed limited telephone privileges except for calls related specifically to access to the attorney of record. [4-4272]
- CC. Inmates in administrative segregation and protective custody shall have access to programs and services that includes, but is not limited to, the following: [4-4273]
- Educational services;
 - Commissary services;
 - Library services;
 - Social services;
 - Counseling services;
 - Religious guidance; and
 - Recreational programs.
- DD. When an offender is transferred to segregation, health care staff will be informed immediately and will provide a screening and review as indicated by the protocols established by the health authority. Unless medical attention is needed more frequently, each offender in segregation receives a daily visit from a qualified health care professional. The visit ensures that offenders have access to the health care system. The presence of a health care provider in segregation is announced and recorded. The frequency of physician visits to segregation units is determined by the health authority. [4-4400]
- EE. Single-occupancy cells/rooms, measuring a total of 80 square feet, of which 35 square feet is unencumbered space, shall be available, when indicated, for the following: [4-4133]
- Inmates with severe medical disabilities;
 - Inmates suffering from serious mental illness;
 - Sexual predators;
 - Inmate likely to be exploited or victimized by others;
 - Inmates who have other special needs for single housing; and
 - Maximum custody inmates.

FF. The department provides a system that identifies and monitors the movements and activities of inmates who pose a significant concern to the safety, security, and orderly management of correctional institutions. This system should ensure that appropriate staff is made aware of these inmates, and that procedures exist to ensure information is current and communicated in a timely fashion. **[4-4312-1]**



Gregg Marcantel, Secretary of Corrections
New Mexico Corrections Department

06/24/14
Date

NEW MEXICO CORRECTIONS DEPARTMENT
Designated Special Control Units

The following units have been designated as Level V or Level VI:

| | |
|------------------|------------------------------|
| PNM-VI | Level VI Level VI MHTC |
| PNM-V | Level V Level VI |
| NMWCF | Level V Level VI |
| CNMCF: Main Unit | Level VI – interim placement |
| SNMCF: Main Unit | Level VI – interim placement |
| WNMCF: Main Unit | Level VI – interim placement |
| LCCF | Level VI – interim placement |
| GCCF | Level VI – interim placement |
| NENMDF | Level VI – interim placement |
| OCPF | Level VI – interim placement |

All units designated for the interim placement of Level VI inmates will submit a plan for the provision of programs and services consistent, to the maximum extent possible, with the **Interim Level VI /Disciplinary Step 2/PTH Table of Services (CD-143001.A)**. The plan should address provision of education services where ETV is not available and provision of visiting where video visiting is not available or non-contact visiting facilities are not available or insufficient in number to accommodate all Level VI visiting, and situations of this type.



Gregg Marcantel, Secretary of Corrections
 New Mexico Corrections Department

06/24/14
 Date

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|  <p>CD-143001</p> | <h1>NEW MEXICO CORRECTIONS DEPARTMENT</h1> <p><i>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always."</i> Courage Responsibility Ethics Dedication - CREDibly serving the public safety of New Mexico</p> | |
| | ISSUE DATE: 04/30/01 | REVIEW/REVISED: 06/24/14 |
| | EFFECTIVE DATE: 04/30/02 | |
| TITLE: Interim Level VI Placement | | |

AUTHORITY:

Policy *CD-143000*

PROCEDURES: [4-4312-1] [4-4249] [2-CO-4B-01]

A. Interim Level VI Placement :

1. The Unit Manager or shift supervisor may place an inmate into Interim Level VI status if the inmate meets any of the placement criteria outlined in procedure *CD-143002*. At RDC, the security supervisor, lieutenant or above, may place an inmate into Interim Level VI status. The placement will be documented on the **Level VI/PHD/Disciplinary Placement** form (*CD-143001.1*). The Placement form shall state the specific and detailed reasons that an inmate meets the eligibility criteria for placement. The placement form should also document the reason(s) that no alternative to Interim Level VI exists. Such inmates will be reviewed and may be referred for placement in a designated Special Control Unit in accordance with procedure *CD-143002*.
2. Staff member initiating placement must provide supporting documentation that justifies Interim Level VI placement (i.e. request for voluntary placement; memorandums, incident reports copy of disciplinary report, etc.) to Unit Manager, Program Manager or Classification Supervisor and ensure that status has been entered in CMIS Map.
 - a. The Unit Manager or shift supervisor will ensure that a new **Level VI/PHD/Disciplinary Placement** form (*CD-143001.1*) is completed when an inmate's segregation status changes (i.e. inmate was first placed under pre-hearing detention; then placed under Disciplinary Segregation; then under Interim Level VI status).
 - b. The Unit Manager or shift supervisor will ensure that a new **Level VI/PHD/Disciplinary Placement** form (*CD-143001.1*) is completed when the reason(s) for Interim Level VI change (e.g. original placement for protection changes to threat to security or vice versa).
3. The Unit Manager, Program Manager or Classification Supervisor will ensure that the classification officer has appropriately entered all inmate status changes into the CMIS MAP (i.e. inmate was first placed under pre-hearing detention; then placed under Disciplinary Segregation; then under Interim Level VI status).

4. When an offender is transferred to segregation, health care personnel will be informed immediately. **[4-4400]**
5. Interim placement into Level V is prohibited.
6. When applicable, Adjustment Controls procedures and Behavioral Program Contracts may be activated.
7. Inmates placed on an interim basis must be evaluated by facility mental health staff to determine if the inmate requires housing in a Level VI Mental Health Treatment Center (MHTC). This evaluation must occur prior to the inmate's review by the Interim Level VI Classification Committee.
8. An inmate who requires temporary separation from the general population at the inmate's current location based on issues such as medical or mental health needs, change in custody level or enemy issues may be placed in the segregation unit as a threat to security pending classification approval for transfer to another general population. The Interim Level VI Classification Committee must review such inmates within *five (5) working days* following placement.
9. An inmate may be temporarily placed in the segregation unit upon arrival at the Reception and Diagnostic Center if the inmate had been released on parole or discharge from a facility while housed in a segregation unit. The security supervisor, lieutenant or above, who places the inmate in the segregation unit is responsible for documenting the reasons for the inmate's placement based on information that is available. However, once file information is obtained indicating the reasons that the inmate had been housed in a segregation unit prior to release, the inmate's status needs to be re-evaluated by the RDC Unit Manager to determine if Interim Level VI is still warranted. If so, the RDC Unit Manager will ensure that the specific and detailed reasons stated on a new **Level VI/PHD/Disciplinary Placement** form (*CD-143001.1*) based on the file information. If not, the inmate needs to be released to the general population at the Reception and Diagnostic Center.
10. Inmates housed as Level VI at a unit that has not been designated as a Level VI unit, will be provided property and privileges consistent with the **Interim Level VI /Disciplinary Step 2/PTH Table of Services** Attachment (*CD-143001.A*).

B. Seventy Two Hour Review of Interim Level VI Placement (4-4250):

1. After the initial placement of an inmate into Interim Level VI status, the action of the Shift Supervisor shall be reviewed for continuation within *72 hours* of such placement by an Administrator to determine whether the inmate should remain in Interim Level VI.
2. If the Administrator cannot complete the review within *72 hours* because of a holiday weekend, then the Duty Officer will review the placement. The Shift Supervisor who places the inmate in Interim Level VI will notify the Duty Officer so that a review may be conducted within the appropriate time limit. The review by the Duty Officer will be conducted while the Duty Officer is physically present at the institution.

C. Voluntary Placement in Inmate Protection: [4-4133]

1. An inmate may be placed voluntarily in Level VI Inmate Protection if the inmate states his or her belief that housing in general population places him or her in jeopardy of serious bodily harm and requests placement in Level VI. This request must be in writing and signed by the inmate. The request may be documented on the **Request for Voluntary Placement in Inmate Protection** form (*CD-143001.2*). Placement based upon inmate request is on an interim basis only; official placement in Level VI is made only at the determination of the Interim Level VI Classification Committee.
2. The Unit Manager or Shift Supervisor may place (pending a hearing in accordance with the classification process) an inmate in voluntary placement immediately, and will complete a **Level VI/PHD/Disciplinary Placement** form (*CD-143001.1*). The Department may accept or reject the request after the hearing. An inmate who requests assignment to Level VI shall be required to sign a **Request for Voluntary Placement in Inmate Protection** form (*CD-143001.2*), stating the inmate's desire for assignment to Level VI Inmate Protection.
3. The Interim Level VI Classification Committee will review all inmates who request or require Inmate Protection. The inmate must provide specific information on the **Request for Voluntary Placement in Inmate Protection** form (*CD-143001.2*); to the Interim Level VI Classification Committee that demonstrates his or her need to be separated from the general population. The information must meet one of the following criteria:
 - a. Names of enemies (unknown enemies is not acceptable) and details of the incident(s) or information resulting in the inmate's request for Inmate Protection;
 - b. Any gang affiliation or involvement on the part of either the inmate who is requesting Inmate Protection or the inmates from whom he or she is requesting to be separated. This information must specifically name the gang and the precise nature of the conflict.
 - c. An inmate who cannot function among other inmates based on protection issues will be considered for placement at LCCF or NENMDF Tier 2 Unit.

D. Involuntary Placement: [4-4133]

1. The Unit Manager/Shift Supervisor may immediately place an inmate in involuntary placement based upon recent overt acts or reliable information, which reasonably leads the shift supervisor to believe in good faith that an inmate presents a threat to the security of the institution, may be a sexual predator, or otherwise meets the eligibility criteria for involuntary placement in Level VI. **[4-4250]**
2. The Unit Manager/Shift Supervisor may immediately place an inmate involuntarily in Inmate Protection based upon the inmate being in danger of bodily harm or violent acts from other inmates in the general population.

3. The Unit Manager/Shift Supervisor who places an inmate in involuntary placement under this section shall document the reasons for the action on **Level VI/PHD/Disciplinary Placement** form (CD-143001.1) and shall give a copy of the document to the inmate within *one working day*, weekends and holidays excluded.
4. Former law enforcement officers, correctional officers and public officials in safety sensitive positions shall automatically be separated from the general population upon their arrival at the Reception and Diagnostic Center. These inmates shall be considered for placement at LCCF Tier 2 Unit or OCPF.
5. Inmates placed as involuntary Inmate Protection will be considered for placement at LCCF or NENMDF Tier 2 Unit.

E. Inmates Returned to RDC Who Paroled or Discharged from Level V or Level VI Status:

1. Any inmate who paroled or discharged without completing the Level V or Level VI program shall be considered for return to complete the program following his or her return to the Reception and Diagnostic Center. The RDC Classification Committee shall consider the following in their recommendation regarding the inmate's return to complete the Level V or Level VI program.
 - a. The original reason(s) for placement into Level V or Level VI
 - b. Inmate's conduct while assigned to Level V or Level VI prior to release including any disciplinary reports, step retentions or step regressions
 - c. Inmate's behavior following release from incarceration to include conduct while under probation and/or parole supervision, as well as any crimes committed in the community.
 - d. Length of time on probation, parole or discharge status following inmate's release from incarceration.
 - e. Inmate's conduct since return to the Reception and Diagnostic Center.
 - f. Any new information that has been developed or received regarding the inmate's need for placement into Level V or VI other than the original reason(s) for placement. This includes information from the Security Threat Intelligence Unit.
2. An inmate who returned to RDC following release from Level V or Level VI status shall not be classified for placement in a general population facility without the final approval of a Deputy Director of Adult Prisons; the Classification Bureau Chief or the Deputy Classification Bureau Chief.

F. Inmates Sentenced to Death:

1. Inmates in this status shall be subject to involuntary placement and review as outlined in Level V/VI Placement Criteria and Procedures (*CD-143002*).
2. Inmates in this status, upon initial placement, shall be provided conditions of confinement as per the Level VI Table of Services, Step 4. A death-sentenced inmate who engages in misconduct may be regressed to a lower step.
3. Inmates placed in this status that engage in misconduct, assaultive or disruptive behavior may warrant the use of Adjustment Controls, procedure (*CD-143005*) and instituting conditions of confinement procedures in (*CD-143003*).

G. Pending Transfer Hold (PTH):

1. An inmate who is placed into Interim Level VI status and is not subsequently classified to Levels V or VI but instead is approved by the Central Office Classification Bureau for transfer to another general population shall be considered as PTH status.
2. In order for an inmate to be placed under this status, the Central Office Classification Bureau must have already approved the inmate for transfer to a general population facility.
3. The Unit Manager will ensure that the classification officer has appropriately entered all inmate status changes into the CMIS MAP (i.e. inmate was first placed in Interim Level VI status. CBC Administrator will be responsible for changing the status from Interim VI to PTH).
4. Inmates in this status, upon approval by the Classification Bureau Chief, shall be provided conditions of confinement as per the **Interim Level VI Housing/PTH Table of Services Attachment** (*CD-143001.A*).

H. Interim Level VI Classification Committee Review:

The Interim Level VI Classification Committee shall be composed of the Unit Manager, Classification Supervisor, Program Coordinator or Deputy Warden who shall serve as the Chairperson and a security representative (Sergeant or above). The Interim Level VI Classification Committee shall make decisions on referring inmates to the Classification Bureau Chief or Deputy Director of Adult Prisons for the placement of inmates into Level V or Level VI status or alternate housing.

1. Within *five (5) working days* of an inmate's placement in Interim Level VI status from general population, the inmate shall receive an Initial Interim Level VI Classification Committee hearing.

2. Reception and diagnostic center inmates who are placed in interim Level VI status, either upon their arrival at RDC or from the RDC population shall receive an RDC Interim Level VI Classification Committee hearing within *ten (10) working days* following placement in interim Level VI status.
3. For inmates who were initially or subsequently segregated under pre-hearing detention and/or disciplinary segregation status, the Interim Level VI Classification Committee hearing must occur within *five (5) working days* following the inmate's completion of any PHD and/or disciplinary segregation and placement in Interim Level VI status.
4. The inmate shall be afforded the right to appear before the Initial Interim Level VI Classification Committee to provide input and shall be given a **Notice for Level V or Level VI Hearing** form (*CD-143001.3*) at least *48 hours* prior to the hearing.
5. All Interim Level VI Classification Committee reviews will be documented on the **Level V/VI Hearing Decision** form (*CD-143001.4*).
6. The Interim Level VI Classification Committee shall make a determination on whether the inmate meets the eligibility criteria for Level V or Level VI status and whether the inmate should be referred to the Central Office Classification Bureau for transfer to a designated Level V or Level VI Unit.
7. If the inmate does not meet the eligibility criteria for continued placement in Level V or Level VI status, the Interim Level VI Classification Committee shall release the inmate to general population or refer the inmate for transfer to an appropriate facility where space is available.
8. The Interim Level VI Classification Committee action will be entered/updated into CMIS.

I. Status Reviews (Interim or Level VI only):

Review and determination by the Interim or Level VI status reviewer on whether additional information has been received which would cause the status reviewer to consider making a recommendation for alternative placement. The status reviewer shall be an authorized administrator.

- a. The purpose of the Status Review is to determine if the Interim or Level VI placement continues to be warranted.
- b. Status Reviews will be conducted by the Unit Management Team or Segregation Administrator in accordance with ACA standard 4-4253.
- c. A status review of an inmate's placement in Level VI will be conducted every *seven (7) days* for the *first two months* following the date of the inmate's placement in Interim Level VI status and at least *every 30 days* thereafter, using the **Level VI Status Review 7 and 30 Days** form (*CD-143001.5*). The information shall be updated/entered into the CMIS. [4-4253]

- d. The facility placing the inmate on Interim Level VI will initiate the status review.
- e. If the inmate remains on Interim Level VI and is transferred to another facility, the receiving facility will continue conducting the status reviews.
- f. Unit Managers shall be responsible for ensuring that status reviews are being conducted and that these reviews are being entered appropriately into the CMIS.
- g. Once an inmate is placed on PTH status, status reviews are no longer required.

J. Emergency Transfers to a Special Controls Unit:

- a. The Director of Adult Prisons must approve all Emergency Transfers to a Level VI facility. The movement of any pre-hearing detention inmate to a Level VI facility shall be considered an emergency transfer. In the event of an emergency transfer to a designated Level VI facility, the **Level V or Level VI Referral Memorandum (Example)** Attachment (*CD-143002.A*) will be completed and submitted by the sending facility to the central office classification bureau within *five (5) working days* following the transfer.
- b. For inmates who are transferred on an emergency basis to a Special Control Unit in Interim Level VI status, the Interim Level VI Classification Committee at the Special Control Unit shall conduct an interim level VI review in accordance with the procedures, outlined under the Interim Level VI Classification Committee Review chapter, within *five (5) working days* following receipt of the **Level V or Level VI Referral Memorandum (Example)** Attachment (*CD-143002.A*).
- c. For inmates who are transferred on an emergency basis to a Special Control Unit on pre-hearing detention status and the disciplinary report is subsequently dismissed, the Interim Level VI Classification Committee at the Special Control Unit shall conduct an Interim Level VI Review in accordance with the procedure, outlined under the Interim Level VI Classification Committee Review chapter, within *five (5) working days* following the notification of the dismissal of the disciplinary report.

K. Procedures for Placement of Long Term Disciplinary Segregation Inmates at Designated Special Control Unit inmate not being placed in Level V/VI:

- a. An inmate who has been sanctioned to serve *over 60 days* of disciplinary segregation at a facility that is not designated as a Special Control Unit and is not a candidate for Level V or Level VI may be transferred to a Special Control Unit to serve the remainder of the disciplinary segregation. The Central Office Classification Bureau will arrange for the transport of the long-term disciplinary segregation inmate to a designated Special Control Unit.

- b. Upon completion of disciplinary segregation at the Special Control Unit, the inmate shall be placed into Interim Level VI status and the Classification Committee shall refer the inmate for appropriate placement.
- c. In the event that the inmate, while serving disciplinary segregation, engages in behavior that would make the inmate a candidate for Level V or Level VI placement, the Special Control Unit shall be responsible for making an appropriate referral to the Central Office Classification Bureau as outlined in Level V/VI Placement Criteria and Procedures (*CD-143002*).



Gregg Marcantel, Secretary of Corrections
New Mexico Corrections Department

06/24/14
Date

NEW MEXICO CORRECTIONS DEPARTMENT
Table of Services
Interim Level VI/ Disciplinary Step 2/ PTH

| | AREA | Interim Level VI/Disciplinary Step 2 Females | PHD/Disciplinary Male/Female | Interim Level VI/Disciplinary Step 2 | Pending Transfer Hold (PTH) |
|------------------------------|--|--|--|--|--|
| State-Issued Property | State Issue Clothing | 3 shirts and trousers(yellow) 7 pairs of socks 7 pairs of undershorts 4 bras 1 pair of shoes 1 laundry bag | 3 shirts and trousers(yellow) 7 pairs of socks 7 pairs of undershorts 4 bras (females) 1 pair of shoes 1 laundry bag | 3 shirts and trousers(yellow) 7 pairs of socks 7 pairs of undershorts 1 pair of shoes 1 laundry bag | 3 shirts and trousers(yellow) 7 pairs of socks 7 pairs of undershorts 1 pair of shoes 1 laundry bag |
| | Linens | 2 Sheets 1 pillow case 2 blankets 1 mattress 2 towels | 2 Sheets 1 pillow case 2 blankets 1 mattress 2 towels | 2 Sheets 1 pillow case 2 blankets 1 mattress 2 towels | 2 Sheets 1 pillow case 2 blankets 1 mattress 2 towels |
| | State Issued Hygiene Items | 1 toothpaste 1 safety toothbrush 1 soap 1 roll of toilet paper | 1 toothpaste 1 safety toothbrush 1 soap 1 roll of toilet paper | 1 toothpaste 1 safety toothbrush 1 soap 1 roll of toilet paper | 1 toothpaste 1 safety toothbrush 1 soap 1 roll of toilet paper |
| | State Issued Hygiene Items (if inmate is indigent) | 1 shampoo 1 deodorant | 1 shampoo 1 deodorant | 1 shampoo 1 deodorant | 1 shampoo 1 deodorant |
| | Foot Locker | 1 Foot locker (not required where cell has accommodations for belongings) | 1 Foot locker (not required where cell has accommodations for belongings) | 1 Foot locker (not required where cell has accommodations for belongings) | 1 Foot locker (not required where cell has accommodations for belongings) |
| Personal Property | Personal Clothing | 3 bras 1 pair of sweat pants (gray) 1 sweat shirt (gray) 3 tee shirts (white) 1 pair of gym shorts (gray no emblems) | 3 bras (females) 1 pair of sweat pants (gray) 1 sweat shirt (gray) 3 tee shirts (white) 1 pair of gym shorts (gray no emblems) | 1 pair of sweat pants (gray) 1 sweat shirt (gray) 3 tee shirts (white) 1 pair of gym shorts (gray no emblems) | 1 pair of sweat pants (gray) 1 sweat shirt (gray) 3 tee shirts (white) 1 pair of gym shorts (gray no emblems) |
| | Personal Hygiene items from canteen | 1 shampoo 1 toothpaste 1 safety toothbrush 1 soap 1 deodorant Sanitary napkins as needed | 1 shampoo 1 toothpaste 1 safety toothbrush 1 soap 1 deodorant Sanitary napkins as needed | 1 shampoo 1 toothpaste 1 safety toothbrush 1 soap 1 deodorant | 1 shampoo 1 toothpaste 1 safety toothbrush 1 soap 1 deodorant |
| | MP3/Cassette Player and tapes | 1 MP3 or Cassette player 6 cassette tapes | None | 1 MP3 or Cassette player 6 cassette tapes | 1 MP3 or Cassette player 10 cassette tapes |
| | Watch | 1 watch | 1 watch | 1 watch | 1 watch |
| | Photos | 3 photos only | None | 3 photos only | 20 photos in an album (12") |
| | Caps/Hats | 1 seasonal, work or religious at the | 1 seasonal, work or religious at the | 1 seasonal, work or religious at the | 1 seasonal, work or religious at the |

| | | | | | |
|-------------------------------|---------------------------------------|--|--|--|--|
| | | discretion of the UMT and approval of DW | discretion of the UMT and approval of DW | discretion of the UMT and approval of DW | discretion of the UMT and approval of DW |
| | Shower shoes | 1 pair | 1 pair | 1 pair | 1 pair |
| | Tennis Shoes | 1 pair | 1 pair | 1 pair | 1 pair |
| | Drinking Cup | 1 cup | 1 cup | 1 cup | 1 cup |
| | Hot Pot | No | No | No | As approved by UMT |
| | Sunglasses | None unless prescribed by medical |
| | Prescription Glasses | 1 pair | 1 pair | 1 pair | 1 pair |
| | Correspondence | 3 letters | 3 letters | 3 letters | 10 letters |
| | Wedding Ring | 1 only | 1 only | 1 only | 1 only |
| | Earrings | 2 pair max value \$25 | 2 pair max value \$25 | None | None |
| Hygiene | Razors Controlled Issuance | Yes | Yes | Yes | Yes |
| | Showers | 5 x per week |
| | Barber Services | As scheduled | As scheduled | As scheduled | As scheduled |
| Canteen | Canteen | \$20 per week total for all items Maximum of 10 food items per week | None | \$20 per week total for all items Maximum of 10 food items per week | \$40 per week total for all items Maximum of 25 food items per week |
| Religious Items | Religious Items | 1 item to be worn around the neck (necklace or medicine bag) 1 small religious item(rosary, feather, etc) 1 religious book (Bible, Koran, etc) | 1 item to be worn around the neck (necklace or medicine bag) 1 small religious item(rosary, feather, etc) 1 religious book (Bible, Koran, etc) | 1 item to be worn around the neck (necklace or medicine bag) 1 small religious item(rosary, feather, etc) 1 religious book (Bible, Koran, etc) | 1 item to be worn around the neck (necklace or medicine bag) 1 small religious item(rosary, feather, etc) 1 religious book (Bible, Koran, etc) |
| Recreation | Recreation (may wear sweats) | 5x per week outside weather permitting |
| Visiting and Telephone | Visiting | 4-2 hr visits per month (non-contact if facility can accommodate) | None | 4-2 hr visits per month (non-contact if facility can accommodate) | 8-2 hr visits per month (non-contact if facility can accommodate) |
| | Telephone | 4-20 minute calls per month | None | 4-20 minute calls per month | 10-20 minute calls per month |
| Television | Television (allowed but not provided) | 1 12" or 13" set for program delivery and recreational interests | None | 1 12" or 13" set for program delivery and recreational interests | 1 12" or 13" set for program delivery and recreational interests |
| Programs | Education | Special Education for eligible inmates ILA Mandated after 30 days in status (Visit by Educator twice per week) | None | Special Education for eligible inmates ILA Mandated after 30 days in status (Visit by Educator twice per week) | Special Education for eligible inmates ILA Mandated after 30 days in status (Visit by Educator twice per week) |
| | Group Programs | None | None | None | None |
| | Work | None | None | None | As determined by UMT |
| | Religious Access | Volunteer religious advisor approved by Warden Chaplain Visits 1 per week; TV Programs For Native American | Volunteer religious advisor approved by Warden Chaplain Visits 1 per week; TV Programs | Volunteer religious advisor approved by Warden Chaplain Visits 1 per week; TV Programs For Native American | Volunteer religious advisor approved by Warden Chaplain Visits 1 per week; TV Programs For Native American |

| | | | | | |
|-------------------------------|---------------------------|--|---|--|--|
| | | Inmates Access to pipe and smudge stick once every 45 days (in approved/appropriate areas) Sweat lodge once every 30 days individual use only | | Inmates Access to pipe and smudge stick once every 45 days (in approved/appropriate areas) Sweat lodge once every 30 days individual use only | Inmates Access to pipe and smudge stick once every 45 days (in approved/appropriate areas) Sweat lodge once every 30 days individual use only |
| Legal Access | Legal Access | Per CD-121000 | Per CD-121000 | Per CD-121000 | Per CD-121000 |
| | Attorney Phole Calls | Per CD-150300 | Per CD-150300 | Per CD-150300 | Per CD-150300 |
| | Attorney Visit | Yes | Yes | Yes | Yes |
| | Legal Materials | Current pending legal work only | Current pending legal work only | Current pending legal work only | Current pending legal work only |
| Library Correspondence | Personal Reading material | 3 books 3 magazines | 1 book | 3 books 3 magazines | 3 books 3 magazines |
| | General Library | 3 books 1 magazine | 3 books | 3 books 1 magazine | 3 books 1 magazine |
| | Writing Materials | 10 sheets of paper 1 security pen 5 envelopes | 10 sheets of paper 1 security pen 5 envelopes | 10 sheets of paper 1 security pen 5 envelopes | 10 sheets of paper 1 security pen 5 envelopes |
| Meals | Meals | Delivered to cell | Delivered to cell | Delivered to cell | Delivered to cell |

**NEW MEXICO
CORRECTIONS DEPARTMENT
Level VI/Interim Level VI/PHD/Disciplinary Placement**

INMATE NAME: _____ *NMCD#:* _____

On (date) _____ at (time) _____

The placement was made:

2. A Voluntary Placement – Inmate must complete **Request for Voluntary Placement in Inmate Protection** form CD-143001.2

Involuntary Placement – Must specify the reason for placement

1. a Inmate poses a threat to the security of the institution as defined by Policy 143000.

1. b Major disciplinary reports or pattern of minor disciplinary reports that threaten the security of the institution, safety of staff or inmates, or involves destruction of property.

1. c STG involvement or organized activity as defined by this policy. Must meet one criteria relating to membership or association and one criteria relating to behavior

2.b Involuntary Inmate Protection: inmate is in danger of bodily harm or violent acts from other inmates if he or she remains in general population.

Pre-Hearing Detention: inmate has received a misconduct report and poses an escape risk or a threat to the security of the institution, public, other inmate, staff or others (CD-090101, ¶E.2)

Disciplinary Segregation: Inmate has been found guilty of misconduct report # _____ and has received _____ days of disciplinary segregation time. Begin date _____; end date _____.

Summary of facts that justify placement: _____

Security Supervisor Lieutenant or above (receipt acknowledged) _____ Date _____

Inmate Signature _____ Time _____ Date _____

Served by (Staff Member) _____ Time _____ Date _____

72 HOUR REVIEW Discharge from Level VI Remain in Level VI Release from PHD Continue PHD

Specific Justification for Action: _____

Unit Manager/Chief of Security or above _____ Time _____ Date _____

**NEW MEXICO
CORRECTIONS DEPARTMENT
Request for Voluntary Placement in Inmate Protection**

I, _____ (name), NMCD#: _____ at
_____ (institution), request to be housed in Inmate Protection for the following reason(s):

Inmates considered to be enemies are:

| | Name | Number | Location |
|----|-------|--------|----------|
| 1. | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ |
| 7. | _____ | _____ | _____ |
| 8. | _____ | _____ | _____ |

Inmate Signature

Date

Staff Name and Title (Print)

Staff Signature

Date

- Distribution: Warden
Deputy Warden
Chief of Security
Classification Director
Other _____
Other _____

**NEW MEXICO
CORRECTIONS DEPARTMENT
Level V/VI Hearing Decision / Hearing Notice**

| | | |
|------|-------|--------------|
| NAME | NMCD# | HOUSING UNIT |
|------|-------|--------------|

REASON FOR HEARING: **Interim** **Initial** **Annual** **Special**

Reason(s) for initial placement in Level V / VI

_____ B.1 Voluntary Inmate Protection (Inmate must complete **Request for Voluntary Placement** Form CD-143001.2)

_____ 1.a Inmate poses a threat to the security of the institution as defined by Policy 143000.

_____ 1.b Major disciplinary reports or pattern of minor disciplinary reports that threaten the security of the institution, safety of staff or inmates, or involves destruction of property

_____ 1.c STG involvement or organized activity as defined by Policy CD-143001. Must meet one criteria relating to membership or association (CD-143001 List c.1) and one criteria relating to behavior (CD-143001 List c.2)

_____ B.2 Involuntary Inmate Protection: inmate is in danger of bodily harm or violent acts from other inmates if he/she remains in general pop

Summary of Evidence:

Decision:

INTERIM and INITIAL: Refer to Level V / VI No Yes **ANNUAL:** Retain in VI Refer as specified below

Justification:

For **INITIAL** Inmate was read verbatim the appeals process and received an appeal form

Committee Chairperson/Unit Manager _____ Date _____

| | | |
|-------------------------|-------------------------|-----------------------------|
| Date of Hearing: | Time of Hearing: | Location of Hearing: |
|-------------------------|-------------------------|-----------------------------|

| | | |
|-------------------------|-------------------------|-------------------------|
| Members Present: | Members Present: | Members Present: |
| _____ | _____ | _____ |

Administrative Review:

___AFFIRM ___MODIFY ___REVISE

Comments:

S/ _____
Date _____
Warden/Deputy Warden

I have been informed of my right to appeal and have received an appeal form. _____ Date _____

Inmate Signature (acknowledgment of receipt)

Original – Classification File Copy – Classification Officer Copy – Inmate

**NEW MEXICO
CORRECTIONS DEPARTMENT
Level VI Status Review – 7 and 30 Days**

| NAME | NMCD# | HOUSING UNIT | STATUS |
|------|-------|--------------|--------|
| | | | |

7 day 30 day **LEVEL VI START DATE:** _____

REASON(S) for initial placement in Level VI:

- _____ Voluntary Placement.
- _____ Inmate poses a threat to the security of the institution.
- _____ Major disciplinary report/pattern of minor reports that threaten the security of the institution, safety of staff or inmates, or involve destruction of property.
- _____ STG involvement or organized activity as defined by this policy.
- _____ Involuntary placement in Inmate Protection: inmate is in danger of bodily harm or violent acts from other inmates if he or she remains in general population.

SUMMARY OF EVIDENCE:

Decision: Continue Level VI No _____ Yes _____

Justification:

Unit Management Team or Authorized Group Signatures:

| | | |
|------------------------|-----------------------------|---------------------------------|
| Date of Review: | Date of Next Review: | Location of Next Review: |
|------------------------|-----------------------------|---------------------------------|

Administrative Review: _____Approve _____Deny

Comments:

_____ Date _____

_____ Date _____
Inmate Signature (acknowledgment of receipt)

| | | |
|---|--|--|
|  <p>CD-143002</p> | <h1>NEW MEXICO CORRECTIONS DEPARTMENT</h1> <p>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always." Courage Responsibility Ethics Dedication - CREDibly serving the public safety of New Mexico</p> | |
| | ISSUE DATE: 04/30/01 | REVIEW/REVISED: 06/24/14 |
| | EFFECTIVE DATE: 04/30/02 | TITLE: Level V and VI Placement Criteria and Procedures |

AUTHORITY:

Policy *CD-143000*

A. Criteria and Procedures for Placement in Level V and VI Facilities:

1. Criteria for Placement in Levels V and VI:

For the purpose of placement in Level V or Level VI, an inmate’s institutional behavior will be evaluated including the inmate’s historical institutional adjustment. An inmate may be placed in a Prison Security Level V or Level VI if the inmate meets at least one of the following criteria:

- a. The inmate poses a threat to the security of the institution, as defined by this Policy.
- b. The inmate continues to receive major disciplinary reports or demonstrates a pattern of minor disciplinary reports that threatens the security of the institution, safety or staff or inmates, or involves the destruction of property.
- c. The inmate meets one criterion from list c.1.1. – c.1.3 and also meets one criterion from list c.2.1 – c.2.3:

LIST c.1: The inmate must be identified as one of the following:

- c.1.1: A validated Security Threat Group member;
- c.1.2: A suspected Security Threat Group member;
- c.1.3: Associated with a STG, disruptive group, or street gang and is actively participating in gang-related activities.

NOTE: For inmates identified as meeting criteria C.1.2 or C.1.3, the inmate must be actively participating in gang-related activity as based on evidence or confidential information and this must be articulated in writing to a reasonable person standard.

LIST c.2: The inmates must have a documented history of institutional behavior that meets one of the following criteria:

- c.2.1: Acts of violence or directing others to engage in violence;
- c.2.2: Threatening or coercing other inmates, staff, or members of the public, or directing others to engage in threats or coercion.

- c.2.3: Involvement in or directing others to engage in organized unauthorized activity, either inside or outside of the institution, which includes but is not limited to: introducing or selling drugs or other contraband, protection rackets, work stoppages, and impeding the orderly operation of the institution.

B. Placement in Level VI based on Inmate's Protection Needs:

An inmate may be placed in a Prison Security Level VI, pending the classification process, if the inmate meets the following criteria:

1. An inmate may be placed in Level VI Inmate Protection if the inmate states his or her belief that housing in the general population places the inmate in jeopardy of serious bodily harm and submits a written request for placement in Level VI.
2. An inmate may be placed in involuntary Inmate Protection in Level VI based upon an inmate being in danger of bodily harm or violent acts from other inmates if the inmate remains in the general population.

C. Placement Based On Confidential Information:

1. If the basis for placing an inmate into Level V or Level VI status involves information from a confidential informant, the disclosure of which would place such informant(s) in jeopardy of serious bodily harm or threaten the security of the institution, the inmate shall be given a written summary of the facts upon which this custody status is being requested, sufficient to allow the inmate to challenge the truthfulness of the facts and/or the need for this custody status, in a manner that would not inherently identify the confidential informant(s) or pose a threat to the security of the institution. The inmate shall sign for the summary acknowledging receipt.
2. If the placement into Level V or VI is based on confidential information, at least four of eight of the following criteria will be documented in order to determine the credibility of the confidential information:

- The identity of the staff member receiving the confidential information;
 - Specific details of any conduct attributed to the inmate;
 - The informant's basis for knowledge of the confidential information;
 - Whether the informant previously had provided information which proved accurate and useful;
 - The content of any statements attributed to the inmate being classified;
 - The prison location where the information was received from the confidential informant;
 - The date the information was received;
 - What efforts were made to corroborate the information?
3. The security staff member who develops the confidential information shall be responsible for documenting at least four of the eight above criteria and for providing copies to the Deputy Warden as well as to the Classification Supervisor or Unit Manager.
 4. The Classification Committee shall be responsible for verifying that the Confidential Information meets policy criteria as outlined above in #2. The Classification Committee must document the findings during their deliberations.
 5. Confidential information received from outside agencies (e.g., county jails, out-of-state facilities, etc.) will be taken into consideration. Although some of these agencies may not be able to submit original confidential documents to the NMCD due to their internal protocols, the NMCD will consider the information valid and reliable as long as the documents contain sufficient specificity to enable NMCD staff to determine the extent of the inmate's involvement in illicit activities. In cases where NMCD relies upon confidential information from an outside agency, NMCD will provide a summary of the confidential information to the affected inmate.
 6. Upon receipt of Confidential Information Documents, the Deputy Warden will forward to the Classification Bureau Chief and STIU Central Office.

D. Institutional Procedures for Placement of Inmates in Designated Level V or Level VI Facilities:

The procedure for placement of an inmate in a prison Security Level V or Level VI, Special Control Unit, shall be as follows:

- a. The Interim Level VI Classification Committee shall refer any inmate who requires placement in Level V or VI to the Classification Bureau for final decision by the Classification Bureau Chief, Deputy Classification Bureau Chief or a Deputy Director of Adult Prisons.
- b. A Level V or VI Referral Packet must be completed for each inmate who is referred for transfer and forwarded to the Central Office Classification Bureau by the Classification Supervisor or assigned Unit Manager within *five (5) working days* following the Classification Committee referral.
- c. The Classification Supervisor or assigned Unit Manager must ensure that a copy of the Referral packet is placed in the inmate's file prior to the transfer of the inmate to the designated Level V or Level VI facility.
- d. This Level V or VI Referral packet must include the following documents:
 - 1) Level V/VI Referral Packet Checklist (*CD-143002.1*).
 - 2) Level V or VI Placement form.
 - 3) Incident Reports describing the circumstances of the event(s) leading up to placement.
 - 4) Initial Level V or Level VI Hearing form and hearing decision.
 - 5) Level V or Level VI Referral Memorandum. The content and format will be in accordance with the **Level V or Level VI Referral Memorandum (Example) Attachment (CD-143002.A)**.
 - a) TO: Central Office Classification Bureau;
 - b) FROM: Warden or Deputy Warden of Sending Facility;
 - c) RE: Inmate Name and Number;
 - d) Date of referral for Custody Level V or VI Placement.
 - 6) Current Behavioral Health clearance chrono that designates either "Regular Level V/VI Housing" or "Level VI MHTC Housing".

- e. The Classification Bureau must receive all supporting documents in the Level V/VI Referral Packet to approve the placement prior to transfer. This information should include, but not be limited to, the history of current and prior specific behavior, chronology and specific dates of applicable events, where the inmate was housed, other inmates involved, etc.
- f. If the placement is based on confidential information, both the Summary of Confidential Information and the actual Confidential Information documents must be provided in the Level V/VI Referral Packet submitted to the Central Office Classification Bureau. Confidential information shall not be placed in the inmate's file.
- g. Upon receipt of the Confidential Information documents, the Central Office Classification Bureau will disseminate the documents to the Central Office Security Threat Intelligence Unit (STIU) who will be responsible for forwarding the information to the STIU and the Deputy Warden at the designated Level V/VI facility.

E. Central Office Procedures for Placement of Inmates in Designated Level V or Level VI Facilities:

- a. The Classification Bureau Chief, Deputy Classification Bureau Chief or a Deputy Director of Adult Prisons shall take action based on the information provided in the Level V or VI Referral Packets. If the information or documentation provided in the packet is unclear or insufficient, the Central Office Classification Bureau will contact the sending facility's Warden or Deputy Warden to obtain additional information.
- b. The Classification Bureau Chief, Deputy Classification Bureau Chief or a Deputy Director of Adult Prisons will make the determination as to whether an inmate should be classified to Level V or Level VI within *two working days* following receipt of a **completed** Level V or Level VI Referral packet.
- c. A Deputy Director of Adult Prisons, the Classification Bureau Chief or the Deputy Classification Bureau Chief may approve or deny the Interim Level VI Classification Committee referrals for Level V or VI placement at a designated facility.
- d. If the Classification Bureau Chief, Deputy Classification Bureau Chief or a Deputy Director of Adult Prisons determines that an inmate should be placed at a Level V or Level VI facility, the inmate will be transferred upon space availability. However, if the inmate is designated for housing in the Level VI MHTC, the transfer to the Level VI MHTC Unit will occur within *five working days* of such determination, or the inmate will be provided with property and services consistent with the **Interim Level VI Housing/PTH Table of Services Attachment (CD-143001.A)**.

- e. If the Classification Bureau Chief, Deputy Classification Bureau Chief or a Deputy Director of Adult Prisons determines that the inmate who has been evaluated as meeting the Level VI MHTC criteria should NOT be placed at Level V or Level VI, the inmate will be placed in a facility consistent with his custody Level (Level I through IV). This placement will be made within five working days of the determination.
- f. The inmate will be advised, in writing, of the decision of a Deputy Director of Adult Prisons, the Classification Bureau Chief or Deputy Classification Bureau Chief. The inmate may appeal the decision pursuant to the Appeal process described in Paragraph G. **Initial Level V or VI Hearing; Appeal of Placement**, below.
- g. The decision of the Classification Bureau Chief, Deputy Classification Bureau Chief or a Deputy Director of Adult Prisons must be entered into the CMIS.
- h. Following approval of Level V or Level VI by the Classification Bureau Chief, Deputy Classification Bureau Chief or a Deputy Director of Adult Prisons, the Unit Manager will ensure that the classification officer has appropriately entered all inmate status changes into the CMIS MAP (e.g. inmate status changes from Interim Level VI).
- i. Required Documentation:
 - 1) Following the transfer of each inmate approved for Level V or Level VI to a designated Level V or VI facility, the Classification Officer, and Unit Manager at the Level V or Level VI facility shall conduct a thorough review of each inmate's file within one working day following the inmate's transfer to ensure that all required documentation regarding the reasons for the inmate's placement in Level V or VI is on file.
 - 2) If any required documentation is missing from the inmate's file, the Unit Manager shall immediately notify the Deputy Warden of the missing documentation and shall immediately notify the Central Office Classification Bureau.
 - 3) The Central Office Classification Bureau shall ensure that the facility receives the required documents within one working day following notification by the Unit Manager.

F. Procedures for Placement of Long Term Disciplinary Segregation Inmates at Designated Special Control Unit inmate being referred for Level V/VI:

- a. An inmate who has been sanctioned to serve over *sixty (60) days* of disciplinary segregation at a facility that is not designated as a Special Control Unit and is a candidate for Level V or Level VI shall not be transferred to a Special Control Unit to begin serving disciplinary segregation until the inmate has first been reviewed by the Interim Level VI Classification Committee and approved for Level V or Level VI by the Central Office Classification Bureau.
 - 1) Upon a finding of guilt of the misconduct report(s), inmate will be placed in Interim Level VI status.
 - 2) Within *five working days*, the Interim Level VI Classification Committee at the sending facility shall review the inmate in accordance with the procedures outlined in paragraph H (Interim Level VI Classification Committee Review).
 - 3) A Level V or Level VI packet must be completed by the sending facility for each inmate who is referred for transfer and forwarded to the Central Office Classification Bureau by the Classification Supervisor or assigned Unit Manager within *five (5) working days* following the Classification Committee referral in accordance with the procedures outlined in paragraph A, (Criteria and Procedures for Placement in Level V and VI Facilities).
 - 4) The Central Office Classification Bureau shall take action on the Interim Level VI Classification Committee referral in accordance with the procedures outlined in paragraph E.d (Central Office Procedures for Placement of Inmates in Designated Level V or VI facilities).
- b. If the inmate is approved for Level V or Level VI by the Central Office Classification Bureau, the Classification Bureau will arrange for the transport of the inmate to a designated Special Control Unit to begin serving the long-term disciplinary segregation.
- c. Upon completion of long-term disciplinary segregation at the Special Control Unit, the inmate's status will become Level V or Level VI as approved by the Central Office Classification Bureau.
- d. In the event that the inmate, while serving disciplinary segregation, engages in behavior that would change the basis for the Level V or Level VI placement, the Special Control Unit shall be responsible for making an appropriate referral to the Central Office Classification Bureau.

- e. Each time that an inmate's status changes, a new **Level VI/PHD/Disciplinary Placement** form (*CD-143001.1*) must be completed and placed in the inmate file.
- f. The Interim Level VI Classification Committee action will be entered into the CMIS.
- g. The decision of the Classification Bureau Chief, Deputy Classification Bureau Chief or a Deputy Director of Adult Prisons must be entered into the CMIS
- h. The Unit Manager will ensure that the classification officer has appropriately entered all inmate status changes into the CMIS MAP

G. Initial Level V or VI Hearing; Appeal of Placement

1. An inmate approved for placement in Level V or Level VI by the Classification Bureau Chief, Deputy Classification Bureau Chief or a Deputy Director of Adult Prisons will be given an Initial Level V or VI Hearing at which time the inmate will be given the opportunity to appeal, such appeal to be reviewed and acted upon by the Director of Adult Prisons. The Initial Level V or VI Hearing shall take place within five working days following the inmate's transfer to a Special Control Unit or approval of placement in Level V or VI.
 - a. The Unit Management Team will schedule the inmate for an Initial Level V or VI Hearing within five working days of arrival or approval. The inmate will be afforded at least a 48 hour written notice of hearing (*CD- 143001.3*), which will inform the inmate that he will be given notification of right to appeal. The inmate may waive the notice in writing. This shall also be considered the inmate's iTAP or TAP review as per (*CD-080104*).
 - b. At the Initial Level V/VI hearing, the Unit Manager or individual chairing the Initial Level V/VI hearing will read the appeal language to the inmate verbatim. The inmate will be given an appeal form, **Appeal of Level V or Level VI Placement or Retention Decision** form (*CD-143002.2*).
 - c. Following the Initial Level V or VI Hearing the Unit Manager will ensure the classification officer has appropriately entered all inmate status changes into the CMIS MAP and the OMP. (e.g. inmate status change from Interim Level VI to Level V or VI Step 1)
2. An inmate may appeal the decision of the Deputy Director of Adult Prisons, Classification Bureau Chief or Deputy Classification Bureau Chief. The appeal will be filed using the **Appeal of Level V or Level VI Placement or Retention Decision** form (*CD-143002.2*).
 - a. Appeal forms submitted to any individual other than the Deputy Warden will not require a response.

- b. The inmate must state the specific reason(s) for his or her disagreement with the decision and should include any documentation supporting their claim. The inmate shall submit only one appeal regarding his placement and must include all reasons he or she disagrees with the decision.
 - c. The inmate shall not include other issues that are not relevant to the placement decision. Such issues will not require a response.
 - d. The inmate must submit the appeal to the facility Deputy Warden no later than 15 working days after receiving the written decision.
- 3. The Deputy Warden is responsible for collecting all appeals and for maintaining a tracking system that indicates the dates that the appeals are received and forwarded to Central Office for processing using the **Level V or VI Appeal Tracking Log** form (*CD-143002.3*).
 - 4. The Director of Adult Prisons will review the appeal and is responsible for final action. The Director of Adult Prisons will inform the inmate, in writing, of the decision and such decision will be final and not subject to further appeal. This decision will be mailed to the facility Deputy Warden, who will provide a copy to the inmate.
 - 5. The Deputy Warden is responsible for providing a copy of the Director of Adult Prisons' decision to the Unit Manager who will ensure that the copy is placed in the inmate's file and that the Unit Management Team initiates any action required by the Director based on the appeal. The Deputy Warden is responsible for providing a copy of the Director of Adult Prison decision to the inmate. The decision will be delivered to the inmate by the Deputy Warden or the Unit Manager.

H. Initial Interstate Compact Transfer Review:

- 1. Inmates who have been classified to Level VI based on protection needs shall be reviewed by the Unit Management Team at a Level VI facility at the Initial Level VI hearing to determine whether they meet the eligibility criteria for interstate transfer pursuant to paragraph I **Criteria** below.
- 2. Inmates who meet the eligibility criteria for interstate transfer shall be referred by the Unit Management Team to the facility Health Services Administrator for medical review in order to determine whether the inmate can be medically cleared for interstate transfer. Final determination will be made by the NMCD Health Services Director or designee.

3. Following review of the inmate's medical status by medical staff, the facility Health Services Administrator shall provide the Unit Management Team with an **Interstate Compact Transfer Review Memorandum** that documents the following information:
 - a. Whether the inmate has been medically cleared for interstate compact transfer.
 - b. For any inmate who is not medically cleared, the Memorandum must state that the inmate has been informed by medical staff of the specific medical reasons that he or she is not medically cleared for interstate compact transfer and has been given the opportunity to discuss his medical condition with medical staff.
 - c. For any inmate who is not medically cleared, the Memorandum must also state whether the inmate still requests interstate compact transfer even though he or she is not medically cleared.
4. The facility Health Services Administrator will forward the completed **Interstate Compact Transfer Review Memorandum** to the respective Unit Manager who shall ensure that the inmate is scheduled for a **Final Interstate Compact Transfer Review** in accordance with paragraph 3 above.

I. **Criteria:**

Inmates who meet the following criteria and have consequently been segregated from general population will be referred to a Deputy Director of Adult Prisons for Interstate Corrections Compact Transfer. Inmates who are approved by a Deputy Director of Adult Prisons will be prioritized as follows:

- a. Inmates who require protection because they are unable to function in any general population in New Mexico including the LCCF or NENMDF Tier 2 Unit.
- b. Inmates who have involvement in or have directed others to engage in organized unauthorized activity, either inside or outside of the institution.
- c. Only inmates with more than three (3) years until projected release will be considered for interstate transfer.

J. **Final Interstate Compact Transfer Review:**

- a. Once the **Interstate Compact Transfer Review Memorandum** has been obtained from the facility Health Services Administrator, the Unit Management Team shall conduct a Final Interstate Compact Transfer Review hearing with the inmate.

- b. The Unit Management Team shall document whether the inmate is recommended to the Deputy Director of Adult Prisons for interstate compact transfer. For any inmate who is recommended, a packet of information as described below will be completed and forwarded to the Warden for review.
- c. If the Warden approves the recommendation, the packet will be forwarded to Central Office Classification Bureau for review.
- d. The Central Office Classification Bureau as well as the Central Office Security Threat Intelligence Unit will review the packet and make a recommendation to the Deputy Director of Adult Prisons regarding the inmate's need for interstate transfer.
- e. Interstate Corrections Compact Referral Packets shall consist of the following information:

Interstate Compact Referral Checklist form (*CD-143002.4*)

- Institutional Interstate Compact Referral Summary: A narrative summary signed by the Warden, of an inmate's criminal and institutional background, including specific reasons that the inmate is unable to function in general population as well as the specific reasons for an Out-of-State transfer request.
 - Good Time Figuring Sheet.
 - Copy of the Classification Committee's recommendation indicating the reasons for recommending interstate transfer.
 - Judgment and Sentence(s).
 - Pre-Sentence Report(s) or police report if PSR is not available;
 - Admission Summary.
 - Disciplinary Report Log indicating all misconduct during current incarceration and copies of major disciplinary reports during the past five (5) years (reporting employee's statements and sanctions).
 - Current FBI Rap Sheet.
 - Updated Enemy Alert form.
 - Escape Flyer (current photo).
 - Level V, Level VI Referral Memorandum.
 - Medical/Behavioral Health clearances for interstate transfer.
- f. Unit Management Team reviews for interstate transfer shall be entered into the CMIS as Level VI Review; OOS Transfer; OOS Referral.
 - g. The Interstate Corrections Compact Referral Packet must be completed by the Classification staff at the facility where the Interstate Transfer referral was made.

- h. At the Special Controls Unit, the Unit Manager will ensure that a tracking system is maintained that indicates the dates that the packet has been forwarded to the Warden's Office and to Central Office and the dates that the decisions on the referrals for interstate transfer are received using the **Level V/VI Release Packet/Progression to Step2/Interstate Compact Packet Tracking Log** form (*CD-143002.5*).
- i. The Central Office Interstate Compact Administrator shall forward a copy of the decision by a Deputy Director of Adult Prisons to the Unit Manager.
- j. Decisions by a Deputy Director of Adult Prisons regarding interstate transfer referrals shall be entered into the CMIS.
- k. The Central Office Interstate Compact Administrator will ensure that a tracking system is maintained indicating the dates that packets are received; the action of a Deputy Director of Adult Prisons and the date returned to the facility.
- l. The Central Office Interstate Compact Administrator will ensure that a report is submitted to the Classification Bureau Chief on a monthly basis indicating the status of inmates who have been referred for interstate transfer.



Gregg Marcantel, Secretary of Corrections
New Mexico Corrections Department

06/24/14
Date

**NEW MEXICO
CORRECTIONS DEPARTMENT
Level V or Level VI Referral Memorandum (Example)**

In preparing a letter for level V or VI placements the following must be completed:

Initial Review of Placement Documentation

Conduct a review of the **initial placement** form, supporting information and classification hard file.

- Is it clearly stated as to why the inmate was placed in Interim Level VI?
- Are there documents that clearly identify what the inmates did and they **clearly** support what was documented on the placement form.
- Review the documents for generalization and for words that are open for interpretation. These need to be avoided. There may be a need for clarifying memos from the staff involved to clear up any ambiguous language. Words or phrases to watch out for:
 - *Committed assaultive behavior (What specifically did he do)?*
 - *Did cause injury (What were the specific injuries)?*
 - *Required Medical Treatment (What was needed/done)?*
 - *Possession of a weapon (describe the weapon).*
 - *Was in possession of serious contraband (what was it)?*
 - *Aggressive stance or aggressive behavior (what exactly did the inmate do)?*
- Ensure any concluding statements you make are supported by documented facts.
 - *Inmate was the leader of the group (how the writer made this conclusion and where he got the information must clearly be documented).*
- Ensure protection cases identify **specific** enemies and/or **need** for protection. Refer to (CD-143001).
- Review the inmate file for adjustment history and determine if there are any previous behaviors that are similar or further support the need for Level V or VI placement. Unless you are placing an inmate under Placement Criteria A.2.a, only document behaviors that are similar or support the placement reason.

(i.e. for an inmate placed in Interim Level VI for trafficking drugs within the institution, you would review the file for misconduct or documented history of drug use, refusals to submit to drug tests, possession of money which is used for drug trafficking, visitors being suspended for attempting to introduce drugs. All these documents would support the inmate deals or uses drugs and support the placement. You would not want to use reports for sanitation violations, abusive words or possession of contraband (non drug related), as they really have no relation to the placement of the inmate).
- Determine which placement criteria identified in policy is supported by the documentation.
 - It is recommended that the referral focus on only **one** of the placement criteria; stacking or checking multiple criteria **does not strengthen the placement**. It only makes it more difficult to determine why the inmate is actually being placed in Level V or VI.
 - If no placement criteria have been met then the inmate needs to be released from Interim Level VI and **/or new placement documents need to be generated**.

Once it is determined that the inmate needs to be housed in Level V or VI and needs to be transferred to an appropriate Level V or VI facility the placement letter and document packet needs to be prepared.

**NEW MEXICO
CORRECTIONS DEPARTMENT
Level V or Level VI Referral Memorandum (Example)**

Writing the Level V or VI Referral Memorandum

Heading

Start by completing the basic information

To: Central Office Classification Bureau
From: Facility Warden or Deputy Warden
Re: Inmate's name and #
Date: Today's Date

Reason for placement

Provide a detailed explanation of the reason(s) the inmate is placed in level VI.

Quantity does not mean quality ----- More is not necessarily better.

Try to keep this initial information to three (3) sentences or less. Be clear, concise and to the point. (This may seem difficult at first but it can be done in most cases).

- The reason for placement should include:
 - The date of the incident;
 - The location of the incident;
 - Who was involved; must be specific to the inmate you are locking up;
 - What the specific behavior or information is that caused you to place the inmate in level VI.
- Ensure what you write in your memorandum supported by documents.
 - Each behavior you document **must** be supported by actual incident reports, misconduct reports, memos etc.
 - STG information must be supported by STIU staff and STIU file information and CMIS.
 - CI information must be clearly supported by a CI memorandum.
 - *Avoid generalizations, non-descriptive words, language with multiple meanings, or language open to interpretation.*

Adjustment History That Supports Placement:

Document the related adjustment history identified earlier.

- Provide a lead in statement on how this adjustment history relates to the placement information and further supports the need for Level V or VI.

(i.e. Inmate XYZ has a documented history of engaging in behaviors that threatens the safety of staff and other inmates. Or Inmate XYZ has been found guilty of six reports that demonstrate a history of drug trafficking or use),

- Include only the institutional history that supports the current placement reason.

Must be supported by actual misconduct report, incident reports, or memorandums, or prior Level VI placement information. Do not rely on the PHD or Level VI placement forms. Use the underlying documents.

**NEW MEXICO
CORRECTIONS DEPARTMENT
Level V or Level VI Referral Memorandum (Example)**

- **Do not just list all the reports the inmate received.** Only include those which support the placement.

(An exception would be for placement criteria which in and of themselves are the inmate's disciplinary history)

Conclusion/Policy Statement:

- Make a concluding statement;

Based on the above information, inmate XYZ has clearly demonstrated a willingness to engage in violence and other behaviors that threaten the safety of both staff and other inmates.

Based upon the above information inmate XYZ has demonstrated a history of both trafficking and use of drugs. Trafficking and or drug use increase the likelihood of violence within the institution thereby threatening the safety of both staff and inmates.

- Identify the specific Policy statement you are using to place the inmate in level VI.

Pursuant to (CD-143002) Paragraph A 1.a, inmate poses a threat to security of the institution as defined by policy. (Elaborate the reason and specific behavior).

- Make your recommendation:

Based on this information I am recommending inmate XYZ be housed in Level VI at a Level VI facility.

Things to Consider and Look For

- Ensure terminology is consistent with policy language:
 - *Level VI vs. Segregation (unless the placement was made prior to the implementation of this policy).*
 - *Involuntary Inmate Protection vs. Involuntary Protection.*
 - *Voluntary Inmate Protection vs. protective custody, voluntary protection or PC.*
 - *Validated or suspected STG vs. Known gang member.*
- Do not assume the reader knows what you know. **Have you clearly documented your thoughts?**
- Do not include information that is not specific to the placement reason.
- Do not embellish or make the information appear to be something it is not.
- **Do not include STG, street gang or disruptive group information** unless actually used as a basis for placement and is clearly part of the reason for placement and incident.
- Review the documents for generalization, words that are open for interpretation.
- Have someone that knows nothing about Level V and VI placements read your memo and see if they understand it.

**NEW MEXICO
CORRECTIONS DEPARTMENT
Level V or Level VI Referral Memorandum (Example)**

-- SAMPLE MEMORANDUM --

To: Classification Bureau Chief

From: _____, Warden

Re: Inmate John Doe NMCD# 12345

Date: _____

Basis for Placement

On February 25, 2013, inmate John Doe NMCD#12345 was placed on Interim Level VI. The basis for his placement is that he poses a threat to the security of the institution based on his assault on a staff member at XX facility with a weapon on February 8, 2013.

On February 8, 2013, during a unit check by Sgt. Employee inmate John Doe #12345 approached the Sgt. Swung his right hand toward Sgt. Employee's face. Sgt. Employee raised his left hand to cover his face and inmate Doe slashed the back of Sgt. Employee's left hand. Sgt. Employee deployed a one second burst of Phase 4 pepper spray in the head area of inmate Doe.

Correctional Officer Smith assigned to the Control Center of the housing unit saw inmate Doe approach Sgt. Employee and swing his right hand toward Sgt. Employee. C.O. Smith called for assistance in the Housing Unit.

Correctional Officer Garcia was the first responder to the Housing Unit, as he entered he saw Sgt. Employee with a cut on the back of his left hand and inmate Doe was still swinging at him with a weapon. C.O. Garcia approached inmate Doe and gave a verbal directive for him to stop and drop the weapon. Inmate Doe stopped approaching Sgt. Employee and dropped the weapon. C.O. Garcia was able to restrain inmate Doe and remove him from the housing unit.

Adjustment History That Supports Placement

Inmate Doe has a documented history of engaging in behaviors that threatens the safety of staff and other inmates.

2012-09-12 Inmate Doe was placed on Interim Level VI at GCCF based on his attempt to assault a staff member.

2012-08-13 Possession of dangerous contraband;

2012-07-11 Possession of dangerous contraband;

2011-02-04 Possession of dangerous contraband;

2010-01-31 Refusing to move or be restrained; and

2009-12-14 Possession or use of any drug.

Recommendation

Inmate meets policy criteria *CD-143002*, Page 1 paragraph A 1.a in that inmate poses a threat to the security of the institution based on his assault on Sgt. Employee February 8, 2013 at XX facility.

It is recommended that inmate Doe be placed in Level VI at a Level VI facility.

**NEW MEXICO
CORRECTIONS DEPARTMENT
Level V or VI Referral Packet Check List**

Inmate Name: _____ NMCD#: _____

All Level V or VI referrals need to be submitted to and approved by the Deputy Director of Adult Prisons or the Classification Bureau Chief. *For each level V or VI referral you must complete the checklist and sign the form indicating the packet is complete and copies of all documents have been placed in the inmates central classification file.*

A completed Level VI placement form _____

An incident or other report describing the circumstances or events leading up to the placement _____

Was confidential information used as basis for placement? Yes No
(Information received; investigation results; etc.)

If Confidential Information was used include the following documents:

1. A summary of confidential information that identifies at least four of the eight factors _____
2. The actual CI information document that contains all the information. _____

The Initial Level V or VI hearing form _____

A referral memorandum using policy format _____

- To: Central Office Classification Bureau _____
- From: Warden / Deputy Warden sending facility _____
- Inmate Name Number _____
- Basis for placement (cite specific reason for placement who, what, when, where, why) _____
- Other adjustment history cited in chronological order (most recent to past) _____
- Cite specific policy criteria for placement. _____
- STG Alert form and any supporting documentation regarding STG activity _____

A current Mental Health clearance chrono that designates either regular level V or VI or Level VI MHTC (a chrono that does not include regular/Level VI MHTC housing designation is NOT acceptable) _____

Copies of all documents are filed in the inmate's central file. (Only the Summary of CI is to be placed in the central file. Actual confidential information is to be stored in a secure location at the sending facility) _____

I certify all required documents for this level V or VI referral packet are complete and included in this packet. Copies of this packet, with the exception of original confidential information, have been placed in the inmates central classification file.

Unit Manager/Classification Supervisor

Date

Central Office Review and Action:

Denied: Specify action to be taken by facility _____

Approved For: _____

Deputy Director of Adult Prisons or Classification Bureau Chief

Date

FAX: to facility for placement in Classification file

**NEW MEXICO
CORRECTIONS DEPARTMENT
Appeal of Level V or Level VI Placement or Retention Decision**

Inmate Name _____
NMCD #

I am appealing the following (check the appropriate box):

- Level V or VI Placement: You must file your appeal within 15 calendar days after you have been advised of your right to appeal by the Level V/VI UMT
- Level VI Annual: You must file your appeal within 15 calendar days after you have received the Committee/Unit Management decision to retain you in Level VI (7 & 30 day status reviews are not appealable)
- Level V Retention – Upon Completion of Level V: You must file your appeal after you have been retained at Level V for 30 calendar days beyond your Level V completion date

Include only information relating to the placement/retention decision. If you include information or complaints that do not have to do with your placement/retention, those issues will not receive a response. Attach any documents you believe are relevant to your appeal.

I am appealing the decision based upon the following:

Inmate Signature _____
NMCD # _____
Date

SUBMIT DIRECTLY TO FACILITY DEPUTY WARDEN. COPIES MAILED TO ANY OTHER INDIVIDUAL WILL NOT REQUIRE RESPONSE.

Received by: _____
Deputy Warden _____
Date

Mailed to Director of Adult Prisons on the following date: _____

Received at Central Office on: _____

ACTION OF DIRECTOR OF ADULT PRISONS: See Attached letter response for specifics

- Grant appeal (release inmate as specified)
- Deny appeal (inmate to be retained in current status)
- Remand to UMT for further consideration, as specified in attached letter

Mailed to Facility Classification Appeals Officer on the following date: _____

Received by: _____
Deputy Warden _____
Date

Copy given to inmate:

Inmate Signature (acknowledgment of receipt) _____
Date

NEW MEXICO CORRECTIONS DEPARTMENT
INTERSTATE COMPACT REFERRAL CHECK LIST

Must have the following documents

Inmate Name: _____ **NMCD #** _____

- ___ Institutional Interstate Compact Referral Summary
- ___ Level VI Referral Memorandum
- ___ Copy of Classification Committee's recommendation (Committee Chrono)
- ___ Updated Good Time Figuring Sheet
- ___ Admission Summary (Current Crime only)
- ___ Judgment and Sentence(s) Current Crime; Pre-Sentence Report (s) or police report
- ___ Disciplinary Report Log (Indicating all misconduct during current incarceration and copies of major disciplinary reports during the last five years (reporting employee's statements and sanctions only).
- ___ STIU Memorandum (Interstate Compact Security Threat Group Questionnaire)
- ___ Updated Medical/Behavioral Health clearances for interstate transfer (**No Chrono's**)
- ___ Current FBI Rap Sheet/NCIC
- ___ Updated Enemy Alert form. (Form from CMIS)
- ___ Escape Flyer

Classification Officer Signature Date: _____

Unit Manager Signature Date: _____

| | | |
|---|--|---------------------------------|
|  <p>CD-143003</p> | <h1>NEW MEXICO CORRECTIONS DEPARTMENT</h1> <p>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always." Courage Responsibility Ethics Dedication - CREDibly serving the public safety of New Mexico</p> | |
| | ISSUE DATE: 04/30/01 | REVIEW/REVISED: 06/24/14 |
| | EFFECTIVE DATE: 04/30/02 | |
| TITLE: Level V and VI Admission, Orientation and Conditions of Confinement | | |

AUTHORITY

Policy *CD-143000*

PROCEDURES: [4-4249]

A. Admission:

1. Inmates will be provided prescribed medication, clothing, state issued property and access to basic personal items, as specified in the **Level V Table of Services** Attachment (*CD-143003.A*) for Level V inmates and in the **Level VI Table of Services** Attachment (*CD-143003.B*) for Level VI inmates, female inmates in Level V or VI in the **Level V/VI Table of Services Female Inmates** (*CD-143003.C*) for use in their cells unless there is imminent danger that the inmate, or any other inmate(s), will destroy the item, induce self-injury, or harm others.
[4-4261]
2. The appropriate staff will properly inventory and record each new inmate's authorized property in accordance with applicable policy and practice, including disposition of property that the inmate is not allowed to retain.
3. Inmates will receive institutional services, as follows, in accordance with the **Table of Services** for their designated Level and Step.

B. Orientation:

1. Inmates will be provided with an explanation of the Classification Process, Conditions of Confinement, Adjustment Controls, Behavior Program Contracts and Program Services during the orientation process.
2. Classification Officers shall be responsible to determine if inmate has goals and activities activated on the OMP and schedule inmate for an iTAP or TAP committee as needed per *CD-105000*.
3. Program Providers shall be responsible for determining if inmate has goals and activities activated that may be continued while in Level V/VI and prepare for iTAP or TAP committee as per (*CD-105000*).
4. Inmates will be placed in orientation for a period of *thirty 30 days* to provide the inmates necessary information, as follows:

- a. Minimum period of assignment for each Step;
- b. Progressive privileges of incentive Steps;
- c. Criteria for change in incentive Step; and
- d. Temporary suspension of privileges for all Steps.

C. Conditions of Confinement:

1. The conditions of confinement listed below will assist the management of the inmate population utilizing a stratified incentive program based on increased privileges for demonstrated appropriate behavior. Regular Level V/VI inmates will be placed in orientation and then through the Steps associated with their assigned Level. Level VI MHTC inmates will be initially placed in Step 2 for orientation and programming and will progress through the Steps associated with their assigned Level.
2. A Level V or Level VI in Level VI MHTC will receive credit for that period of confinement, so long as he meets required conduct requirements. Consideration will be given for the affect his mental health condition may have upon his behavior.

a. Minimum Period of Assignment:

1. Level VI

- a. Step One –30 consecutive days,
- b. Step Two – 120 consecutive days,
- c. Step Three – 120 consecutive days,
- d. Step Four – 365 days,

2. Level V

- a. Step One 30 days,
- b. Step Two 90 days,
- c. Step Three 60 days,

3. Level V/VI Women's

- a. Step One Level VI 30 days,
- b. Step Two Level V 90 days,
- c. Step Three Level V 60 days.

- b. On a weekly basis, the Unit Manager shall review the CMIS and OMP to determine those inmates who will be scheduled for progressive movement.

D. Inmates Sentenced to Death:

1. Inmates in this status shall be subject to involuntary placement and review as outlined in (*CD-143001*).
2. Inmates in this status shall be subject to conditions of confinement as per the **Table of Services**, Step 4, with the exception of congregate activity, which must be approved by the Warden.
3. Inmates placed in this status that engage in misconduct, assaultive or disruptive behavior may warrant the use of Adjustment Controls or Step reduction pursuant to these procedures.

E. Inmate Protection:

1. Inmates in this status shall be subject to voluntary or involuntary placement and review as outlined in (*CD-143001*).
2. Inmates in this status shall be provided conditions of confinement as per the **Table of Services**, Step 4, with the exception of congregate activity, which must be approved by the Warden.
3. Inmates placed in this status that engage in misconduct, assaultive or disruptive behavior may warrant the use of Adjustment Controls or Step reduction pursuant to these procedures

F. Individual Inmate Behavior Log:

1. The Unit Manager is primarily responsible for conducting reviews of all **Individual Inmate Behavior Logs** (*CD-143003.1*) and for ensuring that staff members have properly completed the logs. During evenings, weekends and holidays, it will be the responsibility of the Shift Supervisor to ensure that the logs have been completed. The Classification Officers, Housing Unit Sergeants, Unit Managers and Shift Supervisors shall indicate their review of the logs by noting their initials on each inmate's log.
2. If discrepancies are found in the behavior logs, the Unit Manager is responsible for ensuring that appropriate staff takes the necessary corrective action.
3. Any discrepancies found by the Shift Supervisor will be reported to the Unit Manager. If possible, the Shift Supervisor will take immediate corrective action.

G. Temporary Suspension of Privileges for all Steps:

1. Inmates may temporarily lose a privilege when their behavior does not meet the standards for that Step. A **Temporary Suspension of Privileges for Step System Inmates** form (*CD-143003.2*) must be completed and submitted to the Unit Management Team, which report will include the date, time, and specific behavior of the inmate that warrants suspension of privileges. The completed report will be forwarded to the Unit Manager.

This behavior management tool is separate from the Inmate Discipline Code of Conduct and separate from the requirement to report serious incidents. Inmates assigned to Level VI MHTC Level V/VI housing will be handled in accordance with Policy (CD-180500) Level VI MHTC Behavioral Health and Related Services for Level V/VI Inmates.

2. Inmates will not be sanctioned through the inmate discipline process, the behavior log, or the UMT for merely engaging in normal conversation with other inmates. Normal conversation is considered to be conversation that occurs in a normal tone and level of voice between two or more inmates, and does not contain abusive, derogatory, or inflammatory language directed at staff or other inmates and which does not disrupt the orderly operation of the facility.

3. Examples of inappropriate behavior include, but are not limited to:

- Refusal to return any portion of their utensils or food tray or any other item to staff.
- Failure to clean the cell (per posted facility Operational Rules) or maintain it in an orderly fashion.
- Poor personal hygiene.
- Pounding on the cell exercise area door, shower wall.
- Failure to comply with procedures concerning exiting to and from the shower, telephone, and exercise areas.
- Failure to turn in bedding and clothes for regular washing.
- Exhibiting disrespectful actions toward staff, other inmates, or visitors.
- Hindering the cell inspection process.
- Excessive yelling or abusive words or gestures.
- Failure to comply with/interfering with count procedures.
- For Level VI MHTC inmates, any violation of the inmate’s behavioral program contract.

2. Temporary suspension of privileges, and the duration of such suspension, will be documented by the Unit Management Team on the **Temporary Suspension of Privileges for Step System Inmates** form (CD-143003.2). Temporary suspension of privileges may include one or more of the following, within the prescribed time frames:

| <u>Privilege</u> | <u>Time Frame</u> |
|------------------------|--|
| a) Television | Three days at a time, per incident; |
| b) MP3/Cassette Player | Three days at a time per incident; |
| c) Telephone | Five days per incident; |
| d) Hot Pot | Three days at a time per incident; |
| e) Recreation Program | Two days of recreation during the week of the incident; |
| f) Visits | One visit (video or non-contact as per the Step of the affected inmate); |
| g) Tier Time (Level V) | 2 days at a time per incident. |

H. Criteria for Change in Incentive Step:

1. Inmates will be evaluated for acceptable behavior (*e.g.*, proper interaction with staff and other inmates, an absence of misconduct reports, suitable cell conditions, etc.) relating to custody issues. Assigned Classification Officers will conduct reviews of the inmate's **Individual Inmate Behavior Log** form (*CD-143003.1*) at a minimum of once per week in preparation for Unit Management Team meetings .
2. Completion of the entire cognitive education program or portions thereof will not be a prerequisite for step progression, retention, or Level completion. Failure to submit what is considered to be the correct or appropriate answer to questions in an individual lesson will not be used for step retention or step regression, or for level retention or regression.
3. An inmate who refuses to participate in his/her program assignment may receive a disciplinary report for failure to program and may be regressed due to unacceptable behavior.
4. Any significant information that is provided by an inmate to the Unit Management Team or other staff shall be documented and placed in Section V of the inmate's file.
5. This process applies to Level V/VI inmates assigned to Regular Housing or to the Level VI MHTC,

I. Level VI Step Progression Process:

- a. For all Step progressions, the Unit Management Team will review the inmate's adjustment five (5) days prior to a scheduled Step progression. The UMT will report an inmate's documented compliance with behavior standards and make a recommendation as to progression through all Steps using the **Level VI Step Progression Review** form (*CD-143003.3*).
- b. The inmate cannot appeal decisions for progressive movement through the Steps.
- c. Inmates who are reviewed by the Unit Management Team for progression must have demonstrated acceptable behavior.
- d. The Unit Manager will ensure that the classification officer has appropriately entered all inmate step progressions into the CMIS MAP and the OMP as per OMP Policy.

J. Level V Inmates Progression:

1. When the Unit Management Team evaluates a Level V inmate as a reasonable risk for recommendation Step progression, the Unit Management Team will complete the **Level V Progression** form (*CD-143003.4*)
2. The Unit Management Team will review the case with regard to established guidelines, while considering the safety of the general public, staff, inmates and the security of the Corrections Department.

3. The inmate shall be evaluated for possible progressive movement using the following criteria and any other pertinent information:
 - a. Inmate discipline history while in Level V.
 - b. Security Threat Group activity while in Level V.
 - c. Behavior while in Level V.
 - d. Staff interaction while in Level V.
 - e. Confidential information received while in Level V.
 - f. Consideration of past criminal history.
4. Inmates approved for progression from Step 1 to Step 2/3 shall also sign the **Level V Step 2/3 Program Participation Acknowledgement** form (*CD-143003.5*) prior to beginning Step 2.
5. If information surfaces during any Step indicating the inmate may have STG concerns. The Unit Manager will contact STIU to conduct an interview with the inmate to determine if progression is appropriate.
6. The Unit Manager will ensure that the classification officer has appropriately entered all inmate step progressions into the CMIS MAP and the OMP as per OMP Policy *CD-105000*.

K. Step Regression Process (Level V and VI):

1. The Step to which an inmate has been assigned may be reduced based on the following:
2. The Unit Management Team will submit a recommendation for Step reduction to the Deputy Warden using the appropriate step progression form. The recommendation will include an incident report(s) and/or an administrative memorandum that documents the inmate's inappropriate behavior and a copy of the behavior log entry.
3. An inmate in Level V or VI who fails to comply with assigned programming or exhibits unacceptable behavior may be recommended for Step regression. The UMT will forward a recommendation for assignment to a specific Step to the Deputy Warden for a final decision. The UMT recommendation for Step regression may only be implemented when reviewed and approved by the Deputy Warden.
 - a. Step reduction or retention for Level VI MHTC assigned inmates will also be handled in accordance with *Policy (CD-180500) Level VI MHTC Mental Health and Related Services for Level V/VI Inmates*.
 - b. The Unit Manager will ensure that the classification officer has appropriately entered all inmate step regressions into the CMIS MAP and the OMP as per OMP Policy *CD-105000*.

4. At any point in time while an inmate is placed in Level V, the inmate engages in such disruptive behavior that Adjustment Controls, Behavioral Program Contracts, or a change in Step is not sufficient to address, a review will be conducted by the Unit Management Team (Unit Manager, classification, mental health, education, security) to determine if continued placement in Level V is appropriate. Upon completion of this review, if the decision is that placement in Level V is no longer appropriate, placement at Level VI is to be initiated by the Unit Management Team. The UMT will conduct a Level V/VI Classification Committee Review and make a referral, with the Warden's approval, to the Classification Bureau Chief, Deputy Classification Bureau Chief or a Deputy Director of Adult Prisons. The referral will be made through completion of a Level VI referral packet in accordance procedure (CD-143002).



Gregg Marcantel, Secretary of Corrections
New Mexico Corrections Department

06/24/14
Date

LEVEL V TABLE OF SERVICES Attachment (CD-143003.A)

| | Area | Level V Step 1 Minimum of 30 days | Level V Step 2 Minimum 90 days | Level V Step 3 Minimum of 60 days | Adjustment Controls |
|------------------------------|---|---|---|---|---|
| State Issued Property | State Issue Clothing | 3 yellow shirts and trousers 7 pairs of socks 7 pairs of undershorts 1 laundry bag | 3 yellow shirts and trousers 7 pairs of socks 7 pairs of undershorts 1 laundry bag | 3 yellow shirts and trousers 7 pairs of socks 7 pairs of undershorts 1 laundry bag | 1 pair undershorts 1 pair of socks 1 jumpsuit |
| | Linens | 2 sheets 2 blankets 1 pillow 1 mattress 2 towels | 2 sheets 2 blankets 1 pillow 1 mattress 2 towels | 2 sheets 2 blankets 1 pillow 1 mattress 2 towels | 2 sheets 1 blankets 1 pillow 1 mattress |
| | State Issues Hygiene Items | 1 toothpaste 1 safety toothbrush 1 soap 1 roll toilet paper | 1 toothpaste 1 safety toothbrush 1 soap 1 roll toilet paper | 1 toothpaste 1 safety toothbrush 1 soap 1 roll toilet paper | None: Will be able to brush teeth daily |
| | State Issued Hygiene Items (Indigent Inmates only) | 1 shampoo 1 deodorant | 1 shampoo 1 deodorant | 1 shampoo 1 deodorant | None |
| | Foot Locker (or other accommodation for property) | 1 footlocker | 1 footlocker | 1 footlocker | None |
| Personal Property | Personal Clothing | 1 gray sweat pants 1 gray sweat shirt 3 tee shirts (white) 1 pair gray gym shorts | 1 gray sweat pants 1 gray sweat shirt 3 tee shirts (white) 1 pair gray gym shorts | 1 gray sweat pants 1 gray sweat shirt 3 tee shirts (white) 1 pair gray gym shorts | None |
| | Personal Hygiene (Canteen maximum of 2 of any one item) | 1 shampoo 1 toothpaste 1 soap 1 deodorant | 1 shampoo 1 toothpaste 1 soap 1 deodorant | 1 shampoo 1 toothpaste 1 soap 1 deodorant | None |
| | MP3/Cassette Player and Tapes | 1 MP3 or Cassette Player 10 cassette tapes | 1 MP3 or Cassette Player 10 cassette tapes | 1 MP3 or Cassette Player 10 cassette tapes | None |
| | Watch | 1 watch | 1 watch | 1 watch | None |
| | Photos | 20 photos only | 25 photos only | 1 photo album (12" x 12") | None |
| | Cap/Hat | Seasonal, work or religious at discretion of UMT and approval DW | Seasonal, work or religious at discretion of UMT and approval DW | Seasonal, work or religious at discretion of UMT and approval DW | None |

| | | | | | |
|------------------------|--|--|--|--|---|
| | Shower Shoes Tennis Shoes | 1 pair each | 1 pair each | 1 pair each | None |
| | Hot Pot | 1 as approved by UMT | 1 as approved by UMT | 1 as approved by UMT | None |
| | Drinking Cup | 1 cup | 1 cup | 1 cup | None |
| | Sunglasses (allowed if prescribed and provided by Medical) | None | None | None | None |
| | Prescription Glasses | 1 pair | 1 pair | 1 pair | 1 pair |
| | Correspondence (max allowed in possession, unlimited receipt but must destroy or send home any in excess of max allowable) | 8 letters | 9 letters | 10 letters | None |
| | Wedding Ring | 1 only | 1 only | 1 only | 1 only |
| Hygiene | Razor Controlled Issuance | Yes | Yes | Yes | None |
| | Showers | 5 x per week | 5 x per week | 5 x per week | None first 72 hrs 3x per week thereafter |
| | Barber Services | As scheduled | As scheduled | As scheduled | None |
| Canteen | Canteen | \$40.00/week total for all items Any from List A and B; | \$50.00/week total for all items Any from List A and B; | \$55.00/week total for all items | None for an initial 72 hr period After 72 hrs at discretion of UMT |
| Religious Items | Religious Items | 1 item to be worn around the neck (necklace or medicine bag) 2 small religious items(rosary or feather etc) 2 religious books (bible or Koran etc) 1 head covering (kufi, yarmulke, Native American Headband 1 religious cards (oracle, rune, tarot etc) | 1 item to be worn around the neck (necklace or medicine bag) 2 small religious items(rosary or feather etc) 2 religious books (bible or Koran etc) 1 head covering (kufi, yarmulke, Native American Headband 1 religious cards (oracle, rune, tarot etc) | 1 item to be worn around the neck (necklace or medicine bag) 2 small religious items(rosary or feather etc) 2 religious books (bible or Koran etc) 1 head covering (kufi, yarmulke, Native American Headband 1 religious cards (oracle, rune, tarot etc) | None |

| | | | | | |
|----------------------|---|--|--|--|--|
| Recreation/Leisure | Recreation (may wear gray sweats) | 5x per week in an outdoor recreation area weather permitting Non-congregate | 5x per week in an outdoor recreation area weather permitting Congregate | 5x per week in an outdoor recreation area weather permitting Congregate | None for initial 72 hours After 72 hrs at discretion of UMT Non-congregate only |
| | Tier Time | None | 1 hr 5x per week | 2 hrs 5x per week | None |
| | In-House Hobby Crafts (Approved by application) | As approved by Unit Manager | As approved by Unit Manager | As approved by Unit Manager | None |
| Visits/ Telephone | Visiting | 6-2hr visits per month Schedule to be determined by facility | 8-2hr visits per month Schedule to be determined by facility | 8-2hr visits per month Schedule to be determined by facility | None |
| | Telephone | 8 – 20 minute calls per month | 10 – 20 minute calls per month | 12 – 20 minute calls per month | None |
| TV | Television (allowed by not provided) | 1 12”-13” set for program delivery and recreational interests | 1 12”-13” set for program delivery and recreational interests | 1 12”-13” set for program delivery and recreational interests | None |
| Programs | Education | Yes | Yes | Yes | None |
| | Group Programs | None | Yes | Yes | None |
| | Work | None | Yes | Yes | None |
| | Religious Access | Volunteer religious advisor approved by Warden Chaplain visits TV programs | Volunteer religious advisor approved by Warden Chaplain visits TV programs | Volunteer religious advisor approved by Warden Chaplain visits TV programs | None |
| | Pipe and Smudge Stick | 1 x every 30 days | 1 x every 30 days | 1 x every 30 days | None |
| | Sweat Lodge | 1 x every 30 days Individual | 1 x every 30 days Congregate with DW Approval | 1 x every 30 days Congregate with DW Approval | None |
| | Meals | Delivered to cell | Up to 2 meals with tier outside of cell | Up to 2 meals with Pod outside of cell | Delivered to cell |

| | | | | | |
|------------------------|--|---|---|---|-----------------|
| Legal Access | Legal Access | Per CD-121000 | Per CD-121000 | Per CD-121000 | Warden Approval |
| | Attorney Calls | Per CD-150300 | Per CD-150300 | Per CD-150300 | Warden Approval |
| | Attorney Visits | Yes | Yes | Yes | Warden Approval |
| | Legal Materials | Current Pending + cases inmates is planning to file | Current Pending + cases inmates is planning to file | Current Pending + cases inmates is planning to file | Warden Approval |
| Library Correspondence | Personal Reading materials | 3 books 3 magazines | 3 books 3 magazines | 3 books 3 magazines | None |
| | General Library | 3 books | 3 books | 3 books | None |
| | Writing Materials Replenish able up to 10 sheets if not misused | 10 sheets of writing paper 1 security pen 5 envelopes | 10 sheets of writing paper 1 security pen 5 envelopes | 10 sheets of writing paper 1 security pen 5 envelopes | None |

LEVEL VI TABLE OF SERVICES Attachment (CD-143003.B)

| | Area | Level VI Step 1 Minimum of 30 days | Level VI Step 2 Minimum 120 days | Level VI Step 3 Minimum of 120 days | Level VI Step 4 Review in 365 days | Adjustment Controls |
|------------------------------|---|---|---|---|---|---|
| State Issued Property | State Issue Clothing | 3 yellow shirts and trousers 7 pairs of socks 7 pairs of undershorts 1 laundry bag | 3 yellow shirts and trousers 7 pairs of socks 7 pairs of undershorts 1 laundry bag | 3 yellow shirts and trousers 7 pairs of socks 7 pairs of undershorts 1 laundry bag | 3 yellow shirts and trousers 7 pairs of socks 7 pairs of undershorts 1 laundry bag | 1 pair undershorts 1 pair of socks 1 jumpsuit |
| | Linens | 2 sheets 2 blankets 1 pillow 1 mattress 2 towels | 2 sheets 2 blankets 1 pillow 1 mattress 2 towels | 2 sheets 2 blankets 1 pillow 1 mattress 2 towels | 2 sheets 2 blankets 1 pillow 1 mattress 2 towels | 2 sheets 1 blankets 1 pillow 1 mattress |
| | State Issues Hygiene Items | 1 toothpaste 1 safety toothbrush 1 soap 1 roll toilet paper | 1 toothpaste 1 safety toothbrush 1 soap 1 roll toilet paper | 1 toothpaste 1 safety toothbrush 1 soap 1 roll toilet paper | 1 toothpaste 1 safety toothbrush 1 soap 1 roll toilet paper | None: Will be able to brush teeth daily |
| | State Issued Hygiene Items (Indigent Inmates only) | 1 shampoo 1 deodorant | 1 shampoo 1 deodorant | 1 shampoo 1 deodorant | 1 shampoo 1 deodorant | None |
| | Foot Locker (or other accommodation for property) | 1 footlocker | 1 footlocker | 1 footlocker | 1 footlocker | None |
| Personal Property | Personal Clothing | 1 gray sweat pants 1 gray sweat shirt 3 tee shirts (white) 1 pair gray gym shorts | 1 gray sweat pants 1 gray sweat shirt 3 tee shirts (white) 1 pair gray gym shorts | 1 gray sweat pants 1 gray sweat shirt 3 tee shirts (white) 1 pair gray gym shorts | 1 gray sweat pants 1 gray sweat shirt 3 tee shirts (white) 1 pair gray gym shorts | None |
| | Personal Hygiene (Canteen maximum of 2 of any one item) | 1 shampoo 1 toothpaste 1 soap 1 deodorant | 1 shampoo 1 toothpaste 1 soap 1 deodorant | 1 shampoo 1 toothpaste 1 soap 1 deodorant | 1 shampoo 1 toothpaste 1 soap 1 deodorant | None |
| | MP3/Cassette Player and Tapes | None | 1 MP3 or Cassette Player | 1 MP3 or Cassette Player | 1 MP3 or Cassette Player | None |

| | | | | | | |
|----------------|--|--|--|--|--|---|
| | | | 6 cassette tapes(with Monthly exchange) | 8 cassette tapes (with monthly exchange) | 10 cassette tapes | |
| | Watch | 1 watch | 1 watch | 1 watch | 1 watch | None |
| | Photos | 5 photos only | 10 photos only | 15 photos only | 20 photos only | None |
| | Cap/Hat | Seasonal, work or religious at discretion of UMT and approval DW | Seasonal, work or religious at discretion of UMT and approval DW | Seasonal, work or religious at discretion of UMT and approval DW | Seasonal, work or religious at discretion of UMT and approval DW | None |
| | Shower Shoes Tennis Shoes | 1 pair each | 1 pair each | 1 pair each | 1 pair each | None |
| | Hot Pot | None | None | 1 if approved by UMT | 1 as approved by UMT | None |
| | Drinking Cup | 1 cup | 1 cup | 1 cup | 1 cup | None |
| | Sunglasses (allowed if prescribed and provided by Medical) | None | None | None | None | None |
| | Prescription Glasses | 1 pair |
| | Correspondence (max allowed in possession, unlimited receipt but must destroy or send home any in excess of max allowable) | 3 letters | 4 letters | 5 letters | 8 letters | None |
| | Wedding Ring | 1 only |
| Hygiene | Razor Controlled Issuance | Yes | Yes | Yes | Yes | None |
| | Showers | 5 x per week | 5 x per week | 5 x per week | 5x per week | None first 72 hrs 3x per week thereafter |
| | Barber Services | As scheduled | As scheduled | As scheduled | As scheduled | None |
| Canteen | Canteen | None | \$20.00/week total for all items | \$35.00/week total for all items | \$50.00/week total for all items | None for an initial 72 hr period After 72 hrs at discretion of UMT |

| | | | | | | |
|------------------------|-----------------|--|--|--|--|------|
| Religious Items | Religious Items | 1 item to be worn around the neck (necklace or medicine bag) 2 small religious items(rosary or feather etc) 2 religious books (bible or Koran etc) 1 head covering (kufi, yarmulke, Native American Headband 1 religious cards (oracle, rune, tarot etc) | 1 item to be worn around the neck (necklace or medicine bag) 2 small religious items(rosary or feather etc) 2 religious books (bible or Koran etc) 1 head covering (kufi, yarmulke, Native American Headband 1 religious cards (oracle, rune, tarot etc) | 1 item to be worn around the neck (necklace or medicine bag) 2 small religious items(rosary or feather etc) 2 religious books (bible or Koran etc) 1 head covering (kufi, yarmulke, Native American Headband 1 religious cards (oracle, rune, tarot etc) | 1 item to be worn around the neck (necklace or medicine bag) 2 small religious items(rosary or feather etc) 2 religious books (bible or Koran etc) 1 head covering (kufi, yarmulke, Native American Headband 1 religious cards (oracle, rune, tarot etc) | None |
|------------------------|-----------------|--|--|--|--|------|

| | | | | | | |
|---------------------------|---|---|--|--|--|---|
| Recreation/Leisure | Recreation (may wear gray sweats) | 5xper week in an outdoor recreation area weather permitting Non-congregate | 5x per week in an outdoor recreation area weather permitting Congregate | 5x per week in an outdoor recreation area weather permitting Congregate | 5x per week in an outdoor recreation area weather permitting Congregate | None for initial 72 hours After 72 hrs at discretion of UMT Non-congregate only |
| | Tier Time | None | None | None | None | None |
| | In-House Hobby Crafts (Approved by application) | None | As approved by Unit Manager | As approved by Unit Manager | As approved by Unit Manager | None |
| Visits/Telephone | Visiting | None | 4-2hr visits per month Schedule to be determined by facility | 6-2hr visits per month Schedule to be determined by facility | 8-2hr visits per month Schedule to be determined by facility | None |
| | Telephone | 2 – 20 minute | 4 – 20 minute calls | 6 – 20 minute calls | 10 – 20 minute | None |

| | | | | | | |
|-------------------------------|---|--|--|--|--|-------------------|
| | | calls per month | per month | per month | calls per month | |
| TV | Television (allowed by not provided) | 1 12"-13" set for program delivery and recreational interests | 1 12"-13" set for program delivery and recreational interests | 1 12"-13" set for program delivery and recreational interests | 1 12"-13" set for program delivery and recreational interests | None |
| Programs | Education | Yes | Yes | Yes | Yes | None |
| | Group Programs (non-contact) | None | Yes | Yes | Yes | None |
| | Work | None | Yes | Yes | Yes | None |
| | Religious Access | Volunteer religious advisor approved by Warden Chaplain visits TV programs | Volunteer religious advisor approved by Warden Chaplain visits TV programs | Volunteer religious advisor approved by Warden Chaplain visits TV programs | Volunteer religious advisor approved by Warden Chaplain visits TV programs | None |
| | Pipe and Smudge Stick | None | 1 x every 60 days | 1 x every 40 days | 1 x every 30 days | None |
| | Sweat Lodge | None | 1 at mid-point of step | 2 during the step for up to 6 hrs non congregate | 1 every 60 days for up to 6 hrs(may be congregate as approved by Warden) | None |
| | Meals | Delivered to cell | Delivered to cell | Delivered to cell | Delivered to cell | Delivered to cell |
| Legal Access | Legal Access | Per CD-121000 | Per CD-121000 | Per CD-121000 | Per CD-121000 | Warden Approval |
| | Attorney Calls | Per CD-150300 | Per CD-150300 | Per CD-150300 | Per CD-150300 | Warden Approval |
| | Attorney Visits | Yes | Yes | Yes | Yes | Warden Approval |
| | Legal Materials | Current Pending + cases inmates is planning to file | Current Pending + cases inmates is planning to file | Current Pending + cases inmates is planning to file | Current Pending + cases inmates is planning to file | Warden Approval |
| Library Correspondence | Personal Reading materials | 3 books 3 magazines | 3 books 3 magazines | 3 books 3 magazines | 3 books 3 magazines | None |
| | General Library | 3 books | 3 books | 3 books | 3 books | None |
| | Writing Materials Replenish able up to 10 sheets if not misused | 10 sheets of writing paper 1 security pen 5 envelopes | 10 sheets of writing paper 1 security pen 5 envelopes | 10 sheets of writing paper 1 security pen 5 envelopes | 10 sheets of writing paper 1 security pen 5 envelopes | None |

LEVEL V/VI TABLE OF SERVICES FEMALE INMATES Attachment (CD-143003.C)

| | Area | Level VI Step 1 Minimum of 30 days | Level V Step 2 Minimum 90 days | Level V Step 3 Minimum of 60 days | Adjustment Controls |
|------------------------------|---|---|---|---|--|
| State Issued Property | State Issue Clothing | 3 yellow shirts and trousers 7 pairs of socks 7 pairs of undershorts 4 bras 1 laundry bag | 3 yellow shirts and trousers 7 pairs of socks 7 pairs of undershorts 4 bras 1 laundry bag | 3 yellow shirts and trousers 7 pairs of socks 7 pairs of undershorts 4 bras 1 laundry bag | 1 pair undershorts 1 bra 1 pair of socks 1 jumpsuit |
| | Linens | 2 sheets 2 blankets 1 pillow 1 mattress 2 towels | 2 sheets 2 blankets 1 pillow 1 mattress 2 towels | 2 sheets 2 blankets 1 pillow 1 mattress 2 towels | 2 sheets 1 blankets 1 pillow 1 mattress |
| | State Issues Hygiene Items | 1 toothpaste 1 safety toothbrush 1 soap 1 roll toilet paper | 1 toothpaste 1 safety toothbrush 1 soap 1 roll toilet paper | 1 toothpaste 1 safety toothbrush 1 soap 1 roll toilet paper | None: Will be able to brush teeth daily |
| | State Issued Hygiene Items (Indigent Inmates only) | 1 shampoo 1 deodorant | 1 shampoo 1 deodorant | 1 shampoo 1 deodorant | None |
| | Foot Locker (or other accommodation for property) | 1 footlocker | 1 footlocker | 1 footlocker | None |
| Personal Property | Personal Clothing | 1 gray sweat pants 1 gray sweat shirt 3 bras 3 tee shirts (white) 1 pair gray gym shorts | 1 gray sweat pants 1 gray sweat shirt 3 bras 3 tee shirts (white) 1 pair gray gym shorts | 1 gray sweat pants 1 gray sweat shirt 3 bras 3 tee shirts (white) 1 pair gray gym shorts | None |
| | Personal Hygiene (Canteen maximum of 2 of any one item) | 1 shampoo 1 toothpaste 1 soap 1 deodorant Sanitary napkins as needed | 1 shampoo 1 toothpaste 1 soap 1 deodorant Sanitary napkins as needed | 1 shampoo 1 toothpaste 1 soap 1 deodorant Sanitary napkins as needed | None |
| | MP3/Cassette Player and Tapes | 1 MP3 or Cassette Player 8 cassette tapes | 1 MP3 or Cassette Player 10 cassette tapes | 1 MP3 or Cassette Player 10 cassette tapes | None |
| | Watch | 1 watch | 1 watch | 1 watch | None |
| | Photos | 15 photos only | 25 photos only | 1 photo album (12" x 12") | None |
| | Cap/Hat | Seasonal, work or religious at discretion of UMT and | Seasonal, work or religious at discretion of UMT and | Seasonal, work or religious at discretion of UMT and | None |

| | | | | | |
|------------------------|--|--|--|--|---|
| | | approval DW | approval DW | approval DW | |
| | Shower Shoes | 1 pair each | 1 pair each | 1 pair each | None |
| | Tennis Shoes | | | | |
| | Hot Pot | None | 1 as approved by UMT | 1 as approved by UMT | None |
| | Drinking Cup | 1 cup | 1 cup | 1 cup | None |
| | Sunglasses (allowed if prescribed and provided by Medical) | None | None | None | None |
| | Prescription Glasses | 1 pair | 1 pair | 1 pair | 1 pair |
| | Correspondence (max allowed in possession, unlimited receipt but must destroy or send home any in excess of max allowable) | 5 letters | 9 letters | 10 letters | None |
| Wedding Ring | 1 only | 1 only | 1 only | 1 only | |
| | Earrings | 2 pair max value \$25 | 2 pair max value \$25 | 2 pair max value \$25 | None |
| Hygiene | Razor Controlled Issuance | Yes | Yes | Yes | None |
| | Showers | 5 x per week | 5 x per week | 5 x per week | None first 72 hrs 3x per week thereafter |
| | Barber Services | As scheduled | As scheduled | As scheduled | None |
| Canteen | Canteen | \$25.00/week total for all items | \$35.00/week total for all items | \$40.00/week total for all items | None for an initial 72 hr period After 72 hrs at discretion of UMT |
| Religious Items | Religious Items | 1 item to be worn around the neck (necklace or medicine bag) 2 small religious items(rosary or feather etc) 2 religious books (bible or Koran etc) 1 head covering (kufi, yarmulke, Native American Headband 1 religious cards (oracle, rune, tarot etc) | 1 item to be worn around the neck (necklace or medicine bag) 2 small religious items(rosary or feather etc) 2 religious books (bible or Koran etc) 1 head covering (kufi, yarmulke, Native American Headband 1 religious cards (oracle, rune, tarot etc) | 1 item to be worn around the neck (necklace or medicine bag) 2 small religious items(rosary or feather etc) 2 religious books (bible or Koran etc) 1 head covering (kufi, yarmulke, Native American Headband 1 religious cards (oracle, rune, tarot etc) | None |

| | | | | | |
|---------------------------------------|---|--|--|--|--|
| Recreation/Leisure | Recreation (may wear gray sweats) | 5x per week in an outdoor recreation area weather permitting Non-congregate | 5x per week in an outdoor recreation area weather permitting Congregate | 5x per week in an outdoor recreation area weather permitting Congregate | None for initial 72 hours After 72 hrs at discretion of UMT Non-congregate only |
| | Tier Time | None | 1 hr 5x per week | 2 hrs 5x per week | None |
| | In-House Hobby Crafts (Approved by application) | As approved by Unit Manager | As approved by Unit Manager | As approved by Unit Manager | None |
| Visits/Telephone | Visiting | 6-2hr visits per month Schedule to be determined by facility | 8-2hr visits per month Schedule to be determined by facility | 8-2hr visits per month Schedule to be determined by facility | None |
| | Telephone | 8 – 20 minute calls per month | 10 – 20 minute calls per month | 12 – 20 minute calls per month | None |
| Programs | Education | Yes | Yes | Yes | None |
| | Group Programs | None | Yes | Yes | None |
| | Work | None | Yes | Yes | None |
| | Religious Access | Volunteer religious advisor approved by Warden Chaplain visits TV programs | Volunteer religious advisor approved by Warden Chaplain visits TV programs | Volunteer religious advisor approved by Warden Chaplain visits TV programs | None |
| | Pipe and Smudge Stick | 1 x every 30 days | 1 x every 30 days | 1 x every 30 days | None |
| | Sweat Lodge | 1 x every 30 days Individual | 1 x every 30 days Congregate with DW Approval | 1 x every 30 days Congregate with DW Approval | None |
| | Meals | Delivered to cell | Up to 2 meals with tier outside of cell | Up to 2 meals with Pod outside of cell | Delivered to cell |
| Legal Access | Legal Access | Per CD-121000 | Per CD-121000 | Per CD-121000 | Warden Approval |
| | Attorney Calls | Per CD-150300 | Per CD-150300 | Per CD-150300 | Warden Approval |
| | Attorney Visits | Yes | Yes | Yes | Warden Approval |
| | Legal Materials | Current Pending + cases inmates is planning to file | Current Pending + cases inmates is planning to file | Current Pending + cases inmates is planning to file | Warden Approval |
| Y Co rre sp on | Personal Reading materials | 3 books 3 magazines | 3 books 3 magazines | 3 books 3 magazines | None |

| | | | | | |
|--|---|---|---|---|------|
| | General Library | 3 books | 3 books | 3 books | None |
| | Writing Materials Replenish able up to 10 sheets if not misused | 10 sheets of writing paper 1 security pen 5 envelopes | 10 sheets of writing paper 1 security pen 5 envelopes | 10 sheets of writing paper 1 security pen 5 envelopes | None |

(CD-143004.C) 1 of 4 pages.

**NEW MEXICO
CORRECTIONS DEPARTMENT**

Temporary Suspension of Privileges for Level V/VI Inmates

| | | | |
|-------|-------|--------------|-------|
| Name: | NMCD# | Housing Unit | Date: |
|-------|-------|--------------|-------|

GIVE BRIEF DESCRIPTION OF INCIDENT: _____

_____.

Submitting Employee Date

CHECK ONLY THOSE AREAS WHICH APPLY. Every item checked must have a beginning and ending date in order for this form to be valid.

1. _____ **TELEVISION.** Maximum of three days per incident

Begin Date: _____ Begin Time: _____ am pm
End Date: _____ End Time: _____ am pm

2. _____ **TELEPHONE.** Maximum of five days per incident

Begin Date: _____ Begin Time: _____ am pm
End Date: _____ End Time: _____ am pm

3. _____ **MP3 or CASSETTE PLAYER AND TAPES.** Maximum of three days per incident

Begin Date: _____ Begin Time: _____ am pm
End Date: _____ End Time: _____ am pm

4. _____ **RECREATION.** Maximum of two days per incident

Begin Date: _____ Begin Time: _____ am pm
End Date: _____ End Time: _____ am pm

5. _____ **VISITS.** One visit as defined per step

Begin Date: _____ Begin Time: _____ am pm
End Date: _____ End Time: _____ am pm

6. _____ **HOT POT.** Maximum of three days per incident

Begin Date: _____ Begin Time: _____ am pm
End Date: _____ End Time: _____ am pm

7. _____ **TIER TIME.** Maximum of two days per incident

Begin Date: _____ Begin Time: _____ am pm
End Date: _____ End Time: _____ am pm

APPROVED BY UNIT MANAGEMENT TEAM

Name: _____ s/_____
Name: _____ s/_____
Name: _____ s/_____

xc: Deputy Warden Unit Manager
Housing Sgt/Lt Classification Officer
Shift Supervisor Inmate File

**NEW MEXICO
 CORRECTIONS DEPARTMENT
Level VI Step Progression Review**

| | | | |
|------|-------|--------------|--------|
| NAME | NMCD# | HOUSING UNIT | STATUS |
|------|-------|--------------|--------|

INMATE IS BEING REVIEWED FOR:

STEP 1 REVIEW

Decision: Retain at Step 1 Advance to Step 2 Regress Effective _____

STEP 2 REVIEW

Decision: Retain at Step 2 Advance to Step 3 Regress Effective _____

STEP 3 REVIEW

Decision: Retain at Step 3 Regress Effective _____

STEP 4 REVIEW

Decision: Retain at Step 4 Regress Effective _____

(Step regressions may only be implemented if reviewed and approved by the Deputy Warden.)

UMT REVIEW AND JUSTIFICATION

Total consecutive days clear conduct: _____

Justification:

Date: _____

Unit Officer _____

Date: _____

Classification Officer _____

Date: _____

Other _____

Date: _____

Mental Health staff (for retention and regression)

Approve Denied

 Unit Manager

Approve Denied

 Deputy Warden (for regressions only)

NEW MEXICO
 CORRECTIONS DEPARTMENT
 Level V Step Progression Review

| | | | |
|--------------|--------------|---------------------|---------------|
| <i>Name:</i> | <i>NMCD#</i> | <i>Housing Unit</i> | <i>Status</i> |
|--------------|--------------|---------------------|---------------|

INMATE IS BEING REVIEWED FOR:

STEP 1 REVIEW
 Decision: Retain at Step 1 Advance to Step 2 Regress Effective _____

STEP 2 REVIEW
 Decision: Retain at Step 2 Advance to Step 3 Regress Effective _____

STEP 3 REVIEW
 Decision: Regress Effective _____

(Step regressions may only be implemented if reviewed and approved by the Deputy Warden.)

UMT REVIEW AND JUSTIFICATION

Total consecutive days clear conduct: _____

Justification:

| | |
|------------------------|-------------|
| _____ | Date: _____ |
| Unit Officer | Date: _____ |
| _____ | Date: _____ |
| Classification Officer | Date: _____ |
| _____ | Date: _____ |
| Other | Date: _____ |

Mental Health staff (for retention and regression)

Approve Denied

 Unit Manager

Approve Denied

 Deputy Warden (for regressions only)

**NEW MEXICO
CORRECTIONS DEPARTMENT
Level V -- Step 2/3 Program Participation Acknowledgment**

| | | | |
|-------|-------|---------------|-------|
| NAME: | NMCD# | HOUSING UNIT: | DATE: |
|-------|-------|---------------|-------|

I acknowledge that by signing this form, which I have read and had explained to me, I am willing to participate in Step 2/3 and abide by the conduct requirements.

Further, I understand that:

1. My behavior and attitude while in my assigned Step will be closely monitored. Inappropriate behavior or a poor attitude may result in a review for placement in a more restrictive Step.
2. All disciplinary reports I receive may result in a review for placement in a more restrictive Step.
3. Violations of Operational Rules or behavior that hinders the operation of the unit may result in a review for placement in a more restrictive Step.
4. Failure to progress through programming in my assigned Step may result in a review for placement in a more restrictive Step.
5. Refusal to sign this document will result in a review for placement in a more restrictive Step.
6. If my behavior warrants and I meet the criteria outlined in policy, I may be considered for placement in Level VI.

Inmate Signature

Date

Staff Signature

Date

| | | |
|---|--|---|
|  <p>CD-143004</p> | <p align="center">NEW MEXICO CORRECTIONS DEPARTMENT</p> <p align="center"><small>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always." Courage Responsibility Ethics Dedication - CREDibly serving the public safety of New Mexico</small></p> | |
| | <p>ISSUE DATE: 04/30/01</p> <p>EFFECTIVE DATE: 04/30/02</p> | <p>REVIEW/REVISED: 06/24/14</p> |
| | <p>TITLE: Level V/VI Release Procedures</p> | |

A. Level I VI Classification Committee Transfer/ Custody Reviews:

1. On a monthly basis, the Unit Manager shall review the CMIS Release Report to determine those inmates who will be scheduled for progressive movement from Level VI, step 3 for that month. Any inmate who is classified to Level VI shall be reviewed by the Unit Management Team. The UMT will conduct a Level V/VI Classification Committee Review at least *five (5) days* prior to the scheduled progressive movement.
2. A Deputy Director of Adult Prisons Division shall approve any inmate who is released from Level VI to a lower Prison Security Level, pursuant to Paragraph, below

B. Level VI Inmates: Evaluation and Recommendation for Reclassification to Lower Level: [4-4250]

1. If the UMT believes at any point in time, for any reason, that placement in Level VI is no longer appropriate; they may recommend release from Level VI. A Level VI inmate who has successfully completed Steps 1, 2 and 3 of Level VI may be considered for placement in Level V. The inmate must have completed the minimum amount of time at Steps 1, 2 and 3 in Level VI.
2. The UMT will review the case with regard to established guidelines, while considering the safety of the general public, staff, inmates and the security of the Corrections Department. They will complete the **Unit Management Team Review for Release from Level V or VI form (CD-143004.1)**.
3. Level V/VI Classification Committee Review will be conducted and the UMT recommendation and subsequent review and recommendation by the Warden will be forwarded for final decision by a Deputy Director of the Adult Prisons Division.
4. The Unit Management Team shall evaluate security concerns that an inmate's movement to a less secure environment would present. The Unit Management Team will submit information requests to; the inmate's assigned classification officer **Classification Level VI Release Investigation, (CD-143004.2)**; and to the Housing Unit Sergeant or equivalent position **HU Sergeant Level VI Release Investigation, (CD-143004.3)**.

5. The Security Threat Intelligence Unit Coordinator or designee will complete an Individual Security Threat Assessment in accordance with *CD-131506* on every inmate 30 days prior to his release from Level VI Step 3. The Unit Manager will be responsible for providing a list of inmates to the STIU Coordinator at least 30 days prior to each inmate's completion of Level VI Step 3.
6. The inmate shall be evaluated for possible progressive movement using the following criteria and any other pertinent information:
 - a. The original reason for placement in Level VI.
 - b. Inmate discipline history.
 - c. Multiple Level V or VI placements.
 - d. Security Threat Group activity.
 - e. Prior escapes.
 - f. Time to parole eligibility date/mandatory release date.
 - g. Age of inmate.
 - h. The inmate's history of and propensity for institutional violence.
 - i. Behavior while in Level VI.
 - j. Projected behavior at a less secure facility based on past history.
 - k. Staff interaction.
 - l. Confidential information.
 - m. Consideration of past criminal history.
 - n. Step 3 status for a minimum of 120 consecutive days, with clear conduct.
7. The Level V/VI Classification Committee Review will be entered/updated into the CMIS.
8. Inmates who are approved for release from Level VI may be referred to Level III, IV, or V.
9. Mental health staff will be part of the Unit Management Team that makes the classification decisions regarding placement of inmates released from VI, and mental health staff can provide any input at that time.
10. The Classification Officer will ensure that a copy of the Level VI release packet is placed in the inmate file prior to submitting the original packet to the Warden's office for review.
11. In the absence of the Warden, the designated Acting Warden may review and take action on the release from Level VI and will sign the action as Acting Warden.
12. The Unit Manager will ensure that a tracking system is maintained that indicates the dates that that the packet has been forwarded to the Warden's Office and to Central Office as well as the date that the packet was returned to the Unit Manager using the **Level V/VI Release Packet/Progression to Step 2/Interstate Compact Packet Tracking Log** form (*CD-143002.5*).

13. The Central Office Classification Bureau will ensure that a tracking system is maintained that indicates the date that the packet has been received by the Bureau; the date that the referral was approved or denied as well as the date that the packet was returned to the Unit Manager using the **Central Office Classification Bureau Level V/VI Release Packet Tracking Log** form (CD-143004.4).
13. The decision of a Deputy Director of Adult Prisons must be entered into the CMIS.
14. The Unit Manager will ensure that the classification officer has appropriately entered all inmate status changes into the CMIS MAP. However, for any inmate who has been referred by the Unit Management Team for release from Level VI to Level V, the Unit Manager will ensure that the classification officer does not enter a closing date on the CMIS MAP for Level VI step 3 unless this release has been approved by a Deputy Director of Adult Prisons. The closing date on the CMIS MAP should be entered at the time that the inmate is transferred from Level VI to Level V.
15. An inmate who is retained in Level VI based on denial of release by a Deputy Director of Adult Prisons will be advised of the decision and given the opportunity to appeal; such appeal to be reviewed and acted upon by the Director of Adult Prisons.
16. The Unit Management Team will schedule the inmate for a Special Level VI Hearing to take place within ten working days following the denial. The inmate will be afforded at least a 48 hour written notice of hearing (Form CD 143001.3), which will inform the inmate that he will be given notification of right to appeal. The inmate may waive the notice in writing.
17. If the denial is based in whole or in part on new information, the new information must be included in the notice of hearing and in the Level V/VI Hearing Decision (form CD-143001.4).
18. At the Special Level V/VI hearing, the Unit Manager or individual chairing the hearing will read the appeal language to the inmate verbatim. The inmate will be given an appeal form, **Appeal of Level V or Level VI Placement or Retention Decision** form (CD-143002.2).
19. The appeals procedure will be handled in accordance with (CD-143002).
20. The next required review is either the inmate's Annual Review or a date that is specified by a Deputy Director of Adult Prisons in the denial of release.

C. Process for Release from Level VI Inmate Protection:

1. Release from Voluntary Placement in Inmate Protection:
 - a. In order for an inmate to be released from Level VI voluntary Inmate Protection, the inmate must submit reliable documentation or provide a written, signed reasonable explanation indicating the ability to function in any general population in New Mexico.
 - b. The Unit Management Team will conduct a Level V/VI Classification Committee Review and will review the inmate's request for release to general population. The Unit Management Team shall consider both the inmate's request as well as the initial reason(s) for the inmate's placement in Inmate Protection.
 - c. Upon review of file documentation as well as the inmate's request, the Unit Management Team shall determine whether the inmate can be released to:
 - 1) A general population where space is available;
 - 2) An LCCF or NENMDF Level III Tier 2 or SNMCF or PNM IV Tier 1 or 2 where space is available; or,
 - 3) Refer the inmate for out of state placement.
 - d. If the Unit Management Team recommends that the inmate can be released to a general population or Level III Tier 2 or Level IV Tier 1 or 2 in New Mexico, the inmate shall be referred through the Level V/VI Classification Committee Review process to a Deputy Director of Adult Prisons for review and final approval.
 - e. If the Unit Management Team recommends that the inmate should not be released to a general population or Level III Tier 2 or Level IV Tier 1 or 2 because he or she would be in jeopardy of serious bodily harm, the inmate will be placed in involuntary Inmate Protection. In this case a new placement form will be generated, a new initial hearing will be held, and a new Level VI Referral Packet shall be submitted to the Classification Bureau Chief, Deputy Classification Bureau Chief or a Deputy Director of Adult Prisons.

D. Release from Involuntary Inmate Protection Placement

- a. The Unit Management Team shall conduct a Level V/VI Classification Committee Review and shall review the documentation on file regarding the initial reason(s) for the inmate's placement in involuntary Inmate Protection.
- b. Upon an interview with the inmate as well as a review of file documentation, the Unit Management Team will determine whether the inmate can be released to any general population or Inmate Protection Unit in New Mexico.

- c. If the Unit Management Team recommends release to a general population or Level III Tier 2 or Level IV Tier 1 or 2 in New Mexico, the inmate shall be referred through the Level V/VI Classification Committee review process to a Deputy Director of Adult Prisons. If the Unit Management Team recommends retention in Inmate Protection the inmate will remain in Inmate Protection and will continue to have his or her placement reviewed during 30-day Status Reviews. The inmate will have an opportunity to appear before the Unit Management Team during the annual review.
- d. For inmates recommended for release by the Unit Management Team through the Level V/VI Classification Committee Review process, a Deputy Director of Adult Prisons will make the final decision to release the inmate from Inmate Protection. Inmates released from Involuntary or Voluntary Inmate Protection may be placed at Security Level I, II, III, or IV, pursuant to Policy (*CD-080100*), Institutional Classification, Inmate Risk Assessment, and Central Office Classification.

E. Release of Female inmates from Level VI to Level V:

1. For Step progression from Level VI Step 1 to Level V Step 2, the Unit Management Team will review the inmate's adjustment five (5) days prior to a scheduled progression. The UMT will report an inmate's documented compliance with behavior standards and make a recommendation as to progression using the **Female Step Progression Review** form (*CD-143004.5*).
2. The Unit Management Team will review the case with regard to established guidelines, while considering the safety of the general public, staff, inmates and the security of the Corrections Department.
3. A Level V/VI Classification Committee Review will be conducted and the UMT recommendation will be forwarded for final decision by the Warden.
4. In the absence of the Warden, the designated Acting Warden may review and take action on the release from Level VI and will sign the action as Acting Warden.
5. The Unit Manager will ensure that the classification officer has appropriately entered all inmate status changes into the CMIS MAP. However, for any inmate who has been referred by the Unit Management Team for release from Level VI to Level V, the Unit Manager will ensure that the classification officer does not enter a closing date on the CMIS MAP for Level VI step 3 unless this release has been approved by the Warden. The closing date on the CMIS MAP should be entered at the time that the inmate is transferred from Level VI to Level V.
6. An inmate who is retained in Level VI based on denial of release by the Warden will be advised of the decision and given the opportunity to appeal; such appeal to be reviewed and acted upon by the Director of Adult Prisons.
7. The Unit Management Team will schedule the inmate for a Special Level VI Hearing to take place within ten working days following the denial. The inmate will be afforded at least a 48 hour written notice of hearing form (*CD 143001.3*), which will inform the inmate that she will be given notification of right to appeal. The inmate may waive the notice in writing.

8. If the denial is based in whole or in part on new information, the new information must be included in the notice of hearing and in the Level V/VI Hearing Decision form (*CD-143001.4*).
9. At the Special Level V/VI hearing, the Unit Manager or individual chairing the hearing will read the appeal language to the inmate verbatim. The inmate will be given an appeal form, **Appeal of Level V or Level VI Placement or Retention Decision** form (*CD-143002.2*).
10. The appeals procedure will be handled in accordance with (*CD-143002*).
11. The next required review is 30 days or a date that is specified by the Warden in the denial of release.
12. The **Female Step Progression Review** with the final decision of the Warden shall be forwarded to the Classification Bureau for filing.
13. Female Level V releases shall be completed in accordance with the paragraph below.

F. Release of Inmates from Level V who have completed all requirements of Level V: [4-4254]

1. If a Level V inmate has met the requirements of the Special Control Unit Level V program in the opinion of the Unit Management Team and the Warden, the inmate will be referred to the Classification Bureau Chief or a Deputy Director of Adult Prisons for placement in general population by conducting a Level V/VI Classification Committee Review. The UMT will complete the **Unit Management Team Review for Release from Level V or VI** form (*CD-143004.1*), and attach a completed Reclassification Scoring form and a copy of the Individual Security Threat Assessment. If any new information is obtained by the UMT or STIU concerning an inmate's safety an update to the ISTA will be completed by STIU Coordinator or designee.
2. A Level V inmate who is released may be placed at either Level IV or Level III.
3. The Classification Officer will ensure that a copy of the Level V release packet is placed in the inmate file prior to submitting the original packet to the Warden's office for review.
4. In the absence of the Warden, the designated Acting Warden may review and take action on the release from Level V and will sign the action as Acting Warden.
5. The Unit Manager will ensure that a tracking system is maintained that indicates the dates that the packet has been forwarded to the Warden's Office; then to Central Office as well as the date that the packet was returned to the Unit Manager using the **Level V/VI Release Packet/Progression to Step 2/Interstate Compact Packet Tracking Log** form (*CD-143002.5*).
6. The Central Office Classification Bureau will ensure that a tracking system is maintained that indicates the date that that the packet has been received by the Bureau; the date that the referral was approved or denied as well as the date that the packet was returned to the Unit Manager using the **Central Office Classification Bureau Level V/VI Release Packet Tracking Log** form (*CD-143004.4*).

7. The Unit Manager will ensure that the classification officer has appropriately entered all inmate status changes into the CMIS MAP. However, for any inmate who has been referred by the Unit Management Team for release from Level V to another Level, the Unit Manager will ensure that the classification officer does not enter a closing date on the CMIS MAP for Level V Step 3 unless a Deputy Director of Adult Prisons or Classification Bureau Chief has approved this release from Level V. The closing date on the CMIS MAP should be entered at the time that the inmate is transferred from the Level V facility.
8. The Classification Committee action will be entered/updated into the CMIS.
9. The decision of the Classification Bureau Chief or a Deputy Director of Adult Prisons must be entered into the CMIS
10. Once the Classification Bureau Chief or a Deputy Director of Adult Prisons has approved a Level V inmate for release to general population, the inmate shall not be regressed nor shall the inmate lose any privileges outlined under the Table of Services. An approved inmate for whom the Unit Management Team has determined requires a higher level of security based on the inmate's behavior must be referred to the Classification Bureau Chief or a Deputy Director of Adult Prisons in accordance with the procedures outlined under (CD-143002).

G. Annual Reviews:

For inmates who have been housed in Level VI for one year from the date of the approval for Level VI by the Classification Bureau Chief, Deputy Classification Bureau Chief or Deputy Director of Adult Prisons, the Unit Management Team chaired by the Deputy Warden will conduct a review 12 months following placement, and annually thereafter.

1. The inmate will receive notice of the scheduled annual review using the **Notice for Level V or Level VI Hearing Form (CD-143001.3)**.
2. The Unit Management Team will document its decision using the **Level V/VI Hearing Decision Form (CD-143001.4)**. If the UMT recommends the inmate for release from Level VI, such recommendation will be scheduled for Level V/VI Classification Committee Review and handled in accordance with Section **B. (Level VI Inmates: Evaluation and Recommendation for Reclassification to Lower Level)** above.
3. If the Unit Management Team conducting the annual review determines that the inmate should be retained in Level VI, the UMT must document the specific reasons for retention on the Level V/VI Hearing Decision Form (CD-143001.4).

4. The inmate may appeal such decision to retain in level VI using the **Appeal of Level V/VI Placement or Retention Decision** Form (CD-143002.2). The appeals procedure will be handled in accordance with procedure (CD-143002).



Gregg Marcantel, Secretary of Corrections
New Mexico Corrections Department

06/24/14
Date

**NEW MEXICO
CORRECTIONS DEPARTMENT
UMT Review for Release from Level V or VI**

| INMATE NAME | NMCD# | HU | DATE |
|-------------|-------|----|------|
| | | | |

Unit Management Team Review and Recommendation:

| <u>PURPOSE OF REVIEW</u> | <u>APPROVE</u> | <u>DENY</u> | <u>EVALUATIONS RQD</u> |
|--|--------------------------|--------------------------|------------------------|
| <input type="checkbox"/> Level V Release | <input type="checkbox"/> | <input type="checkbox"/> | NO |
| <input type="checkbox"/> Level VI – annual review | <input type="checkbox"/> | <input type="checkbox"/> | YES* |
| <input type="checkbox"/> Level VI – Step 3 completion | <input type="checkbox"/> | <input type="checkbox"/> | YES* |
| <input type="checkbox"/> Level VI Release recommendation (discretion of UMT) | <input type="checkbox"/> | <input type="checkbox"/> | YES* |

Classification 143001.10; Housing Unit Sergeant 143001.11

The following is the basis for the above recommendation:

Signature of Unit Manager

Title

Signature of UMT Member

Title

Signature of UMT Member

Title

Signature of UMT Member

Title

Warden's Review and Recommendation:

| <u>PURPOSE OF REVIEW</u> | <u>APPROVE</u> | <u>DENY</u> | <u>FORWARD TO</u> |
|--|--------------------------|--------------------------|---|
| <input type="checkbox"/> Level V Release | <input type="checkbox"/> | <input type="checkbox"/> | Classification Bureau Chief |
| <input type="checkbox"/> Level VI – annual review; UMT discretionary recommendation for release; Step 3 review | <input type="checkbox"/> | <input type="checkbox"/> | Director of Adult Prisons: if <u>UMT</u> recommends release* |

*Recommendations for retention may be appealed to the Director of Adult Prisons

Comments: _____

Warden's Signature

Date

Central Office Review and Determination:

Approve Referral Deny Referral

Comments: _____

Deputy Director of Adult Prisons (Level VI Release)/Classification Bureau Chief (Level V Release)

Date

**NEW MEXICO
CORRECTIONS DEPARTMENT
CLASSIFICATION: Level VI Release Investigation**

Inmate Name

NMCD#

PLEASE COMPLETE THE FOLLOWING:

1. Location History:

| <u>Date</u> | <u>Location</u> | <u>Date</u> | <u>Location</u> |
|-------------|-----------------|-------------|-----------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

2. Drug Reports

| <u>Date</u> | <u>Basis for Report (dirty UA; possession; paraphernalia; etc.)</u> |
|-------------|---|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

3. Enemies

| <u>NMCD#</u> | <u>Name</u> | <u>NMCD#</u> | <u>Name</u> |
|--------------|-------------|--------------|-------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

4. Confidential Information

The above inmate is being recommended for:

- Release from Level VI
 Retain in Level VI

FORM COMPLETED BY: Print Name:

Signature

Date

**NEW MEXICO
CORRECTIONS DEPARTMENT
HOUSING SERGEANT: Level VI Release Investigation**

Inmate Name _____ NMCD#

PLEASE COMPLETE THE FOLLOWING:

1. Behavior Log Review:

| Date | Behavior |
|-------|----------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

2. Other Relevant Information:

The above inmate is being recommended for:

- Release from Level VI
- Retain in Level VI

FORM COMPLETED BY: Print Name _____

Signature _____ Date

**NEW MEXICO
 CORRECTIONS DEPARTMENT
 Female Step Progression Review**

| | | | |
|-------|-------|--------------|--------|
| Name: | NMCD# | Housing Unit | Status |
|-------|-------|--------------|--------|

INMATE IS BEING REVIEWED FOR:

- LEVEL VI STEP 1 REVIEW**
 Decision: Retain at Step 1 Advance to Level V Step 2 Regress Effective _____
- LEVEL V STEP 2 REVIEW**
 Decision: Retain at Step 2 Advance to Step 3 Regress Effective _____
- LEVEL V STEP 3 REVIEW**
 Decision: Regress Effective _____

(Step regressions may only be implemented if reviewed and approved by the Deputy Warden.)

UMT REVIEW AND JUSTIFICATION

Total consecutive days clear conduct: _____

Justification:

| | |
|------------------------|-------------|
| Unit Officer | Date: _____ |
| Classification Officer | Date: _____ |
| Other | Date: _____ |

Mental Health staff (for retention and regression)

- Approve Denied

 Unit Manager

- Approve Denied

 Deputy Warden (for regressions and progression to Level V Step 2 only)

| | | |
|---|--|---------------------------------|
|  | <h1>NEW MEXICO CORRECTIONS DEPARTMENT</h1> <p>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always." Courage Responsibility Ethics Dedication - CREDibly serving the public safety of New Mexico</p> | |
| | ISSUE DATE: 04/30/01 | REVIEW/REVISED: 06/24/14 |
| | EFFECTIVE DATE: 04/30/02 | |
| TITLE: Adjustment Controls | | |

AUTHORITY:

Policy *CD-143000*

PROCEDURES: [4-4249]

A. General Regulations:

1. Adjustment Controls may be utilized if an inmate engages in misconduct, assaultive, disruptive or self-injurious behavior. In the case of self-injurious behavior, a Behavioral Health professional must make a determination that the self-injurious behavior is not related to a mental illness prior to placing the inmate in Adjustment Controls. Adjustment Controls will include placing the inmate in a control cell and implementation of specific property and privilege restrictions, as specified in *Paragraph D* below, for an initial period of 72 hours. The 72-hour period starts once the inmate is removed from his cell and is placed on control cell status. In addition, an inmate may be subject to separation in a cell in the intake or medical areas if such separation will assist in restoring order to the unit.
2. All inmates assigned to Level V/VI housing, regardless of their current Step, are subject to Adjustment Controls.
3. Inmates assigned to the Level VI MHTC may be placed in Adjustment Controls, as follows:
 - a. A Level VI MHTC inmate may be placed immediately in Adjustment Controls. Behavioral Health staff will be contacted immediately upon placement. During non-administrative hours, the on-call Behavioral Health provider will be contacted.
 - 1) In the event the on-call mental health provider cannot be contacted, the Facility Behavioral Health Administrator will be contacted.

- b. Behavioral Health staff will make a determination as to whether the behavior leading to placement in Adjustment Controls is or is not due to mental illness. This determination will be documented in writing.
 - 1) If the behavior is not due to mental illness, the mental health provider will authorize continued placement in Adjustment Controls.
 - 2) If the behavior is due to mental illness, the mental health provider will order that the inmate be removed from Adjustment Controls.
- c. Behavioral Health may specify that Adjustment Controls be administered for less than 72 hours, in which case the maximum number of hours will be documented.
- d. Adjustment Controls usually will be administered only in the Level VI MHTC pod. For placement in a non-Level VI MHTC location:
 - 1) A Level VI MHTC inmate may be subject to Adjustment Controls placement in a non-Level VI MHTC location if he continues to engage in behavior that is disruptive to the unit and interferes with scheduled activities.
 - 2) Behavioral Health will assess the inmate to determine if the behavior is or is not due to mental illness.
 - 3) If Behavioral Health determines that the behavior is not due to mental illness, the inmate may be placed in a non-Level VI MHTC location.
- e. Behavioral Health may order that an inmate be released from Adjustment Controls if Adjustment Controls are causing the inmate to decompensate and contribute to his mental illness.

B. Incidents Leading to Placement:

- 1. The Unit Manager or Shift Supervisor authorizing the use of Adjustment Controls shall complete the **Placement in Adjustment Controls Report** form (*CD-143005.1*) at the time of placement, and forward the report to the Unit Management Team for distribution to the Deputy Warden. The **Placement in Adjustment Controls Report** form (*CD-143005.1*) will include the specific behavior of the inmate necessitating Adjustment Controls, and the date and time of such behavior. Documentation of incidents shall be noted in the following:

- a. The **Placement in Adjustment Controls Report** form *CD-143005.1*); in cases that require submission of an Incident Report, the Incident Report will be submitted separately from the **Placement in Adjustment Controls Report**.
 - b. **Individual Inmate Behavior Log** form (*CD-143003.1*) located in the inmate's assigned pod.
 - c. Shift Report and Pod Officer's Log.
2. When an inmate is involved in misconduct, disruptive, assaultive, or self-injurious behavior, if during regularly scheduled administrative hours, the Unit Management Team shall determine the need and type of Adjustment Controls to initiate to manage the inmate. The Unit Manager shall notify the Shift Supervisor who will document the action taken in writing.
 3. However, during after hours, the Shift Supervisor shall determine the need and type of Adjustment Controls and shall notify the Unit Manager.
 4. Adjustment Controls shall be implemented based on the following continuum:
 - a. Staff counseling and intervention.
 - b. Control cell placement.
 - c. Separation from other inmates.
 - d. Separation with restraints as specified in Paragraph F of this procedure (digital recorded).
 5. In the event of self-injurious behavior, the inmate may be placed immediately in Adjustment controls. Behavioral Health staff must be contacted. Behavioral Health staff will make a determination that the self-injurious behavior is or is not related to a mental illness. This determination will be documented in writing.
 - a. If the behavior is not related to a mental illness, the inmate will remain in Adjustment Controls.
 - b. If the behavior is related to mental illness, the case will be handled pursuant to the mental health staff member's directives.

C. Correctional Staff Counseling and Intervention:

1. The Area Classification Officer and/or Correctional Officers assigned to a unit shall communicate with the inmate in an attempt to resolve a problem and/or calm an inmate. If the inmate refuses to talk or continues to be disruptive, the Unit Management Team shall notify the Unit Manager and Sergeant.
2. The Housing Unit Security Supervisor (Sergeant or above) shall communicate with the inmate in an attempt to resolve the situation and calm the inmate. If they are unable to resolve the situation then the Shift Supervisor shall be notified.

D. Placing an Inmate in a Control Cell

1. Level VI MHTC inmates usually will be retained in the Level VI MHTC pod when placed in Adjustment Controls. Exceptions to this are outlined in A.3.b, above, of this procedure.
2. The inmate will be allowed to retain only that property specified in the Table of Services. Property that is not specifically allowed by the Table of Services will be removed, inventoried, and placed in the North or South Unit property storage room.
3. Meals and drinks will be served on Styrofoam trays and cups. The Shift Supervisor shall complete and distribute a **Modified Meal Serving Memorandum** form (CD-143005.2) to initiate Styrofoam trays for inmates placed on Adjustment Controls.
4. The Shift Supervisor or Unit Manager may consult with other staff (classification officer, teachers, and mental health, medical) to resolve issues, calm the inmate, or take additional steps in the implementation of Adjustment Controls.
5. All incoming mail, magazines or newspapers will be secured in the facility Property room.
6. Only those privileges specifically authorized on the Table of Services will be allowed. Inmates will not be allowed to order or receive canteen during the initial *72-hour* Adjustment Control Period.
7. Any property specifically authorized by the Table of Services may be removed if the inmate misuses or abuses the item(s) in any way.

E. Alternative Meal Service: [4-4264]

If appropriate, an inmate may be placed on Alternative Meal Service for using food or food service equipment in a disruptive or hazardous manner. The Shift Supervisor or Unit Manager shall prepare an **Alternative Meal Service Order** form (*CD-142005.3*) for submission to the Warden.

1. Food loaf may be substituted for the inmate's regular meal for a period of up to seven days;
2. The highest ranking supervisor on duty (at least a Lieutenant) may place an inmate on the food loaf pending review by the Unit Management Team;
3. The Unit Management Team must review an inmate's placement on the food loaf within 24 hours of the documented behavior;
4. Inmates placed on food loaf during the weekend will be reviewed by the Unit Management Team the following Monday. The Unit Management Team may continue the food loaf for up to seven days and then the restriction will be automatically discontinued if the inmate has not exhibited any of the behavior that originally caused him to be placed on food loaf;
5. If an inmate continues to engage in any of the behaviors described above after being returned to regular meals, or at any time during the period that he is on the food loaf, he may be placed on the food loaf for an additional period not to exceed seven days;
6. The additional seven day period for food loaf is to be served after completion of the first *seven (7) days* and after a 24-hour break;
7. An inmate cannot receive a food loaf in lieu of regular meals for more than seven consecutive days;
8. If an inmate is required to receive food loaf for more than seven consecutive days due to repeated offenses, the inmate will be placed on regular meals (3 full meals/no dessert) for a 24 hour break;
9. If an inmate engages in any of the behavior described above while on the 24-hour break, any remaining meals during the break may be sack meals. This 24-hour break will not be counted as a day on food loaf.

10. An inmate with special dietary needs will be provided nutritionally adequate food loaves that will meet his or her dietary requirements.
11. If an inmate refuses to eat for three consecutive days while on food loaf restriction, the Unit Management Team will notify Health Services that the inmate is on a hunger strike so that the offender may be appropriately monitored during the period of fasting. If the inmate is refusing liquids, Health Services will be contacted after *24 hours*.

F. Separation with Restraints:

1. If the inmate continues to engage in ongoing assaultive, violent or excessively disruptive behavior such as continuous loud banging, destruction of state property, creation of hazardous living conditions (flooding, burning, etc.) or making threats to other inmates or staff, restraint devices may be used as follows:
 - a. Restraints are limited to handcuffs, belly chains, leg restraints, and hand tubes. Other restraints may be used pursuant to Policy (*CD-170700*), *Use of Therapeutic Restraints*.
 - b. Restraints shall be appropriate to the behavior exhibited.
 - c. Restraints shall only be used when approved by the Deputy Warden or above.
 - d. The Shift Supervisor shall reassess the situation every two hours thereafter and determine whether the inmate shall continue to be restrained.
 - e. An inmate may be retained in restraints for a maximum of 48 consecutive hours. If, at the expiration of the 48 hours, the inmate is continuing to exhibit assaultive, violent or excessively disruptive behavior or is continuing to make threats to other inmates or staff, the Warden or the Deputy Warden may approve continuation in restraints in 6-hour increments, as follows:
 - 1) The approval must be in writing and signed by the Warden or Deputy Warden.
 - 2) The approval is for a maximum of 6 hours.
 - 3) The approval must document the specific behavior of the inmate that occurs at the end of the 48-hour period that necessitates continuation of restraints.

- 4) Continuations may be granted for 6 hour increments with the written approval of the Warden or Deputy Warden and documentation that the inmate, at the end of the 6-hour period, continues to actively engage in assaultive, violent or excessively disruptive behavior or continues to make threats to other inmates or staff.
 - f. The Shift Supervisor shall check the inmate when initially placed in restraints and every two hours thereafter while in restraints.
2. Digital recording Requirements:
 - a. If possible, an inmate's behavior shall be digitally recorded before the inmate is placed in restraints.
 - b. The procedure of placing the inmate in restraints will be digitally recorded.
 - c. The Shift Supervisor's welfare check of the inmate every two hours will be digitally recorded.
 - d. Upon release from restraints, the inmate will be digitally recorded and checked by the Shift Supervisor.
 3. Inmates shall be allowed to use the toilet at least once every six hours or as needed to attend to hygiene needs. This will be documented.
 4. Medical staff will be contacted when security restraints are used to control disruptive behavior for more than two hours. Upon notification, medical staff will assess the inmate's medical condition.

G. Use of Force:

1. When force is necessary to implement Adjustment Controls, the Unit Manager or Shift Supervisor will ensure proper reporting has occurred in accordance Policy (CD-130600), *Use of Force*.
2. Correctional Staff shall follow guidelines described in (CD-130600) and facility Use of Force policy. In the event that a disruptive and/or assaultive inmate refuses to present himself at the cell door for restraint procedure, the Shift Supervisor shall notify the Operations Director, Unit Manager, and Unit Deputy Warden.

H. Documentation and Notification Provisions:

1. Assigned correctional officer staff shall observe an inmate in a control cell every 30 minutes, unless more frequent observation is ordered by the Shift Supervisor, and document this fact on the **Intensive Supervision Activity Log** form (*CD-143005.4*). [4-4257]
2. The Unit Management Team shall obtain and compile the Intensive Supervision forms so as to remain properly informed of the inmate's progress.
3. The Warden, Deputy Warden, or Duty Officer shall be notified and consulted concerning the need to implement and continue Adjustment Controls.

I. Graduated Property Return:

Dependent upon their positive behavior within the 72 Hour period while in Adjustment Controls, inmates may receive property back in increments, not to exceed that of Step 1. Property returned must be documented on the **Intensive Supervision Activity Log** form (*CD-143005.4*).

J. Legal Access

1. Inmates in Adjustment Controls are not normally allowed legal access and attorney visits.
2. The Warden may make exceptions on a case-by-case basis. (For example, the inmate has an imminent deadline or court appearance.)

K. Responsibility

1. The Unit Manager or Shift Supervisor will be responsible for the following:
 - a. Determine the need for Adjustment Controls in accordance with this policy and complete the **Placement in Adjustment Controls Report** form (*CD-143005.1*).
 - b. Check the inmate twice per shift and document on the **Intensive Supervision Log** (*CD-143005.4*).
 - c. Review Adjustment Controls and inform and consult with the Unit Manager and Deputy Warden as necessary.

2. The Unit Manager will be responsible for the following:
 - a. Review/monitor staff implementation and documentation of Adjustment Controls.
 - b. Review Adjustment Control logs.
 - c. Visit inmate(s) once a day during Adjustment Control period.
 - d. Make recommendation to the Shift Supervisor for possible Adjustment Controls extension if assaultive/disruptive behavior continues.
3. The Unit Management Team will be responsible for the following:
 - a. Ensure that Adjustment Controls documentation is prepared and maintained.
 - b. Visit inmate(s) once a day during Adjustment Control period. Initial and annotate the date and time of visit on the **Intensive Supervision Activity Log** (CD-143005.4).
 - c. Make a determination and recommendation to the Unit Manager/Shift Supervisor as to what property (if any) is to be returned based on positive behavior within the 72 hour Adjustment Control period.
 - d. Once Adjustment Controls are lifted, sign the **Intensive Supervision Activity Log** form (CD-143005.4), gather all related documentation and attachments, and turn in to the Classification Officer. In the absence of the Unit Manager, make recommendations to the Shift Supervisor for possible Adjustment Controls extension if assaultive/disruptive behavior continues.
4. Mental Health Staff:

For Level VI MHTC inmates on 72-hour Adjustment Controls, Behavioral Health Staff will conduct a daily check during regular work days and on weekends and holidays will contact security to inquire about the inmate's behavior and Behavioral Health Staff will determine the need for a face-to-face meeting.

L. Annual Review of Procedure:

This policy and procedure shall be reviewed annually and revised as necessary.



Gregg Marcantel, Secretary of Corrections
New Mexico Corrections Department

06/24/14
Date

NEW MEXICO CORRECTIONS DEPARTMENT
Placement in Adjustment Controls Report

| | | | |
|-------|-------|---------------|-------|
| NAME: | NMCD# | HOUSING UNIT: | DATE: |
|-------|-------|---------------|-------|

Adjustment Controls may be utilized if an inmate engages in misconduct, assaultive, disruptive or self-injurious behavior. In the case of self-injurious behavior, a Mental Health professional must make a determination that the self-injurious behavior is not related to a mental illness prior to placing the inmate in Adjustment Controls. Adjustment Controls will include placing the inmate in a control cell and implementation of specific property and privilege restrictions, as specified in 143003, for an initial period of 72 hours. The 72-hour period starts once the inmate is removed from his cell and is placed on control cell status. In addition, an inmate may be subject to separation in a cell in the intake or medical areas if such separation will assist in restoring order to the unit.

The inmate engaged in misconduct, disruptive behavior, or self-injurious behavior, specifically:

Date and time of described behavior: _____

Correctional Staff Counseling and Intervention

Prior to placement in Adjustment Controls, the following occurred:

- The area Classification Officer and/or Correctional Officers assigned to the unit communicated with the inmate in an attempt to resolve the situation and/or calm the inmate
- The Housing Unit Security Supervisor (Sergeant or above) communicated with the inmate in an attempt to resolve the situation and/or calm the inmate
- Notification of the Shift Supervisor

Shift Supervisor Authorization of Adjustment Controls

The above inmate was placed on Adjustment Controls at: _____ a.m. / p.m. (time).

Shift Supervisor Signature

Date

Xc: Unit Manager
Deputy Warden
Deputy Director of Adult Prisons

NEW MEXICO CORRECTIONS DEPARTMENT
Modified Meal Serving Memorandum – Styrofoam

DATE:

TO: Deputy Warden
Food Service

FROM: Shift Supervisors

SUBJECT: Meal Serving Modification

Inmate _____ NMCD# _____,

Cell # _____

has been placed on Adjustment Controls Behavioral Program

Contract

He is to be fed on **Styrofoam trays** and **Styrofoam cups** as follows:

BEGIN DATE: _____ with Breakfast Lunch Dinner

END DATE: _____ with Breakfast Lunch Dinner

SUBMITTED BY: _____

Print Name: _____ Date: _____

Signature: _____

xc: Unit Manager
Pod Lieutenant
Affected Pod
File

NEW MEXICO CORRECTIONS DEPARTMENT
Alternative Meal Service Order (Food Loaf)

Inmate Name: _____ NMCD#: _____

Date: _____ Time: _____ am pm HU: _____

Custody Level: _____ Facility: _____

The above listed inmate is significantly disrupting feeding and food service by the misuse of food, food service equipment, or food packaging/containers. Therefore, it is requested the he be placed on alternative meal service (food loaf) for the next three meals served, or until such time that he can be served without significant disruption of the feeding process or food service operations.

ALTERNATIVE MEAL SERVICE:

BEGIN DATE: _____ with **Breakfast** **Lunch** **Dinner**

END DATE: _____ with **Breakfast** **Lunch** **Dinner**

1. The basis for the modified meal request is: _____

2. The medical unit was contacted on (date) _____ at (time) _____ (am/pm); the medical staff representative is (name) _____, who reports:
 There is no medical concern There is the following medical concern:

3. The modified meal was approved by (name) _____ on (date) _____ at (time) _____ (am/pm). [NOTE: The approval can be made by the Deputy Warden or the Unit Manager].

4. Food service personnel were contacted on (date) _____ at (time) _____ (am/pm); and arrangements for a modified meal were completed. The food service personnel is (Name) _____.

The following meal was served:

Prepared by: _____ Date: _____

Reviewed by: _____ Date: _____

Comments: _____

NEW MEXICO CORRECTIONS DEPARTMENT
Intensive Supervision Activity Log

Inmate Name: _____ NMCD#: _____ Cell _____

PLACEMENT

Date _____ and time _____ am / pm intensive supervision implemented.

Type of intensive supervision implemented: Adjustment Controls
 Behavioral Program Contract
 Suicide Watch

Reason for placement: _____

Legal Access Notified Who: _____ date _____ time _____

SECURITY

Formal review every shift by Pod Officer:

| SHIFT | DATE | TIME | SIGNATURE | SHIFT | DATE | TIME | SIGNATURE |
|-------|------|------|-----------|-------|------|------|-----------|
| Day | | | | Day | | | |
| Swing | | | | Swing | | | |
| Night | | | | Night | | | |
| Day | | | | Day | | | |
| Swing | | | | Swing | | | |
| Night | | | | Night | | | |
| Day | | | | Day | | | |
| Swing | | | | Swing | | | |
| Night | | | | Night | | | |

Date and Time Property Items Returned:

| ITEM(S) | DATE | TIME | OFFICER SIGNATURE |
|---------|------|------|-------------------|
| | | | |
| | | | |
| | | | |
| | | | |

Date _____ and time _____ am / pm of shower by officer _____

RELEASE

Authorized by: _____

Print Name _____

Signature _____

Date _____ and time _____ am / pm released

Print Title _____

Date _____

REVIEW: _____ **Unit Manager:** _____

Date: _____

xc: Inmate Classification File

| | | |
|--|--|--|
|  <p>CD-143006</p> | <h1>NEW MEXICO CORRECTIONS DEPARTMENT</h1> <p>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always." Courage Responsibility Ethics Dedication - CREDibly serving the public safety of New Mexico</p> | |
| | ISSUE DATE: 04/30/01 REVIEW/REVISED: 06/24/14 EFFECTIVE DATE: 04/30/02 | |
| | TITLE: Behavior Program Contracts | |

AUTHORITY:

Policy *CD-143000*

PROCEDURES: [4-4249]

A. Exemption for Level VI MHTC Inmates:

INMATES ASSIGNED TO Level VI MHTC HOUSING ARE EXEMPT FROM THIS PROCEDURE.

B. Behavioral Program Contracts (BPC) Preparation:

A draft BPC shall be prepared by the Unit Management Team for any inmate, regardless of Step, that persists in assaultive behavior, disruptive behavior, and/or acts of sexual misconduct. This conduct must be well documented by staff and reflect that the use of the other management tools used to correct the documented behavior has been ineffective. The Unit Management Team shall forward the completed draft to the Housing Unit Security Supervisor and the Unit Manager for BPC Review Committee consideration.

1. Each BPC will include the following:

- a. Signatures of the inmate and Unit Management Team and the date the plan became effective. If the inmate refuses to sign, this will be witnessed by staff.
- b. Description and examples of specific inappropriate behavior to be modified.
- c. Actions to be taken in an attempt to modify the behavior.
- d. Plan review date.
- e. Signatures of the BPC Review Committee members that prepared the plan.

2. The BPC Review Committee may impose restricted Canteen as part of a BPC. If canteen is restricted the BPC will specify the dollar amount and the canteen items that the inmate is permitted to purchase. If implemented by the BPC review committee, all restrictions must be stated in the BPC.
3. A BPC contains two management conditions, Condition A and Condition B. An inmate on a BPC will initially be placed in Condition A, and may progress to Condition B if he or she meets the criteria.

C. BPC Conditions A and B:

1. **Condition A:** Upon occurrence or recurrence of inappropriate behavior specified in an inmate's individualized BPC, the inmate is placed on Condition A. Condition A is in effect the first three days of the BPC. Recurrence of specified inappropriate behavior anytime during activation of a BPC will result in the Shift Supervisor placing the inmate back to Day 1 of Condition A. Conditions of confinement in Condition A are:
 - a. A cell with only the property specified on the Table of Services for Adjustment Controls. Staff shall observe an inmate in a stripped cell at least once every fifteen minutes and document this information on the **Intensive Supervision Activity Log** form (*CD-143005.4*).
 - b. All property that is not allowed to be retained by the inmate shall be removed from the cell, inventoried by security staff, and placed in the facility property storage area.
 - c. No privileges (canteen, phone, visiting, programs, etc.).
 - d. No mail, except Legal and Privileged Mail as permitted under Legal Access. No magazines and newspapers. If delivered to the pod, staff shall mark on the outside of the envelope "BPC Condition A" and return the mailroom (or other location designated for mail).
 - e. Meals will be served on Styrofoam trays and cups, and/or milk cartons.
 - f. If on Condition A after the third day, the inmate shall be offered a shower and clean undergarments on the fourth day, and every fourth day thereafter, for the duration of time on Condition A, if behavior is appropriate. Pod staff will provide a hygiene pack and retrieve it following use.

- g. Inmates will be allowed to brush their teeth daily.
 - h. Inmates on BPC who indicate upcoming court proceedings and need access to legal material shall submit a request to Classification Staff and/or Library Staff.
 - i. Cells occupied by BPC inmates will be inspected daily by pod staff during Conditions A and B.
2. **Condition B:** The Unit Management Team shall review all condition documentation and if appropriate, progress the inmate to Condition B. Condition B is in effect for days four through ten. Upon successful completion of Condition B the Unit Management Team shall deactivate the BPC and progress the Inmate to Step 1. Confinement conditions on Condition B are the same as Condition A, except:
- a. Meals will be served on regular trays.
 - b. Three showers weekly (shower on the first day of Condition B), clean undergarments following each shower.
 - c. Five exercise periods weekly, if behavior is appropriate.
 - d. Pod staff will provide inmates with their personal hygiene items.
 - e. Provided yellow jump suit and shoes.
 - f. Delivery of all mail, except magazines and newspapers. Upon progression to Step 1, all withheld magazines and newspapers shall be delivered on a one-for-one exchange basis.

D. Placing a BPC into Effect:

Requires the appropriate Unit Management Team to serve the inmate with a copy of the BPC and to review the plan with the inmate. The inmate and Unit Management Team will sign the plan acknowledging the date and time of this review. The inmate's refusal to sign the plan shall be noted on the signature line. A BPC shall remain in effect for a period of six months. Notification shall be given to the Shift Supervisor, Operations Director, Unit Manager, and Deputy Warden.

E. Activating a BPC:

The plan is activated after it has been placed into effect and when the inmate's inappropriate behavior meets criteria stated in the plan. The Shift Supervisor or Unit Manager shall approve activation of the plan.

1. The Warden, Deputy Warden, or Duty Officer shall be notified and consulted concerning the need to activate a BPC.
2. A report shall be prepared indicating the date, time, and inmate's Step at the time the BPC was activated.
3. For regular meals, the Shift Supervisor shall complete and distribute a **Modified Meal Serving Memorandum – Styrofoam** form (*CD-143005.2*), to initiate Styrofoam trays/cups for inmates placed on Condition "A" status.
4. If appropriate, and inmate may be placed on alternative meal service for using food or food service equipment in a disruptive or hazardous manner. The Shift Supervisor shall prepare an **Alternative Meal Service Order (Food Loaf)** form (*CD-143005.3*), for submission to the Warden in accordance with NMCD Policy.

F. Deactivating a BPC:

An active BPC is deactivated by the Unit Management Team when an inmate successfully completes Conditions A and B of his BPC. This is accomplished by demonstrating acceptable behavior and compliance with the provisions of the plan. Notification shall be given to the Shift Supervisor, Operations Director, Unit Manager, and Deputy Warden.

1. Upon deactivation, the inmate is progressed to Step 1 and brought into Step 1 property compliance.
2. If at any time during the 6-month period of the plan, the inmate engages in misconduct that is addressed by the plan, the BPC may be reactivated.
3. All BPC paperwork (logs, etc.) shall be maintained in the Housing Unit Sergeant's office until Plan deactivation. Unit Management Team shall then review all BPC paperwork for completeness. The Unit Management Team will provide all completed paperwork to the Housing Unit Sergeant and inform the Shift Supervisor or Unit Manager.

G. BPC Reviews:

1. The BPC Review Committee may review a BPC any time prior to the scheduled review date. The BPC Review Committee may approve modification to correct new behaviors and/or restructure the plan.
2. Any inmate who remains on BPC, Condition A for ten consecutive days shall be referred to the appropriate Unit Management Team for initiation of a plan review by the BPC Review Committee.

H. Responsibilities:

1. Unit Manager:
 - a. Serve on the BPC Review Committee as required.
 - b. Review BPC's, inform and consults with the Deputy Warden or Warden as necessary.
 - c. Schedule and coordinate BPC reviews and serve as a chairperson of the BPC Review Committee.
 - d. Activate BPC if inmate behavior warrants
2. Shift Supervisor:
 - a. Maintain a notebook containing all BPC's that are in effect.
 - b. Evening/Morning Shift Supervisor: Shall visit inmates on BPC at least once each shift.
3. Housing Sergeant:
 - a. Serve on the BPC Review Committee as appropriate.
 - b. Determine the need for and/or modifications of BPC's and draft the initial plans for review by the BPC Review Committee.
 - c. Visit inmates on a BPC at least weekly.

- d. Submit all deactivated BPC paperwork to the Deputy Warden's Secretary.
4. Unit Management Team:
 - a. Visit inmates on Condition A at least once each working day to ascertain their well being and compliance with the Policy/Procedure. Visits shall be logged on the inmate's **Intensive Supervision Activity Log** form (*CD-143005.4*).
 - b. Review Condition A documentation and recommend approval to the Unit Manager for inmate progression to Condition B status.
 - c. Ensure all BPC paperwork is completed and turned in to the Unit Manager upon BPC deactivation.
 5. Medical and Behavioral Health Representatives: Serve on the BPC Review Committee, as required.
 6. Pod Officer(s):
 - a. Maintain an **Intensive Supervision Activity Log** form (*CD-143005.4*) to record an inmate's BPC Program.
 - b. Observe inmates on Condition A every fifteen minutes and document observations on the **Intensive Supervision Activity Log** form (*CD-143005.4*).
 - c. All facility staff members are responsible for being familiar with and adhering to this policy/procedure.



Gregg Marcantel, Secretary of Corrections
New Mexico Corrections Department

06/24/14
Date

| | | |
|--|---|---------------------------------|
|  <p>CD-143007</p> | <h1 style="text-align: center;">NEW MEXICO CORRECTIONS DEPARTMENT</h1> <p style="text-align: center;"><i>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always."</i> Courage Responsibility Ethics Dedication - CREDibly serving the public safety of New Mexico</p> | |
| | ISSUE DATE: 04/30/01 | REVIEW/REVISED: 06/24/14 |
| | EFFECTIVE DATE: 04/30/02 | |
| TITLE: Programs, Activities and Services for Inmates in Level V and VI | | |

AUTHORITY:

Policy *CD-143000*

PROCEDURES: [4-4249]

A. Inmate Protection and Death-Sentenced Inmates:

1. Programs, activities, and services will be governed by the Table of Services.
2. Such inmates are provided programs, activities, and services consistent with Step 4.
3. Inmate Protection and death-sentenced inmates will not be allowed congregate activities, unless approved by the Warden.
4. Inmate Protection and death-sentenced inmates who are later reclassified to Level V or Level VI based upon posing a threat to the security of the institution, or other behavior-based placement criteria will no longer be covered by this paragraph, and will receive programs and services consistent with their new Level and Step.

B. Inmates in Pre-Hearing Detention or Disciplinary Segregation: [4-4255]

Inmates in pre-hearing detention (PHD) or disciplinary segregation will receive services and privileges as per Step 1 of the **Level VI Table of Services Attachment (CD-143003.A)**. After 60 days in PHD or disciplinary segregation, an inmate will be allowed privileges per the **Interim VI/Disciplinary Step 2/PTH Table of Services Attachment (CD-143001.A)**, as long as the inmate has maintained appropriate behavior but may be regressed based on unacceptable behavior by the inmate.

C. UMT – Award of Good Time:

The Unit Management Team will review and recommend monthly good time. In cases where an inmate has been recommended for less than maximum good time for the month and/or quarter, the Unit Management Team will include a representative from mental health. Good time earnings will not be determined solely by a correctional staff member who may make a negative notation on the inmate's behavior log. The UMT will consider any such notation, and make an independent determination as to whether to withhold good time, or not.

D. Programs and Activities:1. Recreation: [4-4270] [4-4273]

- a. Inmates shall be allowed the opportunity for *one hour* of outdoor recreation/exercise *five times* per week.
- b. Inmates in Level V Step 2 and Step 3 will be provided congregate recreation for one hour per day in groups no larger than six. Inmate Protection and death-sentenced inmates are not eligible for group recreation unless approved by the Warden.
- c. The Unit Officer will ask all inmates if they wish to go to recreation and a list will be compiled.
 - 1) Inmates assigned to Steps 1, 2, and 3 have the option of refusing recreation.
 - 2) Inmates assigned to Level V Steps 2 and 3 are required to participate in recreation as scheduled by the facility. Failure to participate in scheduled group recreation may result in Step reduction.
- d. Inmates in Level VI Steps 1, 2 and 3 will be restrained prior to exiting their cell, and will be escorted from their cell by the Escort Officers to the search cell where they will undergo an unclothed body search or other search procedure approved by the Warden. This procedure will be repeated when the inmate is returned from recreation. Once the search has been completed, the inmate will be escorted to the recreation area.

- e. The Recreation Officer/Sergeant will assign each inmate to a recreation area and document which inmate was assigned to which area and the duration of the recreation time.
 - f. Recreational clothing is governed by the **Table of Services**.
2. Religious Access: [4-4273]
- a. Inmates may receive visits from chaplains and/or volunteers approved by the Warden, but may be required to remain in their cells during visits. These decisions will be made on an individual basis, consistent with the security issues posed.
 - b. Inmates will be allowed to possess and retain religious items and books pursuant to the **Table of Services**.
 - c. For Native American inmates, best efforts will be made to provide sweat lodge services in accordance with the **Table of Services**. Sweat lodge privileges will be handled as follows:
 - 1) Sweat lodge will be supervised by a Correctional Officer. Efforts will be made to use a Native American Correctional Officer if possible.
 - 2) For inmates in Level VI, Step 3, only one inmate will be scheduled for sweat lodge at a time.
 - 3) Level V, Step 2 and 3 inmates are eligible for congregate sweat lodge as approved by the Warden.
 - 4) The Warden may approve a non-inmate spiritual advisor to assist with the sweat lodge.
 - 5) Restraints will be used as per the Warden's discretion.
 - d. For Native American inmates, access to pipe and smudge sticks will be provided in accordance with the **Table of Services**.
 - e. Misuse of the sweat lodge, pipe, or smudge stick privileges may result in suspension of such privileges for a period of six months. Misuse includes failure to comply with escort procedures to or from the sweat lodge, failure to return items upon the order of staff, and the like.

- f. For Native American sweat lodge, pipe, and smudge stick privileges, the Warden has the discretion to develop procedures and time schedules consistent with the above.

3. Educational/Social Services Programming: [4-4273]

- a. Education Programming/services to be offered shall include Adult Basic and Secondary Education (ABE/ASE) instruction; English as a Second Language (ESL) instruction; Postsecondary instruction; Special Education services; and cognitive education. Other programs may be offered depending on availability.
- b. Instruction may be offered individually, in small groups, and/or via Educational Television Network (ETV) in accordance with facility protocol and all NMCD Chapter 12 Education Policies, including: CD-120300, CD-120400, CD-120700, CD-120900, CD-121100, CD-121500 and CD-121600.
- c. Cognitive education programs will be treated like any other Education program; completion of a cognitive education program will not be a prerequisite or Step progression or Level completion, and failure to complete any cognitive education lesson or program will not be used, in whole or in part, for Step retention or regression unless the inmate has received a misconduct report for failure to program .
- d. Inmates in Level VI who participate and successfully complete the Motivating for Offender Change (MOC) program will receive three (3) months of time served credit in Level VI.

4. Visiting: Privileges will be provided in accordance with the **Table of Services**.

- a. As the general rule Level V and Level VI inmates will receive face-to-face, noncontact visiting. Exceptions to noncontact visiting will be made on a case-by-case basis.
- b. Inmate shall complete the **Visiting Request** form (CD-143007.2) in full. Failure to complete the form may result in a denial of the visit. (Failure to provide a phone number will not be the sole reason for denial of a visit).
- c. Classification Officers shall collect all **Visiting Request** forms (CD-143007.2) for the next week from each inmate in each pod during weekly rounds.

- d. Visit requests shall be received directly from the inmates no later than the Thursday before the visiting week.
 - e. Classification Officer shall ensure each inmate who requests a visit is informed of the status of the visit (approved; denied; or time changed) by the Friday before the visiting week
 - f. Inmates may have visiting privileges temporarily suspended as per the Conditions of Confinement.
5. Attorney Visiting: Procedure will be consistent with requirements for general population.
6. Televisions: Inmates will be allowed to purchase televisions for programming purposes but they will not be provided.

E. Services:

- 1. Telephones: Telephone use privileges will be provided in accordance with the **Table of Services. [4-4271]**
 - 2. Canteen: Inmates will be allowed to receive canteen items as specified in the **Table of Services. [4-4273]**
1. Behavioral Health Services: **[4-4273]**
- a. Inmate will be provided behavioral health/counseling services in accordance with Policy *CD-180400 and CD-180500*.
2. Library Service and Legal Access: **[4-4273]**
- a. Library Services will be provided in accordance with NMCD Educational Resource Center Policy *CD-120200*.
 - b. Legal Access will be provided in accordance with NMCD Legal Access policy *CD-121000*.

F. Property:

- a. Allowed property will be provided in accordance with the **Table of Services**.
- b. Inmates will be provided clothing, state issued property and access to basic personal items, as specified in the **Level V Table of Services** Attachment (*CD-143003.A*) for Level V inmates and in the **Level VI Table of Services** Attachment (*CD-143003.B*) for Level VI inmates, for female inmates in the **Level V/VI Table of Services Female Inmates** (*CD-143003.C*) for use in their cells unless there is imminent danger that the inmate, or any other inmate(s), will destroy the item, induce self-injury, or harm others.
- c. The appropriate staff will properly inventory and record each new inmate's authorized property in accordance with applicable policy and practice, including disposition of property that the inmate is not allowed to retain.
- d. The Deputy Warden is responsible for verifying with the property officer that each inmate receives both personal and state-issued property in accordance with the **Table of Services** within seven working days following the inmate's arrival at the Level V or Level VI facility. The Deputy Warden shall document this verification.
- e. Upon approval of a step progression involving a change in the Table of Services., the Unit Manager will notify the property officer of the date that the inmate's property is to be increased according to the **Table of Services**.
- f. Upon approval of a step regression, the Unit Manager will notify the property officer that the inmate's property is to be reduced according to the **Table of Services**.
- g. The property officer will maintain an inventory of the property for each inmate. The property officer will document the property that is given or taken from the inmate.
- h. The Deputy Warden is responsible for verifying with the property officer within seven working days following the step progression or regression that the inmate has the appropriate property in accordance with the **Table of Services**. The Deputy Warden shall document this verification.

G. In-Cell Hobby Craft Program:

- a. Inmates assigned to Level VI Step 3 and 4 and Level V may be allowed in cell Hobby Craft privileges. Applications are subject to approval on a case by case basis and may be revoked if conduct requirements are not met. The inmate will submit the **In-Cell Hobby Craft Application and Approval** form (*CD-143007.1*).
- b. Inmates requesting approval must meet the following criteria:
 - 1. Must have clear conduct for at least 6 months from date of last incident.
 - 2. Must have no negative behavior log notations for at least 3 months
- c. The following items may be authorized for possession, as specified for either Level V or Level VI inmates:

Level VI Step 3 and above

- _____ Ruler, 1-12 inch, flexible plastic
- _____ Canvas panels, 2 – 16x20 max size
- _____ Drawing tablet, 18x24, 100 sheets
- _____ Pastels, 1 – 24 piece set
- _____ Cellophane rolls, 6 any color
- _____ Cellophane, sheets, 6 any color
- _____ Plastic rings, 4 – 2 inch max size
- _____ Nylon string, 6 rolls any color
- _____ Handkerchief/panos, 4 plain white
- _____ Beads- colored, 1 – 8 oz. Bag assorted sizes
- _____ Mat board 1 – 20x30 max sizes
- _____ Yarn 4 skeins as needed for project

Level VI Step 4 and Level V

- _____ Paint brushes. 6 small
- _____ Acrylic paints, 10- 2 oz bottles all colors
- _____ Water colors, 1 set
- _____ Pencil sharpener, 1 small plastic
- _____ Colored pencils, 1 – 24 piece set
- _____ Lead pencils and pens, 10 total, clear cylinder all colors

d. Rules for In-Cell Hobby Craft Program

- 1) Inmates will maintain a current inventory of approved items. This inventory will be posted in the cell at all times for the purpose of accountability and cell searches.
- 2) Inmates who trade, exchange, barter, or otherwise pass hobby craft items (either materials or completed items) to other inmates will immediately forfeit their in-cell privileges and will receive a negative behavior log notation.
- 3) Inmates will be required to mail out or transfer to a visitor (using a property transfer form) when crafts are completed. Storage or accumulation of completed crafts will not be allowed.

H. Barber/Haircuts:

Haircuts will be provided to all inmates assigned to Levels V and VI in accordance with Hygiene Policy, *CD-151100*. [4-4263]

- a. Inmates receiving haircuts will be restrained in belly chains.
- b. The facility will maintain a written log of inmates who have received haircuts.
- c. The barber kit will be retrieved from Master Control by staff only.
- d. Barber schedules will be posted in all control centers.

I. Correspondence:

Inmates will be provided correspondence privileges pursuant to Policy *CD-151200, Correspondence Regulations*. Inmates may receive unlimited correspondence; however, may retain in their possession only the number of letters up to the specified maximum. Once the maximum is reached, the inmate must send the excess home (at own expense) or destroy the correspondence that exceeds the maximum allowable. [4-4266]

J. Laundry:

Each designated Level V or Level VI facility will implement a laundry procedure and laundry schedule which shall be similar to inmates in general population. [4-4263]

- a. The Unit Officer will collect the laundry that is to be sent to the laundry area. The Officer will maintain written accountability that will be referred to upon the return of the laundry by the Laundry Officer. Any items not returned will be immediately reported by the Unit Officer to the Laundry and/or the area Security Supervisor. The laundry will be placed in the respective laundry carts for the Laundry Officer to pick up.
- b. Inmates will hand the items that need to be laundered to the Officer through the food port.

K. Meals:

Inmates will be provided meals three times a day in accordance with the Table of Services and medical/dietary needs.

L. Writing paper:

All Level V and VI inmates, at all Steps, may have up to 10 sheets of paper in their possession. Paper is replenished up to a maximum of 10 sheets, unless the paper is being used inappropriately. Education assignments, pending or current legal papers allowed for pursuant to the legal access policy, mental health paperwork, and the like do not count toward the 10 sheet maximum.

M. Removal of Any Usually Authorized Items or Activities:

In cases where inmates are deprived of any usually authorized items or activities (e.g., television, telephone, canteen, visits, and recreation), a report detailing the suspension of services will be forwarded to the Shift Supervisor, Operations Director, Unit Manager, and Deputy Warden. [4-4265]

N. Housing:

The New Mexico Corrections Department shall ensure that inmates classified to Levels V and VI are housed in single occupancy cells. However, if an emergency makes living units unusable, two inmates may be housed in said cells or rooms for a period of short duration during which arrangements are made for alternate housing.

O. Staff Requirements:

1. A correctional officer must personally observe all inmates in Level V or VI every 30 minutes on an irregular schedule. [4-4257]
2. Correctional officers assigned to Level V or VI living areas shall be selected to meet the needs of inmates so classified. Each supervisor shall supervise and evaluate the on-the-job performance of employees assigned to Level V or VI living areas. Correctional Officers should have completed their probationary period as well as training in the following areas: [4-4259]
 - OJT/Level V and Level VI Training;
 - Defensive Tactics;
 - CPR/First Aid;
 - Classification;
 - Search Procedures;
 - Special Needs Offenders;
 - Interpersonal Communications;
 - Crisis Intervention and Suicide Prevention;
 - Emergency Preparedness and Use of Force;
 - Forced Cell Movement; and
 - Gas Mask and Riot Line Exercise.
3. Correctional Officers will maintain the **Individual Inmate Behavior Log** form (CD-143003.1), which is a permanent log and documents the following: (a) activities for the inmate; (b) inmate behavior; and (c) refusal of any service(s). [4-4260]
4. A staff sign-in sheet will be maintained that documents all personnel entering the unit for inspection, programming or treatment for each inmate.
5. The Warden shall designate an official to be responsible for the administration and operation of Levels V or VI living areas that shall monitor and evaluate the entire program in the areas as often as necessary to insure compliance with all applicable policy statements.
6. The Area Classification Officer shall visit all areas daily in which Levels V or VI inmates are housed and shall be available no less frequently than once per week, to help each inmate who desires assistance or information. [4-4258]

7. A qualified medical professional shall conduct sick call daily in each Level V or VI living area and shall examine every inmate who so requests to determine what medical care, if any, is required. A log of all sick call visits shall be maintained. **[4-4258]**

8. The following personnel shall visit Level V or VI living areas: **[4-4258]**

Warden or Acting Warden-Weekly Visit;
Deputy Warden responsible for the Unit – Weekly;
Unit Manager – Weekly;
Operations Director/Chief of Security- Weekly;
Behavioral Health Clinician – Weekly Rounds;
Medical Personnel- Daily Visit **[4-4258] [4-4400]**;
Classification Officer-Daily Visit;
Chaplain-Weekly Visit;
Shift Supervisor-Once per Shift **[4-4258]**;
Fire, Safety, Sanitation Officer-Weekly Visit;
Physician/Mid-Level Provider – Weekly Visit **[4-4400]**.

9. All personnel required to visit the Level V or VI living areas shall sign in by clearly printing their name and title without abbreviating as well as documenting the reason for entering the unit and shall enter the correct date and time that they entered and exited the unit.

10. The Facility Quality Assurance office is responsible for retrieving the sign in logs on a weekly basis for review and shall report any discrepancies to the Warden. The sign-in logs are to be maintained as permanent logs. **[4-4260]**



Gregg Marcantel, Secretary of Corrections
New Mexico Corrections Department

06/24/14
Date

New Mexico Corrections Department
LEVEL V/VI
IN-CELL HOBBY CRAFT APPLICATION AND APPROVAL

Inmate Name: _____ NMCD #: _____ Housing Cell Assignment: _____

To be considered for approval for a Hobby Permit:

- Inmate must have no minor or major misconduct reports for at least six (6) months from date of last incident.
- Inmate must have no negative behavior log notations for at least 3-months to be considered for approval.
- All applications are subject to disapproval on a case-by-case basis.
- Approved permits may be revoked if conduct requirements are not met.

Level VI Step 3 and above

- _____ Ruler, 1-12 inch, flexible plastic
- _____ Canvas panels, (2) 16x20 max size
- _____ Drawing tablet, 18x24, 100 sheets
- _____ Pastels, 1-24 piece set
- _____ Cellophane rolls, 6 any color
- _____ Cellophane, sheets, 6 any color
- _____ Plastic rings, (4) 2 inch max size
- _____ Nylon string, 6 rolls any color
- _____ Handkerchief/panos, 4 plain white
- _____ Beads-colored, (1) 8 oz bag of assorted sizes
- _____ Mat board (1) 20x30 max size
- _____ Yarn (4) skeins as needed for project.

Level VI Step 4 and Level V

- _____ Paint brushes. 6 small
- _____ Acrylic paints, 10-2 oz bottles all colors
- _____ Water colors, 1 set
- _____ Pencil sharpener, 1 small plastic
- _____ Colored pencils, 1-24 piece set
- _____ Lead pencils and pens, 10 total, clear cylinder all colors.

If approved, I agree to comply with the following rules for in-cell hobby craft:

1. I will maintain a current inventory of approved items. This inventory will be available in my cell and will be attached to this approval form at all times for the purpose of accountability and cell searches.
2. I will not trade, exchange, barter or otherwise pass items of hobby craft (materials or completed items) to other inmates.
3. I understand that when I have completed a hobby craft item I will be required to mail or transfer it out through the approved process. I understand that I cannot store completed items and that completed crafts are considered contraband.
4. I understand that violations of these rules and/or other negative behavioral issues may result in suspension or termination of my Hobby Craft Permit.

Inmate Signature

Date

Classification Officer Eligibility review and recommendation of approval or denial: _____

Classification Officer Approve/ Deny _____ Date _____

Unit Manager Approve/Deny _____ Date _____

NEW MEXICO CORRECTIONS DEPARTMENT
Level V and VI Visiting Request

Inmate Name: _____ NMCD#: _____

Unit/Pod/Cell: _____ Step: _____

Requested Date / Time of Visit: _____ Length of visit: 2 hours

Name of Visitor(s): _____

Phone # of Visitor(s): () _____ Qualified: Yes No

Approved: Denied: Scheduled for: _____ / _____
Date Date

Classification Officer: _____ / _____ Date: _____
Print Sign

Given on: _____ / _____ Length of visit: _____
Date Time

Security Officer: _____ / _____ Date: _____
Print Sign



NEW MEXICO CORRECTIONS DEPARTMENT
Level V and VI Visiting Request

Inmate Name: _____ NMCD#: _____

Unit/Pod/Cell: _____ Step: _____

Requested Date / Time of Visit: _____ Length of visit: 2 hours

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Print Sign

Given on: _____ / _____ Length of visit: _____
Date Time

Security Officer: _____ / _____ Date: _____
Print Sign