



# NEW MEXICO CORRECTIONS DEPARTMENT

Secretary  
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| CD-081200 Institutional Classification and Risk Assessment | Issued: 2/1/01<br>Effective: 2/1/01 | Reviewed: 06/13/2021<br>Revised: 6/13/2021 |
| Alisha Tafoya Lucero, Cabinet Secretary                    |                                     | <i>Original Signed and Kept on File</i>    |

## AUTHORITY:

NMSA 1978, Sections 33-1-6, 31-5-17, 31-5-4 and 31-5-10 as amended.

## REFERENCE:

- A. ACA Standard 2-CO-4A-01, 2-CO-4B-01, 2-CO-4B-03, *Standards for the Administration of Correctional Agencies*, 1993.
- B. ACA Expected Practices 5-5B-4296 and 5-5B-4305, *Performance Based Expected Practices for Adult Correctional Institutions*, 5<sup>th</sup> Edition.

## PURPOSE:

- A. To provide guidelines for institutional security levels and inmate custody level assignments.
- B. To provide criteria to assigned Classification staff for objective risk management and assessment.
- C. To set standards and consistency in the methods by which the NMCD identifies inmates' custody, programming and special needs. **[5-5B-4305]**
- D. To provide a system for:
  - 1. Continued monitoring and tracking of each inmate's program accomplishments during confinement.
  - 2. Information to assist Classification staff so they can properly assess the custody level and needs assessment of each inmate to determine the appropriate facility and program assignment.
  - 3. Inmate participation in the Classification system through assigned Classification staff at the facility level.
  - 4. A classification review and appeal process. **[2CO-4B-03]**

## APPLICABILITY:

Director and Deputy Director of Adult Prisons Division, OMS Central Office Classification Bureau, Facility Wardens, Unit Managers, Classification Staff, Inmates and Classification Committees at all institutions.

## FORMS:

- A. **Initial Custody Scoring** form (*CD-081200.1*)
- B. **Reclassification Scoring** form (*CD-081200.2*)
- C. **Custody Level Scale for Initial/Reclassification Scoring** form (*CD-081200.3*)
- D. **Contact Chrono** form (*CD-081200.4*)
- E. **Committee Hearing notice** form (*CD-081200.5*)
- F. **Committee Hearing Chrono** form (*CD-081200.6*)

**ATTACHMENTS:**

- A. **Current Offense Risk Factor Scale** Attachment (*CD-081200.A*)
- B. **Disciplinary Offense Scale** Attachment (*CD-081200.B*)

**DEFINITIONS:**

- A. *Absconder*: Any probationer or parolee who, while under the supervision of the Probation and Parole Division, changes residence or leaves the jurisdiction without permission and/or ceases reporting or is otherwise not available for supervision.
- B. *Active Felony Warrant-No Detainer*: A written legal writ authorizing the arrest of a specific individual for felony charges however the detaining agency is not requesting to place a hold on the individual.
- C. *Active Misdemeanor Warrant-No Detainer*: A written legal writ authorizing the arrest of a specific individual for misdemeanor charges however the detaining agency is not requesting to place a hold on the individual.
- D. *Admission Summary*: The summary prepared by RDC Classification Officers to provide an overall profile of all newly committed and returning inmates.
- E. *Central Office Classification Bureau*: A group of classification specialists at the Central Office level who comprise the Operational Classification Unit of the Adult Prisons Division. The Classification Bureau Chief monitors the overall responsibilities of the group.
- F. *Classification*: The process by which inmates are regularly reviewed to determine their level of custody, facility assignment, program recommendations and treatment needs.
- G. *Classification Committee*: For purposes of this policy:
  - 1. At facilities/units with Unit Management the Classification Committee shall be composed of the Unit Manager, Classification Supervisor, or Program Manager as well as a security representative, Sergeant or above. For Special Management a representative from the Behavioral Health shall serve on the classification committee as required by policy.

If a Unit Manager, Classification Supervisor or Program Manager is not available; a classification officer with over one year of experience in classification may serve on the Classification Committee as acting Classification Supervisor. If a Sergeant or above is not

available, a Correctional Officer may serve as acting Sergeant.

2. At facilities without Unit Management the Classification Committee shall be composed of the Classification Supervisor or Program Manager as well as a security representative, Sergeant or above.
- F. Classification Officer: A correctional employee responsible for the inmate's classification within the facility. The Classification Officer is responsible for managing the inmate's case in relation to good time, program assignment and acts as a liaison between the public, administration and other agencies. The Classification Officer is also responsible for the assigned duties and functions detailed in NMCD policy.
- G. Classification Supervisor: A correctional employee assigned to oversee the classification system within each assigned facility. At facilities without a Classification Supervisor, the Unit Manager or Program Manager shall be responsible for the duties of the Classification Supervisor.
- H. Custody Levels: An objective assessment of each inmate's risk of violence and escape. These include Level I, II, III and IV. Female inmates should be scored to determine their Custody Level for programming assignments. The Custody Level will be utilized to determine each inmate's housing status.
- I. Detaining Agency: The agency that issues a detainer, indictment, warrant or criminal complaint includes a District Attorney's Office, Federal law enforcement agency (e.g. FBI, U.S. Marshals, ICE, Bureau of Alcohol, Tobacco and Firearms), U.S. or State Attorney General's Office, police departments, probation/parole officers and sheriff's departments.
- J. Discretionary Reviews: Classification reviews that will be conducted of an inmate at the discretion of the Classification Supervisor or Officer.
- K. Felony Detainer: A written request from a detaining agency to place a hold on a person who has been formally charged or convicted with a crime, probation violation or parole violation. This request must be accompanied by a formal written charging document (e.g. grand jury indictment, criminal information, warrant, judgment and sentence, etc.).
- L. Gender-Responsive: Taking account of the differences in experience, which men and women bring to the criminal justice and corrections systems and adjusting our strategies and practices in ways which are appropriately responsive to those differences.
- M. Inconclusive NCIC: Information obtained from the National Crime Information Center (NCIC) that indicates an inmate has an incomplete NCIC Triple I. An incomplete NCIC Triple I is one where the disposition on a *previous* (and *not* the current) offense/charge is questionable in terms of whether the charge is still pending.
- N. Initial Classification Review: Classification review conducted on newly admitted inmates received at the Reception and Diagnostic Center and those returning to prison who have been out for more than 2 years.

- O. Facility Inmate File: The compilation of information as it relates to the inmate's criminal history, institutional status and adjustment and classification documents. It is also used as a means of tracking an inmate's sentence.
- P. Interstate Corrections Compact Inmates: New Mexico inmates placed in other states with whom the NMCD has specific contracts or inmates who are housed in New Mexico but serving a sentence from another state.
- Q. Mandatory Reclassification Reviews: Classification reviews that are conducted on a six- month or annual basis for all NMCD inmates.
1. Maximum: Female inmates who are in Special Management status shall be approved for this housing status.
  2. Medium: Female inmates whose custody score is Level IV shall be approved for this housing status.
  3. Minimum: Female inmates whose custody score is Level I, II or III shall be approved for this housing status.
- R. Misdemeanor Detainer: A written request from a detaining agency to place a hold on a person who has been formally charged or convicted with a misdemeanor. This request must be accompanied by a formal written charging document.
- S. Protective Custody Inmate: Inmate who requires separation from the general population based on the inmate's request and/or an in-depth review of the facts and documentation indicating that, if placed in general population, the inmate would be in jeopardy of serious bodily harm. An assessment by the classification committee shall determine the inmate's need for placement in either the Protective Custody Unit.
- T. Reception and Diagnostic Center (RDC): The designated facility within the NMCD that conducts the initial classification process of court-ordered inmates into the Department to include sixty-day diagnostic evaluations.
- U. Special Needs Inmates: Inmates whose mental and/or physical condition requires special accommodation by staff. Special needs inmates may include, but are not limited to, drug or alcohol addicts or abusers, the emotionally disturbed, mentally retarded, suspected mentally ill, physically handicapped, chronically ill, the disabled or infirm, those with documented custody issues and those with academic or learning disabilities. **[5-5B-4305]**
- V. Security Threat Intelligence Unit (STIU) Memorandum: A memorandum developed by the STIU Coordinator which is provided to the Classification Supervisor/ Unit Manager containing background information on an inmates' potential threat to security.
- W. Supervisory Review: A Classification Review conducted by the Classification Supervisor, Unit Manager, or Program Manager that does not involve a classification committee hearing. These reviews do not require 48-hour notice be provided to the inmate. If the above individuals are not available, a classification officer with over one year of experience in classification may conduct the supervisory review as acting Classification Supervisor.

- X. Unit Manager: A Corrections Administrator who is responsible for the oversight of operations at designated units within a facility. At facilities without a Classification Supervisor, the Unit Managers shall be responsible for the duties of the Classification Supervisor.
- Y. Warden: Corrections Administrator designated to oversee the operations and program implementation at a Facility or a Facility Complex.

## PROCEDURES:

### A. Required Documentation for Scoring All Factors:

In scoring all factors on the Initial Classification and Reclassification Scoring forms, there must be documentation to correspond to any weight given to a factor. No subjective feelings can be used to score any factor. There are three levels of documentation that may be used to score a factor on the instrument. They are as follows:

1. Official Criminal Justice Documents: All official documents found in the file that originate from criminal justice agencies can be used as documentation for scoring the instrument. Examples of this level of documentation are Judgment and Sentence, NMCD disciplinary findings of guilt, FBI Rap Sheet, Pre-sentence reports, probation/parole reports, and county jail reports, policy reports, etc.
2. Written and Verbal Verification: If there is suspicion that something in an inmate's criminal history could be scored on any factor of the instrument and there is no official documentation or the inmate does not admit guilt to that incident, then it is the responsibility of the Classification Officer to solicit that information from an appropriate criminal justice agency.

This solicitation of information may be done through written, telephone communication or e-mail. In each case the solicitor must document the offense, offense date, finding of guilt, criminal justice agency, informant name, and the solicitor's name on a **Contact Chrono** form (CD-081200.4) and place that chrono in the Inmate's Institutional file.

3. Inmate Admissions of Guilt: Inmate admissions of guilt may be used to score particular factors on the scoring form when the Classification Officer has documented the inmate's confession of guilt on the Admission Summary, or a significant Contact Chrono. The Classification Officer must indicate the date of the crime as well as the conviction and sentence. Once the inmate admissions of guilt are noted in the inmate file, an inmate may not refute information during his or her period of incarceration. This specific phrase, "inmate claimed", will be the language future Classification Officers will use for documentation to score any factors from inmate self admission.

### B. Instructions for Initial Custody Scoring Form/Data Source:

The following instructions are given to complete the Initial Classification Custody Score. Enter the appropriate score on the line at the right in each factor.

1. History of Institutional Adjustment/Violence: (Factor One – Rate only the most severe incident).
  - a. Consider inmate's entire history of institutional violence for ten (10) years prior to his or her review date. This ten-year period includes violence within the Department, other correctional jurisdictions, juvenile facilities, mental institutions or jails. Consider only incidents in which there was a finding of guilt by an institutional/jail disciplinary hearing, court conviction or inmate admissions of guilt. Use the date the incident occurred. Documentation must include written statement of the offense, date of offense, name of agency, name of informant officer, and inmate. Any court convictions or other findings of guilt for violent offenses which are not entered into the disciplinary section of the current offender management system should be entered under "other agency discipline" on the current offender management system.
  - b. Also, rate non-violent serious Class "A" level incidents for which the inmate received a disciplinary conviction within the past ten (10) years; refer to the Disciplinary Offense Scale Attachment (CD-080103.B). No more than two points are to be assessed under this item.
  - c. In addition, rate any pattern of ten (10) or more non-violent disciplinary reports. Refer to the Disciplinary Offense Scale. No more than two (2) points are to be assessed under this item.

**Data Source:** the data source to be used for incidents that occurred within the New Mexico Corrections Department is the Disciplinary Report. The data sources to be used for incidents occurring in other jurisdictions are: prior admission summaries, diagnostic and evaluations reports, pre-sentence reports (PSR), probation/parole reports, police reports, jail reports and inmate admissions of guilt. It may be necessary to contact other jurisdictions to corroborate a disposition.

2. Severity of Current Conviction: (Factor Two)

Rate the most severe active offense of this incarceration to include consecutive sentences. If multiple offenses occur in this conviction, note the most serious offense. The Classification Officer will list the date of the most severe offense and the scored offense will remain throughout the inmate's current incarceration period.

**Example:** An individual was sentenced for 2<sup>nd</sup> degree murder with a consecutive sentence for burglary. The inmate completes the 2<sup>nd</sup> degree murder sentence and paroled to the burglary. The 2<sup>nd</sup> degree murder will remain the current offense. It will not become a prior felony conviction during this current incarceration period.

**Data Source:** Use the Judgment and Sentence and Good Time Figuring Sheet. The offenses listed on the Good time Figuring Sheet should reflect the Judgment and Sentence. Use the **Current Offense Risk Factor Scale** Attachment (CD-081200.A) to rate the most serious offense.

3. Escape History: (Factor Three)

Consider any escape, attempted escape or walk away within the last ten (10) years including the inmate's current conviction. Rate the most severe escape that resulted in administrative action or court conviction. Administrative action is defined as a finding of guilt by a criminal justice agency or mental institutional agency or a disciplinary report for escape, attempted escape or walk away. Use the date of escape. Check detainers for escape and, if there was administrative action or court conviction, you may use that information to score this factor.

If information has been received regarding an escape or attempted escape while the individual is being held in custody, but he or she has not been formally tried or charged with this escape, the escape cannot be used to score this factor. Escapes older than ten (10) years prior to the review date cannot be considered in this section.

**Data Source:** For NMCD administrative actions use the disciplinary reports. For New Mexico court convictions use the Judgment and Sentence. For escape history outside New Mexico jurisdiction, use the Admissions Summaries and Pre-Sentence Reports as the primary sources. Use the FBI Rap Sheet and probation reports as secondary sources. Documented inmate admissions of guilt may be used in scoring this factor

**SUBTOTAL: Subtitle score for Items 1 – 3 (If points equal ten or more, classify as Level IV.)**

4. Prior Felony Convictions: (Factor Four)

Consider the inmate's prior felony convictions; do not include the conviction(s) that resulted in this incarceration unless the inmate is returned to RDC as a parole violator with a new crime. For an inmate returned to incarceration for a technical parole violation without a new conviction, the conviction(s) for which he or she was serving parole should not be considered as a prior conviction(s). Do not include juvenile convictions. Count each conviction that results in deferred sentence, probation or prison. Do not consider misdemeanor convictions.

**Note:** In considering prior felony convictions, a two level approach should be followed. First, convictions should be related to episodes of criminal activity separated by parole, deferred sentence, probation or incarceration. The convictions involved in these episodes should then be considered individually if they are convictions from different jurisdictions and/or have different Cause Numbers.

**Example:** If an inmate had served a prior incarceration for Burglary and Robbery and these two convictions originated from different judicial districts and/or different judgment and sentences, you would consider that as two prior convictions.

**Data Source:** Use prior Admission Summaries, Diagnostic Evaluation reports and Pre-Sentence Reports as the primary source. Use FBI Rap sheets as secondary source. Documentee inmate admissions of guilt may be used in scoring this factor. The Good Time Figuring Sheet will be useful in cases where there has been a parole revocation.

5. Severity of Prior Felony convictions: (Factor Five)

This score is obtained by a review of the inmate's total prior adult criminal history. Select the most severe prior conviction, apply this conviction to the **Offense Risk Factor Scale** to obtain a rating, and enter the score based upon this rating. Only offenses for which the individual has been convicted should be used to determine a score for this item. Do not include any offense for which you consider scoring the severity of the current conviction in factor two of the initial Custody Scoring form. Do not include juvenile offenses or misdemeanor convictions. Consider convictions that resulted in prison, probation or deferred sentences.

**Data Source:** Use prior Admission Summaries, Diagnostic Evaluation Reports and Pre-Sentence Reports as the primary source. Alternate sources are the FBI Rap Sheet and documented inmate admissions of guilt. Use the **Current Offense Risk Factor Scale Attachment (CD-081200.A)** to rate the most serious prior felony conviction.

6. Alcohol/Drug Abuse: (Factor Six)

Assess one point when it is determined the behavior involved trafficking or distribution of a controlled substance as evidenced by a criminal conviction or a disciplinary report within the past ten (10) years.

**Data Source:** FBI Rap Sheet, NCIC, Admission Summary, Pre-Sentence Report or Disciplinary Log.

7. Current Age: (Factor Seven)

Consider the offender's age. If the inmate is age 21 or under, add two points; 22 to 25, add one point; 26 to 34 years old, zero points; 35 to 44 years old, subtract one point; 45 and above, subtract two points.

8. Gang Membership/Activities past Ten Years:

Assess two points to any inmate whose file shows that the inmate has been a member or suspected member with a street gang, disruptive group or security threat group or has participated in gang-related activity at any time during the past ten (10) years.

**Data Source:** Use Admission Summaries, Diagnostic Evaluation Reports, Pre-Sentence Reports, police reports, Security Threat Group chronos or documented self-admission by the inmate.

**TOTAL SCORE:** to arrive at the total score, add the scores of factors one through eight. When a negative score appears on an item, subtract that amount to arrive at the total.

C. **Instructions for Reclassification Scoring form:**

The following are instructions for the completion of the **Reclassification Custody Scoring** form.



1. History of Institutional Adjustment/Violence: (Factor One) (Rate only the most severe incident)

- a. Consider inmate's entire history of institutional violence for ten (10) years prior to his or her review date. This ten-year period includes violence with the Department, other correctional jurisdictions, juvenile facilities, mental institutions or jails. Consider only incidents in which there was a finding of guilt of an institutional/jail disciplinary hearing, court conviction or documented inmate admissions of guilt. Use the date of the incident. Documentation must include written statement of the offense, date of offense, name of agency, name of informant officer and DOC recipient. Any court convictions or other findings of guilt for violent offenses which are not entered into the current offender management system should be entered under "other agency discipline" on the current offender management system.
- b. In addition, include serious non-violent Class "A" level incidents for which the inmate received a disciplinary conviction within the past ten (10) years (Refer to the **Disciplinary Offense Scale** Attachment (*CD-080103.B*)).

**Data Source:** The data source to be used for incidents which occurred within the New Mexico Corrections Department are the Disciplinary Reports. The data source(s) to be used for incidents occurring in other jurisdictions are: prior admission summaries, diagnostic and evaluation reports, pre-sentence reports (PSR), probation/parole reports, police reports, jail reports and documented inmate admissions of guilt. It may be necessary to contact other jurisdictions to corroborate a disposition.

2. Severity of Current Conviction: (Factor Two)

Rate the most severe active offense of this incarceration to include consecutive sentences. If multiple offenses occur in this conviction, rate the most serious offense. The Classification Officer will list the most severe active offense and the scored offense will remain throughout the inmate's current incarceration period.

**Example:** An individual was sentenced for 2<sup>nd</sup> degree murder with a consecutive sentence for burglary. When the inmate completes the 2<sup>nd</sup> degree murder sentence and paroled to the burglary, the 2<sup>nd</sup> degree murder charge will remain the current offense. It will not become a prior felony conviction during this current incarceration period.

**Data Source:** Use the Judgment and Sentence and Good Time Figuring Sheet. The offenses listed on the Good Time Figuring Sheet should reflect the Judgment and Sentence. Use the **Current Offense Risk Factor Scale** Attachment (*CD-081200.A*) to rate the most serious offense.

3. Escape History (Factor Three):

Consider any escape, attempted escape or walk away in the last ten (10) years, including the inmate's current conviction. Rate the most severe escape that resulted in administrative action or court conviction. Administrative action is defined as a finding of guilt by a criminal justice agency or mental institution agency or a disciplinary for escape, attempted escape or walk away. Use the date of escape. Check detainers for escape and if there was administrative action or

court conviction you may use that information to score this factor. If information has been received regarding an escape or attempted escape while the individual is being held in custody, but has not been formally tried or charged with this escape, this escape cannot be used to score this factor. Escapes older than ten (10) years prior to the review date cannot be considered in this section.

**Data Source:** For NMCD administrative actions use the Disciplinary Reports. Use the Judgment and Sentence for New Mexico court convictions. For escape/abscond history outside New Mexico jurisdiction, use the NCIC, FBI Rap sheet and Pre-Sentence Reports as the primary sources. Documented inmate admissions of guilt may be used in scoring this section.

**SUBTOTAL SCORE FOR ITEMS 1 – 3 (IF POINTS TOTAL 10 OR MORE, CLASSIFY AS LEVEL IV)**

4. Prior Felony Convictions (Factor Four):

Consider the inmate's prior felony convictions, not to include the conviction(s) that resulted in this incarceration unless the inmate is returned to RDC as a parole violator with a new crime. For an inmate returned to incarceration for a technical parole violation without a new conviction, the convictions(s) for which he was serving parole should not be considered as a prior conviction(s). Do not include juvenile convictions. Count each conviction that results in deferred sentence, probation or prison. Do not consider misdemeanor convictions.

**NOTE:** In considering prior felony convictions, a two level approach should be followed. First, convictions should be related to episodes of criminal activity separated by parole, deferred sentence, probation or incarceration. The convictions involved in these episodes should then be considered individually if they are convictions from different jurisdictions and/or have different Cause Numbers

**Example:** If an inmate served a prior period of incarceration for a Burglary and Robbery and these two convictions originated from different judicial districts and/or different cause numbers, you would consider that as two prior convictions.

**Data Source:** Use prior Admission Summaries, Diagnostic Evaluation Reports and Pre-Sentence Reports as the primary source. Use FBI Rap sheets as secondary source. Documented inmate confessions of guilt may be used in scoring this factor. The Good Time Figuring Sheet will be useful in some case.

5. Disciplinary Convictions Received (Factor Five):

Consider the number of disciplinary convictions for the time periods designated on the scoring sheet. Each charge on a misconduct report is to be counted separately. Use the date of incident. Include Class "A", "B" and "C" convictions.

For scoring purposes, rate one disciplinary conviction per class during the last twenty-four (24) months from date or rating.

Class "A" Disciplinary Conviction 5 points,

Class "B" Disciplinary Conviction 4 points,  
Class "C" Disciplinary Conviction 2 points,

Only NMCD disciplinary reports apply under this section. Disciplinary reports received from other jurisdictions within the past twenty-four (24) months should be considered under the override section of this policy.

**Data Source:** Use **Disciplinary Offense Scale** Attachment (*CD-081201.B*)

6. History of Disciplinary Convictions (Factor Six):

Inmates who have had clear conduct will have points subtracted from their custody score as follows:

|                                     |     |
|-------------------------------------|-----|
| Clear conduct for 36 months or more | -3, |
| Clear conduct for 24 months or more | -2, |
| Clear conduct for 12 months or more | -1, |

**Data Source:** Use disciplinary reports and good time figuring sheet to determine length of clear conduct.

7. Program/Work Performance (Factor Seven):

Subtract two points for any inmate who has received the maximum good time for which he or she was eligible during the previous six (6) months (i.e. current offender management system does not show un-awarded good time). If the inmate has earned less than maximum good time than that for which he or she was eligible during the previous six (6) months, do not subtract two points.

8. Current Age (Factor Eight):

Consider the offender's age. If the inmate is age 21 or under, add two points; 22 to 25, add one point; 26 to 34 years old, zero points; 35 to 44 years old, subtract one point; 45 and above, subtract two points.

9. Gang Membership/Activities Past Ten Years (Factor Nine):

Assess two points to any inmate whose file shows that he has been a member or suspected member with a street gang, disruptive group or Security Threat Group or has participated in gang-related activity at any time during the past ten years.

**Data Source:** Use prior admissions Summaries, Diagnostic Evaluation Reports, Pre-Sentence Reports, Police Reports, Security Threat Group chronos, current offender management system, or documented self-admission by the inmate.

**TOTAL SCORE:** To arrive at the total score, add the scores from factor 1 through factor 9. When a negative score appears on an item, subtract that number to arrive at the total.

**Note:** The Classification Officer will ensure that all required sections of the Initial and Reclassification Scoring forms are completed and that the appropriate information is entered/updated into the current offender management system.

## **B. Custody Overrides:**

1. Both the Initial Custody Scoring form, as well as the Reclassification Scoring form, allow for the override of an inmate's custody to a higher or lower level based on a determination that the inmate's custody score does not reflect the appropriate security level in which the inmate should be assigned.
2. There are both mandatory and discretionary override factors indicated on the custody scoring forms each of which have specific criteria listed regarding the reasons used to override an inmate's custody to a different level.
3. The Classification Supervisor or Unit Manager has the authority to approve discretionary overrides; however, the Classification Committee must review the mandatory overrides. Note: Classification Supervisors or Unit Managers may continue discretionary overrides that previously approved by a Classification Committee.
4. Any discretionary override factor used by the Classification Committee must be based on information that is contained in the inmate's file.
5. All overrides must be properly justified. Prior to approving a discretionary override, the Classification Committee is responsible for ensuring that not only should the override factor be indicated, but also under 'Reasons for Override', the specific reasons which justify the use of the override factor is clearly stated.
6. Override Definitions:
  - a. **Mandatory Override Factors – Level I Facility Restrictions** (May be approved by conducting a supervisory review).
    - 1) Current charge or previous conviction involving sex crime: Any inmate who has been convicted of a crime involving assaultive sexual conduct, is not eligible for placement at a Level I facility. This includes juvenile convictions.
    - 2) More than three years to projected release date: Inmate's projected release date shall be determined according to the amount of good time for which the inmate is eligible.
    - 3) Inconclusive NCIC: An inmate whose file lacks an FBI Rap Sheet and whose NCIC is not conclusive in terms of the inmate's identity or criminal history is not eligible for placement at a Level I facility.
      - a) If the NCIC or FBI Rap Sheet shows the dispositions of previous offenses as well as the inmate's current offense, this is considered to be conclusive information

regarding the inmate's criminal history. However, it is not required that the inmate's current offense be stated on these documents in order to be considered conclusive.

- b) An inconclusive NCIC is information obtained from the National Crime Information Center that indicates an inmate has an incomplete NCIC Triple I.
  - c) An incomplete Triple I is one where the disposition on a previous (and not the current offense/charge) is questionable in terms of whether the charge is still pending.
  - d) The inconclusive NCIC over-ride may only be used for the current offense if the NCIC indicates no criminal history at all on the inmate and there's no pre-sentence report on file for the inmate's current offense. In those cases, the override may be lifted following receipt of the FBI Rap Sheet or Triple I showing the current offense.
  - e) If the NCIC does show the inmate's criminal history and it is established that the criminal history of the inmate matches the identity of the inmate being classified, there is no need for a pre-sentence report to be on file for the NCIC to be considered conclusive. The inmate's Judgment and Sentence on the current offense will suffice.
  - f) To use the NCIC inconclusive over-rides, the classification officer must have it reviewed and approved by his or her immediate supervisor.
  - g) It is the responsibility of the classification officer to follow up on any questionable NCIC information to determine validity. Following confirmation of the disposition, the classification officer will document the results on a Contact Chrono. In addition, data entry shall be made in the current offender management system under Cautions (NCIC Disposition) and C-Notes (Court Information).
- 4) **Medical/ Behavioral Health Restriction:** An inmate who is not cleared by either medical or behavioral health staff for placement at a Level I facility shall be overridden to a higher custody level.
  - 5) **ICE Detainer:** Any inmate who is wanted by the U.S. Immigration and Customs Enforcement (ICE) shall not be eligible for placement at a Level I facility.
  - 6) **Crime involving violence against a child:** An inmate who has been convicted of a violent crime committed against a child other than a sexual in nature.
  - 7) **Current Offense for First- or Second-Degree Murder:** Any inmate who is serving a sentence for 1st or 2nd degree murder shall not be eligible for placement in a Level I facility.
- b. **Mandatory Override Factors – Level I and Level II Facility Restrictions:** (May be approved by conducting a supervisory review.)
- 1) **More than five (5) years to Projected Release Date:** Inmate's projected release date shall

be determined according to the amount of good time for which the inmate is eligible.

- 2) Felony Detainer/Active Felony Warrant: Any inmate who has a felony detainer or active felony warrant on file or has pending probation violation court proceedings shall not be eligible for placement at a Level I or Level II facility.
  - 3) Interstate Compact Inmate: Any inmate who is serving a sentence from another state while housed in the New Mexico Corrections Department shall not be eligible for placement at a Level I or Level II facility unless the New Mexico Corrections Department has received written permission from the sending state. The decision to request written permission will be determined by the Classification Committee and the request shall be forwarded to the Adult Prisons Classification Bureau.
  - 4) Medical/ Behavioral Health Restriction: Any inmate who is not cleared by either medical or behavioral health staff for placement at both Levels I and Level II facilities shall be overridden to a higher custody level.
  - 5) Escape from a Level II Facility Within the Past Ten (10) Years: Any inmate, who has escaped from a Level II facility, or comparable security facility from another jurisdiction, within the past ten (10) years, shall not be eligible for placement at a Level I or Level II facility.
  - 6) Less than 12 months since release from the PBMP: Any inmate who was released from PBMP within the past 12 months shall not be eligible for placement at a Level I or Level II facility.
  - 8) Current Offense for First- Degree Murder: Any inmate who is serving a sentence for 1st murder shall not be eligible for placement in a Level II facility.
- c. **Mandatory Override Factors - Level I, II, and III Facility Restrictions:** (May be approved by conducting a supervisory review.) (Male inmates only)
- 1) Escape from a Level III Facility: Inmates who have escaped from a Level III facility or above, or comparable security facility from another jurisdiction, regardless of time frame, shall not be eligible for placement at a Level I, II or III facility.
  - 2) Validated or Suspected Active Security Threat Group Member: Any inmate who has been validated or is suspected as an active member of a Security Threat Group by the Department's Security Threat Intelligence Unit, shall not be eligible for placement at a Level I, Level II, or Level III Facility.
- d. **Discretionary Overrides to Increase Custody Level:** (Requires Classification Committee approval.)
- 1) Known Management Behavior Problems: Any inmate, whose file shows a history of Management/Behavior problems that has not been fully addressed under the custody scoring section, may be overridden to a higher custody level.

- 2) Suspected Escape Threat: Any inmate whose criminal history, institutional history or current behavior indicates that the inmate poses a threat of escape may be overridden to a higher custody level. **Note**: Information to be considered will be the inmate's current age, number of years since escape occurred and overall cumulative institutional record.
  - 3) Known Gang Affiliation: Any inmate whose file shows that he or she is a suspected member with a street gang or disruptive group may be overridden to a higher custody level.
  - 4) Escape from a Level I Facility: Any inmate who has escaped from a Level I Facility or comparable security facility from another jurisdiction, may be overridden to a higher custody level.
  - 5) Former Law Enforcement Officers: Former New Mexico Law Enforcement Officers, Correctional Officers and Public Officials in high profile positions.
  - 6) Short Time Remaining to Serve: Any inmate who has a short time remaining to serve may be considered for override remain at a higher custody level if the inmate is within 45 days of release and the release process is underway at OMS.
- e. **Discretionary Overrides to a Lower Custody Level**: (Requires Classification Committee approval.)
- 1) Good Institutional Conduct: Any inmate who has a good conduct record may be considered for override to a lower custody level if the inmate does not otherwise pose a security risk if placed at the lower custody level.
  - 2) Short Time Remaining to Serve: Any inmate who has a short time remaining to serve may be considered for override to a lower custody level if the inmate does not otherwise pose a security risk if placed at a lower security level.
  - 3) Inmate Does Not Require Level IV Supervision: Any inmate who scores Level IV points but does not require level IV supervision

### C. Custody Determination: [5-5B-4296]

1. Approval procedure for custody scoring forms not Involving discretionary custody overrides.
  - a. If the inmate's scored custody level without an override is within the security level of the facility in which the inmate is currently housed, or if there is a mandatory override indicated, the scoring form will be routed by the Classification Officer to the Classification Supervisor/Unit Manager for review.
  - b. The Classification Officer is responsible for noting the recommended custody level and the current offender management system should indicate the housing status of the inmate.
  - c. Upon review of the custody scoring form, the Classification Supervisor/Unit Manager may

approve the Classification Officer's recommended custody level or require the inmate be reviewed by the Classification Committee for possible override.

- d. If the Classification Officer's recommended custody level is approved by the Classification Supervisor/Unit Manager, the custody level indicated on the scoring form or the custody level with the mandatory override becomes the official custody level of the inmate. In cases involving the transfer of inmates, the inmate's custody level is subject to review and approval by the Adult Prisons Classification Bureau.
  - e. After the inmate's custody level has been determined at the institution, the Classification Officer will obtain the inmate's signature on the form. If the inmate refuses to sign, the Classification Officer and the Unit Sergeant or above will sign the bottom, as witnesses to the inmate's refusal.
2. Approval Procedure for Custody Scoring forms Involving Discretionary Overrides:
- a. Only one discretionary override may be used at a time. If more than one discretionary override applies to an inmate, classification staff should select the one that is the most applicable.
  - b. All discretionary custody overrides, whether recommended by the Classification Officer or by the Classification Supervisor/Unit Manager, must be reviewed and approved by the Classification Committee.
  - c. Inmates have the right to appear before the Classification Committee to provide input regarding the decision on the discretionary custody override.
  - d. The Classification Committee will approve, deny or modify the discretionary custody override recommendation.
  - e. If the discretionary custody override recommendation is approved, the Classification Committee will ensure the specific reasons to justify the decision is clearly stated on the Custody Scoring form.
  - f. The Classification Supervisor/Unit Manager may approve the continuation of a discretionary override provided the decision to override had previously been made by a Classification Committee.
  - g. Only the Classification Committee may remove a discretionary override that was previously approved by an earlier Classification Committee.
  - h. In cases involving the transfer of inmates, the inmate's custody level, including discretionary overrides to higher or lower levels, is subject to approval by the Adult Prisons Classification Bureau.
  - i. In cases involving the transfer of inmates who require a discretionary override to a lower custody level, the discretionary override is subject to approval by the Director of Adult Prisons or designee.



- j. In cases involving a Classification Committee's decision to approve a discretionary override to a lower custody for the purpose of retaining an inmate at the same facility rather than recommending transfer, the Classification Committee must refer the decision to the Deputy Warden for approval who will staff this with the Warden. Final approval will be made by the Warden. This will be documented on the Classification Committee Action module located in the current offender management system.
3. Gender Responsive;
- a. Custody Levels are determined by the score an inmate receives on the Initial or Reclassification Scoring form and shall determine access to programming.
  - b. Housing status is determined by the inmate's custody level or status.
  - c. There are four (4) Custody Levels and three (3) Housing Status:
    - 1) Minimum include inmates whose Custody Level is equal to Level I, II.
    - 2) Medium includes inmates whose Custody Level is equal to Level III and IV.
    - 3) Maximum includes inmates in Special Management status, PHD or Disciplinary Segregation.

## NEW MEXICO CORRECTIONS DEPARTMENT INITIAL CUSTODY SCORING FORM

Inmate's Name: \_\_\_\_\_ NMCD# \_\_\_\_\_  
*Last First MI*

Classification Officer: \_\_\_\_\_ Classification Date: \_\_\_\_\_

1. **HISTORY OF INSTITUTIONAL ADJUSTMENT/VIOLENCE.** (Review individual's entire background for 10 years prior to classification date to include juvenile incidents) (Include date of incident; rate most severe)

None \_\_\_\_\_ 0  
Ten or more non-violent disciplinary reports \_\_\_\_\_ 2  
Non-Violent /Serious Class A Level Incidents \_\_\_\_\_ 2  
Violent Incident with no weapon, serious injury or death \_\_\_\_\_ 4  
Violent Incident involving a weapon, serious injury or death \_\_\_\_\_ 7

2. **SEVERITY OF CURRENT CONVICTION** (score the most serious conviction, list offense and date)

Low \_\_\_\_\_ 1  
Moderate \_\_\_\_\_ 3  
High \_\_\_\_\_ 5  
Highest \_\_\_\_\_ 7

3. **ESCAPE HISTORY** (Last 10 years from this rating date. List date of escape)

None \_\_\_\_\_ 0  
Escape/Attempted Escape from Level I or II, County Jail, Juvenile Facility, or Peace Officer (no violence) \_\_\_\_\_ 4  
Escape/Attempted Escape from Level III facility or above (no violence) \_\_\_\_\_ 4  
Escape/Attempted Escape (with violence) \_\_\_\_\_ 7

**SUB-TOTAL FOR ITEMS 1-3** (If points equal 10 or more, classify as Level IV)

4. **PRIOR FELONY CONVICTIONS** (Do not include current conviction; list offenses and dates.)

None \_\_\_\_\_ 0      One \_\_\_\_\_ 1      Two \_\_\_\_\_ 2      Three or more \_\_\_\_\_ 3

5. **SEVERITY OF PRIOR CONVICTIONS** (Score the most serious offence; list offence and date)

None/Low \_\_\_\_\_ 0      Moderate \_\_\_\_\_ 1      High \_\_\_\_\_ 2      Highest \_\_\_\_\_ 3

6. **ALCOHOL/DRUG ABUSE** (Last 10 years from this rating date; list offense and date)

None \_\_\_\_\_ 0  
Trafficking or Distribution of Alcohol/Drugs \_\_\_\_\_ 1

7. **CURRENT AGE**

21 and under \_\_\_\_\_ 2      22 to 25 \_\_\_\_\_ 1      26 to 34 \_\_\_\_\_ 0      35 to 44 \_\_\_\_\_ -1      45 and above \_\_\_\_\_ -2

8. **GANG MEMBERSHIP/ACTIVITIES IN THE PAST 10 YEARS**

Yes \_\_\_\_\_ 2      No \_\_\_\_\_ 0

**TOTAL SCORE** (Add 1 through 8)

## NEW MEXICO CORRECTIONS DEPARTMENT RECLASSIFICATION SCORING FORM

Inmate's Name: \_\_\_\_\_ NMCD# \_\_\_\_\_  
*Last First MI*

Classification Officer: \_\_\_\_\_ Reclassification Date: \_\_\_\_\_

1. **HISTORY OF INSTITUTIONAL ADJUSTMENT/VIOLENCE.** (Review individual's entire background for 10 years prior to classification date to include juvenile incidents) (Include date of incident; rate most severe)

None \_\_\_\_\_ 0  
Non-Violent /Serious Class A Level Incidents \_\_\_\_\_ 1  
Violent Incident with no weapon, serious injury or death \_\_\_\_\_ 3  
Violent Incident involving a weapon, serious injury or death \_\_\_\_\_ 6

2. **SEVERITY OF CURRENT CONVICTION** (score the most serious conviction, list offense and date)

Low \_\_\_\_\_ 1  
Moderate \_\_\_\_\_ 2  
High \_\_\_\_\_ 4  
Highest \_\_\_\_\_ 6

3. **ESCAPE HISTORY** (Last 10 years from this rating date. List date of escape)

None \_\_\_\_\_ 0  
Escape/Attempted Escape from Level I or II, County Jail, Juvenile Facility, or Peace Officer (no violence) \_\_\_\_\_ 3  
Escape/Attempted Escape from Level III facility or above (no violence) \_\_\_\_\_ 5  
Escape/Attempted Escape (with violence) \_\_\_\_\_ 6

**SUB-TOTAL FOR ITEMS 1-3** (If points equal 10 or more, classify as Level IV)

4. **PRIOR FELONY CONVICTIONS** (Do not include current conviction; list offenses and dates.)

None \_\_\_\_\_ 0      One \_\_\_\_\_ 1      Two \_\_\_\_\_ 2      Three or more \_\_\_\_\_ 3

5. **DISCIPLINARY CONVICTIONS RECEIVED** (only one per class)

Last 24 months: One or more class A = 5 \_\_\_\_\_  
Last 24 months: One or more class B = 4 \_\_\_\_\_  
Last 24 months: One or more class C = 2 \_\_\_\_\_

6. **HISTORY OF DISCIPLINARY** (clear conduct)

Clear conduct for 36 months or more \_\_\_\_\_ -3  
Clear conduct for 24 months or more \_\_\_\_\_ -2  
Clear conduct for 12 months or more \_\_\_\_\_ -1

7. **PROGRAM/WORK PERFORMANCE** (last 6 months)

Less than maximum good time \_\_\_ 0      Maximum good time \_\_\_\_\_ -2

8. **CURRENT AGE**

21 and under \_ 2      22 to 25 \_ 1      26 to 34 \_ 0      35 to 44 \_ -1      45 and above \_\_\_\_\_ -2

9. **GANG MEMBERSHIP/ACTIVITIES IN THE PAST 10 YEARS**

Yes \_\_\_\_\_ 2      No \_\_\_\_\_ 0

**TOTAL SCORE** (Add 1 through 9)

**NEW MEXICO CORRECTIONS DEPARTMENT**  
**Committee Hearing Notice**

Inmate Name: \_\_\_\_\_ NMCD #: \_\_\_\_\_ Unit: \_\_\_\_\_

This is your notice to appear before the Classification Committee on \_\_\_\_\_. Your signature below is an acknowledgement of this scheduled hearing. (Date)

Purpose of Committee Hearing:

Transfer / Custody Review

Mandatory 6 month/12-month Review

I TAP / TAP Review\*

Discretionary Review

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I **do** wish to appear at the above scheduled hearing. \_\_\_\_\_  
(Inmate's initials)

I **do not** wish to appear at the above scheduled hearing. \_\_\_\_\_  
(Inmate's initials)

\*I understand that if the purpose of my scheduled committee hearing is I TAP or TAP review, I may not waive my appearance unless precluded for security reasons. \_\_\_\_\_  
(Inmate's initials)

Inmate Signature: \_\_\_\_\_ NMCD #: \_\_\_\_\_ Date: \_\_\_\_\_

**Waiver of 48-Hour Notification**

I understand that I am to receive a 48-hour notification for my classification hearing and I hereby waive my right to that 48-hour notification of the above scheduled hearing as acknowledged by my signature below.

Inmate Signature: \_\_\_\_\_ NMCD #: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ / \_\_\_\_\_ Date: \_\_\_\_\_  
(Print) (Signature)

**NEW MEXICO CORRECTIONS DEPARTMENT**  
**Supervisory Review**

Inmate's Name: \_\_\_\_\_ NMCD#: \_\_\_\_\_ Institution: \_\_\_\_\_ Unit: \_\_\_\_\_

Custody: \_\_\_\_\_ Points: \_\_\_\_\_ Override  
Justification: \_\_\_\_\_

Reason: \_\_\_\_\_

Action: \_\_\_\_\_

Justification: \_\_\_\_\_

Next Review Date: \_\_\_\_\_ Supervisor: \_\_\_\_\_ / \_\_\_\_\_  
(print) (sign)

Classification Officer: \_\_\_\_\_ / \_\_\_\_\_  
(print) (sign)

I have the right to appeal the above decision through the classification appeal procedure. \_\_\_\_\_ (mark the line)

Inmate Signature: \_\_\_\_\_ NMCD# \_\_\_\_\_ Date \_\_\_\_\_

**NEW MEXICO CORRECTIONS DEPARTMENT**  
**Committee Hearing**

Inmate's Name: \_\_\_\_\_ NMCD#: \_\_\_\_\_ Institution: \_\_\_\_\_ Unit: \_\_\_\_\_

Custody: \_\_\_\_\_ Points: \_\_\_\_\_ Override  
Justification: \_\_\_\_\_

Reason for Appearance: \_\_\_\_\_

Committee Action: \_\_\_\_\_

Justification: \_\_\_\_\_

Next Review Date: \_\_\_\_\_ Chairperson: \_\_\_\_\_ / \_\_\_\_\_  
(print) (sign)

\*Security Representative: \_\_\_\_\_ / \_\_\_\_\_  
(print) (sign)

Inmate Appeared       Inmate Waived

I have the right to appeal the above decision through the classification appeal procedure. \_\_\_\_\_ (mark the line)

Inmate Signature: \_\_\_\_\_ NMCD# \_\_\_\_\_ Date \_\_\_\_\_

**NEW MEXICO CORRECTIONS DEPARTMENT**  
**Current Offense Risk Factor Scale**

| <u>NMSA</u> | <u>Description of Offense</u>   | <u>Code</u> |
|-------------|---|-------------|
| 30-22-25B   | AGGRAV BATTERY UPON A PEACE OFFCR   | GR          |
| 30-22-25C1  | AGGRAV BATTERY UPON PEACE OFFCR W/DEADLY WEAPN                            | GR          |
| 30-22-25C   | AGGRAV BATTERY UPON PEACE OFFCR W/DEADLY WEAPN/RESULT GBH                 | GR          |
| 30-3-5C     | AGGRAV BATTERY W/DEADLY WEAPN OR RESULT GBH/DEATH                         | GR          |
| 30-2-1A     | MURDER 1 <sup>ST</sup> DEGREE   | GR          |
| 30-22-22    | AGGRAV ASSAULT UPON PEACE OFFCR   | HI          |
| 30-3-5      | AGGRAV BATTERY  | HI          |
| 30-3-16     | AGGRAV BATTERY AGAINST HOUSEHOLD MEMBR                                    | HI          |
| 30-3-16B    | AGGRAV BATTERY AGAINST HOUSEHOLD MEMBR RESULT BODILY HARM                 | HI          |
| 30-3-16C    | AGGRAV BATTERY AGAINST HOUSEHOLD MEMBR RESULT GBH/DEATH OR W/DEADLY WEAPN | HI          |
| 30-3-5B     | AGGRAV BATTERY RESULT BODILY HARM   | HI          |
| 30-3-9.2F   | AGGRAV BATTERY UPON A HEALTH CARE WORKER                                  | HI          |
| 30-22-25C2  | AGGRAV BATTERY UPON PEACE OFFCR RESULT GBH/DEATH                          | HI          |
| 30-3-9F     | AGGRAV BATTERY UPON SCHOOL EMPLOYEE                                       | HI          |
| 30-3-9F2    | AGGRAV BATTERY UPON SCHOOL EMPLOYEE RESULT GBH                            | HI          |
| 30-3-9.1J   | AGGRAV BATTERY UPON SPORTS OFFICIAL DWPN GBH/DEATH 3 <sup>RD</sup> D      | HI          |
| 30-3-9.1I   | AGGRAV BATTERY UPON SPORTS OFFICIAL NOT GBH/DEATH 4 <sup>TH</sup> D       | HI          |
| 30-22-11.2  | AGGRAV ESCAPE FROM CUSTODY OF CYFD  | HI          |
| 30-22-24    | BATTERY UPON A PEACE OFFCR  | HI          |
| 30-7-5      | DANGEROUS USE OF EXPLOSIVES   | HI          |
| 30-2-3      | MANSLAUGHTER  | HI          |
| 30-2-1B     | MURDER 2 <sup>ND</sup> DEGREE   | HI          |
| 30-22-16    | POSSESSION OF DEADLY WEAPN/EXPLOSIVE BY PRISONER                          | HI          |
| 30-20A-3    | VIOLATION OF ANTITERRORISM ACT – UNLAWFL ACTS, CIVIL DISORDER             | HI          |
| 30-2-3A     | VOLUNTARY MANSLAUGHTER  | HI          |
| 30-47-4D    | ABUSE OF A RESIDENT RESULT DEATH  | MD          |
| 30-17-6     | AGGRAV ARSON  | MD          |
| 30-3-2      | AGGRAV ASSAULT  | MD          |
| 30-3-13     | AGGRAV ASSAULT AGAINST HOUSEHOLD MEMBR                                    | MD          |
| 30-3-9.2C   | AGGRAV ASSAULT UPON A HEALTH CARE WORKER                                  | MD          |
| 30-3-9C     | AGGRAV ASSAULT UPON A SCHOOL EMPLOYEE                                     | MD          |
| 30-3-9.1E   | AGGRAV ASSAULT UPON SPORTS OFFICIAL 3 <sup>RD</sup> DEGREE                | MD          |
| 30-3-2A     | AGGRAV ASSAULT W/DEADLY WEAPN   | MD          |
| 30-16-4     | AGGRAV BURGLARY   | MD          |
| 30-16-4A    | AGGRAV BURGLARY W/DEADLY WEAPN  | MD          |
| 30-22-1.1   | AGGRAVATED FLEEING A LAW ENFORCEMENT OFFICER                              | MD          |
| 30-16-2B1   | ARMED ROBBERY W/DEADLY WEAPN 1ST OFF                                      | MD          |
| 30-16-2B2   | ARMED ROBBERY W/DEADLY WEAPN 2ND OFF                                      | MD          |
| 30-22-17    | ASSAULT BY PRISONER   | MD          |
| 30-22-21    | ASSAULT ON A PEACE OFFICER  | MD          |
| 30-22-23    | ASSAULT W/INT COMMIT VIOLENT FELONY UPON PEACE OFFCR                      | MD          |
| 30-22-26    | ASSIST IN ASSAULT UPON PEACE OFFCR  | MD          |
| 30-3-4      | BATTERY   | MD          |
| 30-3-9.2E   | BATTERY UPON A HEALTH CARE WORKER   | MD          |
| 30-3-15     | BATTERY UPON A HOUSEHOLD MEMBR  | MD          |
| 30-3-9E     | BATTERY UPON SCHOOL EMPLOYEE  | MD          |
| 30-6-1B2    | CHILD ABANDONMENT RESULT GBH/DEATH  | MD          |
| 30-6-1      | CHILD ABANDONMENT/ABUSE RESULT GBH/DEATH                                  | MD          |
| 30-6-1C3    | CHILD ABUSE RESULT GBH/DEATH  | MD          |
| 30-6-1D3    | CHILD ABUSE RESULT GBH/DEATH  | MD          |
| 30-22-27    | DISARMING A PEACE OFFICER   | MD          |

|            |   |    |
|------------|---|----|
| 30-22-8.1C | ESCAPE FROM COMMUNITY CUSTODY RELEASE PROGRAM WHEN UNDER FELONY CHG | MD |
| 30-22-10   | ESCAPE FROM CUSTODY OF PEACE OFFCR                                  | MD |
| 30-22-8    | ESCAPE FROM JAIL  | MD |
| 30-22-9    | ESCAPE FROM PENITENTIARY  | MD |
| 66-8-101B  | GBH BY VEHICLE  | MD |
| 66-8-101A  | HOMICIDE BY VEHICLE   | MD |
| 66-8-101   | HOMICIDE/GBH BY VEHICLE WHILE UNDER INFLUENCE OF ALCOHOL/DRUG       | MD |
| 30-17-5A   | INTENTIONAL ARSON   | MD |
| 30-17-5A3  | INTENTIONAL ARSON WHEN PROPERTY VALUE >1000                         | MD |
| 30-7-12B   | INTIMIDATE/THREATEN/ASSAULT BUS W/INT TO SEIZE/EXRCISE CONTRL       | MD |
| 30-2-3B1   | INVOLUNTARY MANSLAUGHTER  | MD |
| 30-44-7F   | MEDICAID FRAUD RESULT DEATH   | MD |
| 30-7-19.1  | POSSESSION OF EXPLOSIVE/INCENDIARY DEVICE                           | MD |
| 30-7-19    | POSSESSION OF EXPLOSIVES  | MD |
| 30-24-3B   | RETALIATION AGAINST WITNESS RESULT BODILY HARM                      | MD |
| 30-21-1    | SABOTAGE  | MD |
| 30-7-12A   | SEIZE/EXRCISE CONTRL BUS BY FORCE/VIOLNCE/THREAT OF FORCE/VIOLNCE   | MD |
| 30-3-8A3   | SHOOTING AT DWELLING/OCCUPIED BUILDING RESULT GBH                   | MD |
| 30-3-8B3   | SHOOTING AT/FROM MOTOR VEHICLE RESULT GBH                           | MD |

ATTEMPTED, CONSPIRACY OR SOLICITATION OF ANY CRIME LISTED ABOVE WOULD BE ONE STEP LOWER IN SCALE.

## NEW MEXICO CORRECTIONS DEPARTMENT

### Custody Level Scale for Initial/Reclassification Scoring Forms

Male Inmates

- LEVEL IV                    10 points or higher on items 1-3, or 18 points and higher on items 1 through 8 (9)
- LEVEL III                    12-17 points on items 1 through 8 (9)
- LEVEL II                    6-11 points on items 1 through 8 (9)
- LEVEL I                    5 or less points on items 1 through 8 (9)

Female Inmates

- LEVEL IV                    10 points or higher on items 1-3, or 18 points and higher on items 1 through 8 (9)
- LEVEL III                    13-17 points on items 1 through 8 (9)
- LEVEL II                    7-12 points on items 1 through 8 (9)
- LEVEL I                    6 or less points on items 1 through 8 (9)

**CUSTODY OVERRIDE FACTORS**

MANDATORY OVERRIDE FACTORS: *Override factors are to be documented whether override is necessary or not, by checking the appropriate section*

**Level I Facility Restrictions**

|  |   |
|--|---|
| <input type="checkbox"/> Has been convicted of a crime involving assaultive sexual conduct | <input type="checkbox"/> Inconclusive NCIC                                |
| <input type="checkbox"/> More than three years to projected release date                   | <input type="checkbox"/> Medical/Mental Health Restriction                |
| <input type="checkbox"/> ICE Detainer  | <input type="checkbox"/> 1 <sup>st</sup> or 2 <sup>nd</sup> Degree Murder |
| <input type="checkbox"/> Has been convicted of a crime involving violence to a child       |   |

**Level I and II Facility Restrictions**

|  |  |
|--|--|
| <input type="checkbox"/> More than five years to projected release date    | <input type="checkbox"/> Interstate Compact Inmate w/o custody reduction approval from sending state |
| <input type="checkbox"/> Current Offense for murder 1 <sup>st</sup> degree | <input type="checkbox"/> Escape from Level II facility within past 10 years                          |
| <input type="checkbox"/> Medical/Mental Health Restriction                 | <input type="checkbox"/> Less than 12 months since PBMP release                                      |
| <input type="checkbox"/> Felony Detainer/Active Felony Warrant             |  |

**Level I, II, and III Facility Restrictions (males only)**

- Escape from a Level III or above
- Validated or Suspected STG Affiliation

DISCRETIONARY OVERRIDE TO INCREASE CUSTODY LEVEL: *Discretionary override factors are to be marked only if activated. (select most applicable)*

|   |  |
|---|--|
| <input type="checkbox"/> Known behavior/management problems | <input type="checkbox"/> Known gang affiliation/suspect  |
| <input type="checkbox"/> Suspected escape threat            | <input type="checkbox"/> Former Law Enforcement Officers |
| <input type="checkbox"/> Escape from Level I                | <input type="checkbox"/> Short time remaining to serve   |

DISCRETIONARY OVERRIDE TO LOWER CUSTODY LEVEL: *(select most applicable)*

- Inmate does not require level IV supervision
- Good institutional conduct
- Within six months projected remaining to serve

**RECOMMENDED CUSTODY LEVEL**

- Level I
- Level II
- Level III
- Level IV

**RECOMMENDED HOUSING STATUS (male)**

- General Population     MHTC
- Special Management     LTCU

**Gender Responsive**

- Minimum
- Medium
- Maximum

Inmate's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Classification Officer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Security Representative Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**FINAL CUSTODY LEVEL**

- Level I
- Level II
- Level III
- Level IV

**FINAL HOUSING STATUS (male)**

- General Population     MHTC
- Special Management     LTCU

**Gender Responsive**

- Minimum
- Medium
- Maximum

Reason for Override: \_\_\_\_\_



**NEW MEXICO CORRECTIONS DEPARTMENT  
DISCIPLINARY OFFENSE SCALE**

|   |   |
|---|---|
| <p><b><u>CLASS "A" OFFENSES</u></b></p> <p>MURDER</p> <p>MANSLAUGHTER</p> <p>TAKING OF HOSTAGES OR KIDNAPPING</p> <p>ARSON</p> <p>ASSAULT OR BATTERY WITH A WEAPON ON ANOTHER PERSON</p> <p>ENGAGING IN RIOT</p> <p>INCITING TO RIOT</p> <p>ESCAPE WITH OR WITHOUT FORCE</p> <p>RAPE</p> <p>ASSAULT OR BATTERY WITHOUT A WEAPON ON A STAFF MEMBER OR VISITOR</p> <p>PARTICIPATING IN, CONTRIBUTING TO OR IMPEDING CONTROL OF A DISTURBANCE IN ANY AREA EITHER PHYSICALLY OR VERBALLY</p> <p>TAMPERING WITH LOCKS OR SECURITY ITEMS POSSESSION OF A KEY OR KEY PATTERN</p> <p>REFUSAL TO MOVE OR TO BE RESTRAINED POSSESSION OF ESCAPE PARAPHERNALIA</p> <p>POSSESSION OF DANGEROUS CONTRABAND</p> <p>BATTERY</p> <p>ATTEMPT OR COMPLICITY TO ANY CLASS "A" OFFENSE</p> <p>SEXUAL MISCONDUCT</p> <p>SEXUAL HARASSMENT</p> <p>ATTEMPT TO OR ENGAGING IN ANY UNAUTHORIZED RELATIONSHIP</p> | <p><b><u>CLASS "B" OFFENSES</u></b></p> <p>DEALING IN DANGEROUS DRUGS</p> <p>ROBBERY OR EXTORTION</p> <p>ENGAGING IN SECURITY THREAT GROUP/STREET GANG ACTIVITY THREATS</p> <p>ASSAULT OR BATTERY WITHOUT A WEAPON ON AN INMATE</p> <p>PRESENCE IN UNAUTHORIZED OR RESTRICTED AREA(S)</p> <p>ANY UNAUTHORIZED USE OF ANY INSTITUTIONAL EQUIPMENT</p> <p>FAILURE TO FOLLOW PUBLISHED RULES OR REGULATIONS</p> <p>SELF-MUTILATION</p> <p>COUNT INTERFERENCE</p> <p>VERBAL ABUSE OR GESTURES</p> <p>DISOBEYING A LAWFUL ORDER</p> <p>FIGHTING OR HORSE PLAY DAMAGE TO PROPERTY</p> <p>ANY ACT CONSTITUING A FELONY</p> <p>INTERFERENCE WITH SEARCH</p> |
|   | <p><b><u>CLASS "C" OFFENSES</u></b></p> <p><b>Any Offenses not listed under Class "A" or "B"</b></p>  |

