



TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.

EXECUTIVE ORDER NO. 97-05

**RELATIVE TO RESCINDING CHAPTER 4
"CLASSIFICATION OF INMATES" OF EXECUTIVE
ORDER 94-19 AND PROMULGATING A NEW CHAPTER
4 TO MEET PRESENT DEPARTMENTAL GOALS
TOWARD REHABILITATION AND REINTEGRATION.**

WHEREAS, Executive Order 94-19 contains rules and regulations for the Department of Corrections, and Chapter 4 of those rules and regulations provides for the classification of inmates; and

WHEREAS, since the approval of Executive Order 94-19 on December 30, 1994, it is now necessary to make changes to Chapter 4 to further enhance rehabilitative needs and classification of inmates for better institutional management; and

NOW, THEREFORE, I, CARL T. C. GUTIERREZ, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do order:

1. Chapter 4, CLASSIFICATION OF INMATES, of the rules and regulations for the Department of Corrections, promulgated in Executive Order No. 94-19, is rescinded.
2. A new Chapter 4, CLASSIFICATION OF INMATES, of Executive Order 94-19, is approved and promulgated, to read:

**"CHAPTER 4
CLASSIFICATION OF INMATES**

SECTION 4.1 GENERAL PROVISIONS

The classification process of a person committed to the custody of the Director of Corrections shall be uniformly applied beginning at intake and shall continue throughout the time the inmate is incarcerated.

SECTION 4.2 ADMISSION AND ORIENTATION UNIT

Inmates remanded to the custody of the Director of Corrections shall initially be assigned to the Admissions and Orientation Unit (A & O) pending classification.

SECTION 4.3 CUSTODY DESIGNATIONS

Custody designations strive to place the inmate in an environment consistent with his behavior. Custody designations are not to be imposed as a form of punishment. As much as possible, custody designations should have an objective, behavior-oriented foundation. Custody level refers to

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the degree of staff supervision an inmate requires and the type of housing an inmate is assigned to.

SECTION 4.4 LEVELS OF CLASSIFICATION

The Department of Corrections has eleven (11) levels of inmate classification.

- (A) Unclassified
- (B) Maximum (Level 1)
- (C) Maximum (Level 2)
- (D) Maximum (Level 3)
- (E) Medium (Level 1)
- (F) Medium (Level 2)
- (G) Medium (Level 3)
- (H) Minimum (In)
- (I) Minimum (Out)
- (J) Community Corrections
- (K) Pre-Release

SECTION 4.5 DESCRIPTION OF LEVELS OF CLASSIFICATION

- (A) Unclassified
 1. This classification is reserved for newly admitted inmates remanded to the custody of the Director of Corrections.
 2. During the initial incarceration, the inmate will undergo a physical examination, an initial psychological assessment, initial interviews, and evaluation and observation by corrections personnel. The Corrections Social Worker will complete an initial classification summary, and compile other data needed for planning, evaluation, monitoring or reporting purposes.
 3. The initial classification of an inmate is normally completed during the first Thirty (30) days of receipt of intake documents by the Corrections Social Worker. In exceptional cases (which must be documented) where circumstances and situations require an extension, the Corrections Social Worker Administrator may extend the period beyond the Thirty (30) days but not exceed Fifteen (15) additional days.
 4. The Adjustment Classification Committee shall assign the initial custody classification of newly admitted inmates. All initial classification shall place inmates in Maximum (Level 1) or Medium (Level 1) except as follows: inmates serving Twelve (12) months or less, with no prior conviction(s), no prison recidivism record, may be assigned a classification level higher than Medium (Level 1).
 5. Other than services directly related to the initial evaluation process, unclassified inmates shall be limited to housekeeping assignments within the immediate proximity of their confinement cell/housing and under constant supervision by a Corrections Officer. Housing for unclassified inmates shall



normally be single cell units. All inmate movement shall be escorted by a Corrections Officer. During this initial period of incarceration the inmate will receive no visitors until after the inmate is classified.

(B) Maximum Custody/Security Classification

This classification is for inmates who have committed a violent crime (i.e. murder, armed robbery, aggravated assault, criminal sexual conduct, crimes involving the use of explosives, kidnapping, and escape) in the 2nd degree or higher offense. This classification requires housing separate from the general population and implies separate management of various activities. An inmate placed in a maximum custody/security classification shall be housed in a single occupancy cell. The maximum custody/security inmate may retain personal property unless the Prison Security Administrator (PSA) finds and documents that removal of specific items of personal property is essential for personal safety or for the safety of others. Inmates in this classification shall have limited privileges (i.e. visiting, library, recreation, etc.)

The inmate's day movement inside the perimeter shall only be under direct escort while night movement shall also require documented special orders from the supervising officer of the unit. General supervision calls for all movement to be escorted. When leaving the institutional grounds, an armed one-on-one escort will be used and the inmate shall be in full restraints.

1. Maximum (Level 1)

- (a) This level is for inmates whose past assaultive or escape history indicates a need for very close control. Inmates in this category are considered serious threats to the community, to corrections personnel, or to themselves.
- (b) Inmates assigned to this level shall have access only to specific programs in which appropriate supervision can be maintained, usually in the inmates' cell or area adjacent thereto.

2. Maximum (Level 2)

- (a) This level is usually reserved for inmates who have shown a significant improvement in behavior and attitude based on documented security observation reports while in maximum (level 1).
- (b) Inmates assigned to this level are actively participating in programs within the maximum housing unit.

3. Maximum (Level 3)

- (a) This level is usually reserved for inmates in maximum custody/security classification and who have continued to maintain positive behavior and attitude. It may also be used as a temporary placement for inmates as a result



of disciplinary hearings for violations of institutional rules and regulations.

- (b) Should an inmate be recommended to move out of maximum classification, the initial promotion can only be to Medium (Level 1).
- (c) A move out of maximum custody/security classification shall normally be initiated at the request of the PSA, the institutional physician or forensic unit personnel.

C. Medium Custody/Security Classification

Housing for medium custody/security inmates may be either single cell units or dormitories where the areas are secure and designated for this purpose. Medium classification shall also include a secure perimeter, together with some form of external patrol.

Inmates assigned to medium classification shall be eligible for programs and activities within the main perimeter of the Adult Correctional Facility (ACF). Inmates are permitted to move about within the institution and shall be within frequent view of corrections personnel. Inmates may be permitted to leave the institution to seek medical attention or for other extenuating circumstances and only when accompanied by corrections personnel.

- 1. Medium (Level 1)
 - (a) This level is for inmates who do not require the management of maximum classification. Inmates in this level may pose frequent behavioral or emotional problems requiring intervention or supervision by corrections personnel. Inmates have access to selected work assignments, programs, and activities inside the perimeter of the Adult Correctional Facility.
 - (b) When leaving the institutional grounds, inmates in this level must be escorted by a correctional personnel and kept in restraints.
 - (c) Inmates should normally be housed in a single occupancy cell.
- 2. Medium (Level 2)
 - (a) This is a promotional level in this custody/security classification. Inmates in this level are actively participating in programs, work assignments, and activities within the perimeter of ACF.
 - (b) When leaving the institutional grounds, inmates in this level shall be escorted by corrections personnel and may be in restraints.
- 3. Medium (Level 3)



- (a) This is the highest level in the medium custody/security classification. Inmates in this level are successfully participating in programs, work assignments, and activities inside the perimeter of ACF or within the boundaries of the Department.
- (b) Supervision of inmates in this level should be less frequent, but there should be observation of the area the inmate is in.

D. Minimum (In)

- 1. This classification is for inmates who have met the time frame requirements as set by the Adjustment Classification Committee and approved by the Director.
- 2. Inmates in this classification have demonstrated positive behavior and attitude. However, they are not eligible to participate in any programs established by law or executive orders (i.e. work release, work credits, etc.) outside the department boundaries.
- 3. An inmate in this classification may be permitted to move about within the department's perimeter and does not need to be within the view of a corrections personnel.
- 4. Housing may be in an open unit within the department's boundaries.

E. Minimum (Out)

- 1. Inmates in this classification do not pose the risks associated with the preceding levels and are prepared for programs established by law or executive orders (i.e. work release, work credits, etc.) in the community shall be placed in this level.
- 2. This classification is the highest level for those inmates in Work Credits (other than a placement in Pre-Release Classification when recommended by the ACC and approved by the PSA and Director.
- 3. This is the entry level for those inmates meeting program eligibility criteria for community corrections.
- 4. An inmate in this level shall be permitted to move about in the department's perimeter and does not need to be within the view of a corrections personnel.
- 5. Housing may be in an open unit within the department's boundaries or in the community as designated by the Director.

J. Community Corrections

- 1. Only inmates eligible to participate in all programs established by law or executive orders (i.e. work release, work credits, etc.) and have consistently demonstrated satisfactory behavior and



attitude may be placed in this classification, and only after a classification in Minimum (Out) for not less than Twelve (12) months.

2. An inmate's stay in this level shall normally be for not more than Three (3) years, is highly recommended prior to a full-time release or a release to parole supervision.
3. The inmate may be allowed to be away from the center unescorted in accordance with program policies approved by the Director.

K. Pre-Release

1. Pre-release is reserved for inmates who are in Minimum (Out) or in the Community Corrections classification. These inmates are One Hundred Twenty (120) days from actual release from custody of the Director of Corrections. Candidates for the Pre-release shall be presented before the ACC at least Thirty (30) days before the One Hundred Twenty (120) days.
2. Placement in this classification is for inmates who do not pose the risks associated with the preceding custody levels, and have consistently demonstrated trustworthiness. Inmates should not have a disciplinary case within Eighteen (18) months prior to a consideration to this level.
3. The inmates may be allowed to be away from the center unescorted during the day in authorized programs and activities consistent with treatment and rehabilitation and considered extenuating in circumstances.
4. This classification is set up to help develop the inmate's self-concept, confidence, and skills in preparation for successful community adjustment. Any outside privilege shall be in accordance with the requirements established by the extension of limits of confinement.

SECTION 4.6 CLASSIFICATION MODEL

- (A) Classification can only be done appropriately when quality information is available. It is essential that a pre-sentence investigation report or an admission investigation report be completed during intake for all inmates. Standardized interviews shall be administered during intake processing to provide complete and reliable data in which custody and program placements can be based.
- (B) Custody decisions should be based, where possible, on past relevant behavior. The frequency, recency, and severity of past behavior is the best indicator of future similar behavior. At intake, it may be necessary to consider other variables demonstrated to be correlated with institutional adjustment, e.g., age, employment history, etc., but at the time of classification review, measures of institutional behavior, e.g., disciplinary reports, should replace prior considerations.



- (C) Inmates should be classified to the least restrictive custody required to protect society, staff and other inmates.
- (D) Inmate needs should be assessed at intake and again during classification review. Program recommendations should be made based on inmate assessment and on program availability.
- (E) In exceptional cases not addressed by the standard classification criteria, the Director may assign the appropriate classification.
- (F) All classification documents shall be maintained in a centralized and secured location.

SECTION 4.9 INITIAL CLASSIFICATION

- (A) The Adjustment Classification Committee shall assess and determine the inmate's initial level of classification.
- (B) Initial classification of an inmate shall normally be completed during the initial Thirty (30) days, upon receipt of intake documents to include a judgment from the court, by the Corrections Social Worker, of the inmate's incarceration at the Department. In exceptional cases (which must be documented) where circumstances and situations require an extension, the CSW Administrator by direction from the Director of Corrections, may extend the period beyond the Thirty (30) days, not to exceed Fifteen (15) additional days.
- (C) During the initial incarceration, the inmate is evaluated and will undergo a physical examination, initial interview, and is observed by corrections personnel. The social worker will complete an initial custody classification, initial assessment of needs, initial classification summary, and other data needed for planning, evaluation, monitoring or reporting purposes.
- (D) The inmate will be present at the initial classification hearing.
- (E) Some of the criteria used in determining initial classification are:
 - (1) History of departmental violence;
 - (2) Severity of current offense;
 - (3) Prior assaultive offense history;
 - (4) Escape history;
 - (5) Alcohol/drug abuse history;
 - (6) Current detainer(s);
 - (7) Prior felony convictions;
 - (8) Arrest records;
 - (9) Stability factors;
 - (10) Custody Classification criteria;
 - (11) Educational/Vocational needs;
 - (12) Health needs;
 - (13) Psychological/psychiatric problems;
 - (14) Work assignments;
 - (15) Specialized assistance/placement.

SECTION 4.10 ADJUSTMENT CLASSIFICATION COMMITTEE



- (A) The Adjustment Classification Committee (ACC) shall convene to address, review and decide on the custody and program needs of the inmates. The ACC will be composed of corrections personnel appointed by the Director. The ACC may also convene at the request of the division administrators or the Director.
- (B) The following shall serve as a guideline for the ACC as some of the criteria used in determining inmate reviews:
- (1) History of departmental violence;
 - (2) Severity of current offense;
 - (3) Prior assaultive offense history;
 - (4) Escape history;
 - (5) Alcohol/drug abuse history;
 - (6) Current detainer(s);
 - (7) Prior felony convictions;
 - (8) Arrest record;
 - (9) Stability factors;
 - (10) Educational/Vocational needs;
 - (11) Health needs;
 - (12) Psychological/psychiatric problems;
 - (13) Work Assignments;
 - (14) Specialized assistance/placement;
 - (15) Time Frame requirements
 - (16) Past Departmental Disciplinary Hearings
- (C) The ACC should also consider and place emphasis upon:
- (1) Institutional adjustments;
 - (2) Work and skill performance;
 - (3) Interpersonal communications;
 - (4) Positive self-esteem;
 - (5) Problem solving techniques;
 - (6) Realistic goal setting;
 - (7) Education and training.
- (D) The ACC shall have input from each inmate's work supervisor, program supervisor, custodial staff, caseworker, etc. These are typically gathered from evaluations done periodically on each inmate. The officer in charge of each shift shall review and summarize these evaluations for presentation to the ACC. Case presentations before the ACC will be made by the corrections social worker assigned to the inmate's case by the CSW Administrator.
- (E) The ACC's recommendations shall be forwarded to the Prison Security Administrator for action.
- (F) The classification review hearing does not necessarily imply a change in the inmate's custody, programming, or work assignment. Rather, it should serve as a way to monitor the inmate's progress and bring attention to problems that may arise. With continual review and monitoring of an inmate's progress as part of the classification process, the ACC can make appropriate recommendations concerning basic program changes such as:



- (1) Special departmental treatment-oriented program assignment.
- (2) Assignment and coordination to departmental Work Assignments.
- (3) Vocational and academic program assignment.
- (4) May reclassify an inmate, for cause, for adjustment purposes.

SECTION 4.11 REVIEW SCHEDULE

The inmate will be given notice not less than Twenty-four (24) hours prior to the hearing before the ACC. The inmate may waive, in writing, the waiting period of appearance before the committee. Reviews may normally be scheduled by the ACC according to the following:

- (A) Within Three (3) weeks of an inmate's assignment to a unit;
- (B) At least once every Three (3) to Five (5) months for inmates serving terms of less than Eighteen (18) months;
- (C) At least once every Six (6) to Seven (7) months for inmates serving terms of Eighteen (18) months to less than Five (5) years;
- (D) At least once every Eight (8) to Nine (9) months for inmates serving terms of Five (5) years to less than Ten (10) years;
- (E) At least once every Ten (10) to Eleven (11) months for inmates serving terms of Ten (10) years or more.
- (F) The ACC may also hear request via letter or Remedy Request Form for any other purpose outside the regular institutional review. The ACC after reviewing special request may set a new review schedule."

SIGNED AND PROMULGATED at Agana, Guam this 22th day of February, 1997.

CARL T. C. GUTIERREZ
Governor of Guam

COUNTERSIGNED:

MADELEINE Z. BORDALLO
Lieutenant Governor of Guam