
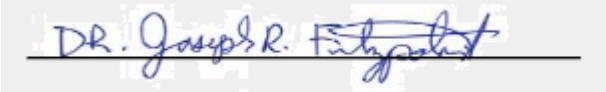


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POLICY NUMBER: 23.9		
CHAPTER 23: CLASSIFICATION		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VII.
EFFECTIVE DATE: June 27, 2016	LATEST REVISION:	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

Adult Correctional Facilities

III. POLICY

It is the policy of the Department of Corrections to maintain a system that manages the identification and separation of prisoners with conflicts which pose a serious threat.

IV. CONTENTS

- Procedure A: Prisoner Conflicts, General
- Procedure B: Identification of Potential Conflicts at Intake
- Procedure C: Identification of Potential Conflicts after Intake
- Procedure D: Investigation of Prisoner Conflicts
- Procedure E: Post-Investigation Actions
- Procedure F: Review
- Procedure G: Prisoner and Staff Conflict

V. ATTACHMENTS

- [Attachment A: Prisoner Conflict Form](#)
- [Attachment B: Prisoner Conflict Investigation Report Form](#)
- [Attachment C: Separation Termination or Adjustment Form](#)

VI. PROCEDURES

Procedure A: Prisoner Conflicts, General

1. A potential prisoner-to-prisoner conflict may include, but is not limited to:

- a. prior assault with a weapon or other assault giving rise to a risk of serious bodily injury by one prisoner on another prisoner, whether during incarceration or in the community;
 - b. prior attempted assault with a weapon or other attempted assault giving rise to a risk of serious bodily injury by one prisoner on another prisoner, whether during incarceration or in the community;
 - c. a nonconsensual sexual act by one prisoner toward another prisoner;
 - d. threat of serious bodily injury or a nonconsensual sexual act by one prisoner toward another prisoner, whether during incarceration or in the community;
 - e. one prisoner is a victim of a crime committed by another prisoner in the community;
 - f. one prisoner provided testimony against another prisoner in court;
 - g. one prisoner provided information against another prisoner to law enforcement or correctional authorities;
 - h. two (or more) prisoners are known enemies;
 - i. two (or more) prisoners were co-defendants; or
 - j. one prisoner committed a crime against a family member of another prisoner.
2. A prisoner's claim of a conflict shall not in and of itself be sufficient to establish a conflict, but the conflict must be verified through documentation and investigation.
 3. Prisoners involved in a potential conflict may be separated pursuant to facility practices relating to general population housing until the existence of the conflict has been investigated and a decision about more permanent separation has been made.
 4. As necessary, prisoners involved in a potential conflict may be separated pursuant to Department Policies 15.1, Administrative Segregation Status, or 15.3, Protective Custody Status.
 5. The requirements of this policy, as applicable, are in addition to any requirements relating to a report of sexual misconduct between prisoners as set out in Department Policy 6.11.3, Sexual Misconduct (PREA and Maine Statutes), Reporting and Investigation, and any other applicable Department policy.
 6. Staff shall not disclose specific information about a conflict to any prisoner.
 7. A prisoner who requires protection from numerous other prisoners due to his or her prior occupation, the nature of his or her crime, or any other factor, as opposed to requiring separation from one other prisoner or a limited number of other prisoners, shall be provided protection pursuant to Department Policies 15.1, Administrative Segregation Status, or 15.3, Protective Custody Status, or any other applicable Department policy.

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8. A classification decision relating to a prisoner conflict, including, but not limited to, a housing or facility transfer decision, is appealable through the applicable separate appeal procedure. Any other action, decision, or event relating to a prisoner conflict is appealable through the grievance process.

Procedure B: Identification of Potential Conflicts at Intake

1. During the intake process, facility intake staff shall inquire of the prisoner whether the prisoner has a conflict which requires him or her to be separated from any other prisoner in the Department, referring specifically to the list in Procedure A.1.
2. If the prisoner reports a separation need at intake, intake staff shall have the prisoner complete the Report of Prisoner Conflict form, Attachment A, and the staff shall enter that information into CORIS on the Conflicts Page, Status “Ongoing” section with an explanation. The staff shall then forward the form to the Conflict Sergeant, or other designated facility staff.
3. Intake staff shall inform each prisoner that if he or she wishes to report a conflict with another prisoner at a later time, the prisoner may report it to any facility staff.
4. Intake staff shall also inform each prisoner that if he or she reports a conflict requiring separation from another prisoner, whether at intake or a later time, he or she will be required to provide the name of or other identifying information about the other prisoner and documentation supporting his or her claim of a conflict or to provide staff sufficient information for staff to obtain supporting documentation.
5. Intake staff shall also review the prisoner’s Administrative Record for potential conflicts with co-defendants, and, if finding a potential conflict, staff shall complete the Report of Prisoner Conflict form, Attachment A, and enter that information into CORIS on the Conflicts Page, Status “Ongoing” section with an explanation. The staff shall then forward the form to the Conflict Sergeant, or other designated facility staff.
6. If an outside source, e.g., family member, attorney, jail staff, etc., reports a conflict, facility intake staff or other staff to whom the conflict is reported or referred shall inquire of the prisoner if he or she believes that the conflict exists. If so, the staff making the inquiry shall have the prisoner complete the Report of Prisoner Conflict form, Attachment A, and the staff shall enter that information into CORIS on the Conflicts Page, Status “Ongoing” section with an explanation. The staff shall then forward the form to the Conflict Sergeant, or other designated facility staff.

Procedure C: Identification of Potential Conflicts after Intake

1. If a prisoner reports a separation need after intake, the staff to whom the report was made shall have the prisoner complete the Report of Prisoner Conflict form, Attachment A, and the staff shall enter that information into CORIS. The staff shall then forward the form to the Conflict Sergeant, or other designated facility staff.

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2. Any staff witnessing an incident between prisoners where serious bodily injury occurs or appears to have been the intent, shall complete the Report of Prisoner Conflict form, Attachment A, and enter that information into CORIS. The staff shall then forward the form to the Conflict Sergeant, or other designated facility staff.
3. Any staff who at any other time and for any reason suspects there might be a conflict between prisoners shall also complete the Report of Prisoner Conflict form, Attachment A, and the staff shall enter that information into CORIS. The staff shall then forward the form to the Conflict Sergeant, or other designated facility staff.

Procedure D: Investigation of Prisoner Conflicts

1. The Conflict Sergeant, or other designated facility staff, shall investigate the existence of the reported conflict and shall document in CORIS the start of the investigation and shall update CORIS as the investigation progresses and is concluded.
2. The Conflict Sergeant, or other designated facility staff, shall:
 - a. review the Report of Prisoner Conflict form;
 - b. review any supporting documentation provided by the prisoner;
 - c. review any applicable additional documentation in CORIS;
 - d. review any intelligence information reported by a facility correctional investigative officer, IPS officer, or other staff;
 - e. contact applicable official information sources (e.g., courts, law enforcement, other correctional or detention facilities, probation); and
 - f. interview both prisoners if the basis of the reported conflict is an event that is known to both prisoners (e.g., fight, assault, court testimony). If the basis of the reported conflict is not known to both prisoners, the prisoner(s) without knowledge shall not be interviewed or otherwise advised of the reported conflict.
3. The Conflict Sergeant, or other designated facility staff, shall make a recommendation and submit the completed Prisoner Conflict Investigation Report form (Attachment B) and supporting documentation to the facility Chief Administrative Officer, or designee.

Procedure E: Post-Investigation Actions

1. After the investigation is completed, the Chief Administrative Officer, or designee, shall review the prisoner conflict documents, including the investigation report and supporting documents, and shall determine whether a conflict currently exists. If that determination cannot be made, the facility Chief Administrative Officer, or designee, may request additional information.

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2. If a conflict currently exists, the facility Chief Administrative Officer, or designee, shall determine the appropriate level of prisoner separation.
3. The levels of separation are:
 - a. Level I – separate housing units.
 - b. Level II – separate housing pods/dorms.
 - c. Facility – separate facilities (requires the approval of the Department’s Director of Classification).
4. If separation is approved, designated facility staff shall, as soon as possible, separate or arrange the separation of the prisoners and enter in CORIS the names of all person(s) from whom the prisoner must be kept separate, the facility(s) in which they are located, and the date of the approval of separation.
5. A copy of the completed Report of Prisoner Conflict form and the Prisoner Conflict Investigation Report form shall be placed in the confidential section of the Administrative Records of the prisoner(s). Unless the basis of the conflict is known to both prisoners, the prisoner(s) without knowledge shall not be advised of the existence of the conflict.
6. If both prisoners in a current conflict request mediation, the prisoners reside at the same facility, and the Unit Manager(s), or designee(s), approve, designated facility staff shall oversee the mediation.
7. If the basis of the conflict is known to both prisoners, the prisoners reside at the same facility, and the Unit Manager(s), or designee(s), believe mediation is appropriate, even though it has not been requested by the prisoners, the prisoner(s) shall be informed of the availability of mediation. If both prisoners agree, designated facility staff shall oversee the mediation.
8. All mediation shall be documented in CORIS on the Conflicts Page, “Mediation Result” section with an explanation.
9. If it appears the conflict has been resolved or lessened by the mediation, designated facility staff shall complete the Separation Termination or Adjustment form (Attachment C) and forward it to the Chief Administrative Officer, or designee.
10. If the Chief Administrative Officer, or designee, decides that a termination or adjustment of the separation is appropriate, designated facility staff shall inform the Unit Manager(s) and other appropriate staff of the decision and enter that information in CORIS. The Separation Termination or Adjustment form shall then be placed in the confidential section of the Administrative Records of the prisoners. Unless the basis of the (prior) conflict is known to both prisoners, the prisoner(s) without knowledge shall not be advised of the existence of the conflict.

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Procedure F: Review

1. A prisoner may request the termination or adjustment of a separation by completing the Separation Termination or Adjustment form and forwarding it to the Conflict Sergeant, or other designated facility staff. The Conflict Sergeant, or other designated facility staff, shall then review the conflict.
2. The Conflict Sergeant, or other designated facility staff, shall also review all active conflicts on record for a prisoner ninety (90) days prior to the prisoner's annual or semi-annual classification review.
3. The Conflict Sergeant, or other designated facility staff, shall investigate whether the conflict still exists, including, if appropriate, by interviewing the prisoner(s), if they have knowledge of the basis of the conflict, and shall complete the appropriate section of the Prisoner Conflict Investigation Report form.
4. At the completion of this investigation, if termination or adjustment of separation is not recommended, the form shall be placed in the confidential section of the prisoner's Administrative Record. Unless the basis of the conflict is known to both prisoners, the prisoner(s) without knowledge shall not be advised of the existence of the conflict.
5. If it appears the conflict has been resolved or lessened, and the Conflict Sergeant, or other designated facility staff, recommends termination or adjustment of separation, that person shall forward the form and supporting documentation to the facility Chief Administrative Officer, or designee.
6. If termination or adjustment of separation is recommended, the facility Chief Administrative Officer, or designee, shall review the Prisoner Conflict Investigation Report, including the investigative information, and shall make a determination whether to terminate or adjust the separation.
7. If the Chief Administrative Officer, or designee, decides that a termination or adjustment is appropriate, designated facility staff shall inform the Unit Manager(s) and other appropriate staff of the decision and enter that information in CORIS. The Separation Termination or Adjustment form shall then be placed in the confidential section of the Administrative Records of the prisoners. Unless the basis of the (prior) conflict is known to both prisoners, the prisoner(s) without knowledge shall not be advised of the existence of the (prior) conflict.

Procedure G: Prisoner and Staff Conflict

1. Familiarity between a staff member and a prisoner does not in and of itself constitute a conflict. In order to be considered a conflict, the situation must be one that violates safety or security of the facility or compromises the position of staff.
2. Examples of conflicts between a prisoner and a staff member may include, but are not limited to:

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- a. a staff member or family of the staff member was the victim of the prisoner's crime of arson, homicide, aggravated assault, or sexual assault; or
 - b. serious prisoner threat to do bodily harm to a staff member or family of the staff member and there is a substantial reason to believe that the threat may be carried out.
3. If a staff member has a significant conflict with a prisoner, the staff member may submit a confidential incident report to the facility Chief Administrative Officer, or designee, explaining the potential conflict. The report shall be placed in the prisoner's Administrative Record in the confidential section and shall be referenced but not detailed in CORIS.
4. If a prisoner has a significant conflict with a staff member, the prisoner may report it to any facility staff, who shall ensure that it is reported to the Chief Administrative Officer, or designee.
5. The facility Chief Administrative Officer, or designee, may refer the matter, whether reported by the staff member or prisoner, for an investigation, if appropriate, and/or may take other appropriate action.

VII. PROFESSIONAL STANDARDS

None

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