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Systems of Incarceration			
Steven Harpe, Director Oklahoma Department of Corrections		Signature on File	

Systems of Incarceration

Discrimination in providing program access, job assignments, custody, or level assignments based on an inmate's race, religion, national origin, sex, disability, or political views is prohibited.

I. Level System

An inmate's incarceration will be based on a level system that determines custody level, job status, program status, and privileges earned. Inmates who are assigned to community corrections may have designated privileges available that are not specifically linked to their assigned earned credit level.

A. Level Criteria

1. Transfers/New Arrivals

Inmates transferring will normally remain at their current level unless there is justification to promote or demote the inmate.

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2. At least once every 120 days, an inmate will be reviewed by the unit classification committee, with no less than three staff members in attendance. Staff members will include a member of the unit team (secretary, unit counselor/assistant, correctional officer) as defined in [OP-030101](#) entitled "Unit Management Overview and Case Manager IV Objectives," the inmate's case manager, and will be chaired by the unit/facility classification chair or designated staff. In addition to the required 120-day reviews, a review will be done at the time the inmate becomes eligible for promotion in level or as needed.

In order for an inmate to promote, they will meet the minimum following requirements:

a. Level 1

Inmates may be assigned to Level 1 by the facility/unit classification committee and under the following circumstances:

- (1) Poor behavior;
- (2) When placed on escape status;
- (3) When an inmate is not eligible to be placed on Level 2 or higher; or
- (4) Upon conviction of any Class X violation which becomes effective the date of the hearing, for 180 days.

b. Level 2

- (1) Earned credits will be calculated at Level 2 beginning the date of Judgement and Sentence through the day prior to reception (inmates sentenced to imprisonment in ODOC, but detained in the sentencing county jail as result of the agency's reception scheduling procedure, will be awarded earned credits at the rate of Earned Credit Level 2 ([OP-060211](#) entitled "Sentence Administration" Section II.B.4) (57 O.S. 138) (excluding those inmates returned from escape); unless they meet the criteria listed below to be placed at a higher earned credit level.
- (2) Eligibility while in ODOC custody includes inmates who have been given a work, education, or program assignment; have received good evaluations in the work, education, or program assignment; good evaluations for personal hygiene and maintenance of

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living area; and maintains a good attitude and relationship with staff and other inmates.

- (a) Cooperative behavior/ attitude towards staff;
- (b) Program participation;
- (c) Job performance;
- (d) Cooperative behavior/ attitude towards other inmates;
- (e) Personal hygiene; and
- (f) Clean and orderly living area.

c. Level 3/3E

Inmates are eligible for a promotion to Level 3/3E:

- (1) After being incarcerated for at least three months;
 - (a) All post-sentencing jail time will be included in the calculation.
 - (b) Any time spent incarcerated in an intermediate revocation facility or delayed sentencing program will be included in the calculation.
- (2) Inmates receive excellent evaluations in the following areas:
 - (a) Cooperative behavior/ attitude towards staff;
 - (b) Program participation;
 - (c) Job;
 - (d) Cooperative behavior/ attitude towards other inmates;
 - (e) Personal hygiene; and
 - (f) Clean and orderly living area.

d. Level 4/4E

Inmates are eligible for a promotion to Level 4/4E:

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- (1) After being incarcerated for at least eight months;
 - (a) All post-sentencing jail time will be included in the calculation.
 - (b) Any time spent incarcerated in an intermediate revocation facility or delayed sentencing program will be included in the calculation.
- (2) Inmates that receive outstanding evaluations in the following current patterns of behavior:
 - (a) Cooperative behavior/ attitude towards staff;
 - (b) Program participation;
 - (c) Job;
 - (d) Attitude towards other inmates;
 - (e) Personal hygiene; and
 - (f) Clean and orderly living area.

The prior service of an inmate returning to ODOC custody from escape or as a parole violator will not count toward the time-frame criteria for promotion to Level 3/3E or 4/4E. The prior service of an inmate returning to ODOC custody from appeal bond, reverse or remand order will count toward the timeframe for Level 3/3E or 4/4E.

3. Promotions in Earned Credit Level

- a. Assignment to a higher level will be effective on the first day of the month in which the adjustment occurs. Exceptions are:
 - (1) Inmates who are being restored to a previous level after a misconduct expungement, misconduct dismissal or a release from special management housing due to no disciplinary action being taken: the inmate will be returned to the previous level in effect on the date of the demotion if deemed eligible by the committee by completion of an adjustment review.
 - (2) Discretionary action by the facility head taken to remedy or correct a circumstance not clearly defined in policy.

4. Demotions in Earned Credit Level

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- a. Assignment to a lower level will be effective on the first day of the following month after the adjustment occurs. Exceptions are:
 - (1) Discretionary action by the facility head taken to remedy or correct a circumstance not clearly defined in policy.
 - (2) Demotion to Level 1 due to conviction of any Class X violation will be effective the date of the hearing for 180 days.
5. Any demotion in level is effective for a minimum of 30 days. The inmate will be promoted after the 30-day time period if the inmate is eligible to be promoted to the next earned credit level. The action by the committee cannot be prior to the end date of the 30 days.
6. It is intended for the inmate to progress through the levels to the highest level for which they qualify.

B. Areas of Consideration for Promotion and Demotion

Promotions and demotions will be based on the behavior of the inmate from all aspects of institutional life. The adjustment review committee/unit team will consider the following areas:

1. Job/Program Performance and Attendance

This aspect will be documented by the “Monthly Inmate Evaluation Time Credit Report” ([DOC 060211M](#)) “Oklahoma Correctional Industries Pay Report” ([DOC 080501F](#)), and/or case notes. In order to determine if the inmate meets the work evaluation criteria (e.g., excellent, outstanding), evaluation scores will be averaged for the past 120 days. A poor score in one area does not mean the inmate scores poor in all patterns of behavior. Inmates who are not employed due to the lack of facility job availability or not in assessed programs due to unavailability may promote in levels, to include receiving the appropriate pay, if all other level criteria are met. Such exceptions would include:

- a. Inmates who have promoted in levels while participating in a program will not be dropped in level upon completion of the program due to the lack of job availability.
- b. Inmates assigned to death row who are not employable due to lockdown status or other justifiable reasons may promote to Level 3/3E if all other level criteria are met.

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- c. Inmates assigned to the Mabel Bassett Correctional Center or Joseph Harp Correctional Center mental health units may promote through the level system without benefit of a job if all other level criteria are met.
- d. Inmates who have assessed needs and are assigned to an available program will be required to participate. Inmates refusing assigned job or programming will be demoted to Level 2 for 90 days or until they accept the assignment.

2. Attitude/Relationship to Staff and Other Inmates

The inmate will consistently demonstrate cooperative behavior toward staff, other inmates, and facility visitors.

3. Personal and Living Area Appearance

The inmate will maintain appropriate hygiene and grooming habits and maintain a clean and orderly living area at the standards required for their assigned level.

4. Performance During Present Level

The inmate will be satisfactorily participating in the requirements of the present level before a promotion will be considered. Advancement in level will be done incrementally, and levels cannot be skipped. Consistent unsatisfactory participation in any one area may be cause for a demotion in level(s).

The scale of standards of assessing performance will be as follows:

a. Outstanding

For inmates who display outstanding initiative and motivation with few or no errors and perform at expectations or above.

b. Excellent

For inmates who display excellent/above average habits with only minor errors and rarely perform below expectations.

c. Good

For inmates who perform in a satisfactory manner and complete tasks as required; doing what is expected, with only occasional performance above or below expectations.

d. Fair

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For inmates who may perform satisfactorily for some periods of time, but whose performance is marked by deficient and weak areas that could be improved.

e. Poor

For inmates whose performance is unsatisfactory and falls below expected and acceptable standards.

C. Special Earned Credit Consideration

Oklahoma statutes and circumstances for certain crimes and situations may deny or limit the application of credits. Exceptions to the general rules regarding application of credits will be in accordance with [OP-060211](#) entitled "Sentence Administration."

D. Requirements When Level Promotions Are Not Approved

In the event that an inmate is not approved for level promotion by the adjustment review committee/unit team, the following will occur:

1. The inmate will be notified of the specific reason(s) approval was not granted before signing their "Adjustment Review" ([DOC 060203A](#)).
2. The inmate will be given specific actions to be completed prior to the next review date (e.g. enrollment in classes required to fulfill case plan needs, maintaining an orderly living area, maintaining appropriate personal hygiene) that will enable them to meet level promotion requirements.
3. The case manager will document the required actions on the "Adjustment Review" ([DOC 060203A](#)) and upload the document into ICON (scanned document/photos) and enter them in an inmate case note in ICON.
4. The case manager will follow-up with the inmate during the monthly review of inmate progress as outlined in [OP-060101](#) entitled "Overview of Case Management" regarding the inmate's progress toward completion of actions needed to obtain a level promotion. This follow-up will be documented in an inmate case note in ICON.

II. Identification and Level Guidelines

A. Inmate Identification Badges

1. Inmate identification badges (IDs) will be color coded to identify the inmate's assigned level. Color coding will be as follows:

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- a. Level 1 – red;
 - b. Level 2 – green;
 - c. Level 3/3E – yellow; and
 - d. Level 4/4E – blue.
2. Private prison facilities, which do not issue color coded IDs will mark or have similar identification available to designate the assigned level of each inmate.
3. Inmates will be required to keep their IDs in their possession at all times, except while showering or sleeping. Inmate IDs will be transferred with the inmate and placed in inmate's file.
4. Inmates assigned to community corrections will retain their previously issued ID upon reception at the community corrections facility. Inmate IDs will not be re-issued due to a change in the level while assigned to community corrections facilities.
5. Level assignment will determine accessibility and degree of privileges as follows:
 - a. Level 1
 - (1) Earned Credits
 - (a) 0 Credits
 - (2) Pay Grade
 - (a) None - Will be evaluated after 30 days for a possible level change.
 - (3) Clothing
 - (a) In accordance with [OP-030120](#) entitled "Inmate Property."
 - (4) Planned Recreation
 - (a) None - If on a special management housing unit for disciplinary reasons. If in general population, individual activities are permitted.
 - (5) Visits

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- (a) One hour non-contact per week and legal/clergy visits, unless on disciplinary detention status. If on disciplinary detention status, visits will be in accordance with [OP-030118](#) entitled "Visitation." Community corrections inmates will be afforded visitation in accordance with [OP-030118](#) entitled "Visitation."
- (6) Telephone Legal
 - (a) Attorney of Record/clergy only. If in special management housing, telephone privileges will be in accordance with [OP-040204](#) entitled "Special Management Units." Community corrections inmates will receive telephone privileges in accordance with [OP-030119](#) entitled "Inmate Telephone Privileges."
- (7) Exercise
 - (a) General population inmates may exercise according to the institutional schedule. Inmates in special management housing may exercise as outlined in [OP-040204](#) entitled "Special Management Units," and [OP-040203](#) entitled "Restrictive/Extended Restrictive Housing." Community corrections inmates in transit detention housing may exercise as outlined in [OP-040206](#) entitled "Transit Detention Units."
- (8) Television (Personal)
 - (a) None.
- (9) Television (Dayroom)
 - (a) None.
- (10) Radios with earphones
 - (a) None.
- (11) Tablet
 - (a) None.
- b. Level 2
 - (1) Earned Credits

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- (a) 22 credits per month – unless statutorily prohibited.
 - (2) Pay Grade
 - (a) Grade 2 - \$10.00 per month.
 - (3) Visits
 - (a) In accordance with [OP-030118](#) entitled “Visitation.”
- c. Level 3/3E
 - (1) Earned Credits
 - (a) 33 credits per month or 45 credits per month if enhanced eligible – unless statutorily prohibited.
 - (2) Pay Grade
 - (a) Grade 3 - \$15.00 per month.
 - (3) Visits
 - (a) In accordance with [OP-030118](#) entitled “Visitation.”
- d. Level 4/4E
 - (1) Earned Credits
 - (a) 44 credits per month or 60 credits per month if enhanced eligible - unless statutorily prohibited.
 - (2) Pay Grade
 - (a) Grade 4 - \$20.00 per month.
 - (3) Visits
 - (a) In accordance with [OP-030118](#) entitled “Visitation.”

B. Canteen

The amount authorized for canteen services will be in accordance with [OP-120230](#) entitled “Offender Banking System.”

C. Medical and Mental Health Limitations

Mental health and medical limitations will not restrict inmates from progressing through the level system. When an inmate is assessed by appropriate medical or mental health staff as totally incapable (physically or mentally), of participating in work or programs, the inmate may be assigned to Earned Credit Levels 1 through 4 subject to the guidelines of this policy. If the inmate is physically or mentally challenged but assessed by appropriate medical staff as capable of performing some limited function, the appropriate job, education or program assignment, and level assignment will be made.

D. Delayed Sentence

Although no credits are to be granted during the delayed sentence period of incarceration, upon receiving a determinate sentence of incarceration, the inmate will begin earning credits according to the assigned earned credit level.

E. Exceptions to Level Pay Grades

Inmates may be paid at a higher rate of pay under the following circumstances:

1. Special project pay grades may be established as needed to accomplish difficult or extraordinary construction projects or other important projects that require special measures to accomplish.
 - a. Pay for a special project is \$1.00 per hour.
 - b. These special pay grades can only be established after the recommendation of the facility head with sufficient justification, and a specific time period established.
 - c. Each request must be reviewed and approved by the Deputy Chief of Operations, and the Chief Financial Officer.
2. Inmates who are journeymen or have an equivalent license in their field and are assigned jobs at the facility to perform in that capacity, those assigned to the agency's Construction/Maintenance (C&M) crew, Fleet Management, DOC Administration building orderly or worker, and Stella's Kitchen may be paid at the same rate as a special project pay grade. Pay at this level will require approval by the facility head, Deputy Chief of Operations, and Chief Financial Officer. Proof of license or assignment to specialized unit is required.
3. The facility head may identify jobs that require a higher skill level (e.g., mechanics, medical orderlies, etc.) that may be paid at the rate

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of \$45.00 per month. The ability to receive a higher pay rate will be reflected in the job description. All requests for pay at this rate will require approval by the facility head, Deputy Chief of Operations, and Chief Financial Officer.

4. Inmates assigned as facility cooks/bakers, inmate research assistants/law clerks, and licensed cosmetologists will be paid at a rate of \$45.00 per month. This pay rate will be reflected in the job description.
5. With the exception of Oklahoma Correctional Industries and Construction and Maintenance programs, inmate pay will not be prorated.

III. Community Corrections Privileges

A. Possession of Currency or Reloadable Debit Cards

1. Inmates at a facility where reloadable debit cards have not been issued may have in their possession no more than a total of \$75 cash, in denominations of \$20 bills, \$10 bills, \$5 bills, \$1 bills and coins.
 - a. The facility head at a community level facility where reloadable debit cards have been issued will designate the date all inmates will have their cash turned in by. This date will not exceed 30 days from the first date funds are loaded to the cards at that facility.
2. Inmates at community facilities where the debit card is in use may have an amount equal to their weekly canteen draw on their debit card.
3. Inmates who are assigned to Prisoners Public Works Programs (PPWP) crews may have no more than \$5 on their person when they are signed out to their assigned work crew.

B. Property/Packages

1. Inmates are authorized personal property as defined in [OP-030120](#) entitled "Inmate Property."
2. Twice per month, inmates at community corrections may receive food/hygiene/property packages.
 - a. Packages may be mailed into the facility or delivered during visitation.

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- b. The total amount of items cannot exceed the amount allowed on the property matrix.
- c. Food products are limited to single serving size or re-sealable, non-perishable items.

C. Visitation

Inmates will have visitation privileges as defined in [OP-030118](#) entitled "Visitation."

D. Telephone Privileges

Inmates will have access to telephone privileges as defined in [OP-030119](#) entitled "Inmate Telephone Privileges."

E. Escorted Leave/Activities

Inmates will have access to escorted activities and leave as defined in [OP-031001](#) entitled "Inmate Escorted Leave/Activities."

IV. References

Policy Statement P-030200 entitled, "Inmate Housing, Job and Program Integration"

OP-030101 entitled "Unit Management Overview and Case Manager IV Objectives"

OP-030118 entitled "Visitation"

OP-030119 entitled "Inmate Telephone Privileges"

OP-030120 entitled "Inmate Property"

OP-031001 entitled "Inmate Escorted Leave/Activities"

OP-040203 entitled "Restrictive/Extended Restrictive Housing"

OP-040204 entitled "Special Management Units"

OP-040206 entitled "Transit Detention Units"

OP-060101 entitled "Overview of Case Management"

OP-060203 entitled "Adjustment Review"

OP-060211 entitled "Sentence Administration"

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OP-080501 entitled “Oklahoma Correctional Industries Pay Plan”

OP-120230 entitled “Offender Banking System”

Titles 21, 57, and 63 of the Oklahoma Statutes

V. Action

The Deputy Chief of Operations is responsible for compliance with this procedure.

The Chief of Operations is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the agency Director.

This procedure is effective as indicated.

Replaced: OP-060107 entitled “Systems of Incarceration” dated September 16, 2024

Distribution: Policy and Operations Manual
Agency Website

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<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
DOC 060203A	"Adjustment Review"	OP-060203
DOC 060211M	"Monthly Inmate Evaluation Time Credit Report"	OP-060211
DOC 080501F	"Oklahoma Correctional Industries Pay Report"	OP-080501