

**FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE**

**SOP NUMBER: 600
SUBJECT: THE INSTITUTIONAL
CLASSIFICATION COMMITTEE (ICC)**

I. PURPOSE

The purpose of this procedure is to define the organization and functions of the Institutional Classification Committee (ICC).

II. POLICY

It is the policy of the Fairfax County Sheriff's Office that responsibility for inmate classification is delegated to an ICC.

III. PROCEDURE

A. The ICC will:

1. Affect status changes in an inmate's custody level during confinement when necessary.
2. Direct the reassignment or transfer of inmates within the facility as needed.
3. Approve and assign inmates to major programs and work.
4. Review and reassign Department of Corrections' custody levels of inmates requesting a class level change.
5. Assess the housing needs of youthful offenders within 72 hours of intake and booking.
6. Authorize use of Nutraloaf for determined amount of time if an inmate is found guilty of Code Offense #133, Throwing Food and/or Service items.

B. A minimum of three (3) staff members are required to convene an ICC. Personnel in the following positions listed below shall comprise the permanent membership of the ICC:

1. Chief, Classification & Records Branch
2. Chief, Confinement Branch
3. Chief, Services Branch
4. Supervisor, Classification Section
5. Supervisor, Medical Section
6. Squad Commanders
7. Supervisor, Behavioral Health Section

In addition to the sworn staff above, any staff member in the grade of Sergeant or above may be called upon to serve on the ICC during periods of reduced personnel availability.

C. The ICC will convene daily. Time and frequency will be determined by operational

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necessity. Special meetings may be convened at any time.

- D. The ICC shall ensure inmates are not discriminated against on the basis of race, color, creed, sex, or national origin, mental health or physical disability, or political beliefs. This will include all aspects of inmate housing, work assignments, transfers and other activities supported by the Adult Detention Center.
- E. Meetings
 - 1. The ICC will normally meet in the classification operations room unless otherwise directed.
 - 2. A Classification supervisor will always act as the ICC Chairperson during formal and informal meetings. During times of reduced personnel availability, any sworn staff member in the rank of Sergeant or above, who has previously been assigned to the Classification Section, may be called upon to serve as the acting ICC Chairperson.
 - 3. A representative from the sections designated below should be present at ICC informal meetings. At least three (3) staff members from the following listed sections are required to be present in order to conduct an informal ICC meeting.
 - a. Classification (ICC Chairperson)
 - b. Medical
 - c. Confinement
 - d. Behavioral Health
 - 4. Conduct of Formal Meetings

Whenever it is necessary to affect a major change in an inmate's status, a formal proceeding of the ICC is required. This proceeding will be conducted as a hearing and the inmate subject of the hearing will receive advance notification of the hearing, and will be afforded the opportunity to be present during the proceeding.

 - a. Actions requiring formal ICC hearings include:
 - 1) Involuntary assignment of an inmate to Administrative Segregation because of numerous disciplinary or compatibility problems.
 - 2) Removing an inmate from major programs for other than disciplinary reasons.
 - 3) Placing an inmate on Administrative Segregation due to his/her escape risk status.
 - 4) Placing an inmate on Administrative Segregation for medical reasons (e.g. contagious diseases).

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- 5) Placing a disciplinary or administrative status inmate on hand and leg restraint restriction.
- 6) Any time a youthful offender (under the age of 18) is committed to the A.D.C. or placed on segregation for behavioral, medical, or mental health reasons.

b. Formal Meeting Procedures

- 1) At least forty-eight (48) hours prior to a formal ICC proceeding, the inmate who is the subject of the hearing will be officially notified of the date and reason for the hearing. The Notification of Referral to ICC form completed in duplicate will be used for this purpose. At the time of notification, it is imperative that the provisions of this form be explained to the inmate concerned, and that a copy of the written notification is given to the inmate.
- 2) The primary function of each ICC committee member is to weigh all the facts presented at the hearing by the parties involved and arrive at an appropriate decision. Each member is responsible for taking into consideration all facts, both written and stated. Responsibilities and duties of ICC participants during the formal meetings:
 - a) The Committee Chairperson's primary function is to ensure that the ICC conducts its hearings properly, in compliance with all established policies and procedures.

During the ICC hearings, the Chairperson shall:

- i. Identify the committee and stating the purpose of the hearing.
- ii. Review, in the absence of the inmate and reporting deputy, and any witnesses, the inmate record and noting all facts; such as previous adjustments, conflicts with other inmates, etc., which might be relevant to re-classification.
- iii. Verify that proper notification has been given to the inmate before proceeding with the hearing.
- iv. Call witnesses as necessary.
- v. Determine that the reporting deputy includes all relevant facts.
- vi. Guide the ICC in reaching a decision and ensuring that the decision is based only on the facts presented to the committee, and that all of the ICC's actions are fair and impartial.

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- vii. Verbally inform the inmate of the ICC's decision at the conclusion of the hearing.
- viii. Complete the Formal Classification Hearing Checklist form during the conduct of each formal ICC proceeding.

Upon conclusion of the formal ICC the chairperson will:

- i. Verbally inform the inmate concerned of the recommendations of the ICC and that the recommendations will be forwarded to the Chief, Classification & Records Branch for final approval. These recommendations are forwarded to the Chief, Classification & Records Branch on the ICC Hearing Minutes form.
 - ii. Inform the inmate concerned that he or she will be officially notified of the decision of the Chief, Classification & Records Branch within three working days, and that he or she may appeal the final decision to the Commander, Confinement Division within ten (10) days.
- b) The Reporting Deputy is a sworn agency employee, representing the institution administration, who is familiar with and presents all relevant facts surrounding a given case to the ICC. Each reporting deputy is responsible for presenting all facts relevant to the case during the course of the hearing in the presence of the inmate.
- c) Voluntary Staff Counselor (when requested by the inmate). The Staff Counselor is responsible for the following:
- i. Meeting with the inmate prior to the hearing to ensure that the inmate understands the reasons for and purpose or possible results of the hearing.
 - ii. Ensuring that the inmate understands the procedure of the ICC (i.e. organization, procedural requirements, etc.).
 - iii. Presenting relevant facts to ICC on behalf of the inmate concerned.
 - iv. Suggesting alternative solutions, or courses of action to the ICC for consideration.
- 3) Review of Formal ICC proceedings
- a) Within three (3) working days after receipt of the recommendations of the ICC, the Chief, Classification &

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Records Branch will complete their review of the proceedings and indicate their approval or disapproval together with any comments s/he feels appropriate on the Notification of ICC form. This form together with the other previously submitted forms/records will be returned to the chairperson who conducted the formal hearing. The chairperson in turn will forward a copy of the Notification of ICC Disposition to the inmate who was subject of the hearing and cause all remaining forms to be filed in the inmate's classification file.

- 4) All Formal ICC's that result in an inmate's segregation and deprives the inmate of any usual authorized items or activity (i.e. programs, visits, recreation), a copy of the ICC will be forwarded to the Commander, Confinement Division.
- 5) Inmate Appeals
 - a) Inmates may appeal final decisions of formal ICC hearings by filing an appeal with the Commander, Confinement Division. Preferably, the appeal should be written on a standard Inmate Request form explaining reasons for the appeal and/or concerns of due process. On these occasions the inmate's classification file and all documents relating to the ICC hearing will accompany the appeal.

5. Conduct of Informal Meetings

- a. Informal meetings of the ICC are conducted for making routine decisions involving the classification of inmates. Neither advance notification nor presence of inmates concerned is necessary on these occasions. Actions taken during informal meetings of the ICC do not require review by higher authority.
- b. Matters subject to action by the ICC during informal proceedings include:
 - 1) Work assignments and inmate worker status.
 - 2) Review and reassign requests to change a custody level of an inmate.
 - 3) Intra-facility transfers and the initial review of inmates assigned to administrative and disciplinary segregation since the previous informal hearing.
 - 4) Periodic review (every seven days), of inmates on administrative segregation.
 - 5) Removing an inmate from administrative segregation and returning him to the general population.
- c. Inmates may appeal informal ICC decisions by notifying the Classification Section in writing.

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COMMITTEE (THE ICC)**

**01/01/00
DATE APPROVED**

**10/22/18
EFFECTIVE DATE**

A handwritten signature in black ink that reads "Stacey A. Kincaid". The signature is written in a cursive, flowing style.

**STACEY A. KINCAID
SHERIFF**

Revised: February 2004, May 2009, January 2010, June 2010, May 2014, December 2016, October 2018