



NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION

**YOUTHFUL OFFENDER CLASSIFICATION
ADMINISTRATIVE REGULATION – 502**

SUPERSEDES: AR 502 (06/17/12); AR 502 (Temporary 06/05/13); AR 502 (10/15/13); AR 502 (Temporary 04/24/2017); AR 502 (05/16/17); AR 502 (Temporary 04/12/2022)

EFFECTIVE DATE: April 28, 2022

AUTHORITY: NRS 176.017; NRS 209.131; NRS 209.301; 34 U.S.C. § 30301, et seq., and Federal Register 28, Code of Federal Regulation (CFR) Part 115

PURPOSE

To ensure the appropriate procedure of placing young adults and/or youthful offenders in the appropriate custody level to match offender needs with correctional resources to which they will be assigned, and the level of supervision they will receive in compliance with federal and state regulations.

RESPONSIBILITY

The Deputy Director of Programs is responsible for ensuring the administration of the Nevada Department of Corrections (NDOC and Department) classification.

The Offender Management Administrator (OMA) is responsible for the implementation of this regulation.

The Wardens are responsible for the implementation of this regulation at their specific institutions.

502.01 INITIAL CLASSIFICATION OF YOUNG ADULTS OR YOUTHFUL OFFENDER(S)

1. The Classification Committee will consider placing a young adult or youthful offender in an institution or facility, and programs specifically designated for young offenders.
 - A. A youthful offender as defined under *Prison Rape Elimination Act* (PREA) Standards is an individual who is under the age of 18.

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- B. A young adult includes individuals up to the age of 25.
2. The Classification Committee shall determine the appropriate level of custody for young adults and youthful offenders based on the following case factors:
 - A. Nature and severity of the offender's offense;
 - B. Characteristics of the offender's sentence;
 - C. Offender's criminal history;
 - D. Offender's age;
 - E. Criminal, institutional, and social sophistication of the offender;
 - F. Offender's susceptibility to exploitation;
 - G. Security risk posed by the offender; and
 - H. PREA Regulations
 3. The Classification Committee shall not exclude an offender with disabilities from classification to the custody levels for which they otherwise are eligible because of the offender's disabilities (including mental health conditions, medical conditions, mobility impairments, and medical treatment needs).

502.02 INITIAL PLACEMENT OF YOUNG ADULTS OR YOUTHFUL OFFENDER(S)

1. The following represents the hierarchy of placement for young adults and youthful offenders starting with the most susceptible and least sophisticated:
 - A. Transfer to the Nevada Department of Health and Human Services Division of Child and Family Services (youthful offenders only);
 - B. Protective segregation;
 - C. Youthful Offender Program;
 - D. An institution or facility designated for young adult offenders;
 - E. General population in a conventional institution or facility; and
 - F. Administrative Segregation.

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2. The Classification Committee shall, to the extent possible, designate the assignment of youthful and young adult offenders based on their educational, training, treatment, and protection needs.
 3. Youthful offenders shall be housed in a unit designated by the Director and in accordance with PREA Regulations.
 4. Youthful offenders shall not be housed in a specialized unit for youthful offenders if they are violent or predatory and pose an undue risk of harm to others within the specialized unit, and/or a qualified medical or mental-health specialist documents that the offender would benefit from placement outside of a youthful offender unit.
 5. The Classification Committee shall not exclude an offender with disabilities from placement at the custody levels for which they are otherwise eligible because of the offender's disabilities (including mental health conditions, medical conditions, mobility impairments, and medical treatment needs) unless such action is necessary to provide them with equally effective aids, benefits, or services, or unless necessary pursuant to a legitimate safety requirement or Direct Threat defined by AR 658.01.8.
 6. If the Classification Committee identifies that an offender has a disability that may prevent him or her from being housed at the custody-level placement for which he or she is otherwise eligible, the committee shall inform the offender and advise the offender that he or she may seek a reevaluation from a health practitioner. If the offender requests a reevaluation, a health practitioner who has been personally involved in the offender's care must review the offender's medical and mental health files, examine the offender (if necessary), and make an individualized determination as to whether any medical or mental health issues should preclude the offender from being transferred to the custody-level placement within 30 days of the offender's request for a reevaluation.
 7. The committee must consider and implement all possible alternatives that do not constitute an undue burden to avoid housing the offender at a higher-custody placement. If no such alternative is available, the committee must classify the offender to the lower-custody classification level for which he or she is eligible but may house the offender at a higher-custody level placement so long as NDOC provides the offender with the same privileges and benefits (e.g., opportunities to earn work credits) provided to offenders housed in the lower-custody placement for which the offender is eligible. Such an offender shall be given priority to transfer to a placement at the custody level for which he or she is eligible when such placement becomes available.

502.03 CLASSIFICATION APPROVAL AUTHORITY


1. The Director, Deputy Director of Programs, or the OMA must approve the initial classification and transfers between or custody changes within institutions for a youthful offender.

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2. Young adult offenders are approved for classification according to the general classification guidelines provided in the 500 series of the Administrative Regulations.

APPLICABILITY

1. This Administrative Regulation requires an Operational Procedure within the Offender Management Division and one Operational Procedure, approved by the Deputy Director of Operations that is applied consistently at each institution and facility.
2. This Administrative Regulation requires an audit.

REFERENCES: ACA 5th Edition 5-ACI-5B-13 – 5A-ACI-5B-19



Charles Daniels, Director

4-28-2022
Date