



NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION

INMATEOFFENDER REVIEW OF DEPARTMENTAL RECORDS

ADMINISTRATIVE REGULATION – 568

SUPERSEDES: AR 568 (01/05/12); AR 568 (Temporary 05/06/14); AR 568 (09/16/14)

EFFECTIVE DATE: PENDING

AUTHORITY: NRS 179A.150

RESPONSIBILITY

The Wardens/Facility Managers are responsible for administering and implementing policies consistent with this regulation.

568.01 RECORD REVIEW

1. The Department will allow an inmateoffender to review their respective Institutional file (I-File) for the purpose of challenging the accuracy or completeness of certain non-confidential information contained therein.
 - A. Electronic classification case note entries in the Nevada Offender Tracking Information System (NOTIS) are to be considered part of the institutional file .I-File.
 - B. Classification case notes will be made available by means of a case note printout using NOTIS report NVRCNP (Case Note Printout).
2. Reviews will be limited to information originating with the Department itself or from other criminal justice agencies in the State of Nevada.
3. Refer to the Department's Administrative Regulation 639, Medical Records, regarding the procedures for review of medical records.

568.02 EXCLUSIONS

1. InmateOffenders will not be permitted access to information regardless of origin which, if disclosed, might:
 - A. Endanger the physical, psychological or emotional well-being of the subject or other persons;
 - B. Endanger the security of any institution/facility or that of any facility housing inmateoffenders;
 - C. Disclose personal or confidential information pertaining to a person other than the inmateoffender; or
 - D. Impede, hinder or compromise an investigation or the outcome of criminal or administrative proceedings engaged in by the Department.
- 1.2. Pre-Sentence Investigation (PSI) reports are excluded from reproduction, along with any other confidential documents.

568.03 METHODS

1. Associate Wardens (AW) and institutional/facility ~~caseworkers~~ Correctional Casework Specialist (CCS) will maintain the appropriate request form, DOC-2022, Request for Review of Institutional File I-File, to ensure that these forms are accessible to the inmateoffender population.
2. InmateOffender requests for record review will be forwarded to the Associate Warden for initial processing.
 - A. Prior to the inmateoffender review of records, the AW/designee will ensure that all items deemed restricted and/or confidential from inmateoffender viewing are appropriately marked and removed from the I-File.
 - B. The AW/designee will ensure these documents are returned to the I-File upon completion of the review
 - C. A copy of the inmateoffender's electronic case notes will be printed from NOTIS. The AW/designee will ensure that all items deemed restricted and/or confidential are removed-redacted before the inmateoffender reviews them.
 - D. The printout of the case notes will be destroyed upon completion of the record review.
3. The AW/designee will directly supervise the review of the record by the inmateoffender. The staff member will remain with the inmateoffender at all times during the review

process.

4. Upon completion of the file review the inmateoffender and supervising staff witness will sign the record review log form. The log form shall be maintained in the I-File.
5. The AW/designee will enter a case note when the inmateoffender reviewed his/her file to include date and times the inmateoffender began and ended the review.

568.04 CHALLENGES OF THE RECORD

1. Challenges to accuracy of documents originated by Department personnel must be addressed through the inmateoffender grievance process.
2. Information found via the grievance process to be inaccurate will be expunged from the record or appropriately corrected with a copy of the corrected document provided to the inmateoffender at the Department's expense.
3. Challenges to accuracy of information originated by another criminal justice agency will be handled by directing the inmateoffender's request to the originating agency.

568.05 REPRODUCTION OF DOCUMENTS

1. Normally, inmateoffenders will not be provided with copies of documents maintained by the Department.
 - A. Offenders will not be provided copies of their Pre-Sentence Investigation Reports due to the sensitive information contained in them.
2. If a special circumstance exists, upon approval of the AW/Facility Manager, copies may be provided to the inmateoffender in accordance with the Department's Administrative Regulation 722, InmateOffender Legal Access.
3. Cost of copy work will be determined by Fiscal Services.
4. All allowed-authorized reproduction of information out of the inmateoffender's I-file will be noted in the inmateoffender's case notes.

568.06 GENERAL CONSIDERATIONS

1. InmateOffenders will not review Central Files (C-Files) and confidential information excluded from inmateoffender access.
2. If there is any question as to the sensitivity or proper safeguarding of original correspondence received by an institution from an outside source or generated from the Department itself, an inquiry will be made to the Correctional Case Records Manager (CCRM) prior to inclusion of the information in the I-File.

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3. Under no circumstances will highly sensitive information be reproduced for inclusion in institutional files.
 4. An inmateoffender will only be permitted to review their I-File records once in a 12-month period, except under unique and special circumstances such as viewing the record prior to a Pardons Board hearing or judicial hearing.
 5. An inmateoffender will be allowed to review their I-File if the inmateoffender is working on Habeas Corpus proceedings.
 - A. The institution/facility will establish written procedures-an Operational Procedure (OP) to allow inmateoffenders to review their I-Files if working on Habeas Corpus proceedings.

568.07 ATTORNEY REVIEW OF RECORDS

1. Attorneys may be allowed to assist inmateoffenders during record reviews pursuant to provisions of this regulation.
2. Except as otherwise provided under AR 568.08, requests by attorneys to view records for any purpose other than contemplated herein will be approved by the Attorney General's Office prior to such a review.

568.08 REQUESTS FOR INMATEOFFENDER RECORDS IN *HABEAS CORPUS* PROCEEDINGS WHERE DISCOVERY HAS NOT BEEN ORDERED AND A SUBPOENA FOR DOCUMENTS HAS NOT BEEN ISSUED

1. Applicability of AR 568.08 – This administrative regulation applies only in *habeas corpus* proceedings where discovery has not been ordered by the court, and where a subpoena for documents has not been issued. As well, this administrative regulation applies only to documents that an NDOC inmateoffender may ordinarily review upon request under the NDOC administrative regulations, procedures, or directives.
2. InmateOffenders Represented by Counsel – When requests for inmateoffender records are received from attorneys representing inmateoffenders in *habeas corpus* proceedings, the Department shall produce to that attorney responsive documents from the inmateoffender's files, whether from the inmateoffender's Medical Record or Institutional File (“I-File”), I-File, subject to applicable confidentiality, redaction, and dissemination restrictions relating to the safety and security of staff, inmateoffenders, the public, and prison operations.
 - A. NDOC Officials may condition the production of some or all of such documents on receiving an agreement by the inmateoffender and his or her attorney to restrict the inmateoffender from possessing confidential or restricted documents on the inmateoffender's person or in his cell, for reasons relating to the safety and

security of staff, inmateoffenders, the public, and prison operations.

3. InmateOffenders Representing Themselves, *Pro Se* - When requests for inmateoffender records are received from NDOC inmateoffenders who represent themselves, *pro se*, in *habeas corpus* proceedings, the Department shall produce to the court in the particular *habeas corpus* proceeding, responsive documents from the inmateoffender's files, whether from the inmateoffender's Medical Record or I-File, subject to applicable confidentiality, redaction, and dissemination restrictions relating to the safety and security of staff, inmateoffender, the public, and prison operations.
 - A. Where the NDOC administrative regulations, procedures, directives, or other prison policies permit an NDOC inmateoffender to review such requested records from his Medical Record or I-File, but not to possess them on his person or in his cell/bunk area, for reasons relating to the safety and security of staff, inmateoffenders, the public, and prison operations, NDOC officials shall:
 - 1) ~~permit~~Permit the inmateoffender to review such documents away from his cell under the supervision of an NDOC official;
 - 2) ~~permit~~Permit the inmateoffender to identify which documents he or she would like forwarded to the court in the particular *habeas corpus* proceeding;
 - 3) ~~require~~Require the appropriate NDOC staff to attach such documents identified by the inmateoffender to the legal papers presented by the inmateoffender for filing with the court in the particular *habeas corpus* proceeding.
4. Each institution shall establish an Operational Procedure to validate the legitimacy of such requests for documents, so as to promote institutional safety and security relating to the dissemination and production of such confidential documents and information.

APPLICABILITY

1. This AR requires an Operational Procedure.
2. This AR requires an audit.

REFERENCES: ACA Standards 5th Edition 5-ACI-1E-01

ATTACHMENTS

DOC Form 2022

Charles Daniels, Director

Date

DRAFT

NEVADA DEPARTMENT OF CORRECTIONS
REQUEST FOR REVIEW OF INSTITUTIONAL FILE

Name: _____

DOC #:- _____

Institution: _____

Certification:

I certify that the name appearing above is my true name. I am requesting access to my institutional file solely to determine the accuracy thereof and for no other purpose. I understand that if I have employed any deception in regard to my true identity or purpose. I will be subject to prosecution (NRS 205.450) and NRS 179A.1710.

Signature: _____

Date: _____

If accompanied by an attorney:

I hereby certify that I am duly authorized to practice law in _____ and have been retained by the above-named above-named person to aid and assist in the review and possible challenge of the contents of the institutional file.

Name: _____

Address: _____

By my signature below, I acknowledge that on the date indicated I reviewed my Institutional File (I-File) in the presence of the named staff witness, and with my attorney (if applicable).

InmateOffender Signaturesignature: _____

Date: _____

Staff witness signature: _____ Date: _____