



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)

EFFECTIVE DATE: PENDING

AUTHORITY: [NRS 176.017](#); NRS 209.131; NRS 209.301; [NRS 176.017; 42-34 U.S.C. § 1560130301](#), 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 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 to ensure administration of NDOC 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.

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 which they will be assigned, and the level of supervision they will receive in compliance with federal and state regulations.~~

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

1. The ~~eClassification eCommittee~~ Classification Committee will consider placing a young adult or youthful offender in an institution or facility, and programs specifically designated for young offenders.
 - A. Youthful offender as defined under PREA Standards is an individual who is under the age of 18.
 - B. A young adult includes individuals up to the age of 25.
2. The ~~eClassification eCommittee~~ Classification Committee shall determine the appropriate level of custody for young adult and youthful offenders based on the following case factors:
 - A. The nature and severity of the inmateoffender's offense.
 - A. The characteristics of the inmateoffender's sentence.
 - B. The inmateoffender's criminal history.
 - C. The inmateoffender's age.
 - ~~D. The inmate's mental and physical health.~~
 - E.D. The criminal, institutional, and social sophistication of the inmateoffender.
 - F.E. The inmateoffender's susceptibility to exploitation.
 - G.F. The security risk posed by the inmateoffender.
 - H.G. PREA Regulations
3. The eClassification eCommittee shall not exclude inmates with disabilities from classification to the custody levels for which they otherwise are eligible because of the inmates' disabilities (including mental health conditions, medical conditions, mobility impairments, and medical treatment needs).

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

1. The following represents the hierarchy of placement for young adult and youthful offenders starting with the most susceptible and least sophisticated.

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- 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~~ [Offender program](#)Program.
 - D. An institution or facility designated for young adult offenders.
 - E. General population in a conventional institution or facility.
 - F. Administrative Segregation.
2. The ~~classification~~ [Classification committee](#) ~~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 Prison Rape Elimination Act (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.
 - 4.5. The ~~e~~Classification ~~e~~Committee shall not exclude ~~inmates~~offenders with disabilities from placement at the custody levels for which they are otherwise eligible because of the inmates' 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(H).
 6. If the Classification Committee identifies that an inmate 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 ~~inmate~~offender and advise the ~~inmate~~offender that he or she may seek a reevaluation from a health practitioner. If the ~~inmate~~offender requests a reevaluation, a health practitioner who has been personally involved in the ~~inmate~~offender's care must review the ~~inmate~~offender's medical and mental health files, examine the ~~inmate~~offender (if necessary), and make an individualized determination as to whether any medical or mental health issues should preclude the ~~inmate~~offender from being transferred to the custody-level placement within thirty (30) days of the ~~inmate~~offender's request for a reevaluation. The committee must consider and implement all possible alternatives that do not constitute an undue burden to avoid housing the ~~inmate~~offender at a higher-custody placement. If no such alternative is available, the committee must classify the ~~inmate~~

offender to the lower-custody classification level for which he or she is eligible, but may house the inmateoffender at a higher custody level placement so long as the Nevada Department of Corrections provides the inmateoffender with the same privileges and benefits (e.g. opportunities to earn work credits) provided to inmateoffenders housed in the lower-custody placement for which the inmateoffender is eligible. Such an inmateoffender 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.

502.032 CLASSIFICATION APPROVAL AUTHORITY

1. The Director, Deputy Director of Programs or the Offender Management Administrator (OMA) must approve the initial classification, and transfers between or custody changes within institutions for a youthful offender.
2. Young adult offenders are approved for classification according to the general classification guidelines provided in the 500 series of the Administrative Regulations.

APPLICABILITY

This Administrative Regulation requires an Operational Procedure within the Offender Management Division (OMD) and one operational procedure, approved by the Director of Operations that is applied consistently at each institution and facility.

This Administrative Regulation requires an audit.

REFERENCES: ACA ~~4th~~ 5th Edition ~~4-4307—4-43125-ACI-5B-13 – 5A-ACI-5B-19~~

James Dzurenda Charles Daniels, Director

Date

Charles Daniels, Director

Date