

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
457**

INVESTIGATIONS

Supersedes: AR 457 (06/17/12) and AR 457 (Temporary, 06/05/13)
Effective date: 10/15/13

AUTHORITY:

NRS 209.131, NRS 171, 42 U.S.C. § 15601, *et seq.* and 28 C.F.R. Part 115

RESPONSIBILITY

The Director is responsible to insure that all employees comply with this procedure.

The Inspector General is responsible to implement this procedure.

All employees are responsible to have knowledge of and follow this procedure.

The Inspector General is responsible for conducting or assigning investigations related to PREA, criminal activity by or on behalf of inmates, other incidents, and staff misconduct accusations.

The Associate Warden is responsible to ensure crime scene protection, and the preserving, gathering and disposal of evidence, and to designate an Evidence Officer.

The Employee Development Manager is responsible for training of correctional staff in investigations, crime scene procedures, evidence and suspect identification.

457.01 INSPECTOR GENERAL

1. The Inspector General (IG) of the Department is authorized to investigate any matter arising from the Department or any person employed, incarcerated or present in an institution or facility.
2. The IG is an independent authority and may independently report on any matter to the Governor or other member of the Board of Prison Commissioners.
3. The IG shall review all institutional Operational Procedures (OP) dealing with investigations, including but not limited to the following: PREA, crime scenes, evidence

collection, handling and preservation and suspect identification. Investigation related OPs are confidential.

4. The IG will assemble and maintain a manual containing all institutional OPs related to investigations.

457.02 REPORTING

1. All Warden/Division Heads, Deputy Directors, and/or Director are responsible to insure compliance with established Inspector General and Human Resources guidelines and procedures in conjunction with Administrative Reporting, any type of Investigations, Misconduct and Performance Adjudication and subsequent Imposing of Corrective/Disciplinary Action when applicable.

2. All incidents shall be reported to the IG per the requirements of AR 332.

3. The IG or designee shall be immediately notified of PREA related or serious incidents involving suspected criminal activity by inmates, staff, or outside parties; or serious violations of Department policy.

4. The IG or designee, and designated Equal Employment Opportunity (EEO) official shall be immediately notified of serious incidents involving sexual harassment.

5. The IG will determine the need for an investigation; the type/methodology of the investigation; the staff responsible for the investigation; and the priority of the investigation.

6. The IG may request the assistance of outside agencies in the completion of investigations.

7. The Department will provide notice pursuant to NRS 289.060 to any peace officer, if they are being questioned or interrogated during an investigation of misconduct or violation of departmental policy.

8. Non-Peace Officers suspected of misconduct or violations of policy will be given notice pursuant to NRS 284.387 prior to being interviewed on the allegations.

9. Correctional staff do not have to be given notice that they are under investigation until they are to be interviewed.

10. The employee must be notified of any disciplinary action within 90 days of receiving notice of allegations pursuant to NRS 284.387 1 (a).

11. The IG may refer cases to the applicable prosecutorial authority for review for prosecution.

A. Inmate cases may also be referred to the Attorney General pursuant to AR 708.

457.03 CRIME SCENE

1. The Deputy Director, in cooperation with the Inspector General, shall develop an Operational Procedure (OP) for all institutions and facilities for the management of a crime scene.

2. This OP will include procedures for:

A. Staff notification to supervisors of a crime;

B. Initiation of medical response;

C. Protection of the crime scene;

D. Notification of the IG or police;

E. Lockdown of the institution/facility;

F. Limitation and documentation of inmate and staff movement;

G. Identification of inmates in the vicinity of the crime scene;

H. Inspection of inmates near the crime scene for trace evidence and injury;

I. Movement of the inmates away from the crime scene;

J. Photography of any victim, the crime scene, and related inmates and staff;

K. Movement of deceased persons.

3. The IG or Police investigators are the authority for management of the crime scene from the time of their arrival until the release of the scene.

4. The ranking investigator on the scene has authority to release the scene.

457.04 EVIDENCE

1. The Deputy Directors, in cooperation with the Inspector General shall develop an Operational Procedure (OP) for all institutions and facilities for the preservation of evidence.

2. The OP will include procedures for:
 - A. marking evidence;
 - B. storing evidence;
 - C. documenting evidence with logs;
 - D. securing;
 - E. transferring evidence;
 - F. disposal of evidence.
3. Each institution and facility will establish a secure and restricted access location for the maintenance of evidence.
4. Evidence should be handled so as to preserve trace and fingerprint evidence.
5. The chain of evidence should be kept to as few persons as possible.

457.05 SUSPECT IDENTIFICATION

1. The Inspector General shall be responsible for developing policies and procedures in a separate IG Operations Manual to ensure witnesses are given the opportunity for formal identification of suspects.
2. The following methods of suspect identification could be used in accordance with NRS 171:
 - A. Live Lineup – Identification procedure in which a group of persons, including the suspect, is displayed to an eyewitness to determine whether the eyewitness identifies the suspect as the perpetrator of a crime.
 - B. Photo Lineup – Identification procedure in which an array of photographs, including a photograph of the suspect, is displayed to an eyewitness in hard copy or by digital image to determine whether the eyewitness identifies the suspect as the perpetrator of a crime.
 - C. Show-up – Identification procedure in which the suspect appears individually for possible identification by the eyewitness as the perpetrator of a crime.

457.06 CONFIDENTIALITY

1. All investigations conducted by or in conjunction with the Inspector General's Office are confidential and no information, reports, documents, results, or interviews may be

disseminated without authorization by the Inspector General, Director or appropriate legal authority.

2. Per PREA standard 115.73, following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

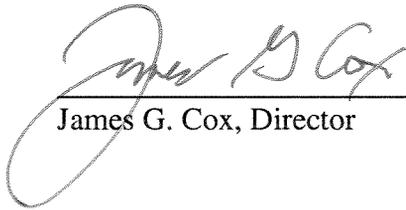
APPLICABILITY

1. This regulation requires an Operations Procedure for all institutions/facilities, and the Office of the Inspector General.

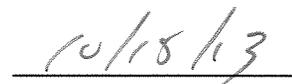
2. This regulation requires an annual audit by the Office of the Inspector General.

REFERENCES:

ACA Standards 4-4207, 4-4282



James G. Cox, Director



Date