

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
503**

CONDUCT OF OBJECTIVE CLASSIFICATION

Supersedes: AR 503 (12/17/12); and AR 503 (Temporary, 11/24/14)
Effective Date: 05/19/15

AUTHORITY: NRS 209.131, NRS 209.341, NRS 209.351; 42 U.S.C. § 15601, *et seq.*
and Federal Register 28 CFR Part 115

RESPONSIBILITY

The Offender Management Administrator (OMA) is responsible for compliance with this regulation.

The Associate Wardens/Facility Managers or designees are responsible for compliance with this regulation at the institutional level.

503.01 CLASSIFICATION HEARING

1. The institutional files (I-File), the Nevada Offender Tracking Information System (NOTIS) information, information presented by the inmate and other interested parties; any other relevant information obtained and formatted in NOTIS, will be used in the formulation and documentation of a classification decision.
2. In order to determine if the inmate case factors warrant a change in custody or housing, a complete review of the objective classification assessment instrument should be conducted at every reclassification hearing.
3. The inmate should make a personal appearance before the Classification Committee and present their point of view or submit documents bearing on the inmate classification status. The classification committee should explain the purpose of the meeting and those aspects of the records that might cause a change in classification.
4. An inmate may be classified in absentia under certain circumstances.
 - A. This type of hearing should be reserved for occasions when the personal appearance of the inmate would present a threat to the security of the institution or where the inmate has refused to appear.

B. An in-absentia hearing is also appropriate when the action to be taken represents a minor adjustment to the inmate's classification which is not contested and which does not require an objective classification assessment instrument to be completed.

C. If an inmate refuses to attend a formal classification hearing, the committee will confirm the refusal and record the refusal in a NOTIS classification case note.

D. If the objective classification is requested by the inmate; is not contested and/or benefits the inmate for custody reduction consideration from medium or minimum custody and the inmate meets the respective criteria. An Interim Review Date (IRD) should be set for this type classification so as to maintain the inmate's periodic review schedule.

5. An inmate should receive prior notice of a scheduled classification hearing. Reasonable prior notice may be satisfied by delivering an appointment slip to the inmate 24 hours prior to the scheduled start of the hearing agenda.

6. Operational procedures should reflect the process in which an inmate can request a classification review of progress and program status.

7. Formal classification committee hearings are not required for job and program changes to which the inmate consents unless otherwise indicated. The changes may be documented by an entry in NOTIS and approved by the institutional or facility chairperson.

503.02 DOCUMENTATION

1. Every classification hearing will be documented in the case note screen of NOTIS regardless of whether the inmate was present or not.

2. All work and program assignments to which an inmate is classified will conform to the process defined by pertinent regulations.

503.03 USE OF OBJECTIVE CLASSIFICATION ASSESSMENT INSTRUMENT

1. The classification system provides for a regular review of each inmate's classification status.

2. Beginning with an inmate's initial classification hearing, staff shall reclassify an inmate in a formal in-person hearing at least once every six (6) months. This six (6) month review time will also be utilized for Prison Rape Elimination Act (PREA) reassessment as noted in AR 573.01.

3. All classification actions requiring approval by the Offender Management Division (OMD) and regular reclassification hearings require an updated reclassification assessment accompanied by a corresponding case note in NOTIS.

A. On each classification assessment where the assigned custody is greater than the computed custody, there should be a narrative in the comments section to explain why the computed custody is not recommended.

(1) If the circumstances of the override are subject to change, a date for the follow up classification should be included in the narrative.

(2) If the reclassification date is to occur before the next scheduled reclassification, then that date should be entered in the Re-Assessment Date field of the assessment screen in NOTIS.

B. On each assessment instrument where the assigned custody is medium based on exclusions from minimum custody related to release dates or acts of serious violence, there should be a narrative in the comments section to explain when applicable time frames will be satisfied.

(1) The appropriate date for review should be entered in the Re-Assessment field if less than six (6) months.

(2) If the exclusion relates to a hold or detainer there should be a narrative to indicate the confirmation of such through casework.

4. The Classification Committee should assign/recommend the inmate to the lowest custody where behavior can be controlled to ensure the protection of the community, staff and other inmates.

503.04 CLASSIFICATION COMMITTEE PROCESS

1. The Classification Committee will consist of at least two (2) staff, one (1) of which should be the inmate's assigned Caseworker.

2. Classification actions which may have a substantial adverse effect on the conditions of confinement for the inmate should include the following procedural safeguards:

A. Written notice of the classification hearing detailing the proposed action and reasons for the action should be provided at least 24 hours prior to the hearing.

B. When the classification committee determines that the inmate is unable to understand the proposed action or the situation is very complex, assistance may be provided by an inmate counsel substitute.

3. All Classification Committee decisions, other than routine job or housing decisions should be reviewed by supervisory staff, at least at the level of CCSIII. Regular (periodic) reviews are to be checked for accuracy of inmate information content and staff's recommendation by the noted supervisory staff before approving a review assessment. Deficiencies of a periodic review will be communicated to the committee member for corrective action; and a respective addendum is to be entered on the respective assessment case note. When appropriate, an Interim Review Date (IRD) should be entered for timely action.

503.05 CONDUCT OF EMERGENCY TRANSFERS

1. During normal business hours (M-F 8:00 am - 5:00 pm) the OMD classification staff shall be contacted prior to emergency transfer approval. Unscheduled transfers during business hours are prohibited.

2. After business hours, the highest ranking supervisor on duty will be required to approve an unscheduled transfer.

A. Due process classification should be conducted by the receiving institution within three (3) working days after timely notice has been given to the inmate.

B. The sending institution must notify OMD of the emergency transfer by the following business morning.

(1) The receiving institution shall conduct the hearing per the Department's Administrative Regulation 507, Administrative Segregation.

503.06 CLASSIFICATION COMMITTEE DECISION PROCESS

1. Classification decisions should be reached through a committee discussion and vote. In the event of substantial disagreement the case should be referred to the Warden or Associate Warden for resolution.

2. The Warden or Associate Warden may override the action of the Classification Committee and the reason for the override will be documented in a NOTIS case note.

3. The Classification Committee shall carry out the process of objective classification with the understanding that objective criteria cannot be the sole basis for classification decisions. Staff judgment, including subjective criteria, is also a critical tool which can be utilized for classification decisions. Any subjective criteria which was a factor in the classification decision will be included in the case notes.

4. This Administrative Regulation does not create any liberty, interest, or right to any classification status, employment or placement.

503.07 ADMINISTRATIVE APPROVAL

1. The classification actions listed below require review and approval by OMD:

- A. Initial Classification.
- B. Custody reduction to minimum or community trustee.
- C. Transfers between institutions/facilities.
- D. Transfers to other jurisdictions.
- E. Classification actions requiring overrides.

(1) OMD override approval is not required to maintain an inmate at medium custody solely due to an elevated Risk Factor Score if no other changes are indicated.

F. Correctional Youth Program(CYP) placement as defined in Departmental regulations.

2. Approval may be given verbally but must be followed by the proper documentation within one (1) working day.

3. Custody changes which occur outside the institutional Classification Committee in response to dangerous or urgent circumstances are considered conditional and are temporary until ratified by the Classification Committee, and OMD if required.

4. Custody assignments which require administrative approval in accordance with this regulation will not be implemented until the approval is obtained either verbally or in writing.

503.08 OPERATIONAL PROCEDURES

1. Institutions and facilities shall develop operational procedures to implement the classification system at their location. The operational procedures should minimally include the following:

- A. Identification and assignment of responsible staff.
- B. Composition of committees.
- C. Description of scheduling practices including 24 hours notice to inmates.
- D. Filing, record keeping and clerical functions.

503.09 SYSTEM AUDITS

1. The OMA shall develop and implement an audit process to review the conduct of classification activities by institutions and facilities of the Department.

A. An audit should be conducted at each institution and facility once every year.

B. The results of the audit should be provided in writing to the Warden of the institution or facility, the Deputy Directors and the Director.

2. Institutions and facilities shall submit a corrective action plan to correct deficiencies noted in audits and document that fact to the OMA within thirty (30) days of the receipt of the audit.


APPLICABILITY

1. This AR requires an Operational Procedure for each institution and facility.

2. This regulation requires an audit.

REFERENCES

ACA Standards 4-4282; 4-4283; 4-4284; 4-4288; and 4-4289



Director



Date