

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
708**

REFERRAL FOR CRIMINAL PROSECUTION

Supersedes: AR 708 (08/13/10); and AR 708 (Temporary, 11/24/14)
Effective Date: 05/19/15

AUTHORITY:

NRS 209.131
NRS 228.160

RESPONSIBILITY

Referrals for criminal prosecution are the responsibility of the staff at the facility or institution where the alleged violation occurred, regardless of where the inmate is subsequently transferred, and regardless of where the internal disciplinary proceedings are held.

The Referral Coordinator at each institution/facility shall retrieve all pertinent information and ensure that a referral packet is completed in a timely manner.

708.01 CONFIDENTIALITY OF MATERIALS

1. All evidence, documents, and information related to criminal prosecution referrals are confidential until such time as Deputy Attorney General, other prosecutor, or the court determines they are subject to disclosure.

708.02 REFERRAL FOR CRIMINAL PROSECUTION

1. Facilities or institutions will refer incidents involving alleged criminal conduct for review for prosecution.

A. All referrals will be sent in PDF format to the Inspector General's Office (IG) for initial review either via email or inter-departmental mail and a copy of the referral will be maintained within the inmate's I file.

(1) The IG will make an additional copy upon receipt of the original referral documents and generate a referral case number for tracking purposes.

- B. Criminal referrals are not a disciplinary sanction and may not be negotiated as part of any inmate's disciplinary proceeding.
 - C. The initiation of the criminal referral does not require the completion of the inmate's disciplinary process.
2. All referrals for criminal prosecution will be made using NDOC forms noted within this AR.
 3. The Attorney General has primary jurisdiction over all offenses committed by Department inmates, regardless of the site of the crime.
 4. A statement from the Referral Coordinator regarding the inmate's release status (parole or discharge) will accompany the referral.
 - A. The statement will provide the inmate's projected parole or discharge date.
 - B. If an inmate pending a referral for criminal prosecution is scheduled for release within 60 days, the Referral Coordinator will immediately inform the Correctional Case Records Manager of the pending criminal referral.
 5. The referral for prosecution package shall include, but is not limited to:
 - A. Memorandum from Referral Coordinator summarizing the incident (DOC-1501c);
 - B. Request for Prosecution using Form DOC-1501;
 - C. Provide a Witness List (DOC-1501a);
 - D. Evidence Record and Chain of Evidence must be provided on Form DOC-1501b;
 - E. Copy of incident folder, including, but not limited to, original photographs, Use of Force Reports, informant information, shift reports, staff written reports, videotapes, tape recordings of statements, etc.
 - F. Pre-sentence Investigations Report(s);
 - G. All written reports;
 - H. Judgment(s) of Conviction(s);
 - I. Initial Classification Summary;
 - J. Most recent Certificate(s) of Board of Parole Commissioners action;
 - K. Copy of fingerprint card;

L. Copy of Mug Shot;

M. Any other information that may be pertinent to the prosecution, such as Departmental Investigators' reports, medical reports and unit logs, will also be submitted.

6. The Referral Coordinator will establish a log to track these referrals.

7. Any support by local law enforcement agencies (such as investigations, lab tests, etc.) shall be documented on the referral to the Attorney General and shall be accompanied by any and all police reports, lab tests and interviews.

APPLICABILITY

1. This regulation requires an operational procedure.

2. This regulation does not require an audit.

REFERENCES

ACA Standard 4-4231



Director



Date