ATTACHMENT F

AR 569 Confidentiality of Inmate Records-
Section 8 allows the Department to set its own rate of fee for access to documents but does not need to justify its extra money charged. As I noted yesterday, the ACLU of Nevada has had to litigate this exact issue with other agencies that have charged rates with the justification of extraordinary use of personnel time that proved to not be so extraordinary. Paragraph 12 states that "Department records files and information pertaining to an individual inmate which are not specifically approved for release are confidential." It is unclear what files these may be, and what justification exists for keeping them confidential. While there may be certain information pertaining to individual inmates that address security matters or other aspects of the inmate's incarceration that are not confidential to the inmate, this category must be more specifically and narrowly defined in order to avoid a wholesale policy of keeping material that should be open to the public secret in contradiction to both the letter and spirit of the open records law.

AR 600 Health Care Services -
The *Riker* agreement on kite response timing requires triage no later than 24 hours after filing and meeting with a practitioner within 48 hours of filing. Implementation of this practice system-wide would be reasonable to ensure that kites concerning medical matter be handled and addressed within a set, reasonable time frame.

AR 618 Elective/Cosmetic Surgery - Last year, a federal court struck down a ban in Wisconsin that prevented prison doctors from prescribing any type of hormone therapy or sex reassignment surgery for transgender people in state custody. We believe that surgery relating to gender identity issues should not be considered either elective or cosmetic, but instead should be recognized as involving a serious medical situation. This regulation should specifically exempt such situations from its scope.

AR 626 Medical diets-
As I read it, the regulations would penalize inmates who eat something that is not part of the dietary plan by taking them off of their medically necessary diet. The presumption here is that medical diets are perks rather than medical necessities. Even in the outside world, doctors understand that a diabetic patient may still occasionally have candy bar, without jeopardizing the value of the specific diet. This punitive approach is medically unsound.

AR 631 Dental Services -
The only thing here that raises a question is the ban on root canals set forth in Section 4(1). I am not a dentists so perhaps I am misreading this, but my understanding is that root canals are designed to save teeth and could help save money in the long run. Why the ban?

AR 645 Suicide Prevention - Section 4 would require that inmates who pose a threat to self injure be assigned to "appropriate housing"and observed until they can be seen by a mental health practitioner. The lack of specificity here could lead to exacerbated health issues, especially if solitary confinement become the default. This suicide prevention policy would be better if it specifically precluded locking someone with suicidal ideation in an isolation cell and be replaced with something like mandatory room checks at time intervals to be determined by a clinician – 10 min, 5 min or one on one are typical intervals.

AR 719 Inmate Visitation
It is worrisome that the burden is placed on the inmate for notifying approved visitors of any restrictions on visitation. Also, Section 6(b) states that " [t]he inmate is responsible to notify approved visitors of any restrictions." This is unclear, as it does not specify the type of restrictions it refers to. Certain institutional restrictions are presumably be made available on the website, pursuant to Section 2(1), and on the institution's webpage pursuant to subsection 2. Therefore the question arises of exactly what information the inmate is responsible for relating to the visitors and when. We are hoping that this issue can be clarified.

AR 813 Psychological Review Panel
Following the legislative session, I am guessing that you may not even need this regulation because it will be laid out in state law. If you do revise it, could you please keep me in the loop?

AR 815 Marriage and Domestic Partnerships-
Paragraph 815.02(1) prohibits incarcerated inmates to enter into domestic partnerships without any rationale. Subsection 3 states that domestic partners will not be housed at the same institution. Thus, it appears that the concern is for the prevention of inmate cohabitation. Subparagraph 1, however, is overbroad for this purpose, as it even prohibits the entering into a domestic partnership relationship between an inmate and someone on the outside. It even prohibits heterosexual domestic partnership arrangements. If the purpose of the regulation is to avoid inmates conjugally living together, that is what the regulation should state. This would avoid the obvious problem of discrimination based on sexual orientation.

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