NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
548
CASEWORK TO DOCUMENT HOLDS AND DETAINERS
TEMPORARY

Supersedes: AR 548 (Temporary 04/08/2010), AR 548 5/20/10
Effective Date: 12/17/15

AUTHORITY: NRS 209.131

RESPONSIBILITY

The Offender Management Administrator (OMA) will be responsible for ensuring that holds and detainers from other agencies and jurisdictions are properly documented in the Offender Sentence Management (OSM) Holds and Detainers screen.

515.01 PROCEDURES

1. Institutions and Facilities

   A. Any staff member who becomes aware of an undocumented /unconfirmed felony hold or detainer will contact the inmate's caseworker with the information.

   B. Information regarding the possible interest of other agencies or jurisdictions may be obtained from a number of sources to include but not limited to:

      1) Pre-Sentence Investigation (PSI) report;

      2) Copies of holds lodged with county jails and forwarded to the Department with the inmate;

      3) National Crime Information Center (NCIC);

      4) Memoranda indicating inmate court appearances received by transportation staffs;

      5) Parole and Probation violation report;

      6) Inmate advisement to staffs.

   C. Prior to the Initial Classification of an inmate, Intake Caseworkers will complete casework on undocumented/unconfirmed holds and detainers that are discovered during the intake processing of an inmate.

D. An inmate's assigned caseworker will complete the casework for undocumented/unconfirmed holds and detainers when discovered after the intake process.

E. Casework for holds and detainers consists of contacting the agency and obtaining:

1) The name of the other agency representative;

2) The charges or convictions with case numbers;

3) The sentence and discharge date, if applicable;

4) An indication of the other agency's intent to either extradite or not extradite the inmate;

5) The official name of the other agency or their ORI;

6) A contact name and call back number.

F. Caseworkers will input this information into NOTIS case notes and send a completed Form 2040 or 2040A to the Institutional Holds and Detainer Coordinator (HDC) who will review and forward the information to the Warrants Coordinator in the Offender Management Division. If an Originating Agency Identifier (ORI) Number is not available; this will be noted.

G. It is also necessary to perform casework and/or notifications for the following:

1) Misdemeanor or gross misdemeanor charges or holds; assisting inmates and other agencies resolving outstanding charges or holds.

2) Possible holds from the U.S. Department of Homeland Security – Immigration and Customs Enforcement (DHS/ICE).

2. OMD Warrants Coordinator

A. The OMD Warrants Coordinator will immediately enter confirmed holds and detainers and detainers received from other agencies into OSM and NOTIS case notes.

1) If the other agency responds that a felony hold or detainer will not be placed, the OMD Warrants Coordinator will notify the HDC and,

2) Will route necessary documentation to the I and C-Files.

B. The OMD Warrants Coordinator may accept a hold or detainer at any time during the inmate's incarceration.

C. The Interstate Agreement on Detainers (IAD) provides the means by which an incarcerated person may be brought to answer for untried charges in another state; and for preserving the rights that an incarcerated person may be entitled to with regard to detainers.

1) A warrant may be received by the Department from a prosecuting official, or as a result of an inquiry made by an inmate of the Department.

2) A prosecutor may file a warrant and exercise authority to proceed immediately with extradition, or file the warrant and take no action with regard to extradition.

3) If a warrant is filed without an expressed intent to extradite; the inmate may exercise his right to request a final disposition.

D. Once the necessary detainer information is obtained, the OMD Warrant Coordinator is responsible for researching and initiating Interstate Agreement on Detainers (IAD). The HDC is responsible for reviewing, witnessing the signing of IAD FORMS 1, 2, 3 and 4, with the inmate and forwarding the respective documents back to the OMD Warrants Coordinator.

3. Correcting Inaccurate Information

A. If it is suspected that an agency with a confirmed hold or detainer has dropped its interest but failed to notify the NDOC, the basis for that suspicion should be communicated to the OMD Warrants Coordinator. The information should be in written form, and should be prepared by the caseworker, and confirmed by the Institutions HDC.

B. The OMD Warrants Coordinator, will make contact with the other agency and attempt to determine if their interest has changed. The caseworker will provide the agency's contact and the contact's callback number. The Warrants Coordinator will then make the appropriate corrections in NOTIS and will also relay any new information to the HDC for the I-File if appropriate.

4. Provisions for temporary inclusion of unconfirmed holds or detainers in OSM ~~NOTIS.~~

A. If the OMD Warrants Coordinator is aware of an unconfirmed hold or detainer which involves any felony offense, the unconfirmed hold or detainer may be entered into OSM and NOTIS case notes if it is clearly labeled as temporary.

B. If the hold or detainer cannot be confirmed within 90 days, and if it is suspected that confirmation is still possible, the OMD Warrants Coordinator will attempt to confirm the temporary hold or detainer using the information provided by the HDC.

C. If the OMD Warrants Coordinator cannot confirm the temporary hold or detainer, a case note will be entered in NOTIS with the details of the attempted contacts to confirm and the temporary hold or detainer will be expired in OSM.

APPLICABILITY

1. This AR does require an operational procedure.

2. This AR does require an audit

Director

12-17-15
Date