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Secretary of State

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Chief Deputy Secretary of State

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Deputy Secretary
for Southern Nevada

STATE OF NEVADA

OFFICE OF THE
SECRETARY OF STATE

JEFFERY LANDERFELT
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for Commercial Recordings

RICHARD K. HY
Deputy Secretary for Elections

WAYNE THORLEY
Deputy Secretary
for Operations

MEETING NOTICE AND AGENDA

Organization: Board of State Prison Commissioners

Date/Time of Meeting: Tuesday, May 19th 2015 at 8:00 a.m.

Meeting Location: Guinn Room
State Capitol Building Annex
2nd floor
101 N. Carson Street
Carson City, NV

Video Conference: Grant Sawyer State Office Bldg
Room 5100
555 East Washington Ave.
Las Vegas, NV

I. Call to Order.

II. Public Comment.

III. Acceptance and Approval of Minutes – September 16, 2014 meeting. (For Possible Action)

IV. Discussion of the Nevada Department of Corrections FY 16-17 Budget Requests – Scott Sisco, Deputy Director (For Possible Action)

V. Update regarding use of force incidents within the Nevada Department of Corrections. Discussion and recommendations for the review of and possible changes to policies and/or standards, training, and regulations governing the use of force by the Nevada Department of Corrections – Greg Cox, Director (For Possible Action)

VI. Update on the independent Staffing Study conducted by the Association of State Correctional Administrators (ASCA) – Greg Cox, Director (For Discussion Only)

VII. Update and approval of plans to expand Prisoner E-Filing Project in U.S. District Court for the District of Nevada in Nevada Department of Corrections facilities– Greg Cox, Director (For Discussion Only)

VIII. Update on Prison Rape Elimination Act (PREA) implementation and compliance – Pam Del Porto, Inspector General, Department of Corrections (For Discussion Only)

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Reno, Nevada 89521
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IX. Discussion/possible action regarding State Administrative Regulations (Listed on Page 2) - Greg Cox, Director (For Possible Action)

X. Public Comment

XI. Adjournment.

Supporting public material provided to Board members for this meeting may be requested from Maxcine Blackwell, NV Department of Corrections, MIS Division, 5500 Snyder Ave. Stewart Complex, Building 89, Carson City NV 89701; by email helpdesk@doc.nv.gov or by calling (775) 887-3344. In your request, please state you are requesting meeting materials for the Board of Prison Commissioners and the date of the meeting.

Note: Any agenda item may be taken out-of-order; items may be combined for consideration by the public body; and items may be pulled or removed from the agenda at any time. The Board, within its discretion, may allow for public comment on individual agenda items. Public Comment may be limited to three minutes per speaker. Members of the public are encouraged to submit written comments for the record.

We are pleased to make reasonable accommodations for attendees with disabilities. Please notify Jennifer Russell at (775) 684-5709.

NOTICES FOR THIS MEETING HAVE BEEN POSTED IN ACCORDANCE WITH NRS 241 AT THE FOLLOWING LOCATIONS:

The State Capitol, 101 North Carson Street, Carson City, Nevada, 89701
The Grant Sawyer State Office Building, 555 East Washington Avenue, Suite 5200, Las Vegas, Nevada, 89101-1090
The Nevada State Legislative Building, 401 South Carson Street, Carson City, Nevada 89701
The Nevada State Library, 100 North Stewart Street, Carson City, Nevada 89701
The Secretary of State's Reno Office, 500 Damonte Ranch Parkway, Suite 657-A, Reno, Nevada 89521
The Nevada Secretary of State Website (www.nvsos.gov)
The State of Nevada Website (www.nv.gov)
The Department of Corrections Website (www.doc.nv.gov)

List of Administrative Regulations to be considered by the Board of State Prison Commissioners May 19th 2015

1. AR 124, Email Management **(NEW AR)**
2. AR 140, Organization of Management Information System Section
3. AR 204, Inmate Store System
4. AR 213, Employee Funds
5. AR 265, Travel
6. AR 278, Offenders' Store Funds Offenders' Store/Coffee Shop Operation and Maintenance Reimbursement to General Fund
7. AR 279, Inmate Welfare Funds Gymnasium Operation and Maintenance Reimbursement to General Fund
8. AR 339, Employee Code of Ethics and Conduct, Corrective or Disciplinary Action, and Prohibitions and Penalties

9. AR 487, Maintenance Requests
10. AR 490, Institutional Sanitation and Inspections
11. AR 491, Inmate Substance Abuse Testing
12. AR 503, Conduct of Objective Classification
13. AR 504, Reception and Initial Classification Process
14. AR 506, Reclassification Schedule
15. AR 515, Red Tag Status
16. AR 521, Custody Categories and Criteria
17. AR 525, Prison Industry Classification
18. AR 570, Inmate Movement Documentation
19. AR 573, PREA Screening and Classification
20. AR 600, Health Care Services
21. AR 610, Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS)
22. AR 631, Dental Services
23. AR 635, Medication Distribution, Control and Security
24. AR 658, Hearing Impaired Inmates **(NEW AR)**
25. AR 701, Inmate Identifications
26. AR 708, Referral for Criminal Prosecution
27. AR 850, Educational Programs

Board of State Prison Commissioners

BRIAN SANDOVAL
Governor
CATHERINE CORTEZ MASTO
Attorney General
ROSS MILLER
Secretary of State

STATE OF NEVADA DEPARTMENT OF CORRECTIONS

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BRIAN SANDOVAL
Governor

JAMES G. COX
Director

MINUTES

Of the meeting of the

BOARD OF PRISON COMMISSIONERS MEETING

September 16, 2014

The Board of Prison Commissioners held a public meeting on Tuesday, September 16, 2014, beginning at 9 AM at the following locations:

Meeting Location:

Guinn Room
State Capitol Building Annex
2nd floor
101 N. Carson Street
Carson City, NV

Video Conference:

Grant Sawyer State Office Building
Room 5100
555 East Washington Ave.
Las Vegas, NV

I. Call to Order.
The meeting was called to order by Governor Sandoval, Attorney General Masto and Secretary of State Miller were present.

Also present from the Nevada Department of Corrections were Director James "Greg" Cox, Deputy Director Support Services, Scott Sisco; Deputy Director Operations, E.K. McDaniel; Inspector General Pamela DelPorto. From the Office of the Attorney General: Joe Reynolds Chief Deputy Attorney General and Alicia Lerud Senior Deputy Attorney General. Also present were members of the public who were asked to sign-in. ***Attachment 1***

II. Public Comment. There was no public comment in Las Vegas. Public comment in Carson City: Vanessa Spinazola of the ACLU commented on item 5 of the agenda the transfer of youthful offenders from the NDOC. She said there is an administrative regulation on the books that permits this transfer from NDOC to the state DCFS. She stated that they believe state facility is the best place to house these offenders. 80% of the kids are from Clark County and they believe it is best for their rehabilitation if they stay in the region near their families. ***Attachment 2***

Gene Columbus of the Nevada Correctional Association commented on item 9, the staffing study completed by ASCA. The study recommends proposed increases in staffing and they support that action.

Tonja Brown stated she was there to discuss items number 4 and 10 of the agenda. She discussed a complaint filed on September 5, a violation of the open meeting law. ***Attachment 3*** Reminded the board that she last attended was in March 2013 and she discussed a computer glitch at that time, and how it affected Nolan Klein's file. She said she has a trial set for next April on the breach of settlement agreement. This is regarding documents that she submitted in 2013. She stated that she went to the website to access these documents that she submitted and she was prevented from accessing them and was treated differently than everyone else and was not allowed to obtain the

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documents that she deemed non-confidential. She stated that reporter Jeff Dornan tried to access these documents so that she could turn them over to the AG's office in discovery. She stated he was blocked as well and that he made some inquiries and was allowed access. She said that this also pertains to item number 10 inmate grievances. She then read from an open meeting law violation. She stated that she had information in her discovery that she gave to the AG's office, Will Geddes; that the AG's office did not turn over in the Klein versus Helling case in which Geddes had agreed to turn over everything. Ms. Brown said she attached a document from Ross Miller's campaign, which she then read from. ***Attachment 4*** She referred back to her original lawsuit. She said the AG's office had everything she said stricken or removed from the record and not placed on the record until after she filed suit in 2013 at which time only parts got on the record. She asked people to read the deposition of Karen Gedney Re: hep C and the treatment she said this information was in that settlement and not deemed confidential by the settlement agreement. She discussed AR 740 would like to know how an inmate can produce to the court evidence that is favorable to them without it being withheld by the AG's office claiming confidentiality. Ms. Brown stated that exculpatory evidence that showed in her letter to them evidence of retaliation against certain inmates for their religious beliefs. She stated again that these documents are not confidential. She said she attached documents that are her responses to their interrogatories and not confidential. Ms. Brown stated that everything she has provided to the board of state prison commissioners where inmate families can go and to support their (inmate) grievances or any civil litigation that they may have that; "you, the Board of Prison Commissioners, have stopped those documents for being seen, claiming confidentiality. You were given a settlement agreement in May 2012 to this day those documents have not been on the record." Ms. Brown brought up Dr. Karen Gedney's deposition stating that nobody wants it to see the light of day. He said it discusses how inmates are treated for hep C and then discussed the issue of MERSA, a highly deadly and infectious disease. She discussed how outside doctors treat the disease as opposed to how NDOC does. Ms. Brown reminded everyone that in December 2011 she asked the board to conduct an outside investigation into the Attorney General's office for pulling evidence in cases and she had also asked for a letter of apology which was not done which she stated precluded her from requesting a posthumous pardon for Mr. Klein.

III. Acceptance and Approval of Minutes – March 18, 2014 meeting. Attorney General Masto requested a correction on page 3 paragraph 2 to put the word minors in front of the word compromise. With this edit all were in favor of acceptance and approval of the minutes from March 18, 2014.

IV. Prisoner E-Filing Project U.S. District Court for the District of Nevada, An Overview of the ongoing e-filing project between the U.S. District Courts and the Nevada Department of Corrections - Honorable United States Magistrate Judge Valerie P. Cooke. Judge Cooke stated that e-filing is underway at Northern Nevada Correctional Center. It is a pilot program. Judge Cooke explained that the e-filing came about due to the post office in Reno closing so mail would be sent to Sacramento for processing. There were usually problems with mail coming from rural counties where the prisons are located. There were concerns regarding possible delays, so they researched other federal districts and found that Illinois had started an e-filing program. There are also e-filing programs in Indiana, Arizona and Missouri. Judge Cooke will be speaking at the Ninth Circuit pro se litigation conference and plans to discuss the advantages of the e-filing program. When inmates pleadings come in via mail the document clerk has to scan every page and then e-file it takes a lot of time and it is labor intensive. Advantage to the Attorney General's office and the NDOC the Attorney General's office agreed to accept e-filing's rather than have the inmate make copies of opposition to a motion for summary judgment. It saves the inmate money and the prison money on making copies and processing this type of mail. This will also eliminate the "lost in the mailroom," lawsuits. Judge Cooke provided documentation with questions and answers, for review. ***Attachment 5*** This will be handed out to inmate so they will understand how their documents will be processed. These are only currently in section 1983 litigation not in habeas cases yet, as this is a pilot program. Judge Cooke would also like to see habeas cases as part of the e-filing program in the future. At NNCC for civil

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rights cases e-filing is mandatory. Judge Cooke explained how these scanners are donated for this program. The law librarian scans the inmates' documents for them. Judge Cooke stated that the judges are very pleased with this program it has streamlined the process. She discussed other states e-filing programs; in the district of Arizona they now have two prisons who are e-filing for a total of over 10,000 inmates. Federal districts of California are just getting underway with their pilot programs. Although there is a perception that this will help inmates, Judge Cooke said this program manages cases efficiently and cost-effectively and they would like to see this program expand. She said that they have not seen an increase in filings at NNCC on account of e-filing. Judge Cooke said they are very pleased to work with the NDOC and the Attorney General's office and the stakeholders to improve this. When they set up at NNCC Judge Cooke went to the prison with the Attorney General's office, the clerk of the court and met with the law clerks to answer their questions and help them understand how the program works. She stated she would be happy to do that again at any other prisons where e-filing will be established.

Director Cox thanked Judge Cooke and the assistance of the Attorney General's office. He stated he would also like to expand the program next to Lovelock Correctional Center. The inmate population likes the process. There is in increased workload for the law librarians but over all e-filing helps the inmates, the courts and the documents are not lost in the mail. He believes they need to keep expanding until all the prisons have this. Governor Sandoval asked how we can expedite this. Director Cox said that in the next legislative session they are asking for an additional law librarian for Lovelock. With the help of Judge Cooke and the magistrate judges they will look at getting new equipment into their budget requests. They will also look at creating secure law library rooms as these computers have access to the Internet. Director Cox has spoken with the Director in Arizona and they are doing very well with e-filing. Illinois has had it for years and California has begun this program as well.

Governor Sandoval asked if there is anything they can do before the session starts to help move this along. Director Cox said with Judge Cooke's assistance they will put together a package and develop a proposal. Governor Sandoval asked if they had to wait until they get a new law librarian at Lovelock to implement the program. Director Cox said they could start a couple of the processes such as designing the secured room, and they can look at their budget for obtaining the new law librarian. Governor Sandoval asked if this could be done before the next Board of Prison Commissioners meeting; and Director Cox said yes.

Attorney General Masto thanked Judge Cooke and said it was a pleasure working with her and that she appreciated the courts patience with them as they roll this program out. Attorney General Masto asked Director Cox if an additional law librarian will be needed at each facility. Director Cox said not necessarily at some of the smaller facilities. He said they will look at where most of the litigation comes from mostly Ely, High Desert State Prison, and Southern Desert State Prison. They will develop a strategy to put staff in place where it is most needed. Attorney General Masto asked how quickly can this be done? Judge Cooke would like to do this all at once but realistically they will have to look at each facility's needs, priorities and budget constraints. Attorney General Masto stated that the NDOC has been fantastic to work with and she appreciated them taking on this additional duty. Governor Sandoval stated he would like to see how much progress can be made by the December 16 BOP meeting. The Governor thanked Judge Cooke and told her how much he appreciated her time and effort on this project.

V. Update on Nevada Department of Corrections work with the Nevada Supreme Court's Juvenile Justice Commission - Director Cox explained he'd been working closely with other stakeholders throughout the state in regards to juvenile justice and the inmate population under the age of 18. They expected an increase in the amount of kids under the age of 18 coming into the NDOC but that did not happen. The projections from the County did not materialize. Director Cox

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said that he appreciated Justice Hardesty's assistance and also Michon Martin's in the Governor's office as they asked for additional information from the counties on what was in the pipeline. What they found out was that many of these kids were turning 18 while they were still in the county. As Miss Spinazola said the NDOC under 18 inmate population has been right around 12 or 13 while they were once at 50. The courts have looked at who has been adjudicated as, and placed as adults in the system. Director Cox stated that looks like the juvenile population is staying flat. He stated they will continue to monitor it to be prepared. Justice Hardesty said the counties will send them a quarterly report. Director Cox brought up that there are no female inmates under the age of 18 in the system and that it does not appear there will be, any time soon. Director Cox explained they have asked and received assistance from DHHS and the juvenile division he said that working together, they are looking at what they can do for the juvenile population regarding education, programming, and mental health services designed especially for them. He stated he has asked for additional staff at Lovelock for mental health and also in some of NDOC's other locations specific for this population to be able to work with juvenile experts in our state.

VI. Update and overview on Prison Rape Elimination Act (PREA) implementation, compliance and audit – Director Cox publicly thanked Pam Del Porto, Inspector General, and Deputy Director EK McDaniel for their hard work and achievements on the PREA project, he stated he was very proud of what they have achieved so far. Inspector General Pam Del Porto, stated that she was proud to announce on behalf of the PREA management team that the department and six facilities have successfully complied with all of the PREA standards. ***Attachment 6***

Warm Springs Correctional Center was the first prison audited in June and complied with all 43 of the standards and all of the applicable elements. The next facility audited was Lovelock Correctional Center and they complied with 42 of the standards and exceeded on 1 of the standards and this is where the NDOC keeps their youthful offender population. Inspector General Del Porto stated this was important to stress because she does not believe many of the other Department of Corrections around the country will be able to say that. She said she is very proud of the team and each staff member at Lovelock and how hard they worked for this. Inspector General Del Porto reported that the following institutions were all compliant with the 43 standards: Humboldt Conservation Camp, Jean Conservation Camp, Southern Desert Correctional Center, Three Lakes Valley Conservation Camp. She explained that the auditor from New Mexico walked by every cell, and looked in on all of the Prison Industries. She said that the staff at each of these facilities did a wonderful job. She believed that the success of these audits were also due to Deputy Director McDaniel, and her PREA management team. She explained that they started in March with a very intensive block of instruction on every one of the standards and elements and that the PREA management team has three certified auditors and that was crucial to the success of this program. She stated the certified auditors are assisting other Clark County and their related agencies and Washoe County as well. Inspector General Del Porto said they have started the strategy and planning for next year's audit.

Governor Sandoval congratulated Inspector General Del Porto on the successful audits and asked her about other states progress. Inspector General Del Porto said she could only speak for the Western states consortium and it appears that in comparison we are one of the largest for example Colorado has facilities with 800 inmates while our Southern Desert Correctional Center has 2000 inmates. She explained that there are some states in the consortium that are afraid and reluctant to move forward with their audits. She said that if the NDOC can do it, it's a great example for the other states. Governor Sandoval mentioned that he remembered there were certification issues in regards to who was doing the inspecting and asked if that was all resolved. Inspector General Del Porto explained that her three certified auditors cannot audit and certify Nevada however, she had reached out to other states where there is no conflict, to certify Nevada. For the second round Nevada will audit Oregon. She explained it is a long and expensive project to get someone certified, and all the training is on the East Coast. Governor Sandoval asked her what is next. Inspector General Del Porto said they are

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already planning for the second round of audits for five facilities which will be held into before or after the session but not during it.

Attorney General Masto congratulated Inspector General Del Porto on the incredible job they did and their success. She brought up the packet which had standards listed and asked if those were the standards that the auditors look at. Inspector General Del Porto explained that they are the standards and the instrument used during the audits. ***Attachment 7*** The audit starts six weeks prior to the on-site visit, each facility sends copies of policies and procedures to the auditor. When the auditor is on-site he wants to see the practice applied to each of those. She said the second document is the Department of Justice easy read version of the standards. The standards are approximately a couple hundred pages. Inspector General Del Porto explained that if an auditor saw that there was specific language missing in a policy or procedure; that her staff would fix it so that the auditor would then find it to be in compliance. She said there are 43 standards and approximately 238 applied elements to the standards.

Director Cox said for the record what Nevada has accomplished with PREA is very substantial. He has heard from other Western state Directors and they have asked how Nevada accomplished this. One of the things Director would like with your assistance is to get training in the Western states. Of course he would like to have training held in Nevada. We need to get more certified auditors in the Western states without having staff travel to Columbia, South Carolina or to Kansas City, Missouri because of the extreme cost. He believes it's important to have training on this side of the country.

VII. Update on Employee Housing Agreement and AR 425 Handling and Storage of Personal Weapons with a section about RV's – Director Cox stated that AR 425 is in the packet of agenda item X. E.K. Deputy Director McDaniel said he was pleased to announce that both of the RV parks at our camps have been completed and are up and running. AR 425 was updated to reflect necessary changes. Deputy Director McDaniel read the following excerpts; "The Department will allow all Department peace officers to secure personal weapons in their vehicles while on duty or in a RV parked on state property for employee housing. In order to secure the weapon in their vehicles or RV while on duty, the Department peace officer must provide proof from a certified outside company that they have qualified on their personal weapons at least semiannually."

Governor Sandoval said that he appreciated the time and effort that Deputy Director McDaniel put into this project.

VIII. Report of findings from the independent Staffing Study being conducted by the Association of State Correctional Administrators (ASCA) – ***Attachment 8***
Director Greg Cox explained that this was a very intensive and detailed look at the NDOC's operations. He said the NDOC's focus in the upcoming session is the relief factor. They are looking at an additional 100 staff, 45 in 2015 and 55 in 2016. He believes NDOC has positioned itself very well. Director Cox said they worked with Michon Martin and Mike Willden and was very appreciative of their assistance. The only other comment he has been asked to bring to the Commissioners is to please look at the furloughs and hopefully have them going away after the next session. The reason he brought this up is before NDOC hires additional staff, the current staff would like the current furloughs to go.

Director Cox explained they looked at what they are asking financially from the state and taxpayers, it is a big investment by the state, to increase staff. He stated it would bring the NDOC up to date with national best practices and standards. ASCA prioritized some of the positions. They will look at what each facility needs. These new positions will help NDOC staff immensely. Director Cox said that many states look at staffing studies after an incident has occurred however, ASCA has created a pro-active roadmap for the future. Director Cox said he believed that Governor Sandoval has made it clear

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that this has been a constant issue for boards going back many, many years, since 1979. One of the things they found was that NDOC had not increased its relief factor as a result of increasing state holidays.

Governor Sandoval thanked Director Cox and said this study has been a long time coming as the Commissioners have discussed this issue many times over the years. He asked Director Cox if he is confident that this has been a good solid, objective, competent study. Director Cox said absolutely yes, this was a very intensive study and that they (the ASCA team members) talked to administrators and support staff on each shift whether it was midnight or 2 o'clock in the morning. The study positions the department very well for the future. He suggested they continue to look at the relief factor and what the additional staff means to the operation allowing them to become more efficient and effective. The Wardens and Deputy Director McDaniel have reduced their over time by 25 to 26% under this administration. They've closed two major facilities and one camp and are very good stewards of the tax payers money. He reiterated that the NDOC is looked at as being a very efficient and effective Department. Governor Sandoval asked if these recommendations contemplate a flat population or an increase in population. Director Cox explained that JFA has projected a fairly flat population. He said that it's something they need to continue to monitor. This relief factor staff positions NDOC very well to deal with any increase in population over time. The relief factor allows for additional staff training allows them to take annual leave, and is a very in-depth look at what our staff needs. When you go from a 1.21 to a 1.60 for the layperson or the tax payers they want to know what this really means, as Gene Columbus said it is more correctional staff inside the facilities working daily. Governor Sandoval asked if this relief factor contemplates the elimination of furloughs. Director Cox explained Nevada is rather unique and that state legislature said that we have to show a positive outcome of taking furloughs for example not having more over time as a result of it. NDOC has developed a minimum staffing plan looking at being able to implement it as a cost-saving measure for the tax payers and the department. When a person is off their post taking a furlough it impacts the operation; NDOC believes if they could have all their staff back those additional six days per year; that is very prudent for them to do. Governor Sandoval asked if the furloughs are eliminated how, does it impact this recommendation. Director Cox said that the recommendation remains the same for 100 new staff members.

Attorney General Masto asked if this staffing study was just to look at the relief factor. Director Cox said no, it looked at the relief factor and additionally did a post analysis of every position the NDOC has. Attorney General Masto said she only had the relief factor analysis in front of her and asked where the post analysis was. Director Cox explained that ASCA is working on the rest of the report draft and he expects to receive it by the end of the month. He said they will release the completed draft when he receives it. Attorney General Masto questioned the spreadsheet entitled "Costs associated with ASCA staffing study implementation;" ***Attachment 9*** and if that was created by ASCA or the NDOC. Director Cox said that the NDOC prepared it from the ASCA staffing study draft, to provide a clearer picture to the Commissioners and taxpayers so they could see what the costs are and the actual number of needed positions is. It provides more transparency so that people may dig into it without going through the immense volume of paperwork of the draft document that goes through facility by facility and talks about the additional staff needed not only with the relief factor and priority 1 priority 2 and priority 3. Attorney General Masto asked Director Cox if the full staffing study report will contain the same numbers for the FTEs for fiscal years 2016 and 2017 that the NDOC spreadsheet contains. Director Cox said the numbers are the same and that they just laid out a plan on how to implement the studies recommendations. Attorney General Masto asked Director Cox to confirm that the Commissioners will receive the full ASCA staffing study report by the next BOP meeting. Director Cox said yes, George camp said he expects to have the final report by the end of this month. Attorney General Masto noted that per the information provided, there is information that the NDOC does not capture which may have an impact on the relief factor. The NDOC does not record the number of hours employees are away from their posts for annual training, vacant positions,

the length of time positions are vacant and that the department appears to fill positions utilizing position control numbers that may not be assigned to the institution to which the employee is eventually assigned, nor do they record pre-service training. She asked if the NDOC were to start capturing this data, would it have an effect on the shift relief factor requested. Director Cox said no, it would not change the 100 they have recommended. He said that the NDOC is implementing a corrective action plan based on ASCA's findings and recommendations and confirmed that NDOC has begun capturing that data. Additionally the NDOC will no longer fill positions utilizing position control numbers not assigned to the facility where the employee will be stationed.

Governor Sandoval asked Director Cox if he challenged any of the findings or if he accepted them all. Director Cox said he did challenge some of the findings from the standpoint of understanding best practices and standards and how NDOC will strategize to move forward. Director Cox explained that they have had numerous meetings with ASCA and with staff, reviewing the findings and clarifying issues. For instance at 2 AM do you really need this extra person? And sometimes the answer is no, this would better be positioned elsewhere. Director reiterated that they have had extensive meetings to drill down to exactly what is needed. Governor Sandoval asked they can move forward with confidence or if anything was left on the table, have they done and absolute comprehensive review? Director Cox said yes they have in depth look at their operations so much involving staff looking operations looking at all of the facilities including the camps. He does not know if other departments have ever taken this issue on this way and that developed a plan for the future priorities 12 and three positions for the future. This is what our staff are currently doing this is what the staff think they need but this is what the experts believe we need also.

Secretary of State Miller asked if furloughs are eliminated that the recommendation would not change however what about the converse the furloughs are preserved what would that do to this recommendation. Director Cox said it would not change the number because they did furloughs into consideration because it did not cost the taxpayer's money as a result of the furloughs; that was a topic of consideration and discussion. He explained there were two people from Nevada on this team Gary Ghiggeri and former NDOC Director Bob Baer who approached this study from the standpoint of how it will affect Nevada and the financial impact. Their recommendation was that the 100 positions are needed regardless of the furloughs; it is what is needed to operate and have a pertinent relief factor for your current staffing plan. ASCA staff said it would not change the number of 100 either because they didn't consider it since it did not cost the taxpayer's money as a result the furloughs.

Secretary of State Miller asked for clarification because they were looking at the number of full-time employees that are required to fill a post, so what is the impact of the furloughs, six days a year for everyone in the department. Also, he said the Attorney General walked through the four areas that were not calculated, so if NDOC has officers who are unavailable during those hours how does it not affect the recommendation of the number of people who need to come to the department. Director Cox said there are two things they looked at: the calculation based on the financial part in regards to the money that furloughs save the state and they also looked at the fact that staff were off post. ASCA certainly looked into the issue of furloughs however it did not change their recommendation and that currently the additional 100 positions are what NDOC needs for the relief factor and for now it would be sufficient; and for NDOC to implement their recommendations regarding training and other things. It was one of the topics they went back and forth on with Gary Ghiggeri and former Director Bob Baer who were looking out for Nevada. Director Cox feels confident that the 100 is correct and that gives the NDOC a position to move forward from regardless of the furloughs. Secretary of State Miller said there are two considerations budget impact the second how many officers do you need to maintain the safety and security of the institution.

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Director Cox said at the nationally recognized relief factor and basically it's a formula so it's easy enough to lay out. The second part that is not easy is to look at, every post and assignment and the functions required there, they conducted a very detailed review. Director said he believed this study was more detailed than any that he'd ever seen conducted in the country before.

He said when in the full report you will see some positions that are currently in custody staff being moved to non-custody staff positions. This has happened across the country for example the mailroom, property room and others are done by clerks rather than officers. This will mitigate costs to help us be more efficient and effective in the future. Secretary of State Miller asked about how many additional staff was recommended in Governor Guinn's study. Director Cox said he believed it was 213 but he would have to look for the exact number. During the Guinn study they did not have the correctional expertise that the ASCA group has. Secretary of State Miller pointed out that positions recommended in the Guinn study were never funded. Director Cox concurred and said that at that time the financial strategy was either all or nothing and that's why the recommendations at that time were not funded. It would have been a tremendous expense to the taxpayers all at once to fund over 200 new positions. Director Cox said he believed it would be more successful to fund the positions gradually over the next few bienniums. Secretary of State Miller asked the difference between the inmate population now versus then. Director Cox said there are and has been approximately 12,800 – 12,900 range over the past few years. He pointed out that NDOC had reviewed inefficient and expensive operations and have closed Southern Nevada Correctional Center in 2007, NSP, and Silver Springs Conservation Camp, facilities that were inefficient, ineffective and more staff intensive and costly to the taxpayers to maintain. He explained how they added beds at High Desert State Prison more modern buildings more safe and secure that provides staff gun coverage and other things that keep both staff and inmate population safe and secure. The NDOC is now more safe, secure and efficient than it was at that time and is a very good steward of the state's money. Nevada Legislature took the time to see where NDOC needed to keep staff after the closure of the Nevada State Prison brought the staffing plan down by 113 FTE. The Governor and the Legislature allowed NDOC to take approximately 63 to 64 of those positions and over time add them to other facilities where they were needed. Secretary of State Miller asked if looking at the study conducted on behalf of Governor Guinn and now the ASCA study and the Nationally recognized standards for shift relief factor's, is it fair to say that the NDOC has known for some time that they needed additional correctional officers and staff in order to maintain safety and security of the facility's. Director Cox said that yes, he has known they needed additional correctional staff, however the safety and security of our staff and inmates is prominent in what staff does every day. He said they run safe and secure facilities with the staff they have now however this nationally recognized best practice and standards will give them the ability to move forward to gain the additional staff they need. He has spoken with five past Directors of the NDOC this has been a constant issue for many years. Now they have finally gotten a detailed, in depth look at how the NDOC operates every day. Secretary of State Miller complimented Director Cox on the outstanding progress and said he appreciated all the hard work that has gone into this project. Director Cox reminded everyone that most states wait for something to happen such as violence toward staff or inmates, or a major incident before they conduct such a study. He said he appreciates how the Board of State Prison Commissioners has been very proactive and taken their time and energy to make this study happen. Governor Sandoval asked when the last time a third-party had come into the Department of Corrections to conduct a study like this. Director Cox said that outside of Governor Guinn and the Department of administration, no one had since 1979 when the state holidays increased by two. Director Cox said there never has been a review as in depth as this one. Governor Sandoval said that was the point, to get an objective review of the Nevada Department of Corrections so that they can make informed decisions. He reiterated that he appreciated Director Cox's hard work.

IX. Update on inmate medical costs including Medicaid applications and estimated savings – ***Attachment 10*** Deputy Director Scott Sisco reviewed the handouts that were provided to the board.

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He explained that the approved budget for outside medical expenditures was approximately $9 million, and the Department requested work program changes of about $2 million for total expenditures of approximately $11 million. Since they created this report they've closed out the fiscal year and reverted back approximately $82,000. Deputy Director Sisco explained that one of the most significant influence on inmate medical expenditures is that the average age of inmates 55 years and older throughout the country is 7.1%, however the Nevada Department of Corrections last fiscal year it was approximately 11.51% which is about 4 ½% higher than the national average. He pointed out information on page 4 of the handout relative to requirements for NDOC to provide health care to inmates. Access to healthcare by inmates is mandated by the eighth amendment to the U.S. Constitution, therefore NDOC has to be very careful that healthcare decisions are not based solely on costs. The eighth amendment states you cannot have deliberate indifference to inmate's medical conditions; it's considered cruel and unusual punishment. It is important that inmate's serious medical conditions are treated regardless of the crime or the sentence. Failure to provide inmates access to healthcare could result in federal court ordered receiver to take over control of prison healthcare. Healthcare for inmates is paid mostly by the Nevada general fund. Inmates requesting healthcare are charged an eight dollar co-pay to offset costs if the inmate has the funds available, if not, the inmate welfare fund picks up the cost. Prison directed care exempted from co-pay are chronic disease clinics and maintenance drugs. Chronic disease clinics and treatment help manage chronic disease conditions and reduce the long-term health care costs. Page 5 discusses healthcare delivery, primary care is delivered on-site by NDOC medical staff, medical dental and mental health care is available to all inmates, there are clinic operations at all institutions and overnight infirmary care is primarily at Northern Nevada Correctional Center (NNCC) which is the Regional Medical Facility and at High Desert State Prison (HDSP). The department contracts with local specialists to provide monthly on-site specialty clinics that NNCC and HDSP. Inmates are transported from other institutions to see specialists at on-site clinics, and basic telemedicine is in use at all institutions for HIV clinics although the Department continues to struggle with insufficient bandwidth issues. The NDOC contracts with PPO networks for outside provider care, Hometown Health Network for inmates in northern institutions and Multiplan for inmates in southern institutions.

Deputy Director Sisco went on to review page 6 of the presentation relative to payment of inmate medical services. Most inmates are not covered by insurance, most primary care an outside outpatient care is paid for with the Nevada general fund. Most hospitalizations are now paid for by Medicaid due to the Affordable Care Act and exception to prohibition that state inmates receive any federal funding. He clarified that prior to The Affordable Care Act, NDOC could only apply for Medicaid for elderly patients, or pregnant inmates that were required to stay in a hospital for 24 hours or more. Per NRS 209.246 inmates pay 100% for any healthcare costs caused by an altercation, self-injury, or recreational injury. The NDOC contracts with a Third-Party Administrator (TPA) for claims payment, NDOC authorizes outside services, claims from outside providers are submitted to the TPA. The TPA re-prices the claims according to the appropriate network contract or direct contract, the TPA directly pays the provider from a NDOC funded checking account. Deputy Director Sisco moved on to page 7 and noted that after this package was prepared there was a change. Carson Tahoe Hospital started rejecting admittance because of Medicaid rates, however he understood that tomorrow someone from the Governor's office will be meeting with administrators from the Carson Tahoe Hospital to try to work this out. He said it would substantially impact the NDOC if one or more hospitals should refuse to accept medicaid eligible inmates. Carson Tahoe Hospital has indicated they will not accept any Medicaid patients unless they are emergencies. He said that Senator Debbie Smith, at the IFC, pointed out last month in a meeting, that this was not an NDOC issue it was a Medicaid rates issue.

Deputy Director Sisco reviewed the chart on page 7 showing inmate Medicaid admissions looks like since the beginning of the Affordable Care Act on January 1 of 2014. Since the beginning of FY14 there have been 906 days inmates spent in the hospital; of them Medicaid approved admissions were

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127 and pending Medicaid approval are 21, for a total of 148. He went on to review the number of admissions with paid claims how many days the length of the stay, the number of admissions without paid claims and the length of the stay of those days as well. He stated he expected they would all be submitted and reimbursed. Deputy Director Sisco explained that there was a lag time between when the hospital's services were rendered and when the NDOC finally receives a bill for the services, and this affects when the NDOC can pay the bill.

Governor Sandoval asked Deputy Director Sisco if he was clear that there is at least one hospital that is rejecting scheduled procedures that are to be reimbursed by Medicaid. Deputy Director Sisco said that is correct and that our direction to our medical administrator and medical staff is if the procedure can wait, then they will wait to see the results of the meeting with the Governor's staff and the administrator of Carson Tahoe Hospital. If necessary they will have to find doctors in Reno so that the inmates can be brought to Renown Hospital instead. Governor Sandoval clarified that there is a medical provider in Washoe County that is willing to provide medical services based upon the Medicaid rate. And secondly there is an issue with the Medicaid reimbursement it at the same time there is a delay in the billing to the state for the Medicaid services that were provided. Deputy Director Sisco said it typically takes 3 to 6 months for a hospital bill to reach the state. He explained part of the delay is an adjudication process for the fees for the medical services provided. The hospital requests the full amount and a Medicaid adjudicator gets the rates down to a lower fee. Deputy Director Sisco went on to page 8 which is a recap of the Medicaid savings after the Affordable Care Act was implemented.

Attorney General Masto reviewed the numbers to confirm with Deputy Director Sisco that due to the medical providers Medicaid rates although the savings is good for the state, that they are not getting the $712,000. Deputy Director Sisco concurred that was correct.

X. Discussion/possible action regarding State Administrative Regulations (Listed on Page 2) - Director Cox explained that there was a high number of ARs to review due to the implementation of PREA. Governor Sandoval asked if all staff had an opportunity to provide input on the AR's. Director Cox said yes and he briefly explained the process. This procedure is explained fully in AR 100. All AR is under review are sent out electronically to staff for their input. Staff comments and issues are logged by Maxcine Blackwell. Of the 43 AR's being reviewed today she received feedback on seven of them. The employees who sent in the comments were contacted and there was follow-up with them by a subject matter expert. Director Cox said he believes they have a very good process and that he appreciates the boards' time, review and efforts on the AR's. Governor Sandoval expressed his appreciation to Director Cox and NDOC staff on their review and work and bringing the AR's into compliance with PREA and contemporary with the law. There were no further comments and the Administrative Regulations were approved and can be found on the Nevada Department of Corrections website on the Administrative Regulations page: http://www.doc.nv.gov/?q=node/172

XI. Public Comment: There were no additional public comments.

XII. Adjournment. The meeting was adjourned at 11:14 AM.

APPROVED THIS DAY, MONTH OF 2014

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GOVERNOR BRIAN SANDOVAL

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ATTORNEY CATHERINE CORTEZ MASTO

SECRETARY OF STATE ROSS MILLER

Recorded and transcribed by Cynthia Keller, Executive Assistant, Nevada Department of Corrections

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Nevada Department of Corrections

Board of Prison Commissioners

May 19, 2015

Budget Overview

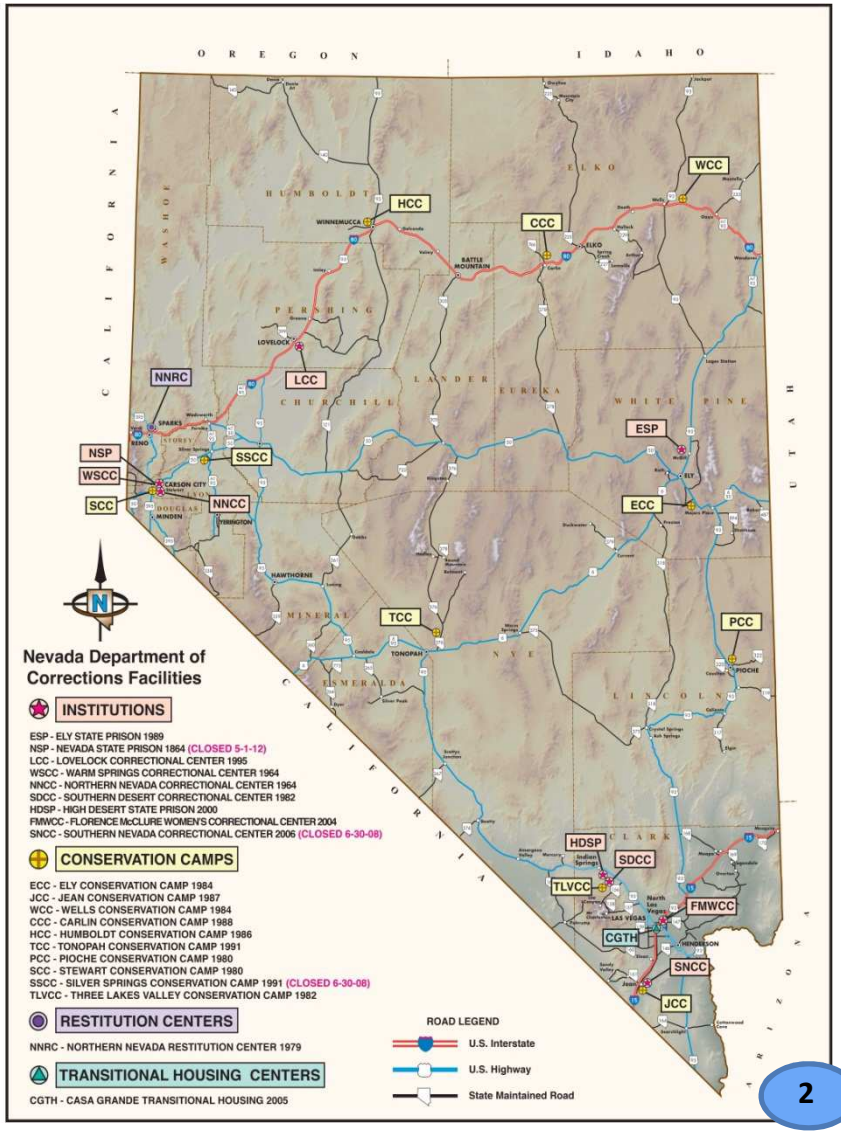
James G. Cox

Director

Nevada Department of Corrections

Currently Operating NDOC Correctional Institutions
7 Major Institutions, 2 Transitional Housing Centers, and 9 Camps

Warm Springs Correctional Center
Northern Nevada Correctional Center (inc. Regional Medical Center)
Stewart Conservation Camp
Pioche Conservation Camp
Northern Nevada Restitution Center (Northern Nevada Transitional Housing)
Three Lakes Valley Conservation Camp
Southern Desert Correctional Center
Wells Conservation Camp
Humboldt Conservation Camp
Ely Conservation Camp
Jean Conservation Camp
Ely State Prison
Carlin Conservation Camp
Tonopah Conservation Camp
Lovelock Correctional Center
Casa Grande Transitional Housing
Florence McClure Women's Correctional Center
High Desert State Prison



Major Challenges Facing the NDOC

- Female population pushing the available bed count
- Increasing percentage of Max and Medium security inmate #'s
- High staff turnover & recruitment issues in rural areas
- State Criminal Alien Assistance Program (SCAAP) Federal Grant reduction ($3.4M FY09 to $1.3M FY13)
- Insufficient bandwidth into institutions
- Aging infrastructure and rising maintenance costs
- Inmates and public records requests
- Southern Nevada Correctional Center – maintaining it so it's ready when we need it

Nevada Department of Corrections

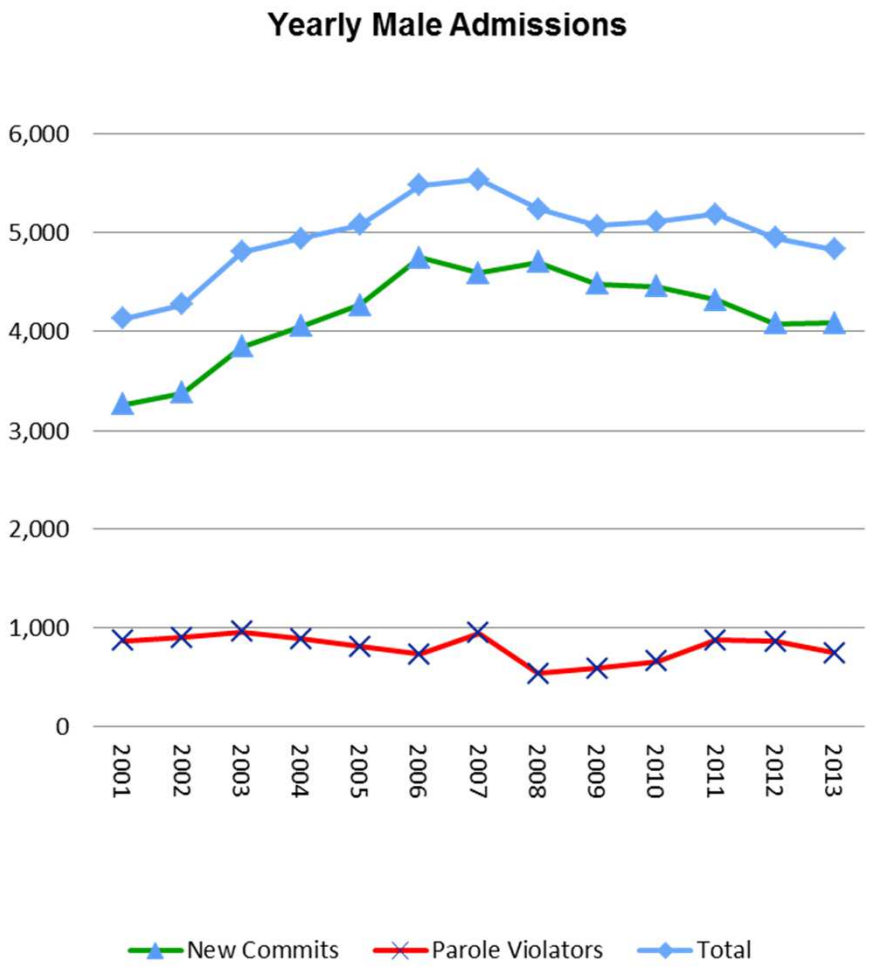
Population Forecasting

- Historically close when State population stable
- Not so close when State population growing
- Demand for beds determined by forecast
- Budgeting tied directly to forecast
- Dept. of Admin contracts with JFA Associates a Consulting firm for forecasts
- NDOC analysts use JFA forecasts to determine CIP needs (# of beds by classification level)

Impacts to the Forecast

- State population growth
- Crime rates
- Laws & proposed laws currently under consideration by 2015 Legislature
- Societal trends
- Lengths of incarceration
- Parole grant rates
- Court practices

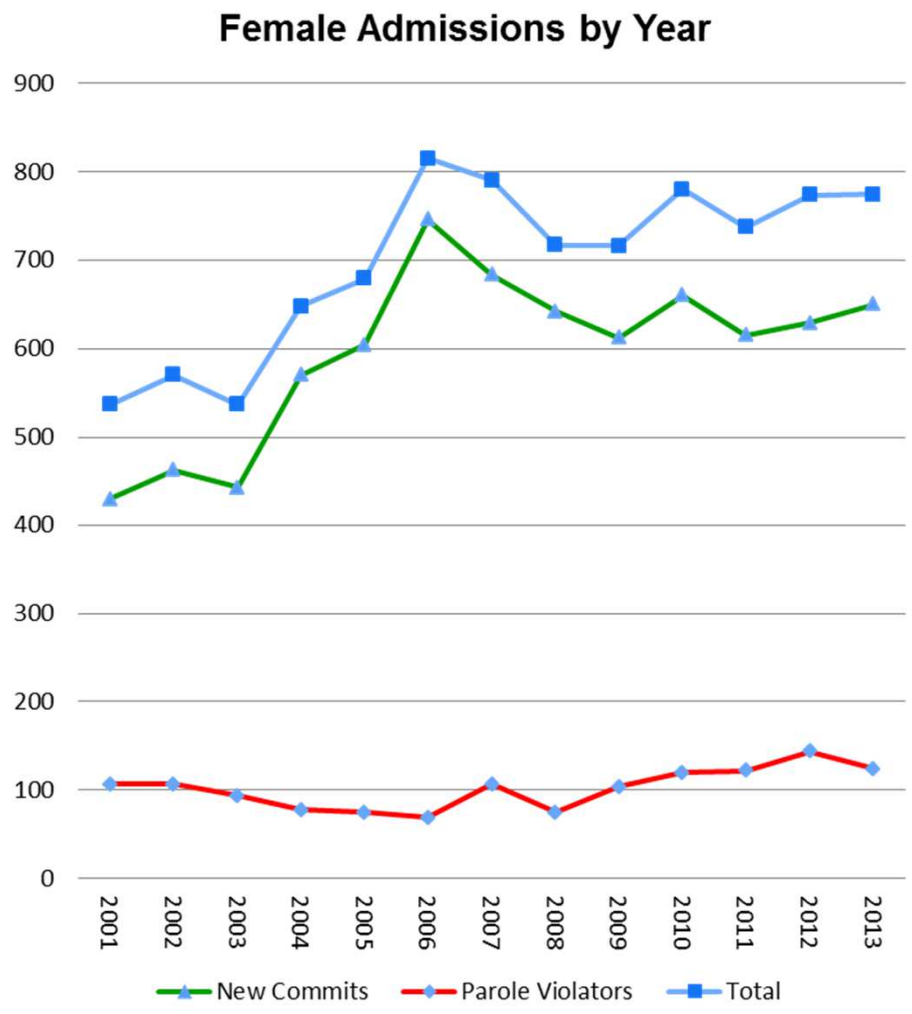
Nevada Department of Corrections



Yearly Male Admissions

CY	New Commits	Parole Violators	Total	% Change
2001	3265	865	4130	-4.2%
2002	3377	896	4273	3.5%
2003	3847	956	4803	12.4%
2004	4052	885	4937	2.8%
2005	4267	811	5078	2.9%
2006	4744	733	5477	7.9%
2007	4590	945	5535	1.1%
2008	4699	537	5236	-5.4%
2009	4481	588	5069	-3.2%
2010	4453	657	5110	0.8%
2011	4315	873	5188	1.5%
2012	4081	863	4944	-4.7%
2013	4086	744	4830	-2.3%

Nevada Department of Corrections



Yearly Female Admissions

CY	New Commits	Parole Violators	Total	% Change
2001	430	107	537	-11.7%
2002	463	107	570	6.1%
2003	443	94	537	-5.8%
2004	570	78	648	20.7%
2005	604	75	679	4.8%
2006	746	69	815	20.0%
2007	684	106	790	-3.1%
2008	642	75	717	-9.2%
2009	612	104	716	-0.1%
2010	660	120	780	8.9%
2011	615	122	737	-5.51%
2012	629	144	773	4.88%
2013	650	124	774	3.79%

Nevada Department of Corrections

Currently Operating NDOC Correctional Institutions **7 Major Institutions, 2 Transitional Housing Centers, and 9 Camps**	**FY 14 Average Population**	**FY 15 Budgeted Population**	**FY 16 Population Forecast**	**Change From Base**	**FY 17 Population Forecast**	**Change From Base**
Warm Springs Correctional Center	550	546	550	**0**	544	**-6**
Northern Nevada Correctional Center (inc. Regional Medical Center)	1,403	1,485	1,479	**+76**	1,491	**+88**
Stewart Conservation Camp	345	346	309	**-36**	311	**-34**
Pioche Conservation Camp	170	149	152	**-18**	152	**-18**
Northern Nevada Restitution Center (Northern Nevada Transitional Housing)	86	98	83	**-3**	86	**0**
Three Lakes Valley Conservation Camp	234	241	234	**0**	235	**+1**
Southern Desert Correctional Center	1,993	2,018	2,060	**+67**	2,099	**+106**
Wells Conservation Camp	111	116	115	**+4**	113	**+2**
Humboldt Conservation Camp	120	116	115	**-5**	115	**-5**
Ely Conservation Camp	121	120	115	**-6**	115	**-6**
Jean Conservation Camp	160	161	156	**-4**	157	**-3**
Ely State Prison	1,072	1,087	1,145	**+73**	1,149	**+77**
Carlin Conservation Camp	116	127	115	**-1**	115	**-1**
Tonopah Conservation Camp	144	134	116	**-28**	117	**-27**
Lovelock Correctional Center	1,616	1,620	1,616	**0**	1,616	**0**
Casa Grande Transitional Housing	262	301	262	**0**	263	**+1**
Florence McClure Women's Correctional Center	825	821	857	**+32**	866	**+41**
High Desert State Prison	3,411	3,228	3,411	**0**	3,404	**-7**
Total All Institutions	12,739	12,714	12,890	**+151**	12,948	**+209**

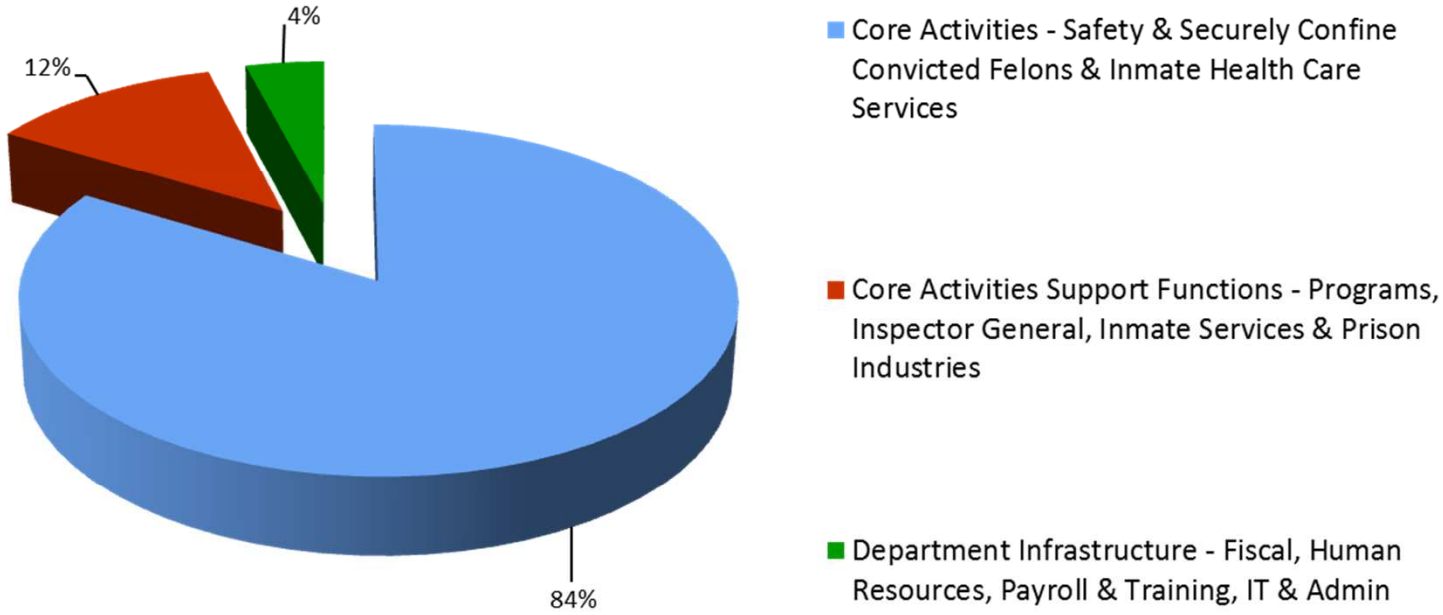
Nevada Department of Corrections

NDOC Activity Budget

Activity Budget										
Nevada Department of Corrections										
Governor Recommends										
			Fiscal Year 2016					Fiscal Year 2017		
Activity	FTE	G/F	Other	Total	%	FTE	G/F	Other	Total	%
Medium, Close, and Maximum Security	2,032.00	178,909,894	1,451,069	180,360,963	62%	2,080.00	182,886,728	1,457,864	184,344,592	62%
Minimum Security	170.00	18,096,285	1,452,772	19,549,057	7%	177.00	18,480,586	1,463,044	19,943,630	7%
Health Care Services	288.62	41,280,047	1,254,132	42,534,179	15%	288.62	41,830,457	1,245,051	43,075,508	15%
Programs	99.51	7,667,154	436,026	8,103,180	3%	99.51	7,907,978	444,977	8,352,955	3%
Prison Industries	24.00		7,325,262	7,325,262	3%	24.00		7,294,843	7,294,843	2%
Inmate Services	76.00		17,640,967	17,640,967	6%	76.00		17,937,351	17,937,351	6%
Inspector General's Office	23.00	2,418,988	242,705	2,661,693	1%	23.00	2,393,066	241,526	2,634,592	1%
Fiscal Services	31.00	2,571,785	313,055	2,884,840	1%	31.00	2,514,806	310,605	2,825,411	1%
Information Technology Services	26.51	2,679,361	269,256	2,948,617	1%	26.51	2,680,275	271,024	2,951,299	1%
Human Resources, Payroll, and Training	25.00	1,979,362	201,153	2,180,515	1%	25.00	1,939,121	200,065	2,139,186	1%
General Administration	12.00	3,874,761	226,321	4,101,082	1%	12.00	3,953,159	226,262	4,179,421	1%
TOTAL	2,807.64	259,477,637	30,812,718	290,290,355	100%	2,862.64	264,586,176	31,092,612	295,678,788	100%
		89.39%	10.61%		100%		89.48%	10.52%		100%

Nevada Department of Corrections

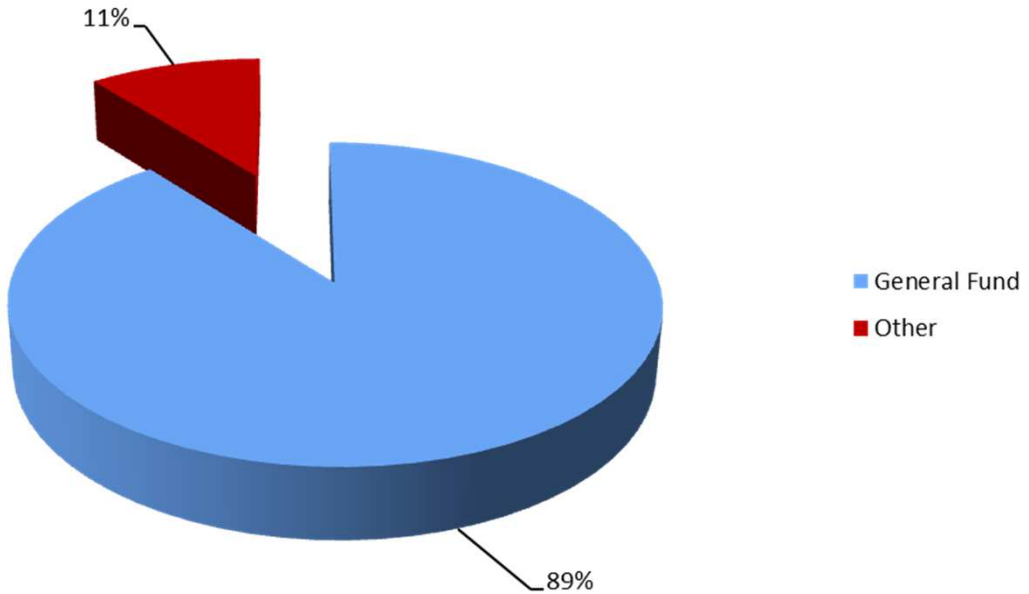
2016 / 2017 Activity Budget



The Department will expend 96% of its resources in the 2016/2017 biennium on the core activities necessary to operate correctional facilities.

2016 / 2017 NDOC Budget by Funding Source

The Department is primarily funded through appropriations of the General Fund



Other includes Offender Store Fund, Inmate Welfare Account, Prison Industries Sales, and Federal Grants.

Nevada Department of Corrections

Operating Costs Per Inmate

Budget Account	Institution/ Facility	Governor Recommends FY 16				Governor Recommends FY 17			
		Population	Budget	$ Per Year	$ Per Day	Population	Budget	$ Per Year	$ Per Day
3706	Medical *	12,816	42,534,179	3,319	9.09	12,882	43,075,508	3,344	9.16
3710	Admin	12,816	21,767,829	1,698	4.65	12,882	21,686,118	1,683	4.61
3711	Corr Programs	12,816	8,103,180	632	1.73	12,882	8,352,955	648	1.78
	Sub-Total		72,405,188	**$5,650**	**$15.47**		73,114,581	**$ 5,676**	**$15.55**
3715	SNCC **	-	252,265	0	-	-	247,779	-	-
3716	WSCC	568	10,614,690	18,688	51.20	572	10,913,425	19,079	52.27
3717	NNCC *	1,415	27,061,291	19,125	52.40	1,423	28,026,599	19,695	53.96
3718	NSP ***	-	96,261	-	-	-	90,261	-	-
3722	SCC	317	1,760,333	5,553	15.21	319	1,748,652	5,482	15.02
3723	PCC	131	1,701,667	12,990	35.59	130	1,699,243	13,071	35.81
3724	NNRC	80	1,161,949	14,524	39.79	81	1,177,603	14,538	39.83
3725	TLVCC	242	2,451,700	10,131	27.76	245	2,576,925	10,518	28.82
3738	SDCC	2,043	23,071,345	11,293	30.94	2,050	23,825,926	11,622	31.84
3739	WCC	111	1,293,288	11,651	31.92	112	1,312,041	11,715	32.09
3741	HCC	111	1,284,309	11,570	31.70	112	1,331,947	11,892	32.58
3747	ECC	111	1,323,343	11,922	32.66	112	1,341,306	11,976	32.81
3748	JCC	154	1,522,699	9,888	27.09	155	1,551,938	10,013	27.43
3749	SSCC **	-	3,873	-	-	-	3,220	-	-
3751	ESP	1,241	26,278,431	21,175	58.01	1,246	26,970,651	21,646	59.30
3752	CCC	111	1,194,063	10,757	29.47	112	1,262,073	11,269	30.87
3754	TCC	113	1,313,570	11,625	31.85	113	1,361,154	12,046	33.00
3759	LCC	1,644	23,668,466	14,397	39.44	1,653	24,401,632	14,762	40.44
3760	CGTH	235	4,285,998	18,238	49.97	236	4,329,749	18,346	50.26
3761	FMWCC	841	14,620,424	17,385	47.63	851	13,470,261	15,829	43.37
3762	HDSP	3,348	47,958,973	14,325	39.25	3,360	49,689,629	14,789	40.52
	Sub-Total	12,816	192,918,938	**$15,053**	**$41.24**	12,882	197,332,014	**$15,318**	**$41.97**
	Totals	12,816	265,324,126	**$20,703**	**$56.71**	12,882	270,446,595	**$20,994**	**$57.52**

Cost Per Inmate By Institution/Facility TYPE - w/o Medical , Administration & Programs.

Type	Governor Recommends FY 16				Governor Recommends FY 17			
	Population	Budget	Per Year	Per Day	Population	Budget	Per Year	Per Day
Institutions	11,100	173,622,146	**$15,642**	**$42.85**	11,155	177,636,163	**$15,924**	**$43.63**
Remote Camps	688	8,114,113	**$11,794**	**$32.31**	691	8,310,984	**$12,027**	**$32.95**
Non-Remote Camps	713	5,734,732	**$8,043**	**$22.04**	719	5,877,515	**$8,175**	**$22.40**
Transitional Housing	235	4,285,998	**$18,238**	**$49.97**	236	4,329,749	**$18,346**	**$50.26**
Restitution Center	80	1,161,949	**$14,524**	**$39.79**	81	1,177,603	**$14,538**	**$39.83**
Totals	12,816	192,918,938	**$15,053**	**$41.24**	12,882	197,332,014	**$15,318**	**$41.97**

Nevada Department of Corrections

Historical Operating Costs Per Inmate

OPERATING COST PER INMATE HISTORY
FY 2008 THROUGH FY 2017

	Actual FY08	Actual FY09	Actual FY10	Actual FY11	Actual FY12	Actual FY13	Actual FY14	Leg Appr FY15	Gov Rec FY16	Gov Rec FY17
Inmate Population	12,992	12,818	12,529	12,466	12,428	12,605	12,739	12,714	12,816	12,882
Total Annual Rate	$20,503	$21,242	$21,382	$21,341	$20,175	$19,782	$20,238	$19,766	$20,703	$20,994
Change:		*+ 3.6%*	*+ .7%*	*- .2%*	*- 5.5%*	*- 1.9%*	*+ 2.3%*	*- 2.3%*	*+ 4.7%*	*+ 1.4%*
Total Daily Rate	56.17	58.20	58.58	58.47	55.28	54.20	55.45	54.15	56.72	57.52
Medical Portion of Total Daily Rate	8.97	9.80	10.40	10.23	9.17	9.75	9.76	8.87	9.09	9.16
Cost Per Inmate by Inst/Fac Type = w/o Medical & Administration costs										
Facility Type										
Institutions	16,409	16,849	16,335	16,251	15,435	14,832	15,002	15,220	15,642	15,924
Remote Camps	8,872	9,828	11,653	11,450	10,281	9,663	9,778	10,066	11,794	12,027
Non-Remote Camps	7,269	7,258	7,766	8,040	7,485	6,655	7,234	7,541	8,043	8,175
Transitional Housing	17,150	14,758	18,783	16,445	14,694	20,407	16,309	13,704	18,238	18,346
Restitution Center	11,774	12,266	17,973	13,036	12,101	13,410	14,540	11,694	14,524	14,538
Activity Budget Performance Measure - Cost Per Inmate w/o Medical & Administration costs										
Minimum, Medium, & Close Security	11,266	11,027	14,044	12,243	11,140	12,534	11,965	10,751	13,150	13,272
Maximum Security	16,409	16,849	16,335	16,251	15,435	14,832	15,002	15,220	15,642	15,924
Medical & Administration costs										
Medical	3,276	3,576	3,796	3,734	3,348	3,558	3,562	3,237	3,319	3,344
Corr Programs	489	489	525	520	585	571	553	529	632	648
Admin	1,479	1,458	1,414	1,575	1,638	1,541	1,868	1,604	1,698	1,683

Prison Medical

- Most inmates admitted to the hospital for more than 24 hours are now eligible for Medicaid (ACA)
- NDOC utilizes Preferred Provider Organization (PPO) networks for outpatient care or hospital visits less than 24 hours
- NDOC is working with DHHS Medicaid staff to develop a new forecasting tool
- NDOC is expanding telemedicine opportunities where available bandwidth allows
- Carson Tahoe Hospital no longer accepts non-emergency Medicaid eligible inmates
- Aging inmate population
- Medical Inflation 2% Includes:

> Outside Medical Providers
> Pharmaceutical Contracts
> Prescription Drugs
> Dental Supplies
> OTC Medical Supplies
** Same inflation #'s used by DHHS*

Major Enhancements & Significant Maintenance Items

Conduct a review of the staffing needs of the Department of Corrections

- Board of Prison Commissioners
- Senate Concurrent Resolution #9 – 2011 Session

The Department contracted with the Association of State Correctional Administrators (ASCA) to conduct the study.

The study made recommendations in two primary areas:

- Update the Shift Relief Factor (SRF) that has not been updated since 1979
- Recommendations for new posts to enhance and ensure security, and efficiencies

The Department understanding current budget constraints, submitted requests for the 2016-2017 biennium, relative to updating the SRF with plans to review and consider some of the higher-priority additional positions recommended in future biennium.

What is a SRF?

Calculating a Shift Relief Factor

A Shift Relief Factor (SRF) is the number of full-time-equivalent (FTE) staff needed to fill a relieved post (one that is covered on a continuous basis) for a single shift.

Variables in determining a SRF:

- **How often and how long posts are filled**
- **Number of days per week posts are filled**
- **Whether the post must be relieved to keep it filled during the shift (e.g., meal relief, scheduled "breaks" etc.)**
- **Leave and absence patterns of the workforce, including both paid and unpaid leave**

	CALCULATING SHIFT RELIEF FACTOR	Example
A	Number of days per year that the agency is closed /no services offered	0
B	Number of agency work days per year / 365-0	365
C	Number of regular days off per employee per year / 52 weeks x 2 days off per week	104
D	Number of vacation days per employee per year	11
E	Number of holidays off per employee per year	11
F	Number of sick days off per employee per year	11
G	Number of days off per employee per year / includes military leave, LWOP, disciplinary SWOP, unexcused absences	9.35
H	Number of training days per year	14.46
I	Total number of days off per year / C + D + E + F + G + H	160.81
J	Number of actual work days per employee per year / B - I	204.19
K	Shift relief factor for 7 day post / B - C divided by J	1.79
L	Number of FTE required to fill 1, 24 - hour 7-day post / 3 (number of 8 hour shifts in 24) X K	5.36
M	Shift relief factor for 5 day post / B - C divided by J	1.28
N	Number of FTE required to fill 1, 8-hour 5-day post / 1 X 1.28	1.28

Major Enhancements & Significant Maintenance Items

- Hospice & Palliative Care Program
- New Mental Health Counselors Lovelock & Ely
- 20% Per year video conferencing equipment replacement
- Building maintenance needs
- Equipment replacement needs

Nevada Department of Corrections

NEVADA DEPARTMENT OF CORRECTIONS
LIST OF FUNDING REQUESTS FOR FY16-17 CAPITAL IMPROVEMENT
INCLUDED IN GOVERNOR'S RECOMMEND BUDGET

Project #	Priority Ranking	Institution	Description	Gen. Oblig. Bonds	Other Funding	Total
15 - 5055	C03	ESP	Remodel Administration Building to Accommodate Executions	$ 829,178		$ 829,178
15 - 5057	M01	ESP	Replace Air Handling Units	$ 3,290,723		$ 3,290,723
15 - 5277	M05	FMWCC	Replace Rooftop HVAC Units - Housing Units	$ 1,437,298		$ 1,437,298
15 - 5088	M07	FMWCC	Replace Door Locks	$ 859,203		$ 859,203
15 - 5050	M03	LCC	Replace Air Handling Units - LCC Housing Units	$ 2,509,685		$ 2,509,685
15 - 5623a	M04	LCC	Upgrade Door Control Panels	$ 3,390,884		$ 3,390,884
15 - 5291	M06	LCC	Replace Heat Exchangers	$ 1,411,456		$ 1,411,456
15 - 5296	M10	LCC	Replace Central Warehouse and Culinary Refrigeration Units	$ 1,337,086		$ 1,337,086
15 - 5082	M12	NNCC	HVAC Systems Renovation	$ 3,343,020		$ 3,343,020
15 - 5305	M13	NNCC	Replace Central Warehouse Refrigeration Units	$ 487,648		$ 487,648
15 - 5289	P01	NNCC	Advance Planning Boiler Plant & Hot Water Distribution	$ 582,777		$ 582,777
15 - 5294	M09	SCC	Replace Boilers and Water Heaters	$ 935,218		$ 935,218
15 - 5998	M02	SDCC	Replace Distribution Switchgear and Panelboards	$ 3,917,178		$ 3,917,178
15 - 5293	M08	SDCC	Replace Warehouse Freezers and Coolers	$ 1,533,013		$ 1,533,013
			$ -	$ 25,864,367	$ -	$ 25,864,367
	S08	SPWD	Statewide Energy Efficiency Program	TBD	TBD	TBD
			Finance Energy Efficiency Projects through Utilities Savings			

Nevada Department of Corrections

The Department of Corrections would like to thank the Board of Prison Commissioners for your time today, and for your continued support!

Assessment of Shift Relief Requirements and Correctional Staff Needs at all Facilities within the Nevada Department of Corrections

Submitted to the:

Nevada Department of Corrections

Carson City, Nevada

By the:

Association of State Correctional Administrators

Hagerstown, Maryland

September 30, 2014

Nevada Department of Corrections

Costs Associated with ASCA Staffing Study Implementation

		2-Year SRF Chg Implementation				Post Change Recommendations by NDOC Priority					
		Annual Costs of SRF Increases				Cost of ASCA Post Change Recommendations					
B/A	Institution	FY 2016	FTE Chg	FY 2017	FTE Chg	Priority 1	FTE Chg	Priority 2	FTE Chg	Priority 3	FTE Chg
3751	Ely State Prison	260,173	7	810,634	8	(275,331.00)	(4.00)	64,056.00	1.00	555,707.00	8.00
3762	High Desert State Prison	520,939	13	1,582,961	14	921,942.00	18.00	4,042,557.00	63.00	668,780.00	10.00
3759	Lovelock Correctional Center	239,893	6	733,487	7	1,707,402.00	27.00	0.00	0.00	2,676,584.00	41.00
3761	Florence McClure Women's Correctional Center	114,864	3	341,870	3	1,371,228.00	21.00	320,280.00	5.00	2,266,154.00	35.00
3717	Northern NV Correctional Center	244,805	6	748,465	7	0.00	0.00	0.00	0.00	1,423,352.00	22.00
3738	Southern Desert Correctional Center	242,147	6	690,332	6	1,601,400.00	25.00	1,309,008.00	21.00	2,497,679.00	37.00
3716	Warm Springs Correctional Center	82,343	2	282,243	3	110,028.00	2.00	(128,112.00)	(2.00)	171,371.00	2.00
3752	Carlin Conservation Camp	0	0	63,571	1	0.00	0.00	71,085.00	1.00	128,112.00	2.00
3723	Pioche Conservation Camp	0	0	63,571	1	0.00	0.00	71,085.00	1.00	64,056.00	1.00
3754	Tonopah Conservation Camp	0	0	63,571	1	0.00	0.00	0.00	0.00	199,197.00	3.00
3760	Casa Grande Transitional Housing Center	48,864	1	62,049	0	0.00	0.00	0.00	0.00	1,160,037.00	18.00
3747	Ely Conservation Camp	0	0	63,571	1	0.00	0.00	0.00	0.00	199,197.00	3.00
3741	Humboldt Conservation Camp	0	0	63,571	1	0.00	0.00	0.00	0.00	199,197.00	3.00
3748	Jean Conservation Camp	0	0	0	0	142,170.00	2.00	0.00	0.00	0.00	0.00
3724	Northern NV Restitution Center	0	0	0	0	0.00	0.00	0.00	0.00	327,309.00	5.00
3722	Stewart Conservation Camp	0	0	0	0	0.00	0.00	142,170.00	2.00	45,972.00	1.00
3725	Three Lakes Valley Conservation Camp Three Lakes Valley Boot Camp (Inc in TLV CC)	48,864	1	125,466	1	0.00	0.00	0.00	0.00	1,045,983.00	16.00
3739	Wells Conservation Camp	0	0	63,571	1	0.00	0.00	0.00	0.00	199,197.00	3.00
3710	Transportation *(*)*	0	0	0	0	0.00	0.00	0.00	0.00	366,252.00	6.00
	Total:	1,802,892	45	5,758,933	55	5,578,839	91	5,892,129	92	14,194,136	216
	Shift Relief Factor Changes										
	CAT 01 % Increase Per Year:	1.22%		3.91%	100						399
	CAT 01 % Increase Per Year of Biennium:			2.57%							
	CAT 01 % Increase if All Changes Made in One Biennium:										

Note: Costs above for additional post change recommendations are for estimates only and do not reflect current position costs, or phased in hiring!

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Section I

Project Overview and Summary of Findings, Conclusions, and Recommendations

SUMMARY OVERVIEW

Background

In response to a request to assess the correctional officer, sergeant, Lieutenant and Captain staffing needs and requirements of the Department of Corrections, the Association of State Correctional Administrators (ASCA) conducted an assessment of uniform staff at all 18 Department facilities and its Transportation Unit. The 18 facilities included assessed, seven major correctional facilities and eleven minimum-security conservation camps or transitional facilities. Additionally, the Central Transportation Unit staffing was also evaluated.

ASCA conducted a thorough review of the posts and staffing levels prescribed by the state legislature for each facility and as appropriate made recommendations to alter the current legislatively approved post and staffing plans. Those changes were based on observation of the work performed by staff in those facilities, analysis of staff deployment documents, rosters, budget and expense reports, and the assessment team's extensive experience working in prisons as line officers, supervisors, wardens, and directors of state correctional systems.

One of the major components of the staffing assessment was to determine the existing need for staff to fill the current legislatively mandated posts. The key element in making such a determination is an accurate estimate of the number of staff it takes to fill a post. This number is based on calculating the number of days a staff person is actually available to work in a given year. For example, staff in general work five days a week, eight hours a day, and may be also be unavailable for assignment when on vacation, or sick, etc.

Since that post may need to be staffed seven days a week, 24 hours a day, it's not possible for one person to work that post all the time. Thus, it is important to know how many staff it actually takes to staff that post all the time so that you are assured that someone is available to staff that post. That number in prison terminology is referred to as the shift relief factor, and varies from 4.8 to 5.5 staff. That is it takes from 4.8 to 5.5 people to fill/staff a post that operates seven days a week, 24 hours a day. To conduct that analysis and estimate those shift relief factors, the assessment team included a former Nevada legislative analysis and budget official.

This report presents our findings, conclusions and recommendations. In the first section of the report, two separate but related sets of summary findings, conclusions and recommendations are presented. They are: (1) the number of staff required to fill all currently mandated correctional officer, sergeant, lieutenant and captain posts at each of the 18 facilities; and (2), assuming that the number of staff required to fill all currently mandated posts are authorized, the number of additional staff required to fill the recommended changes in staffing levels are presented. Recognizing that it is neither reasonable nor realistic to expect all of the recommendations to be implemented immediately, we strongly recommend adoption of a phased implementation of the recommended increases in staff.

In the second section of the report, the findings, conclusions and recommendations for each of the 18 facilities and the Transportation unit are presented, including tables that compare in detail the specific differences between the legislatively mandated posts and staffing levels with our recommended posts and staffing levels.

The third, and final section of the report consists of Appendices. Appendix A includes SRF tables that show the results of the estimates of staff required to fill all mandated posts at each facility. Appendix B discusses the methodology used to conduct the assessment, and Appendix C presents the correctional experience of the team that conducted the assessment.

Staff Required to Fill Legislatively Mandated Posts

One hundred additional staff are required to fill the legislatively mandated correctional officer, sergeant, lieutenant and captain posts in all 18 Department of Corrections facilities and within the Central Transportation Unit. Ninety-one of those 100 staff are required within the seven major institutions, eight within seven of the conservation camps, and one at the Casa Grande Transition Center. Therefore, we recommend that 100 staff be hired to avoid having mandated posts go unfilled, or having to fill them with staff working overtime.

Shift Relief Factor – Rationale and Impact: The reason the 100 staff are required is because the existing shift relief factor was based on out of date estimates of the number of days staff were actually available to work their posts. That underestimation resulted in a shortage of 100 staff that meant mandated posts either went unfilled, or were filled with staff working overtime.

The shift relief factors currently utilized by the Department are based on an historical practice which utilizes 1.20 officers being required to fill a 5-day post, 8 hours per day and 1.60 officers being required to fill a 7-day post, 8 hours per day. In their report completed in September 2006 utilizing data for the year ending March 2006, the Governor's Executive Branch Internal Audit Division estimated the relief factor Department-wide for a 7-day post, 8-hours per day at 1.825 or simply stated 1.825 officers being required to fill a 7-day post, 8-hours per day. (No estimate was provided for shifts other than the 7-day, 8- hour.)

Recommended shift relief factors for the custody staff personnel for ranks that included Lieutenants, Sergeants, Senior Correctional Officers, Correctional Officers and Correctional Officer Trainees were estimated. The overall SRF for each facility by shift and hour is presented in SRF Table 1 in which major institutions and camps are separated.

Please refer to Appendix A for relief factor information for the Restitution Center, Transitional Housing Center and the Transportation Unit. Posts are categorized as either 5-day or 7-day, while shifts are 8-hour, 10-hour or 12-hour. Detail for the calculations for the major institutions and camps can also be found in Appendix A.

SRF Table 1: Shift Relief Factor by Facility					
Institution	**5-Day, 8-Hr**	**7-Day, 8-Hr**	**7-Day, 10-Hr**	**7-Day, 12-Hr**	**24-Hr Shift**
Warm Springs Correctional Center	1.20	1.68	2.10	2.53	5.05
Northern Nevada Correctional Center	1.25	1.76	2.19	2.63	5.27
Southern Desert Correctional Center	1.22	1.71	2.14	2.56	5.12
Ely State Prison	1.22	1.70	2.13	2.56	5.11
Lovelock Correctional Center	1.18	1.65	2.06	2.47	4.95
Florence McClure Women's Correctional	1.20	1.68	2.10	2.52	5.05
High Desert State Prison	1.20	1.69	2.11	2.53	5.06
Major Institution Statewide Average	**1.21**	**1.70**	**2.13**	**2.55**	**5.10**
Stewart Conservation Camp	1.19	1.67	2.09	2.50	5.01
Pioche Conservation Camp	1.18	1.65	2.06	2.47	4.94
Three Lakes Valley Cons./Boot Camp	1.42	1.99	2.49	2.99	5.97
Wells Conservation Camp	1.15	1.60	2.01	2.41	4.81
Humboldt Conservation Camp	1.23	1.72	2.15	2.59	5.17
Ely Conservation Camp	1.24	1.74	2.18	2.61	5.22
Jean Conservation Camp	1.21	1.69	2.11	2.53	5.06
Carlin Conservation Camp	1.23	1.72	2.15	2.58	5.17
Tonopah Conservation Camp	1.17	1.64	2.05	2.46	4.92
Conservation Camp Statewide Average	**1.23**	**1.73**	**2.16**	**2.59**	**5.18**

For this assessment of staffing requirements, shift relief factors were estimated by applying a universally accepted methodology. Detailed descriptions of it may be found in many authoritative publications, including *Staffing Analysis Workbook for Jails* published in 2003 and *Prison Staffing Analysis: A Training Manual* published in 2008.[1] That methodology involves identifying the total number of hours employees in a specific rank or job category could be available for work (Total Annual Hours Contracted for Work). Next, the total number of hours all of those employees were not available for work throughout the year is calculated (Total Hours Off Duty). Subtracting the number of hours all employees are off-duty from the total number of hours available for work produces the actual number of hours (Net Annual Work Hours) those same employees were really available to fill their posts.

Finally, by dividing the total Net Annual Work Hours by the total number of employees in that specific rank or job category, the shift relief factor is determined. Since posts are generally filled either five days or seven days per week, and may be filled by staff working either an eight, ten or twelve hour shift, shift relief factors are produced for each type of post. The resulting shift relief factors indicate how many employees it will take to fill those posts on an annual basis. For example, if a post is to be filled five days per week, eight hours a day, it would take one employee to fill that post, but only if the employee was at work every week, five days per week, and for eight hours during every one of those five days. In reality, employees do not come to

[1] See Liebert and Miller, Staffing Analysis Workbook for Jails, 2nd ed. (2003) and Camp, Prison Staffing Analysis: A Training Manual, (2008)

work every day because they may be sick, or taking annual leave, etc. Therefore, it actually takes more than one person to fill a post, and in the Department it actually takes 1.20 Correctional Officers to fill a 5-day, 8-hour post throughout the course of a year. Thus, to properly budget for the number of staff required to fill all posts, without using overtime or closing posts, the SRF should be applied to all posts to determine how many staff are required.

Because in almost every case, a single officer assigned to a post is not available to fill that post every day and every hour it is to be filled, agencies need to know how many additional staff they should have in order to fill all posts in the manner determined to be necessary and appropriate. By applying the appropriate shift relief factor to every post and then summing the resulting numbers, an agency can determine the total number of personnel required to fill all posts in the prescribed manner without having to resort to assigning staff on an overtime basis to fill posts. Summary Table 1 lists all 18 facilities and the Central Transportation Unit along with the number

Summary Table 1	**Staff Required Based on**		**Change in Staff Required**
	Existing SRF	**Recommended SRF**	
Institutions			
Warm Springs	96	101	5
Northern Nevada	234	247	13
Lovelock	213	226	13
Ely State Prison	270	285	15
Southern Desert	206	218	12
High Desert	452	479	27
Florence McClure	117	123	6
Subtotal	**1,588**	**1,679**	**91**
Conservation Camps			
Carlin	11	12	1
Ely	11	12	1
Humboldt	11	12	1
Pioche	14	15	1
Tonopah	11	12	1
Wells	11	12	1
Jean	13	13	0
Stewart	13	13	0
Three Lakes Valley	21	23	2
Subtotal	**116**	**124**	**8**
Casa Grande	22	23	1
Northern Nevada Restitution Center	7	7	0
Central Transportation	33	33	0
Subtotal	**62**	**63**	**1**
Total	**1,766**	**1,866**	**100**

of staff required using the existing shift relief factor, the recommended shift relief factor, and the resulting change in staff required to fill all legislatively mandated posts. The largest number of additional staff (27) are required at High Desert, followed by 15 at Ely State Prison, and 13 at both Northern Nevada and Lovelock. Twelve more are required at Southern Desert, six at Florence McClure and five at Warm Springs. At the Conservation Camps, two staff are needed at Three Lakes Valley, and one each at Carlin, Ely, Humboldt, Pioche, Tonopah, and Wells.

SRF by Rank: In order to provide as accurate an estimate as possible of the number of staff required to fill currently mandated posts, shift relief factors were also estimated for each rank in each facility. The results of those calculations at the seven major institutions for Lieutenants, Sergeants, and for Senior Correctional Officers, Correctional officers, Correctional Officer Trainees combined are presented and compared with the current SRF in SRF Tables 2, 3, and 4.

SRF Table 2: Shift Relief Factor for Lieutenants – Major Institutions

Institution	5-Day, 8-Hr	7-Day, 8-Hr	7-Day, 10-Hr	7-Day, 12-Hr	24-Hr Shift
Warm Springs Correctional Center	1.38	1.93	2.41	2.90	5.79
Northern Nevada Correctional Center	1.17	1.64	2.05	2.46	4.91
Southern Desert Correctional Center	1.15	1.62	2.02	2.42	4.85
Ely State Prison	1.11	1.55	1.94	2.33	4.66
Lovelock Correctional Center	1.28	1.79	2.23	2.68	5.36
Florence McClure Women's Correctional	1.33	1.86	2.32	2.79	5.57
High Desert State Prison	1.21	1.69	2.12	2.54	5.08
Major Institution Average	**1.22**	**1.71**	**2.13**	**2.56**	**5.12**
Current Relief Factor	**1.20**	**1.60**	**2.00**	**2.40**	**4.80**

SRF Table 3: Shift Relief Factor for Sergeants – Major Institutions

Institution	5-Day, 8-Hr	7-Day, 8-Hr	7-Day, 10-Hr	7-Day, 12-Hr	24-Hr Shift
Warm Springs Correctional Center	1.20	1.68	2.10	2.51	5.03
Northern Nevada Correctional Center	1.19	1.67	2.09	2.51	5.01
Southern Desert Correctional Center	1.29	1.81	2.26	2.72	5.43
Ely State Prison	1.30	1.82	2.27	2.73	5.45
Lovelock Correctional Center	1.17	1.64	2.05	2.46	4.91
Florence McClure Women's Correctional	1.23	1.72	2.15	2.58	5.16
High Desert State Prison	1.14	1.60	2.00	2.40	4.80
Major Institution Average	**1.21**	**1.70**	**2.12**	**2.54**	**5.09**
Current Relief Factor	**1.20**	**1.60**	**2.00**	**2.40**	**4.80**

SRF Table 4: Shift Relief Factor for Senior Correctional Officers, Correctional Officers and Correctional Officer Trainees Combined – Major Institutions					
Institutions	**5-Day, 8-Hr**	**7-Day, 8-Hr**	**7-Day, 10-Hr**	**7-Day, 12-Hr**	**24-Hr Shift**
Warm Springs Correctional Center	1.19	1.67	2.09	2.51	5.01
Northern Nevada Correctional Center	1.26	1.76	2.20	2.64	5.29
Southern Desert Correctional Center	1.22	1.71	2.13	2.56	5.12
Ely State Prison	1.22	1.70	2.13	2.55	5.10
Lovelock Correctional Center	1.18	1.65	2.06	2.47	4.94
Florence McClure Women's Correctional	1.20	1.68	2.09	2.51	5.03
High Desert State Prison	1.21	1.69	2.11	2.53	5.07
Major Institution Average	**1.21**	**1.70**	**2.12**	**2.54**	**5.09**
Current Relief Factor	**1.20**	**1.60**	**2.00**	**2.40**	**4.80**

For each of the three major ranks, for each type of shift, the newly estimated average shift relief factors (5.12 and 5.09) to cover a 24-hour post are larger than the currently applied shift relief factor (4.80). The new shift relief factors on average are the same for both Correctional officers and Sergeants (5.09), while the shift relief factors for Lieutenants (5.12) is slightly larger than the shift relief factor for Correctional Officers and Sergeants (5.09).

While the SRF averages for all of the seven major institutions that we estimated do not vary greatly from the currently used shift relief factor at all institutions, there are considerable shift relief factor differences between major institutions. For example, in SRF Table 2 the SRF for Lieutenants ranges from a high of 5.79 at Warms Springs to a low of 4.66 at Ely State Prison. For Sergeants, the SRF ranges from a high of 5.45 at Ely State prison to a low of 4.80 at High Desert State Prison (SRF Table 3). The shift relief factors for Correctional Officers range form a high of 5.29 at Northern Nevada Correctional Center to a low of 4.94 at Lovelock Correctional Center (SRF Table 4).

These differences between institutions are not unexpected. Variations in the number of days of vacation taken and sick leave used account for some of the variation as does the length of time it tales to fill vacation positions.

The results of the shift relief factor calculations at the conservation camps for Lieutenants, Sergeants, and Senior Correctional officers, Correctional Officers, Correctional Officer Trainees combined are presented in SRF Tables 5, 6, and 7. A somewhat different pattern emerges at the conservation camps than at the major institutions. While the newly estimated average shift relief factors are larger for Lieutenants and Correctional Officers, they are slightly lower for Sergeants. For a 24-hour shift, the average fro Lieutenants is 5.24 and the average for Correctional Officers is 5.20, while for Sergeants it is 4.78, as compared to 4.80 the current SRF.

SRF Table 5: Shift Relief Factor for Lieutenants – Camps					
Conservation Camp	**5-Day, 8-Hr**	**7-Day, 8-Hr**	**7-Day, 10-Hr**	**7-Day, 12-Hr**	**24-Hr Shift**
Stewart Conservation Camp	1.13	1 .58	1.98	2.37	4.74
Pioche Conservation Camp	1.15	1.61	2.02	2.42	4.84
Three Lakes Valley Cons./Boot Camp	1.52	2.12	2.65	3.18	6.37
Wells Conservation Camp	1.44	2.02	2.52	3.02	6.05
Humboldt Conservation Camp	1.27	1.78	2.22	2.66	5.33
Ely Conservation Camp	1.21	1.69	2.12	2.54	5.08
Jean Conservation Camp	1.10	1.54	1.93	2.31	4.62
Carlin Conservation Camp	1.07	1.50	1.88	2.26	4.51
Tonopah Conservation Camp	1.27	1.77	2.22	2.66	5.32
Camp Average	**1.25**	**1.75**	**2.18**	**2.62**	**5.24**
Current Relief Factor	**1.20**	**1.60**	**2.00**	**2.40**	**4.80**

SRF Table 6: Shift Relief Factor for Sergeants – Camps					
Conservation Camp	**5-Day, 8-Hr**	**7-Day, 8-Hr**	**7-Day, 10-Hr**	**7-Day, 12-Hr**	**24-Hr Shift**
Pioche Conservation Camp	1.17	1 .64	2.05	2.46	4.92
Wells Conservation Camp	1.06	1.49	1.86	2.23	4.46
Humboldt Conservation Camp	1.18	1.65	2.07	2.48	4.96
Ely Conservation Camp	1.10	1.55	1.93	2.32	4.64
Carlin Conservation Camp	1.20	1.68	2.10	2.52	5.05
Tonopah Conservation Camp	1.13	1.58	1.97	2.36	4.73
Camp Average	**1.14**	**1.59**	**1.99**	**2.39**	**4.78**
Current Relief Factor	**1.20**	**1.60**	**2.00**	**2.40**	**4.80**

SRF Table 7: Shift Relief Factor for Senior Correctional Officers, Correctional Officers and Correctional Officer Trainees Combined – Camps					
Conservation Camp	**5-Day, 8-Hr**	**7-Day, 8-Hr**	**7-Day, 10-Hr**	**7-Day, 12-Hr**	**24-Hr Shift**
Stewart Conservation Camp	1.20	1.68	2.10	2.52	5.03
Pioche Conservation Camp	1.18	1 .65	2.06	2.47	4.95
Three Lakes Valley Cons./Boot Camp	1.41	1.98	2.47	2.97	5.94
Wells Conservation Camp	1.13	1.58	1.98	2.37	4.75
Humboldt Conservation Camp	1.23	1.73	2.16	2.59	5.18
Ely Conservation Camp	1.26	1.77	2.21	2.66	5.31
Jean Conservation Camp	1.22	1.70	2.13	2.55	5.11
Carlin Conservation Camp	1.25	1.76	2.20	2.63	5.27
Tonopah Conservation Camp	1.17	1.63	2.04	2.45	4.90
Camp Average	**1.24**	**1.73**	**2.17**	**2.60**	**5.20**
Current Relief Factor	**1.20**	**1.60**	**2.00**	**2.40**	**4.80**

While the newly estimated SRF averages for the conservation camps vary somewhat from the currently used shift relief factors at all camps, there are considerable shift relief factor differences between the conservation camps. For example, in SRF Table 5 the SRF for Lieutenants ranges from a high of 6.37 at Three lakes valley to a low of 4.51 at Carlin. For Sergeants, the SRF ranges from a high of 5.05 at Carlin to a low of 4.46 at Wells (SRF Table 6). The shift relief factors for Correctional Officers range form a high of 5.94 at Three Lakes Valley Conservation / Boot Camp to a low of 4.75 at Wells (SRF Table 7).

Impact of the SRF on Staff Required by Rank at Each Facility

Applying the statewide average relief factor for each rank provided a reasonable estimates for the number of Correctional Officers, Sergeants, and Lieutenants to staff the legislatively mandated posts at each facility. Summary Table 1.1 shows that 100 staff consisting of 95 Correctional Officers, four Sergeants and one Lieutenant are required. 91 of the required staff are located at the seven major institutions, eight at the camps, and one at Casa Grande.

Staff Required to Fill Recommended Changes in Post Coverage

In addition to recommending that 100 staff be provided to fill the legislatively mandated posts, we concluded there was a need for additional staff beyond that mandated by the legislature. The staffing recommendations presented are designed to ensure that critical correctional posts are staffed, so that the facilities operate in a safe, effective, and secure manner. Public safety as well as officer and inmate safety is primary considerations in making these recommendations. The staffing analysis takes into account levels of facility activity consistent with the mission and goals of the organization. Correctional facility operations are fluid and change over time based on policy decisions and often on unplanned events that may occur. Particular emphasis was placed on housing unit operations, as this is an area of vulnerability in the correctional institutions. Proper staffing of the housing units helps to reduce the risk of harm to staff and inmates alike. There are many variables that must be considered in making correctional staffing recommendations. They include, but are not limited to, the following:

- The security and classification level of the institution;
- Facility activity schedules;
- Increases/decreases to the average daily population;
- The need for sight and sound separation (usually if juveniles are present);
- The presence of segregated units;
- Gender of inmates housed;
- Availability of technology to assist with supervision;
- Perimeter security;
- Inmate supervision practices;
- The presence of special populations, such as mental health inmates or inmates with significant medical issues;
- The presence of high risk prisoners; and

SUMMARY TABLE 1.1

ASCA Recommended Relief Factor / Post Revisions
All Facilities Summary - Shift Relief Factor Change

Facility	Legislatively Approved Staffing						ASCA Relief Factor Staffing (Rounded)						Difference					
	Capt	Lts	Sgts	Sr. CO's / CO's	Civilian	Total	Capt	Lts	Sgts	Sr. CO's / CO's	Civilian	Total	Capt	Lts	Sgts	Sr. CO's / CO's	Civilian	Total
Major Institutions																		
Warm Springs Correctional Center	-	5	7	84	-	96	-	5	7	89	-	101	-	-	-	5	-	5
Northern Nevada Correctional Center	-	6	9	219	-	234	-	6	10	231	-	247	-	-	1	12	-	13
Lovelock Correctional Center	-	5	8	200	-	213	-	5	9	212	-	226	-	-	1	12	-	13
Ely State Prison	-	5	13	252	-	270	-	5	14	266	-	285	-	-	1	14	-	15
Southern Desert Correctional Center	-	5	9	192	-	206	-	5	9	204	-	218	-	-	-	12	-	12
High Desert State Prison	-	12	17	423	-	452	-	13	18	448	-	479	-	1	1	25	-	27
Florence McClure Correctional Center	-	4	3	110	-	117	-	4	3	116	-	123	-	-	-	6	-	6
Total Major Institutions	**-**	**42**	**66**	**1,480**	**-**	**1,588**	**-**	**43**	**70**	**1,566**	**-**	**1,679**	**-**	**1**	**4**	**86**	**-**	**91**
Camps																		
Carlin	-	1	1	9	-	11	-	1	1	10	-	12	-	-	-	1	-	1
Ely	-	1	1	9	-	11	-	1	1	10	-	12	-	-	-	1	-	1
Humboldt	-	1	1	9	-	11	-	1	1	10	-	12	-	-	-	1	-	1
Pioche	-	1	1	12	-	14	-	1	1	13	-	15	-	-	-	1	-	1
Tonopah	-	1	1	9	-	11	-	1	1	10	-	12	-	-	-	1	-	1
Wells	-	1	1	9	-	11	-	1	1	10	-	12	-	-	-	1	-	1
Jean	-	1	-	12	-	13	-	1	-	12	-	13	-	-	-	-	-	-
Stewart	-	1	-	12	-	13	-	1	-	12	-	13	-	-	-	-	-	-
Three Lakes Valley	-	2	-	19	-	21	-	2	-	21	-	23	-	-	-	2	-	2
Total Camps	**-**	**10**	**6**	**100**	**-**	**116**	**-**	**10**	**6**	**108**	**-**	**124**	**-**	**-**	**-**	**8**	**-**	**8**
Casa Grande Trans Housing	-	1	-	21	-	22	-	1	-	22	-	23	-	-	-	1	-	1
Northern Nevada Rest Center	-	1	1	5	-	7	-	1	1	5	-	7	-	-	-	-	-	-
Central Transportation	-	1	3	28	1	33	-	1	3	28	1	33	-	-	-	-	-	-
Total	**-**	**3**	**4**	**54**	**1**	**62**	**-**	**3**	**4**	**55**	**1**	**63**	**-**	**-**	**-**	**1**	**-**	**1**
Total All Staff	**-**	**55**	**76**	**1,634**	**1**	**1,766**	**-**	**56**	**80**	**1,729**	**1**	**1,866**	**-**	**1**	**4**	**95**	**-**	**100**

- The presence of rival gangs in the same institution.

In Summary Table 2, the number of staff, in addition to the 100 staff required to adequately staff the revised shift relief factor, are presented. 399 staff are recommended of which 332 are at the seven major institutions, 38 at the camps and 29 at the remaining three units. Assuming adoption of the recommendation to provide the 100 staff to fill the currently mandated posts, the total number of uniform staff rises from 1,866 to 2,265.

Summary Table 2

Facilities	Staff Required Based on		Change in Staff Required
	Existing Staff Mandates with Recommended SRF	Recommended Staff with Recommended SRF	
Institutions			
Warm Springs	101	103	2
Northern Nevada	247	269	22
Lovelock	226	294	68
Ely State Prison	285	290	5
Southern Desert	218	301	83
High Desert	479	570	91
Florence McClure	123	184	61
Subtotal	**1,679**	**2,011**	**332**
Conservation Camps			
Carlin	12	15	3
Ely	12	15	3
Humboldt	12	15	3
Pioche	15	17	2
Tonopah	12	15	3
Wells	12	15	3
Jean	13	15	2
Stewart	13	16	3
Three Lakes Valley	23	39	16
Subtotal	**124**	**162**	**38**
Casa Grande	23	41	18
N. Nevada Restitution	7	12	5
Central Transportation	33	39	6
Subtotal	**63**	**92**	**29**
Total All Staff	**1,866**	**2,265**	**399**

Within each facility the number of recommended staff by rank are presented in Summary Table 2.1.

As compared to the number of staff required to fill the currently mandated posts with the recommended shift relief factor, an additional 314 Correctional Officers, 46 Sergeants, six Lieutenants, and seven Captains, as well as 26 Civilian Staff are required to meet the recommended staffing levels in all facilities. Most of those staff are needed in the seven major institutions in which 264 Correctional officers, 31 Sergeants, six Lieutenants, seven Captains, and 24 Civilian Staff are required.

Between the seven major institutions, there is considerable range in the need for additional staff. Two facilities – Warm Springs and Ely State Prison – require just two and five additional staff respectively to meet recommended levels of staff. At the other end of the range High Desert and Southern Desert require 91 and 83 additional staff respectively. Lovelock requires 68, Florence McClure requires 61, while Northern Nevada requires 22.

Among the camps, Three Lakes Valley requires 16 of the 38 additional staff. The remaining camps require either two or three additional staff. Casa Grande Transitional Housing requires 18 more staff, Northern Nevada Restitution Center requires five, and Central Transportation requires six additional staff.

The specific reasons for recommending additional staff at each facility are included in the finding, conclusions, and recommendations for each facility, which are included in Section 2 of the report.

Implementing the Staffing Recommendations: A Phased Approach to Staffing Priorities

The Department is faced with many challenges regarding proper staffing of its correctional facilities. Recruitment and retention issues of personnel, as well as budget restrictions that result in staffing reductions and the implementation of minimum staffing levels on a regular basis, are major issues that should be addressed. This project team's staffing recommendations are based upon best practices, as we know them, as well as intending to comply with national standards. Mainly, the recommended approach is designed to reduce the risk of harm and ensure that safety and security is maintained.

The team recognizes that the staffing practices we observed are long-standing, and have been exacerbated by the recent economic recession and reduction in available revenues. What is required here, in order to achieve the goal of proper staffing, is a long-term plan that can be implemented over time to achieve the desired result, without causing undue strain on the state budget.

We recognize that applying the new shift relief factor to the currently mandated staffing levels, as well as authorizing the creation of the additionally recommended staff will be expensive to implement. In total, there is a need for 499 new staff, 100 to meet the requirement to fill the

SUMMARY TABLE 2.1

ASCA Recommended Relief Factor / Post Revisions																		
All Facilities Summary - ASCA Recommended Staffing with ASCA Shift Relief Factor																		
	ASCA Relief Factor Staffing (Rounded)						ASCA Recommended Staffing (Rounded)						Difference					
Facility	**Capt**	**Lts**	**Sgts**	**Sr. CO's / CO's**	**Civilian**	**Total**	**Capt**	**Lts**	**Sgts**	**Sr. CO's / CO's**	**Civilian**	**Total**	**Capt**	**Lts**	**Sgts**	**Sr. CO's / CO's**	**Civilian**	**Total**
Major Institutions																		
Warm Springs	-	5	7	89	0	101	1	6	8	87	1	103	1	1	1	-2	1	2
Northern Nevada	-	6	10	231	0	247	1	7	12	247	2	269	1	1	2	16	2	22
Lovelock	-	5	9	212	0	226	1	6	13	272	2	294	1	1	4	60	2	68
Ely State Prison	-	5	14	266	0	285	1	6	20	260	3	290	1	1	6	-6	3	5
Southern Desert	-	5	9	204	0	218	1	6	22	270	2	301	1	1	13	66	2	83
High Desert	-	13	18	448	0	479	1	12	18	527	12	570	1	-1	0	79	12	91
Florence McClure	-	4	3	116	0	123	1	6	8	167	2	184	1	2	5	51	2	61
Subtotal	**-**	**43**	**70**	**1,566**	**0**	**1,679**	**7**	**49**	**101**	**1,830**	**24**	**2,011**	**7**	**6**	**31**	**264**	**24**	**332**
Camps																		
Carlin	-	1	1	10	0	12	0	1	2	12	0	15	0	0	1	2	0	3
Ely	-	1	1	10	0	12	0	1	2	12	0	15	0	0	1	2	0	3
Humboldt	-	1	1	10	0	12	0	1	2	12	0	15	0	0	1	2	0	3
Pioche	-	1	1	13	0	15	0	1	2	14	0	17	0	0	1	1	0	2
Tonopah	-	1	1	10	0	12	0	1	2	12	0	15	0	0	1	2	0	3
Wells	-	1	1	10	0	12	0	1	2	12	0	15	0	0	1	2	0	3
Jean	-	1	0	12	0	13	0	1	2	12	0	15	0	0	2	0	0	2
Stewart	-	1	0	12	0	13	0	1	2	12	1	16	0	0	2	0	1	3
Three Lakes Valley	-	2	0	21	0	23	0	2	3	34	0	39	0	0	3	13	0	16
Subtotal	**-**	**10**	**6**	**108**	**0**	**124**	**0**	**10**	**19**	**132**	**1**	**162**	**0**	**0**	**13**	**24**	**1**	**38**
Casa Grande Trans Housing	-	1	0	22	0	23	0	1	1	39	0	41	0	0	1	17	0	18
Northern Nevada Rest Center	-	1	1	5	0	7	0	1	2	9	0	12	0	0	1	4	0	5
Central Transportation	-	1	3	28	1	33	0	1	3	33	2	39	0	0	0	5	1	6
Subtotal	**-**	**3**	**4**	**55**	**1**	**63**	**0**	**3**	**6**	**81**	**2**	**92**	**0**	**0**	**2**	**26**	**1**	**29**
Total All Staff	**-**	**56**	**80**	**1,729**	**1**	**1,866**	**7**	**62**	**126**	**2,043**	**27**	**2,265**	**7**	**6**	**46**	**314**	**26**	**399**

currently mandated posts, and 399 additional staff to meet other identified needs. Even in times where revenues far exceed expenses, the initial and on-going cost to fund these positions would be extremely difficult to manage. Given the reality of the current revenue situation and the competing demands for state funds to support a range of priorities, we recommend a phased-in approach to addressing the Department's staffing needs and requirements.

We recommend that Nevada approve and implement a multi-biennium schedule for implementing all of the staffing recommendations. Within five biennium, all 499 additional staff should be added to the Department of Corrections. We think the highest priority is funding the 100 staff required to meet the currently mandated posts and that they should be funded in the next biennium. Providing the Department with the fiscal resources to fill all of its currently mandated posts is the highest priority.

The remaining 399 staff can and should be implemented at the rate of approximately 100 staff per biennium. Further, we recommend that the Department set its own priorities for which of the 100 staff should be authorized in each of those biennium. While we include our own suggestions below as to how best to prioritize the implementation, we think it preferable for the Department to make those decisions based on emerging issues at and within each facility that are more difficult to predict at this point in time. Therefore, we recommend that the Department prioritize recommendations for funding in their subsequent biennial budgets.

In our opinion, the following staffing items should be considered in making those decisions. They are:

- Supervisory Staff – The project team believes that addressing the shortage of supervisors available to supervise daily correctional operations should be a high priority. Increases to the minimum number of supervisors required to be present on any shift should be the first priority, and ensuring that sergeants are available to supervise officers in the living units will improve operations and ensure safe and secure facilities.

- Floor Officers – The increase in personnel in the first phase of funding the recommendations should prioritize the filling of correctional officers assigned to the living units. As noted above, the practice of reducing housing coverage to intermittent supervision and having one officer supervising large numbers of inmates in a housing unit is an unsafe practice, which should be corrected as soon as new positions are available.

Staffing Issues and General Recommendations

Legislative Approved Staffing

A unique feature of correctional staffing in Nevada is that the Nevada Legislature approves a facility staffing plan as part of the biennial budgeting process, and Nevada utilizes a hybrid line item budget. The "Legislative Approved" staffing plan specifies what posts are approved on an annual basis for a facility. These approved staffing plans are detailed and list the name of each

post approved, the number of staff allowed working the post, the number of days the post is staffed, and the number of personnel approved utilizing a generic relief factor. In the case of 7-day posts, a 1.6 factor is used. This means for every 7-day post, the legislature assumes that a little more than 1.5 personnel are required to fill the post. As these "pieces" of a position are aggregated by the various ranks (lieutenants, sergeants and correctional officers), they combine to provide the regular day off, vacation, annual, and training relief, etc., they complement the entire facility staffing roster.

Typically, budgets are built approximately two and one half years in advance of the fiscal year in effect, and this process doesn't account for changes that need to be made throughout the course of a fiscal year. The Nevada Legislature meets every two years. The next legislature will convene in 2015 and the budget that was approved in 2013 will provide the funding for the Department until June 30, 2015.

On September 1, prior to the legislative session, the Department must submit a budget request to the Department of Administration for review and inclusion into the Governor's recommended budget, which will be presented in January to the incoming legislature. Staffing of a correctional facility is an ongoing and fluid process; having approved staffing plans that were developed over two and one half years earlier doesn't take into consideration changes that need to be made after the budget documents are prepared. A good example of this unanticipated need would be the Youthful Offender Program, which was required as a result of federal legislation referred to as the Prison Rape Elimination Act (PREA) that requires separation of sight and sound for youthful offenders incarcerated as adults. This was not anticipated when the current budget was enacted. Rather than creating positions needed to efficiently operate the institution by utilizing positions designated as relief positions, there are avenues available to the Department to address budgetary issues during the interim. The Interim Finance Committee meets every six weeks during the interim to address budgetary issues that arise during the interim between legislative sessions.

This practice results in staff shortages to fill mandated posts since the relief positions are being utilized elsewhere. When shortages exist, the facility has two options. One is to hire staff on overtime to fill a post if the prison is at or below minimum staffing levels. In the alternative, the Warden authorizes the shift commander to close down posts, which have not been identified as required minimum staffing, in order to fill the more critical vacant post. The day-to-day shift roster management is disruptive to maintaining operational consistency.

The most notable case coming to our attention is the case of administrative lieutenants. Administrative lieutenants are not approved posts on the facility staffing plan and have been created by eliminating the relief lieutenant post that was originally designed to be the relief shift commander. There were numerous other cases where positions were created at an institution that were not authorized by the Legislature's plan; positions that were often taken from relief positions designed to backfill certain posts. When this occurs, there are an insufficient number of personnel available to fill out the roster. This results in staff shortages as indicated above and

results in a domino effect. For example, if a lieutenant is out due to illness or vacation, a sergeant assumes the lieutenant's post; and a senior officer, if available, assumes the sergeant's post, then an officer is re-directed to cover the senior officer's post. At the end of this domino chain, an officer's post is left uncovered.

In other cases, corrections managers have permanently re-directed positions from their legislatively approved posts to posts that the manager feels are more critical to the safety and security of the prison. One example is the re-directing of a culinary sergeant's post to a housing unit sergeant's post. Another example is converting a minimum unit visiting post to a night-shift floor officer post.

Personnel Cap Versus Legislative Approved Staffing Plan

The practice of developing detailed staffing plans two and one-half years prior to the actual time operations takes place limits flexibility in correctional operations, which are typically fluid and change regularly. The current situation forces managers to deviate from the Legislative Plan in order to manage effectively based on their professional judgment. In our opinion, the current level of legislative oversight inhibits managerial flexibility and limits creativity. Consideration should be given to authorizing the number of full-time equivalent positions for a facility without specifying the post assignments. Many jurisdictions with which we are familiar place a personnel cap on correctional institutions that that may not be exceeded without legislative/executive approval as a method to control expenditures. That mechanism allows for operational flexibility within the cap and permits operational decisions to be made based on real-time conditions.

Roster Management

An effective roster management system is designed to ensure proper and efficient staffing of an institution through the use of post studies, master rosters, daily rosters and an ongoing review of personnel deployment practices. Each facility should have a master roster from which the daily roster is derived. These documents are reviewed on an ongoing basis to evaluate the effectiveness of staff deployment and evaluate the adequacy of staffing, and where inadequate staffing is discovered to make adjustments to the staffing plan. A number of the facilities the project team visited have a master roster in place that is usually maintained by the administrative lieutenant. These master rosters should be developed and maintained at all facilities to allow for ongoing review of staffing practices.

The Department does not exercise oversight over the daily operating staffing practices of the institutions. The rosters that are submitted by the warden and approved by the Deputy Director of Operations list the posts that are authorized and published by the Nevada Legislature. Additionally, the wardens identify posts within the roster that must be filled daily in order to provide all inmates normal programming. This process is referred to as "minimum staffing." Those posts that are not identified as minimum staffing posts can be left vacant on a case-by-case basis, and these are referred to as "pull posts." Some posts are identified as "shut-down"

posts, and these are typically posts that can be left vacant for an extended period of time if there are insufficient personnel to fill those posts.

In practice, the institutions operate their staffing and deployment practices somewhat consistent with the Legislative Approved staffing plan. When the wardens identify an operational need that requires a staffing adjustment, they authorize the creation of a post or modification of duties of an existing post. This results in variations from the approved legislative staffing plan. Permanent changes to a prison's staff roster are therefore decentralized, allowing the wardens to make staffing and employment adjustments without direct oversight. As we understand it, making adjustments to the approved legislative plan is frowned upon by the legislature but, as a practical matter, necessary to ensure efficient and practical operations.

Department personnel developed the roster management automated system, known as the NSIS program. From what we observed, the program does allow for the development of a wide range of reports; however, NSIS is not user friendly and is slow and cumbersome to operate. Lieutenants and sergeants were observed attempting to make adjustments to the daily roster that took an inordinate amount of time to complete. The program often "freezes" while staff are attempting to make adjustments to the roster.

In some facilities, updating NSIS is so cumbersome that they have resorted to making handwritten notations on the shift schedule, without updating the computer program. Because the program is not user friendly, upper management staff in the central office does not utilize it to review the facility staffing activities. It is inefficient to have shift supervisors spending hours at a computer to create shift schedules, that could be more simply done and take less time if they were utilizing modern technology. The roster system also makes it difficult to visually observe personnel movement during a shift if they are assigned to multiple posts during a tour duty. They are likely to show up on the shift document as being assigned to a post when in fact they may have covered one or two additional posts during the same tour of duty. The system makes it difficult to track personnel assignments and workload.

Centralized Roster Management

The Department should consider transitioning to a centralized roster management system, which would require facilities to develop a master roster that is reviewed and approved at the Department's central office. Any changes to the approved roster, such as the creation of new posts, should be submitted to the Director or his designee for approval. Post changes would require justification, as well as an impact statement related to the cost of the change versus the benefit.

Replace NSIS Roster System

The Department should request funding for a new automated staff scheduling software program that allows for the creation of staffing schedules and improves the management of employee availability, days off, leave and assignments. A roster management program can also

aid in the management of employee time and payroll. An automated staff scheduling program will allow for the updating of staff rosters, post plans, employee schedule changes and other critical information. A relational database will allow for the creation of management reports that will be helpful in controlling costs. A program of this nature can be networked so that central office managers can also access real-time information on staffing practices and staffing history.

Minimum Staffing

Each of the major institutions is guided by an operational procedure known as Minimum Staffing. These procedures are reviewed and updated annually and submitted to the Deputy Director for approval. The purpose of the minimum staffing procedure is to guide shift commanders as how to staff their rosters when optimal conditions don't exist, and there are insufficient staff available to fill all posts and continue normal operations/programming. Shift lieutenants and sergeants shut down posts and transfer personnel from their regular assignments to posts that are considered more critical based upon the priority listing in the minimum staffing document. The shutdown or pull posts are listed in order of reverse priority, and those considered less of a priority can be shut down for the duration of the shift. If minimum staffing cannot be met by utilizing this procedure and an insufficient number of personnel are available for duty than required to safely operate the institution, the shift supervisor is required to contact the institution duty officer or associate warden, as appropriate, to request the hiring of staff on overtime to fill the posts considered necessary or in the alternative, reduce facility activity.

The project team rarely encountered a shift at a facility where minimum staffing procedures were not implemented. There was simply not enough staff available to staff all required posts. As a result, the shift roster manager, often a sergeant, would find it necessary to implement minimum staffing.

An example that demonstrates this is in the maximum-security prison at Ely, Nevada. Units five, six and seven contain up to 180 inmates; and correctional officer coverage is reduced to one officer on the floor when minimum staffing is implemented. Although these are segregation units and inmates are typically locked in their cells, they still must be showered, recreated, served meals in their cells, and escorted to hearings and medical appointments.

Reducing the number of officers to one on the floor and to minimum levels reduces emergency response capabilities. It reduces the ability of officers to properly supervise inmates, record significant inmate activities in the logbooks, and reduces the time available to conduct cell and common area searches for contraband.

Adjustments to Minimum Staffing Plans

The project team was concerned that a number of posts designated as shut down posts in order to achieve minimum staffing were posts that were necessary to properly maintain safety,

security, and reduce the potential risk of harm to staff and inmates. These posts were mainly in housing units, which reduced the available number of staff to supervise inmates, respond to emergencies, and carry out the tasks necessary to the proper operation of the unit. It is recommended that the Department review and revise minimum staffing procedures consistent with the recommendations of the project team.

Custody Post Conversions to Civilian Staff

There are a number of posts in the institutions that traditionally are staffed by correctional officers that do not require the assignment of a highly trained, Peace Officer Standards and Training (P.O.S.T.) certified correctional officer, as the duties do not necessarily require a care and custody designation. These posts are support posts and the occupants do not have close contact with inmates. The project team attempted to evaluate each post, with an eye towards recommending conversion of correctional officer posts to a civilian title for those posts that don't have traditional care and custody responsibilities. These posts were mainly clerical and logistics related. The project team found that a number of posts should be considered for the conversion. For those posts that had considerable care and custody functions, along with the clerical/logistics function, we recommend that they remain as correctional officer posts. One such example were property officers in certain facilities that functioned as property officers as well as intake officers, that received, processed and searched inmates arriving at the institution.

This process we are recommending has begun to a degree at Ely State prison, where the Warden has established a position known as the "Corrections Assistant" (CA). These positions are utilized as assistants to correction officers, who assist with cellblock cleaning and the set up and distribution of meals to inmates in segregation confinement. The Warden expressed that the reason these positions were created was because it is difficult to recruit, screen, and train correctional officers in the Ely region, and a cohort of potential employees was available, who were not either P.O.S.T. certification eligible, or ready to make the commitment to become certified officers. This is also serving as a training ground for potential correctional officers, who wish to become certified and attend the Department's Training Academy. One other benefit of the corrections assistant position is that the compensation level is lower than that of a correctional officer, which presents a savings to the taxpayer.

Convert Selected Correctional Officer Posts to Civilian Titles

The following posts are being recommended on a case-by-case basis for conversion to civilian titles, such as the corrections assistant position.

- Property officer;
- Mail officer;
- Commissary/Canteen officer:
- Clerical positions;
- Infirmary Cage officer; and

- Camp Culinary/Mail/Property/Gymnasium officer.

Captain as Uniform Commander

The chain of command at the higher levels has the shift commander lieutenant reporting to the associate warden. There are typically four lieutenants or more that are reporting to this individual, who is a non-uniformed manager. In this arrangement, there is no chief of security that is responsible for the development of policies/procedures and authority is dispersed among the lieutenants. Keeping in mind that the associate warden has other responsibilities, including managing non-uniform staff such as support personnel; there is no staff person dedicated to commanding the uniformed force. The lack of adherence to the principle of unity of command is a concern. In most correctional organizations with which we are familiar, there is a chief of security major and/or a captain that is responsible for the entire security program of an institution. That position works on the development of policies/procedures and planning, as well as continually inspecting practice to ensure that it complies with Department expectations. More specifically, this position would be responsible for monitoring staffing levels to ensure that staffing doesn't fall below minimum staffing; ensuring that emergency response plans are up to date; facility safety equipment in operating condition; and ensure that prison policies, procedures, post orders and training are up-to-date and consistent with best practices.

The team also recognizes that under the current chain of command structure, the promoting at the associate warden level is made more difficult, given the fact that the rank below associate warden is a facility lieutenant who typically lacks the managerial experience necessary to perform at the associate warden level. Therefore, lieutenants promoted to associate warden require a significant degree of training in order to perform at a higher level. In short, the career ladder in this organization is missing a significant rung that effects operational effectiveness, as there are a limited number of staff prepared to step into this higher level of management.

Establishment of Captain Position

The project team recommends the establishment of a captain position in all of the major facilities reviewed. The captain would be responsible for overseeing and commanding the uniformed staff, as well as being responsible for the security of the institution. He/she would report to the associate warden/operations under the structure being proposed. The captain's primary subordinates would be the lieutenants that operate as the shift commanders. The State of Nevada is one of the few jurisdictions that does not assign a single individual as chief of security of the correctional institution. The team is not recommending a captain position for the conservation camps or restitution centers.

Supervisor Span of Control

The Nevada Department of Corrections prisons are large, complex operations, most of which have multiple missions and different custody level inmates within the same facility. The prison operation is made more complex as a result of the various special inmate housing needs, such as segregation units and higher classification general population units for those that are violent or belong to security threat groups. Two facilities have an intake component as part of their mission, which includes a three-week period of diagnostic evaluation of each new arrival, in order to classify them, as well as address their medical and program needs. Other facilities have youthful offenders, which have to have sight-and-sound separation from the adult felons. In addition to the healthy general population inmates, some facilities house the elderly, infirm and mentally ill inmates. Correctional facilities no longer simply warehouse inmates. Today's modern correctional systems, such as those found in Nevada, provide educational, rehabilitative, re-entry, religious, recreation, visiting and work opportunities, all of which have to be provided in keeping with sound correctional safety and security practices. In view of this, a workable organizational rank structure is considered essential.

In all of the major facilities reviewed, there was a shift commander assigned to a shift, most often a lieutenant, except on his or his/her days off, and at least one shift sergeant. The shift sergeant's main responsibility is management of the roster and deployment of personnel. On the lieutenant's days off, one of the sergeants usually fills in as the shift commander, as they have staggered days off. When a sergeant functions as shift commander, a senior officer is often pulled from a post to function as the acting shift sergeant. In some facilities, there may be one or more sergeants who are responsible for supervision of the yard and housing units. In a number of the facilities we observed that the shift sergeant, oftentimes, is responsible for supervision and oversight of all personnel within the institution.

The span of control varied from facility to facility; but at one facility, a sergeant could be responsible for as many as fifty officers. It is difficult to supervise fifty officers who are posted in different areas of the prison and provide these officers with on-the-job training, performance reviews, examine the logbooks, check weapons, inventory ammunition, respond to inmate grievances, and manage the other functions of the job. It was also noted that due to overlapping shifts, some of the shift commanders and shift sergeants were responsible for multiple shifts, which made the chain of command less clear for the line officer. The problem of sergeant presence was particularly notable on afternoon and/or evening shifts, when the five-day sergeants that function as disciplinary officers, property sergeants, culinary sergeants, and other specialty sergeants were not present. Two facilities that stand out are the Southern Desert Correctional Center and Ely State Prison, where a single sergeant was responsible for supervision of all of the housing units with a broad span of control. This deployment practice has an impact on operations, in that line officers do not have a direct supervisor available to provide guidance and support. Furthermore, the lack of regular and close supervision adversely impacts

officer performance, as they are not receiving supervision that is needed, especially in the case of facilities that have high turnover and a young and inexperienced workforce.

With regard to lieutenant coverage, the Legislative Approved staffing plan in most cases provides a relief position for the shift commander/lieutenant. In a number of instances, those positions have been reallocated to create an administrative lieutenant position. That position was deemed critical by facility managers as a position that oversees roster management and scheduling for the institution, as well as developing policies and procedures required by the complexities of modern correctional management. The team agrees with this position being created; however, it has an impact on relief coverage that needs to be addressed.

The team found that at some of the conservation camps there is one lieutenant and no sergeants. However, one lieutenant with no relief leaves the supervisory structure understaffed. Camp officers on the night shift contact the lieutenant at home for command decisions. If the lieutenant is not available, officers contact the facility that provides executive oversight of the camp. However, the shift commander or sergeant at that facility may not know the camp operation and not be in a position to make the correct decision.

Increase in Lieutenants and Sergeants Positions

The project team was concerned that the lack of an adequate number of lieutenants and sergeants, with the appropriate relief factor applied, was creating supervisory voids in critical areas of the facilities. Therefore, recommendations are made on a case-by-case basis, where it is believed that additional lieutenants and sergeants are required.

The recommendations also call for a reduced span of control for those sergeants who are supervising housing units, so that sergeants are available to supervise four housing units or less under optimal conditions. In the detailed recommendation staffing charts, these positions are noted as unit and housing sergeants.

Minimum Staffing of Sergeants

In a facility of 500 beds or more, we believe that there should be at least three supervisors present at any given time when minimum staffing is implemented. This will ensure that a facility commander is available to be in command of the institution, while a second supervisor manages the yard/housing units. The third supervisor needs to focus on roster management and staff deployment. This is the minimum level of staffing we believe is appropriate, and we were made aware of situations where the minimum number of supervisors in an institution was two supervisors.

Administrative Lieutenant Position

With respect to the administrative lieutenant position, the team recommends in facilities housing 500 inmates or more be authorized to establish an administrative lieutenant position, and the relief position for shift commander lieutenant be funded as well.

Outside Facility Hospital Coverage

When inmates are admitted to outside hospitals or transferred to a medical facility for treatment, a burden is placed on correctional facility supervisors who must arrange for a minimum of two correctional officers to provide security coverage in the community hospital. These outside hospitals are not designed for secure inmate supervision; therefore, it takes two correctional officers to provide that coverage. In most of the facilities we examined, there were an insufficient number of correctional officer posts available to provide this supervision over a 24-hour day. As a result, security posts are often shut down, and the officers are pulled and sent to the outside hospital to provide coverage. This situation results in insufficient staffing at the facility.

Community Hospital Posts

It is recommended that in the facilities where outside hospital coverage needs to be provided and there are insufficient posts assigned for this purpose, that additional 24-hour per day, seven day per week posts be established to provide the coverage and prevent posts within the institution from being shut down to free up officers to provide coverage. In our experience, in facilities that are faced with regularly admitting inmates to outside hospitals, there are dedicated posts on the shift roster to provide for this coverage, to avoid disrupting the operations of the institution. These posts can also be useful as additional search and escort personnel, or relief coverage within the institution when there are no inmates admitted to an outside hospital.

Technology

The project team found that certain technological enhancements would improve safety and security and provide for a more efficient correctional operation. An example of that is discussed earlier in this report, the project team found the shift roster management automated system, known as the NSIS program, was not user-friendly and was cumbersome to operate. Attempts to make adjustments to the daily roster took an inordinate amount of the sergeant's or lieutenant's time to complete. The program often "froze" and caused delays in making roster adjustments. In some facilities, updating NSIS was so cumbersome and inflexible that some staff resorted to making handwritten notations for changes in the roster.

The project team also found that a number of the video surveillance systems need upgrading. A number of the systems do not have recording capabilities to allow for retrieval of the video for evidentiary purposes. Others, which allow control center officers to view individuals attempting to gain entrance into the facility through perimeter sallyports or gates, are out-of-date, functioning ineffectively, or cumbersome to operate. At one facility, the control booth officer had three different computer screens that controlled different doors and gates in the prison. A computer mouse controlled one of the screens, and the other two were touch screens, which made the operation confusing for the operator to determine which doors are controlled by which device.

In some areas within the facilities, camera systems have been installed, but provide insufficient coverage of the area being monitored including having permanent fixed angles with blind spots, or the monitors are in offices that the officer on duty cannot access. In some cases, there are simply not enough cameras to provide appropriate coverage. One such area is culinary departments. Culinary usually has many blind spots, due to the need to separate dish washing areas from food preparation areas, and there are bakeries, dry good and cold storage areas, serving lines, loading docks and the dining rooms that need to be monitored.

At one facility, the food was brought to a small room in the housing unit, where inmates, supervised by an officer, placed the food on individual serving trays. The small room was completely enclosed and the officer was not visible from the floor or control booth. There was no camera in the room and radio transmission was described as extremely poor.

The batteries for the radios in some of the facilities are in poor condition. The batteries are typically charged in central control; but due to the poor condition of the batteries, chargers have also been placed in some of the housing units. As the batteries run low, the officers have to leave their post to exchange the battery or be without communication capability for a period of time. This creates a safety and security problem for the officers, because the radios are their only way of communicating an emergency situation in a number of these facilities.

The Department does not have any personal alarm devices for the staff. Their only source of communicating if they are in distress is to use their radio, which can be difficult if they are trying to defend themselves during an assault. A personal alarm that has a simple push button distress feature would greatly enhance their safety, especially if the alarm identifies where the emergency is occurring, which aids in quickly deploying staff to assist.

The Department should also consider providing floor officers in the higher custody and segregation units with puncture resistant vests. The Department is beginning to see an influx of security threat groups, including powerful and violent prison gang members, who can be very disruptive to a correctional institution.

Technology Assessment

Although the purpose of this study was limited in scope to evaluating facility staffing, the project team learned a good deal about how correctional operations are conducted. There have been significant advances in technological systems utilized in correctional institutions in the past decade. Many of the systems improve operational efficiency and officer safety. The Department should consider establishing a technology advisory group and task the group to review existing technology in the facilities, as well as investigate new technologies that can be of benefit to the Department and its employees. Ultimately, subsequent to a review of this type, a budget request can be made to the legislature for funding of new and updated systems. Funding of technological enhancements would likely be a phased-in due to cost considerations. The project team believes that replacing the NSIS system should be among the high priority items. It is noted that the legislature has funded a number of capital improvements that include some technology enhancements. Those approved capital projects should be evaluated as part of this process.

Investigator Posts

The management of correctional facilities requires the ongoing gathering of intelligence and investigations into illicit inmate activity and the conduct of security threat groups. The Department recognizes the value of this information and a central investigative team is in place at the central office. However, there are no funded local investigators at the facility level reporting to the warden regarding the issues cited above. The lack of investigative capability at the facilities has caused wardens to reassign personnel from the Legislative Approved roster to perform investigative duties. Most of these investigators are performing part-time on their regular assignments and part-time as investigators. The project team found this approach insufficient to meet the needs of modern-day correctional practice as it relates to security threat group management and inmate investigations.

Establishment of Investigators Posts

As the detailed staffing recommendations will reveal, the project team is recommending the creation of investigator posts at all of the major facilities. The funding of these posts will serve to improve overall security through the gathering of intelligence, monitoring of gang activity and conducting investigations into inmate misconduct that frequently occurs in the correctional institutions. These posts will primarily address local issues in the facilities, but they will also be available as liaisons to the Inspector General and his/her staff.

Recruiting and Retaining Staff

A number of facilities have a history of position vacancies for a variety of reasons. Creating new posts may only result in the increase of position vacancies in these difficult employment environments. The Department is in the unenviable position of competing for available staff

with the mining industry in the rural camps and the Ely State Prison. Historically, the mines not only provide higher compensation, but they have also affected the local real estate markets to price rentals and home ownership outside the grasp of correctional officers and their families. The housing crisis is so severe that in several of the rural camps, RV pads are being constructed on site to allow staff short term housing, especially when staff have to work double shifts. In those situations, living hours away from the facility creates difficult and sometimes dangerous transportation issues. When mineral prices are high, and the mines are in full operation, vacancies increase in the prison system in those geographical areas (Ely, Wells, Humboldt, Lovelock, and Carlin). In Las Vegas, the economy is dynamic and the travel distance to the Indian Springs' facilities is long and costly.

Historically, there were incentives to working in the remote facilities. There was a "Remote Area Differential" (RAD) incentive that was provided on a daily basis to offset the cost of transportation, but Nevada's revenue shortfalls resulted in the removal of this benefit. As the economy improves and increased revenues are available to the General Fund, this may be one benefit that can be reinstated, which may result in improvement in the hiring and retention of correctional officers.

Incentives Designed to Retain and Attract Staff

The Department should consider approaching the legislature with a plan to address the issue of recruitment and retention of staff in certain geographical areas, where it is proven that staff can't be retained and vacancies cannot be filled. The understaffing that was observed in some of these remote areas was a major concern of the project team. In facilities like Ely State Prison, where the state's most dangerous inmates are held, having 50 to 60 correctional officer vacancies is having an impact on the Department's ability to manage the facility safely. Programs such as the Remote Area Differential is one such incentive to consider. There are other incentive options that may prove successful in recruiting and retaining staff, but the Department and local officials are in a better position to determine the most appropriate approach to resolving this issue.

Budgeting of New Correctional Officer Hires

The project team was made aware that the Department places new officer hires on the facilities' staff rosters and payroll, while these new hires are being trained at the academy and are unavailable to work posts in the facilities. This practice misrepresents the number of officers that are actually available for deployment at the prison, and it also places a drain on the prison budget, as it is paying for officers that are not available for deployment.

The project team recommends that newly hired correctional officers be assigned to a central budget account during the time that the new officer is in the basic training program and

unavailable to be staffed for a post in a correctional facility. This would provide a more accurate depiction of facility staffing and the funds available to the facilities for their payroll.

At the time of the on-site reviews it was reported that officer turnover rates ranged from 20 to 28 percent, which indicates that there are a significant number of new officer hires assigned to facility staff rosters and payroll. It was also reported that, even though the new officer hires might be carried on one prison's payroll/budget, upon graduation from the academy, the new officers are often assigned to other facilities. Additionally, as the Department increases academy training from six weeks to eight weeks beginning in January 2014, the problem for the facilities managing an inaccurate staff roster will only be exacerbated.

Another alternative would be for the facilities to note on their staff rosters and timesheets that the new officer hires are at the training academy with a code or number. The current practice of placing officers that are training at the Academy on a facility payroll does not accurately reflect their availability, as noted above. Additionally, the time that an officer is in basic training should be noted as time unavailable to work as part of the relief factor calculation. This is difficult to accomplish presently, as the officers in training are not counted as being unavailable for duty.

SUMMARY OF CHANGES

AR 124, EMAIL MANAGEMENT

--This is a NEW AR.

> **"This AR details the policies relative to use of the Department's electronic mail (email) system, and potential transmittal of public records within the Department's email system so as to comply with approved retention schedules, and established Records Management practices."**

SUMMARY OF CHANGES

AR 140, ORGANIZATION OF MANAGEMENT INFORMATION SYSTEM SECTION

--In numerous places throughout the new AR, the term "information technology" has been removed and has been replaced by "IT".

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"All Department staff, contract employees and volunteers, as well as all other persons who are allowed the privilege of accessing or using information technology (IT) or telecommunication systems within a secure environment or directly connected to Department IT resources, are responsible to have knowledge of, and comply with, this regulation."**

<u>The changed sentences in the new AR read</u>:

> **"All Department staff, contract employees and volunteers, as well as all other persons who are allowed the privilege of accessing or using IT or telecommunication systems within a secure environment or directly connected to Department IT resources, are responsible for having knowledge of and complying with this regulation.**

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"The Department will have one central Management of Information Systems section (MIS) that will deal with all information technology and telecommunication issues."**

<u>The changed sentence in the new AR reads</u>:

> **"The Department will have one central MIS Section that will deal with all IT and telecommunication issues."**

--A section that was in the old AR has been changed in the new AR. The changed section in the old AR read:

> **"The MIS Help Desk can be contacted by using the following methods:**
>
> **A. Email: <u>helpdesk@doc.nv.gov</u>**

SUMMARY OF CHANGES

AR 140, ORGANIZATION OF MANAGEMENT INFORMATION SYSTEM SECTION

B. Telephone: (775) 887-3344

C. Fax: (775) 887-3385

D. Interdepartmental mail: MIS Help Desk, Bldg. 89, Stewart Facility

E. Memo: Hand delivered to Chief, IT Manager"

<u>The changed section in the new AR reads</u>:

"The MIS Help Desk should be contacted as follows:

A. Routine requests should be submitted by one of the following:

(1) Employee Ticket: Fill out an online employee ticket.

(2) Email: helpdesk@doc.nv.gov

(3) Fax: (775) 887-3385

(4) Interdepartmental mail: MIS Help Desk, Bldg. 89, Stewart Facility

(5) Memo: Hand delivered to Chief IT Manager

B. Emergency requests, or in cases where none of the above are available, may be submitted by calling (775) 887-3344.

C. If any of the following occurs after 5PM or on the weekend, please call the MIS Help Desk and the after-hours recording will provide you with a number to call for assistance:

(1) System failure where the entire institution is down;

(2) Key personnel cannot log in (Shift Lt, Shift Sgt, Control Officer). This includes both network and NOTIS log in;

SUMMARY OF CHANGES

AR 140, ORGANIZATION OF MANAGEMENT INFORMATION SYSTEM SECTION

(3) NOTIS goes down;

(4) Telephone system failure. In this event, please have your shift Supervisor use their cell phone or drive to the nearest phone;

(5) Any situation that compromises the safety and security of the facility."

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"Department asset tag number of affected equipment, if applicable;"**

<u>The changed sentence in the new AR reads</u>:

> **"Department asset tag number or service tag number of affected equipment, if applicable;"**

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"Failure to contact the Help Desk via one of the approved methods, failure to leave a message, or failure to provide complete information, will be the same as not requesting help and no ticket will be logged."**

<u>The changed sentence in the new AR reads</u>:

> **"Failure to contact the Help Desk via one of the approved methods, failure to leave a message, or failure to provide complete information, will be treated as though no help was requested and no ticket will be logged."**

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"When the Help Desk receives a complete request, staff will log the request as a help ticket and assign a ticket number to be used for tracking, work assignment and all follow-up communication regarding the request."**

SUMMARY OF CHANGES

AR 140, ORGANIZATION OF MANAGEMENT INFORMATION SYSTEM SECTION

<u>The changed sentence in the new AR reads</u>:

> **"When the Help Desk receives a complete request, staff will log the request as a help ticket and assign a ticket number to be used for tracking, work assignment and all follow-up communication regarding the request. An Employee Ticket will be assigned to the appropriate staff based on the nature of the issue."**

SUMMARY OF CHANGES

AR 204, INMATE STORE SYSTEM

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"The sale of store, canteen, and coffee shop items will be through ducats or through the Nevada Inmate Store Systems Order Form (DOC-517)."**
>
> **"Photo Coupons can be ordered by inmates using form DOC-517, which is redeemable for the inmate photograph."**
>
> **"Prior to transfer to another location, inmates may turn in for credit any unused Photo Coupons to the issuing store/canteen/coffee shop."**

<u>The changed sentences in the new AR read</u>:

> **"The sale of store, canteen, and coffee shop items will be through ducats for staff, or through the Nevada Inmate Store Systems Order Form (DOC-517 or Scan-Tron Order Form) for inmates."**
>
> **"Photo Coupons can be ordered by inmates using form DOC-517 or Scan-Tron, which is redeemable for the inmate photograph."**
>
> **"Prior to transfer to another location, inmates may turn in for credit any unused Photo Coupons as long as they are within the 60 day expiration date."**

--The ATTACHMENT that was in the old AR has been removed from the new AR. The removed ATTACHMENT was the:

> **"DOC 517 – NISS Order Form"**

SUMMARY OF CHANGES

AR 213, EMPLOYEE FUNDS

--Directives that were in the AUTHORITY section of the old AR have been removed from the new AR. The AUTHORITY section in the old AR previously read:

> **"NRS 209.131**
> **NRS 209.221**
> **NRS 209.229**
> **Letter of Intent concerning Assembly Bill 289, 1999 Legislative Session"**

<u>The Directives in the AUTHORITY section of the new AR now read</u>:

> **"NRS 209.131"**

--A PURPOSE section that was not in the old AR has been added to the new AR. The PURPOSE section in the new AR reads:

> **"An Employee Fund provides for receipt of revenues generated by NDOC employees, and ensures that those revenues are expended for the collective benefit of those same employees. Those revenues include receipts from vending machines in employee areas, donations, receipts from employee fund raisers, and any other non-taxpayer provided sources."**

--Sentences that were not in the RESPONSIBILITY section of the old AR have been added to the new AR. The added sentences in the new AR read:

> **"The Warden of each institution will ensure that an Employee Fund is created pursuant to this Regulation."**
>
> **"The designated Deputy Director in the North will ensure that an Employee Fund is set up for the Central Office in the North. The designated Deputy Director in the South will ensure that an Employee Fund is set up for the Central Office in the South."**

--A sentence that was in the RESPONSIBILITY section of the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"The Employee Fund Committee will administer the employee fund at its Institution/Facility upon the approval of the Deputy Director of Support Services."**

SUMMARY OF CHANGES

AR 213, EMPLOYEE FUNDS

<u>The changed sentence in the new AR reads</u>:

> **"An Employee Fund Committee will administer the employee fund as created below upon the approval of the Deputy Director of Support Services."**

--Sentences that were not in the old AR have been added to the new AR. The added sentences in the new AR read:

> **"The committee will be elected by the employees and approved by the Warden of the institution/facility and/or the respective designated Deputy Director overseeing the creation of the fund. If the organization fails to hold an annual election, the Warden and/or respective designated Deputy Director will appoint at least three employees from various disciplines within that organization. Vacancies caused by staff changes during the fiscal year will be filled by appointment by the Warden or respective designated Deputy Director. Elections and/or appointments will be reviewed and updated within the first quarter of each fiscal year. An updated statement of purpose and operating procedure, signed by the newly elected/appointed or ongoing committee members for that fiscal year, will be signed by the Warden or respective designated Deputy Director, and sent to the Deputy Director of Support Services no later than the end of the first quarter of each fiscal year."**

> **"Employees elected or appointed to the committee may not utilize more than 6 work hours per committee member per month administering the fund. Such utilization of work time may not result in any overtime."**

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"Each Employee Fund Committee will submit a statement of purpose (see example "A") to the Deputy Director of Support Services which will explain how revenues will be generated and for what purpose the funds will be expended.**
>
> > **A. This statement will be signed by the committee members and approved by the Warden(s).**

SUMMARY OF CHANGES

AR 213, EMPLOYEE FUNDS

B. The fiscal year of the fund will be stated on this statement and will coincide with the State of Nevada's fiscal year.

C. A statement on what will happen to the funds if the committee is disbanded. Examples are using the remaining funds for the employee holiday party, picnics or charitable donations."

<u>The changed sentences in the new AR read</u>:

"The Employee Fund will be created by each institution and/or organization as follows:

A. A statement of purpose (see example "A") will be created which explains how revenues will be generated and for what purpose the funds will be expended.

B. An organization-specific operating procedure will be created which explains how the fund will be administered.

C. The statement of purpose and the operating procedure will be reviewed by the respective Warden and/or designated Deputy Director, and sent to the Deputy Director of Support Services for final approval.

D. The statement of purpose and/or operating procedure will be updated and re-submitted for review and approval if changes are identified as being needed during the course of a fiscal year."

--A sentence that was in the old AR has been removed from the new AR. The removed sentence that was in the old AR read:

"Funds received from the operation of vending machines located in the administrative area of an institution and other funds raised by the employees belong to the employees of the Department."

--Sentences that were not in the old AR have been added to the new AR. The added sentences in the new AR read:

SUMMARY OF CHANGES

AR 213, EMPLOYEE FUNDS

"Bank accounts for employee funds will be in the name of the committee and not the State of Nevada. If the bank account requires an identifying number, a Federal Employee Identification Number (FEIN) can be obtained from the IRS by submission of a Non-Profit Organization Application. <u>Do not use the State of Nevada's Federal Identification Number</u>. NDOC is not responsible for any federal, state, or local filings. To avoid any tax liability to an individual committee member, once the FEIN is obtained, the Secretary of State's Office can be contacted to incorporate as a nonprofit. Filing fees and annual renewal fees can be paid from the employee fund.
Typical steps to follow for setting up Fund:

- **Obtain and Federal Employer Identification Number – file form SS-4 as a Non-profit Agency with IRS (go to IRS WEB site and put "ein" in search box and application on line will come up.**
- **Elect or have appointed Committee Members. First meeting elect President, Secretary, Treasurer, Director, and Registered Agency. You may also have members that are just officers of the Employee Fund.**
- **Committee Members meet to vote in By Laws to be signed by each member and given to the Warden or designated Deputy Director to approve and send to DDSS for approval.**
- **Elected Treasurer determines which local bank to use.**
- **File with Secretary of State as a Non-profit Corporation under 501© 4.**
  File Nonprofit Articles of Incorporation, Registered Agent Acceptance $50 fee
  File Annual List of Officers - $25 fee (must be done annually)
  File exempt from having a business license
- **File with Department of Taxation – file quarterly sales tax reports."**

--Sentences that were in the old AR have been removed from the new AR.
Sentences that were removed from the new AR read:

"The funds generated from Employees Fund operations must go for the collective benefit of the majority of the employees contributing to the fund. Each committee should set forth expenditure limits for individuals including allowable expenditures, which must be included in the Statement of Purpose."

SUMMARY OF CHANGES

AR 213, EMPLOYEE FUNDS

"The administration of employee funds rests with the committee of elected employees and does not fall to any other section or division within the department."

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

"Each Warden must agree to the type of expenditures that will be allowed by the Employee Committees representing their respective institutions/facilities. The Deputy Director of Support Services has final authority to disallow any expenditure. Examples of expenditures that are allowable include donations to the Department of Corrections for a department-wide newsletter, institution/facility newsletters, picnics, holiday parties, retirement, training or special recognition plaques, and charitable donations."

<u>The changed sentences in the new AR read</u>:

"The approved statement of purpose must list the type of expenditures that will be allowed by the Employee Committees representing their respective institutions/facilities. Examples of expenditures that are allowable include: picnics, holiday parties, retirement plaques, training or special recognition plaques, and charitable or other donations. Each committee should set forth expenditure limits for allowable expenditures, which must be included by reference in the statement of purpose. Individual expenditures not covered by that list, or that exceed the expenditure limits contained within the statement of purpose, must be approved by the Deputy Director of Support Services through a request signed by all current employee fund committee members and the Warden or respective designated Deputy Director."

--Sentences that were not in the old AR have been added to the new AR. The added sentences in the new AR read:

"An expenditure log will be kept detailing the date, time, amount, and description of each expenditure made."

"Monthly, the Committee will perform a reconciliation against the bank account statement (paper or online), and a copy of the reconciliation, the expenditure log, and the bank statement will be sent to the Accounting Section in the Fiscal Division for an independent review. If the Committee utilizes online banking, access must be provided to Accounting to conduct that independent review."

SUMMARY OF CHANGES

AR 213, EMPLOYEE FUNDS

"The Accounting Section will notify the Committee and copy the respective designated Deputy Director and the Warden if expenditures do not match the expenditure log, do not reconcile with the list of allowable items from the statement of purpose, exceed the allowable costs, or the account does not reconcile. Thirty days will be allowed for the Committee to provide the necessary additional records to complete the reconciliation."

"The Deputy Director of Support Services will be notified immediately at the completion of that 30-day period if the Accounting Section is unable to complete the reconciliation, or if unauthorized expenditures or expenditures exceeding authorized amounts are discovered during the review."

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

"Invoices and receipts must be kept by fiscal year and are subject to an independent review and if necessary to be paid for by the committee funds. Records need to be kept for a minimum of four (4) years and are subject to review by the Deputy Director of Support Services at any time."

<u>The changed sentences in the new AR read</u>:

"Invoices and receipts must be kept by fiscal year and are subject to an independent review. If an independent review is necessary, it will be paid for by the employee fund. Records need to be kept for a minimum of four (4) years and are subject to review by the Deputy Director of Support Services at any time."

--Sentences that were in the old AR have been removed from the new AR. The removed sentences in the old AR read:

"Evidence of the completed independent review must be presented to the Deputy Director of Support Services within four months of the fiscal year closing. At a minimum, the review should be a validation of the revenues and expenditures for accuracy and appropriateness as outlined in the Statement of Purpose as approved by the Deputy Director of Support Services."

"Committee members and other employees shall not operate or administer the fund during their work hours."

SUMMARY OF CHANGES

AR 213, EMPLOYEE FUNDS

--A sentence that was not in the old AR has been added to the new AR. The added sentence in the new AR reads:

> **"This regulation requires an Operational Procedure for each institution."**

--A list of the ATTACHMENTS that was not in the old AR has been added to the new AR. The ATTACHMENT list reads:

> **ATTACHMENTS**
>
> **EXAMPLE A – Statement of Purpose**
> **EXAMPLE B – Revenue earned from "Visitor Vending Areas"**
> **EXAMPLE C – Revenue earned from areas other than "Visitor Vending Areas"**
> **EXAMPLE D – Revenue earned from areas other than "Visitor Vending Areas"**
> **EXAMPLE E - Revenue earned from areas other than "Visitor Vending Areas"**

SUMMARY OF CHANGES

AR 265, TRAVEL

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"Travel advances constitute a lien on the accrued wages of the requesting employee. Additional advances will not be issued to any employee who has an outstanding travel advance balance over 60 days in arrears."**
>
> **"Travel for court appearances will be granted if:**
>
> > **A. The employee receives a summons and complaint, naming the employee as a party to a civil lawsuit in their official capacity as an NDOC employee,**
> >
> > **B. The employee receives a summons and complaint, naming the employee as a party to a civil lawsuit in their individual capacity, after review by the Attorney General's Office, or**
> >
> > **C. The employee is requested by the Attorney General's Office to appear in court as a witness."**

<u>The changed sentences in the new AR read</u>:

> **"Travel advances constitute a lien on the accrued wages of the requesting employee. Additional advances will not be issued to any employee who has an outstanding travel advance balance."**
>
> **"Travel for court appearances will be granted if the following documentation is attached to request for travel:**
>
> > A. **The employee receives a summons and complaint, naming the employee as a party to a civil lawsuit in their official capacity as an NDOC employee,**
> >
> > B. **The employee receives a summons and complaint, naming the employee as a party to a civil lawsuit in their individual capacity, after review by the Attorney General's Office, or**
> >
> > **C. The employee is requested by the Attorney General's Office to appear in court as a witness."**

SUMMARY OF CHANGES

AR 265, TRAVEL

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"All employees shall promptly submit a claim for travel reimbursement on form TE, Claim for Travel Expense, to the Department's designated travel coordinator in the Support Services Division after the trip is completed."**

<u>The changed sentences in the new AR read</u>:

> **"All employees shall promptly submit a claim for travel reimbursement on form DOC 522, Claim for Travel Expense, to the Department's designated travel coordinator in the Support Services Division within 10 days of completion of the trip."**

SUMMARY OF CHANGES

AR 278, OFFENDERS' STORE FUNDS
OFFENDERS' STORE/COFFEE SHOP OPERATION AND MAINTENANCE REIMBURSEMENT TO GENERAL FUND

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"The Director shall utilize the Inmate Store funds to defray the costs related to the operations and maintenance of the Offenders' Stores and Coffee Shops where they exist within the Department. Inmate Store Funds are to be utilized for the benefit of inmates to ensure the continuation of Offenders' Stores and Coffee Shops."**

<u>The changed sentences in the new AR read</u>:

> **"The Director shall utilize the Offender Store Fund (OSF) to defray the costs related to the operations and maintenance of the Offenders' Stores and Coffee Shops where they exist within the Department. OSF are to be utilized for the benefit of inmates and to ensure the continuation of Offenders' Stores and Coffee Shops."**

SUMMARY OF CHANGES

AR 279, INMATE WELFARE FUNDS GYMNASIUM OPERATION AND MAINTENANCE REIMBURSEMENT TO GENERAL FUND

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"The Director shall utilize the Inmate Welfare funds to defray the costs related to the operations of visitation and the gymnasium where they exist within the Department. Inmate Welfare Funds are to be utilized for the benefit of inmates and their families to ensure continuation of visitation and the use of the gymnasiums."**

<u>The changed sentences in the new AR read</u>:

> **"The Director shall utilize the Inmate Welfare Fund (IWF) account to defray the costs related to the operations of the gymnasium where they exist within the Department. The IWF is to be utilized for the benefit of inmates to ensure continuation of the use of the gymnasiums."**

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

--Numerous changes have been made to this AR and three ARs have been incorporated into this AR. The incorporated ARs are:

AR 340, Employee Complaint Reporting and Investigation
AR 341, Employee Misconduct and Performance Adjudication
AR 343, Imposing Corrective/Disciplinary Action

--The title of the AR has changed in the new AR.

The title in the old AR read:

"AR 339, CODE OF ETHICS EMPLOYEE CONDUCT PROHIBITIONS AND PENALTIES"

The title in the new AR reads:

"AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES"

--The references listed in the AUTHORITY section of the old AR have been changed in the new AR. The references listed in the old AR read:

"Any and all relevant NRS and NAC including but not limited to: NRS Chapters 284 & 289; NRS 199.325; NRS 281.481; NAC 284.638 - 284.656; NAC 284.738 - 284.771"

The references in the AUTHORITY section of the new AR now reads:

"NRS 209.131, .239; NRS Chapters 284 & 289; NRS 281A.400; NAC 284.638 -.656; 284.548, 284.738 -.771, 42 U.S.C. § 15601, *et seq.* and 28 C.F.R. Part 115"

--A sentence in the RESPONSIBILITY section of the old AR has been changed in the new AR. The changed sentence in the old AR read:

"The Director has the final and overall responsibility for administering employee discipline."

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

The sentence in the RESPONSIBILITY section of the new AR now reads:

> **"The Director/Designee has responsibility for administering employee discipline."**

--Paragraphs that were not in the old AR have been added to the RESPONSIBILITY section of the new AR. The added paragraphs in the new AR read:

> **"The Appointing Authorities are responsible for enforcement of this Administrative Regulation (AR), utilizing the appropriate state forms. Additionally, the primary responsibility for ensuring that complaint allegations are properly referred and investigated rests with each Warden/Division Head who becomes aware of the complaint or allegation of employee misconduct."**
>
> **"The Department's Human Resources Division is responsible to provide each permanent classified employee with a copy of this AR and maintain records of distribution. The Human Resources Division is also responsible for tracking disciplinary actions and maintaining employee personnel files."**
>
> **"The IG is responsible for and oversees all investigations. The IG will maintain the investigative case file, including copies of related attachments associated with the complaint."**
>
> **"The Warden/Division Heads are responsible to review completed misconduct complaint investigations and adjudicate subordinate employee culpability, making recommendations for corrective or disciplinary action."**

--Sentences that were in the RESPONSIBILITY section of the old AR have been removed from the new AR. The sentences that were removed from the new AR read:

> **"The overall responsibility for compliance with the provisions set forth in this Administrative Regulation (AR) has been delegated by the Director to the Appointing Authorities."**

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

"The Wardens/Division Heads are responsible to ensure compliance with this Administrative Regulation and to ensure that non-compliance with this procedure is reported and addressed in a timely manner."

"All Wardens/Division Heads are responsible to distribute, post, and ensure accessibility and compliance with this AR."

"The Department Human Resources Division is responsible to ensure all new employees receive a copy of this AR and sign acknowledgment of such."

--Sentences that were in the RESPONSIBILITY section of the old AR have been changed in the new AR. The sentences that were changed in the old AR read:

"All Department employees are responsible to comply with this procedure at all times. All Department employees are responsible to make appropriate notifications concerning incidents, activities, or events of immediate interest or concern which take place within the jurisdiction of, or which impact, the Department."

"The Employee Development Manager is responsible to develop and deliver training on this AR."

<u>The changed sentences in the RESPONSIBILITY section of the new AR now read</u>:

"All Department employees are responsible to comply with this AR at all times. This includes immediately reporting any alleged act of employee misconduct to a supervisor."

"The Employee Development Manager, in conjunction with the Inspector General (IG), is responsible to develop and deliver training on this AR."

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

--AR 339 contains a list of principles in the section titled CODE OF ETHICS. Three of the principles listed in the old AR have been changed in the new AR. The changed principles in the old AR read:

> **"Whether on or off duty, in uniform or not, employees shall conduct themselves in a manner that will not bring discredit or embarrassment to the Department of Corrections and the State of Nevada."**
>
> **"Employees shall maintain confidentiality of information that has been entrusted to them and designated as such."**
>
> **"Employees shall not sexually harass or condone sexual harassment with or against any person."**

<u>The changed principles in the new AR now reads</u>:

> **"Whether on or off duty, in uniform or not, employees shall conduct themselves in a manner that will not tend to bring discredit or embarrassment to the Department of Corrections and the State of Nevada."**
>
> **"Employees shall maintain confidentiality of information that has been entrusted to them."**
>
> **"Employees shall not sexually harass or condone sexual harassment with or against any person, including but not limited to any inmate, employee, volunteer, vendor, or any member of the public."**

--The section titled EMPLOYEE LIABILITY that was in the old AR has been removed from the new AR.

--Sentences in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"All Department employees are responsible, at all times, to conduct themselves in an appropriate manner, with honor, integrity and impartiality, whether on or off duty, to obey and support the letter and spirit of the law, and to always exercise appropriate self-discipline in the use of the power and authority entrusted to them."**

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

"The penalty imposed for a violation of 339.04 Class of Offense Guidelines (18. U..), can range from a CLASS 1 – 5 violation depending upon the facts and circumstances of the particular case."

"Under the law Peace Officers are expected to abide by the laws they are empowered to enforce. Employees will obey all laws of the U.S., State of Nevada, and ordinances in force in their jurisdiction. Violations of law, or an indictment, or information filed against an officer or a conviction will be cause for disciplinary action up to and including termination from employment."

<u>The changed sentences in the new AR now read</u>:

"All Department employees are responsible, at all times, to conduct themselves in an appropriate manner, with honor, integrity, impartiality, and loyalty whether on or off duty, to obey and support the letter and spirit of the law, and to always exercise appropriate self-discipline in the use of the power and authority entrusted to them.

"The penalty imposed for a violation of 339.07 Class of Offense Guidelines (18. R.), can range from a CLASS 1 – 5 violation depending upon the facts and circumstances of the particular case."

"Under the law Peace Officers are expected to abide by the laws they are empowered to enforce. Peace Officer employees will obey all laws of the U.S., State of Nevada, and ordinances in force in their jurisdiction. Violations of law, an indictment or information filed against an officer, or a conviction can be cause for disciplinary action up to and including termination from employment, especially where off-duty conduct tends to bring the Department into public discredit or which tends to affect the employee's ability to perform assigned duties efficiently. Employees must also be careful that the authority vested in them as Peace Officers is not abused."

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

--Three sections that were not in the old AR have been added to the new AR. The added sections in the new AR are titled:

339.03 GOALS OF CORRECTIVE AND DISCIPLINARY MEASURES

339.04 REPORTING COMPLAINTS OR MISCONDUCT

339.05 INVESTIGATIONS

--A paragraph in the old AR has been changed in the new AR. The changed paragraph in the old AR read:

> **"Appointing Authorities and employees must recognize that penalty schedules cannot accurately, fairly, or consistently address every situation. Appointing Authorities must conduct an individual analysis of each employee for each incident and exercise their professional judgment and discretion, then recommend a penalty based upon the need to modify the employee's behavior, set expectations for other employees, and maintain the public trust. There is no requirement that charges similar in nature must result in identical penalties."**

<u>The changed paragraph in the new AR now reads</u>:

> **"Appointing Authorities and employees must recognize that penalty schedules cannot accurately, fairly, or consistently address every situation; a comprehensive list of DOs and DON'Ts of employee conduct is not possible. Appointing Authorities must conduct an individual analysis of each employee for each incident and exercise their professional judgment and discretion in recommending a penalty. Training, education, actions, awards, and punishments are interrelated, not separate elements."**

--Sentences that were not in the old AR have been added to the new AR. The added sentences in the new AR read:

> **"There is no requirement that charges similar in nature must result in identical penalties. Employees sometimes incorrectly equate fairness and consistency as synonyms; they are not.**

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

A. Consistency within a disciplinary system means holding every employee equally accountable for unacceptable behavior. Unacceptable behavior for one is unacceptable behavior for all, regardless of rank, status, or tenure.

B. Fairness within a disciplinary system means understanding the numerous circumstances that could contribute to the unacceptable behavior. Disciplinary recommendations must consider these circumstances. Thus, two employees accused of the same misconduct could face different consequences."

"Failure to report, failure to act, or failure to disclose is considered misconduct."

"Conflicting activities pursuant to NAC 284.738 include but are not limited to any activity prohibited by AR 332, Employee Reporting Responsibilities; AR 345, Unauthorized Relationships; AR 346, Nepotism; AR 347, Political Activities by Employees; and AR 355, Employee Secondary Employment."

--A sentence in the old AR has been changed in the new AR. The changed sentence in the old AR read:

"The Department has developed a Class of Offense Guide which describes prohibited employee conduct and a Chart of Corrective/Disciplinary Sanctions which prescribes recommended penalties for inappropriate conduct."

<u>The changed sentence in the new AR now reads</u>:

"The Department has developed Class of Offense Guidelines which describe many prohibited employee actions and a Chart of Corrective/Disciplinary Sanctions which recommends penalties for inappropriate conduct."

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, a new offense has been added to the ABSENT WITHOUT LEAVE (AWOL) category. The new offense reads:

"Any absence without approved leave short of three consecutive scheduled working days. CLASS 2-4"

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, an offense has been changed in the DISCHARGE OF FIREARM DUE TO NEGLIGENCE category. The offense in the old AR read:

> **"Discharge of firearm due to negligence, with substantial injury/damage. CLASS 4"**

<u>The changed offense in the new AR now reads</u>:

> **"Discharge of firearm due to negligence, with substantial injury/damage. CLASS 4-5"**

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, offenses have been changed in the ALCOHOL ABUSE category. The offenses in the old AR read:

> **"Purchase or consumption of alcohol while in uniform when off duty. CLASS 2"**
>
> **"Purchase or possess alcoholic beverage on duty. CLASS 3"**
>
> **"Damaging State property while under the influence of alcoholic beverages. CLASS 4"**

<u>The changed offenses in the new AR now read</u>:

> **"Purchase or consumption of alcohol while in uniform when off duty. CLASS 3"**
>
> **"Purchase or possess alcoholic beverage on duty. CLASS 4"**
>
> **"Damaging State property while under the influence of an alcoholic beverage. CLASS 4-5"**

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, offenses have been changed in the NARCOTICS/DRUGS category. The offenses in the old AR read:

> **"An employee driving under the influence in violation of NRS 484.379 or of any other offense for which driving under the influence is an element of the offense, and the offense occurred while driving a state vehicle, or a privately owned vehicle on state business. CLASS 4"**
>
> **"Knowingly transport any person to buy/obtain any controlled substance, narcotic, and/or drug. CLASS 4"**

<u>The changed offenses in the new AR now read</u>:

> **"An employee driving under the influence in violation of NRS 484C.010 et seq. or of any other offense for which driving under the influence is an element of the offense, and the offense occurred while driving a state vehicle or a privately owned vehicle on state business. CLASS 4-5"**
>
> **"Knowingly transport any person to buy/obtain any illegal controlled substance, narcotic, and/or drug. CLASS 4"**

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, offenses in the new AR have been changed in the CRIMINAL MISCONDUCT category. The offenses in the old AR read:

> **"An employee who is convicted of driving under the influence in violation of NRS 484.379 or of any other offense for which driving under the influence is an element of the offense while driving a state vehicle, or a privately owned vehicle on state business. CLASS 5"**
>
> **"Guilty plea of any type (Alford, no contest, etc.) or conviction of a felony, gross misdemeanor, or misdemeanor. CLASS 4**
>
> ****Provided the conduct at issue has an adverse impact upon the Department and/or negatively reflects upon the image of the State of Nevada or the Department of Corrections."***

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

"Reasonable belief that a felony, gross misdemeanor, or misdemeanor has been committed. CLASS 4
Provided the conduct at issue has an adverse impact upon the Department and/or negatively reflects upon the image of the State of Nevada or the Department of Corrections."

<u>The changed offenses in the new AR now read</u>:

"An employee who is convicted of driving under the influence in violation of NRS 484C.010 et seq. or of any other offense for which driving under the influence is an element of the offense while driving a state vehicle, or a privately owned vehicle on state business. (*See* NAC 284.653.) CLASS 4-5 Second offense within 5 years. CLASS 5"

"Guilty plea of any type (Alford, no contest, etc.) or conviction of a felony, gross misdemeanor, or misdemeanor. CLASS 4 Provided the conduct at issue has an adverse impact upon the Department and/or tends to bring the Department into public discredit which tends to affect the employee's ability to perform duties efficiently.

"Reasonable belief that a felony, gross misdemeanor, or misdemeanor has been committed. CLASS 4 Provided the conduct at issue has an adverse impact upon the Dep artment and/or tends to bring the Department into public discredit which tends to affect the employee's ability to perform duties efficiently."

-- Under the CLASS OF OFFENSE GUIDELINES, an offenses that was in the CRIMINAL MISCONDUCT category in the old AR has been removed in the new AR. The removed offense that was in the old AR read:

"Any sexual contact/conduct with an inmate under the supervision of the Department, including but not limited to, oral sexual contact or sexual intercourse, masturbation, homosexual acts, or physical contact with the clothed or unclothed genitals or pubic area to arouse, appeal to or gratify sexual desires. CLASS 5"

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, offenses in the new AR have been changed in the DISCOURTESY category. The offenses in the old AR read:

> **"Discourteous or improper remark to a co-worker. CLASS 2"**
>
> **"Discourteous or improper remark to a member of the public. CLASS 2"**

<u>The changed offenses in the new AR now read</u>:

> **"Discourteous or improper remark to a member of the public or a co-worker. CLASS 2"**

----Under the CLASS OF OFFENSE GUIDELINES in the new AR, offenses that were in the old AR have been removed from the DISCOURTESY category in the new AR. The removed offenses in the old AR read:

> **"Inappropriate gesture or touching. CLASS 2"**
>
> **"Verbal threats toward a staff member. CLASS 3"**

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, offenses in the new AR have been changed in the DISCRIMINATION/SEXUAL HARASSMENT AND OTHER TITLE VII VIOLATIONS category. The offenses in the old AR read:

> **""Sexual Harassment" as defined pursuant to NAC 284.771."**
>
> **"Therefore, depending on the nature, severity, and duration of conduct in violation of Title VII, NDOC should impose prompt disciplinary sanctions ranging from a CLASS 1 to a CLASS 5 in accordance with NAC 284.771."**
>
> **"NDOC is required by Title VII to ensure that no discrimination occurs in the workplace. As part of this responsibility, NDOC must promptly discipline employees engaging in unlawful conduct to assure that the individual involved stops the discriminatory behavior as well as discouraging other employees who might engage in such behavior from doing so."**

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

"Refer to NAC 284.771.

(1) Discriminating against or harassing another person because of that person's race, color, religion, sex, sexual orientation, age, disability, gender identity or expression, or national origin. CLASS 4

(2) Make a prohibited discriminatory remark at work or in the work related environment. CLASS 4

(3) Display photographs, cartoons, jokes, social network postings of a discriminatory nature at work or in the work related environment. CLASS 4"

<u>The changed offenses in the new AR now read</u>:

""Sexual Harassment" is defined pursuant to NAC 284.771. Therefore, depending on the nature, severity, and duration of conduct in violation of Title VII, NDOC should impose prompt disciplinary sanctions ranging from a CLASS 3 to a CLASS 5."

"NDOC is required by Title VII to ensure that no discrimination occurs in the workplace. As part of this responsibility, NDOC must provide a system for reporting, prompt investigation, and discipline of employees engaging in unlawful conduct. The goal is to ensure that the alleged harasser stops the discriminatory behavior as well as discouraging other employees who might engage in such behavior from doing so."

"Refer to NAC 284.771.

(1) Discriminating against or harassing another person because of that person's race, color, religion, sex, sexual orientation, age, disability, gender identity or expression, or national origin. CLASS 4-5

(2) Make a prohibited discriminatory remark at work or in the work related environment. CLASS 4-5

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

(3) Display of discriminatory photographs, cartoons, jokes, or other comments of a discriminatory nature at work or in the work related environment. CLASS 4-5 (While the NDOC cannot control your personal postings on a social networking site, any inappropriate materials from such a site re-posted in any work-related environment can lead to charges under this section. Similarly, "photo-shopping" an image of a co-worker in a discriminatory fashion can lead to charges under this section.)"

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, offenses in the new AR have been changed in the DISHONESTY category. The offenses in the old AR read:

"Theft, misappropriation, or other fraudulent activity involving Department or State funds, property, or resources. CLASS 5"

"Converting found, recovered or seized property to personal use. CLASS 2"

<u>The changed offenses in the new AR now read</u>:

Theft, misappropriation, or other fraudulent activity involving Department or State funds, property, or resources, including but not limited to falsification of a timesheet. CLASS 5"

"Converting found, recovered or seized property to personal use. CLASS 2-5"

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, an offense in the new AR has been changed in the FALSE OR MISLEADING STATEMENTS category. The changed offense in the old AR read:

"Knowingly providing false or misleading statements, either verbally or in written reports or other documents, concerning actions related to the performance of official duties or providing false or misleading statements in response to any question or request for information in any *official* investigation, interview, hearing or judicial proceeding. CLASS 5"

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

The changed offense in the new AR now reads:

> **"Knowingly providing false or misleading statements, including omissions, either verbally or in written reports or other documents, concerning actions related to the performance of official duties. Or knowingly providing false or misleading statements, including omissions, in response to any question or request for information in any *official* investigation, interview, hearing or judicial proceeding. CLASS 5"**

--Under the CLASS OF OFFENSE GUIDELINES, an offense that was in the old AR in the FALSE OR MISLEADING STATEMENTS category has been removed from the new AR. The removed offense in the old AR read:

> **"Knowingly providing false/misleading statements to a supervisor. CLASS 4"**

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, an offense in the new AR has been changed in the IMPROPER POLITICAL ACTIVITY category. The changed offense in the old AR read:

> **"Soliciting and\or influencing any employee to engage or not engage in any political activities with direct or indirect use of any threat, intimidation or coercion, including threats of discrimination, reprisal, force or any other adverse consequence including loss of any benefit, reward, promotion, advancement or compensation. CLASS 5"**

The changed offense in the new AR now reads:

> **"Soliciting and/or influencing any employee to engage or not engage in any political activities with direct or indirect use of any threat, intimidation, or coercion. This includes threats of discrimination, reprisal, force, or any other adverse consequence including loss of any benefit, reward, promotion, advancement, or compensation. CLASS 5"**

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, an offense that was not in the old AR has been added to the INSUBORDINATION category. The added offense in the new AR reads:

> **"Disobeying or refusing to obey a statute, regulation, written or verbal instruction, or lawful order. CLASS 4-5"**

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, an offense in the new AR has been changed in the INSUBORDINATION category. The changed offense in the old AR read:

> **"Disobeying or refusing to obey, a statute, regulation, written instruction or lawful order wherein no security breach occurs is a CLASS 4 Any disobeying or refusing to obey, including but not limited to refusal to work mandatory overtime, which results in mandatory staffing levels not being met, a breach that leads to any injury to a person, or resulting in another type of security breach. Class 5"**

<u>The changed offense in the new AR now reads</u>:

> **"Disobeying or refusing to obey a statute, regulation, written or verbal instruction, or lawful order, involving a potential or an actual security breach, especially which leads to personal injury. CLASS 5"**

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, offenses in the new AR have been changed in the INSUBORDINATION category. The changed offenses in the old AR read:

> **"Argue about the wisdom or propriety of a lawful order or decision. CLASS 2"**
>
> **"Failure to provide identification or display proper I.D. CLASS 1"**
>
> **"Unauthorized representation of Department. CLASS 2"**
>
> **"Disobeying the State of Nevada smoking statutes. CLASS 1"**

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

The changed offenses in the new AR now read:

> **"Argue about the wisdom or propriety of a lawful order or decision; back-talking. CLASS 2"**
>
> **"Failure to provide identification or display proper I.D. CLASS 1-2"**
>
> **"Unauthorized representation of Department. CLASS 2-5"**
>
> **"Disobeying the State of Nevada smoking statutes and/or Department tobacco prohibition regulations. CLASS 3"**

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, two offenses that were not in the old AR have been added to the new AR in the INSUBORDINATION category. The added offenses in the new AR read:

> **"Use of profane, disparaging, or abusive language directed at, with, to and/or around or to otherwise make another employee(s) aware of an attempt to embarrass, ridicule or degrade a supervisor of the institution, Department or State of Nevada Service. CLASS 3-5"**
>
> **"Refusal to work mandatory overtime. CLASS 3 Any subsequent refusal. CLASS 4-5"**

--Under the CLASS OF OFFENSE GUIDELINES, in the new AR a sentence that was not in the old AR has been added just before the offenses in the MISUSE OR UNAUTHORIZED USE OF STATE PROPERTY category. The added sentence in the new AR reads:

> ***"Behavior under this category may also subject the employee to civil or compensatory penalties or criminal prosecution."***

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, offenses in the new AR have been changed in the MISUSE OR UNAUTHORIZED USE OF STATE PROPERTY category. The changed offenses in the old AR read:

> **"Damage to or loss of State property or equipment - neglect or carelessness. CLASS 1"**

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

"Unauthorized use, misuse, or waste of property belonging to the State or Department. CLASS 2"

"Improper use of Department communications systems. CLASS 4"

"Employees shall not permit inmates to use Department telephones, or be in an area unsupervised where staff telephones are accessible, except as otherwise authorized by administrative regulations. CLASS 4"

"Intentional destruction, damage to or loss of property or State equipment. CLASS 4"

<u>The changed offenses in the new AR now read</u>:

"Damage to or loss of State property or equipment due to neglect or carelessness. CLASS 2-5"

"Unauthorized use, misuse, or waste of property belonging to the State or Department. CLASS 2-5"

"Improper use of Department communications or information systems. CLASS 4"

"Permitting inmates to use Department telephones, or be in an area unsupervised where staff telephones are accessible, except as otherwise authorized by administrative regulations. CLASS 4"

"Intentional destruction, damage to or loss of property or State equipment. CLASS 4-5"

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, an offense that was not in the old AR has been added to the new AR in the MISUSE OR UNAUTHORIZED USE OF STATE PROPERTY category. The added offense in the new AR reads:

> **"Loss of or damage to inmate property caused by an employee of the Department which is attributable to negligence, lack of reasonable care, failure to follow proper procedures or misconduct on the part of the employee. CLASS 2-4"**

--Under the CLASS OF OFFENSE GUIDELINES, in the new AR sentences that were in the old AR have been removed just before the offenses in the COMPUTER USAGE VIOLATIONS category. The removed sentences that were in the old AR read:

> ***"AR 143: An inmate shall not work on or with any computer, computer system or information system that is connected, in any way, to any network, or that is equipped with a modem, network card, or similar device, which would permit data communications or communications of any type with a person or device outside a Department facility. Failure to comply will result in disciplinary action up to and including termination."***

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, offenses in the new AR have been changed in the COMPUTER USAGE VIOLATIONS category. The changed offenses in the old AR read:

> **"Unauthorized or Improper use or copying of proprietary software, electronic file, program, or data without authorization. CLASS 4"**
>
> **"Unauthorized use of Department data or programs for other than the administration of Department duties, responsibilities, and business. CLASS 2"**
>
> **"The inappropriate introduction or use of unauthorized computer hardware or software, including the downloading to Department computers of inappropriate or unauthorized materials from any source. CLASS 2"**
>
> **"Accessing Department computers using another employee's password. CLASS 3"**

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

The changed offenses in the new AR now read:

> **"Unauthorized or improper use or copying of proprietary software, electronic file, program, or data. CLASS 4-5"**
>
> **"Unauthorized use or distribution of Department data or programs for other than the administration of Department duties, responsibilities, and business. CLASS 3-5"**
>
> **"The introduction or use of computer hardware or software to or on Department computers or systems, including but not limited to, downloading any such materials without prior authorization. CLASS 3-5"**
>
> **"Using another employee's password to access Department computers. CLASS 3"**

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, offenses in the new AR have been changed in the COMPUTER USAGE VIOLATIONS category. The changed offenses in the old AR read:

> **"Providing your password to any other person. CLASS 3"**
>
> **"Inappropriate use of Department e-mail or internet system that includes, use which violates any Administrative Regulation, Policy or Procedure, use for purposes not directly related to Department duties, unauthorized use to access and/or distribute computer games unrelated to the Department mission. CLASS 3"**
>
> **"Inappropriate use of Department e-mail or internet system that includes, use which violates any Law, use in any for-profit endeavor unrelated to Department duties, use for private business including commercial advertising, unauthorized fund-raising or public relations. CLASS 4"**
>
> **"Use of Department equipment for gambling. CLASS 5"**

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

The changed offenses in the new AR now read:

> **"Providing or exposing your password to any other person. CLASS 3"**
>
> **"Use of State or Department e-mail, intranet, or Internet system which violates any statute, regulation, Administrative Regulation, policy or procedure for purposes not directly related to Department duties or unrelated to the Department mission. This includes activities such as access to or distribution of computer games or use for private business. CLASS 3-4"**
>
> **"Use of State or Department equipment for gambling. CLASS 5"**

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, offenses in the new AR have been changed in the COMPUTER USAGE VIOLATIONS category. The changed offenses in the old AR read:

> **"Use for access to and/or distribution/copying of indecent, adult, offensive or obscene material. CLASS 5"**
>
> **"Forge a digital signature. CLASS 5"**
>
> **"Inmates shall never be permitted to have access to privileged, confidential, or sensitive information contained on a computer. Employees should not access such information on their computer screens with inmates in the vicinity. CLASS 4"**
>
> **"Inmates shall never be left unsupervised in any area which contains privileged, confidential, or sensitive information which is not properly secured. CLASS 5"**
>
> **"Improperly permitting an inmate to work on or use any computer, computer system, or information system that is connected in any way to a network or that is equipped with a modem, network card or similar device to permit communication outside a Department facility. CLASS 5"**

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

The changed offenses in the new AR now read:

> **"Use for access to or distribution of pornographic material as defined by NAC 284.646(4). CLASS 5"**
>
> **"Forging a digital signature. CLASS 5"**
>
> **"Permitting an inmate to have access to privileged, confidential, or sensitive information contained on a computer. Employees should not access such information on their computer screens with inmates in the vicinity. CLASS 4"**
>
> **"Leaving an inmate unsupervised in any area containing access to privileged, confidential, or sensitive information on an unsecured computer. CLASS 5"**
>
> **"Improperly permitting an inmate to work on, use, or otherwise access any computer, computer system, or information system of the State or the Department so that:**
>
> > **(1) the inmate may be connected in any way to a modem, network or similar device which would allow communication outside a Department facility;**
> >
> > **(2) the inmate may collect, organize, or otherwise use personal, Department, or State proprietary or confidential information; OR**
> >
> > **(3) the inmate participates in providing technical or other assistance with a computer problem. CLASS 5"**

--Under the CLASS OF OFFENSE GUIDELINES, in the new AR sentences that were in the old AR have been removed just before the offenses in the COMPUTER USAGE VIOLATIONS category. The removed sentences that were in the old AR read:

> **"**Misrepresenting oneself on the Internet as another person without authorization. **CLASS 3"**

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

--Under the CLASS OF OFFENSE GUIDELINES, in the new AR sentences that were not in the old AR have been added to the new AR just before the offenses in the COMPUTER USAGE VIOLATIONS category. The added sentence that were not in the old AR read:

> **"Failure to secure your Department computer, or accessing a Department computer which has been left unsecured. CLASS 3"**
>
> **"Purposefully circumventing State or Department internet security for any reason including but not limited to accessing unauthorized internet web sites. CLASS 3-4"**

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, offenses in the new AR have been changed in the NEGLECT OF DUTY category. The changed offenses in the old AR read:

> **"Failure to take corrective action when warranted. CLASS 1"**
>
> **"Conducting outside/personal business on State time. CLASS 2"**
>
> **"Disregard of safety rules. CLASS 2"**
>
> **"Failure to appear for court or a hearing when duly notified or subpoenaed. CLASS 2"**
>
> **"Loss of seized, found, or recovered property by negligence. CLASS 1"**
>
> **"Failure to report misconduct, or failure to report or notify supervisor concerning incidents, activities, or events of immediate interest or concern which take place within the jurisdiction of, or which impact, the Department. CLASS 3"**

<u>The changed offenses in the new AR now read</u>:

> **"Failure to take corrective action when warranted. CLASS 1-2"**
>
> **"Conducting outside/personal business on State time. CLASS 2-3"**

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

"Disregard of safety rules. CLASS 2-4"

"Failure to appear for court or a hearing when duly notified or subpoenaed. CLASS 3"

"Loss of seized, found, or recovered property by negligence. CLASS 1 Willful failure to appropriately identify and secure such property. CLASS 2"

"Failure to report misconduct, or failure to report or notify supervisor concerning incidents, activities, events of immediate interest or concern, or matters impacting PREA which take place within the jurisdiction of, or which impact, the Department. CLASS 1-5"

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, offenses in the new AR have been changed in the NEGLECT OF DUTY category. The changed offenses in the old AR read:

"Failure to report an arrest or conviction of any misdemeanor, gross misdemeanor, or felony within 5 working days. CLASS 2"

"Failure to report a violation of a traffic law when a driver's license is a requirement of the position. CLASS 2"

"Failure to comply with any court order or judgment. CLASS 3"

"Failure to perform security functions. CLASS 4"

"Failure to Discharge Duties - intentionally failing to discharge custodial responsibility provided that failure results in (a) escape of a prisoner or (b) the serious physical injury or death of another person. CLASS 5"

<u>The changed offenses in the new AR now read</u>:

"Failure to report an arrest or conviction of any misdemeanor, gross misdemeanor, or felony within 24 hours or before the beginning of their next shift. CLASS 2"

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

"Failure to report suspension or revocation of a driver's license when a valid driver's license is a requirement of the position. CLASS 2"

"Failure to comply with any court order or judgment. CLASS 3-5"

"Failure to perform security functions, violation of any safety rule, or violating or endangering the security of an institution. CLASS 4-5"

"Intentional failure to discharge duties, whether custodial or other job responsibilities, provided that failure results in (a) escape of a prisoner (b) the serious physical injury (c) sexual assault or (d) death of another person. CLASS 5"

--Under the CLASS OF OFFENSE GUIDELINES, an offense that was in the old AR has been removed from the new AR in the NEGLECT OF DUTY category. The removed offense in the old AR read:

"Security Violation – Jeopardizing the security of the institution. CLASS 5"

--Under the CLASS OF OFFENSE GUIDELINES, an offense in the old AR has been changed in the new AR in the NEGLECT OF DUTY category. The changed offense in the old AR read:

"Engage in any act or communicating information in any fashion that could assist any individual to escape arrest, detention and/or punishment, or enables any individual to dispose of or secrete evidence. CLASS 5"

<u>The changed offense in the new AR now reads</u>:

"Engaging in any act or communicating information in any fashion that could assist any individual to escape arrest, detention and/or punishment, or enables any individual to dispose of or conceal evidence. CLASS 5"

--Under the CLASS OF OFFENSE GUIDELINES, offenses that were in the old AR have been removed from the new AR in the NEGLECT OF DUTY category. The removed offenses in the old AR read:

"Failure to report an inmate's sexual activity. CLASS 5"

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

"Failure to report contact with law enforcement (other than in matters involving routine traffic stops, random automobile stops and road blocks, and other than in cases involving the rendering of assistance to law enforcement) or having been notified that employee is the subject of a criminal investigation, or that a criminal investigation is proceeding against employee. CLASS 2"

--Under the CLASS OF OFFENSE GUIDELINES, the category title that was SEXUAL MISCONDUCT in the old AR, has been changed to SEXUAL ABUSE in the new AR.

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, offenses in the new AR have been changed in the SEXUAL ABUSE category. The changed offenses in the old AR read:

"Any sexual contact including but not limited to, oral sexual contact or sexual intercourse, masturbation, homosexual acts, or physical contact with the clothed or unclothed genitals or pubic area to arouse, appeal to or gratify sexual desires involving any individual other than an inmate on State time and/or involving State property or equipment. CLASS 5"

"Custodial Sexual Misconduct is any behavior or act of a sexual nature, either consensual or non-consensual, directed toward an inmate by an employee, volunteer, contractor, official visitor, or agency representative. These acts include but are not limited to:

(1) Unauthorized, intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse or gratify sexual desire; or

(2) Unauthorized, intentional touching, fondling, or caressing of an inmate's person, directly or indirectly, related to a "romantic" relationship;

(3) Completed, attempted, threatened, or requested sexual acts; or

(4) Occurrences of indecent exposure, invasion of privacy or staff voyeurism for sexual gratification."

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

The changed offenses in the new AR now read:

"Any sexual contact including but not limited to, oral sexual contact, including kissing any body part or sexual penetration, masturbation, or physical contact with the clothed or unclothed genitals or pubic area to arouse, appeal to or gratify sexual desires involving any individual other than an inmate on State time and/or involving State property or equipment. CLASS 5"

"Custodial Sexual Misconduct defined as sexual abuse is any behavior or act of a sexual nature, either consensual or non-consensual, directed toward an inmate by an employee, volunteer, contractor, official visitor, or agency representative. These acts include but are not limited to:

(1) Unauthorized, intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse or gratify sexual desire;

(2) Unauthorized, intentional touching, fondling, or caressing of an inmate's person, directly or indirectly, related to a "romantic" relationship;

(3) Completed, attempted, threatened, or requested sexual acts; or

(4) Occurrences of indecent exposure, invasion of privacy or staff voyeurism for sexual gratification. CLASS 5"

***Voyeurism by a staff member, contractor, or volunteer is defined as:* invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.**

C. Staff on inmate sexual harassment includes staff, volunteers, or contractors who have contact with an inmate. Prohibited conduct includes but is not limited to repeated instances of:

(1) Verbal comments of a sexual nature to an inmate;

(2) Demeaning references to gender;

(3) Sexually suggestive or derogatory comments about body or clothing; or

(4) Profane or obscene language or gestures. CLASS 5

D. Failure to report an inmate's sexual activity. CLASS 5

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, offenses in the new AR have been changed in the UNAUTHORIZED USE OF FORCE category. The changed offenses in the old AR read:

"Willfully employing or permitting the use of unnecessary, unauthorized, or excessive force. CLASS 4"

"Failing to report any use of force either as a participant or a witness. CLASS 3"

<u>The changed offenses in the new AR now read</u>:

"Willfully employing or permitting the use of unnecessary, unauthorized, or excessive force. CLASS 4-5"

"Failing to report any use of force either as a participant or a witness. CLASS 3-4"

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, offenses in the new AR have been changed in the UNBECOMING CONDUCT category. The changed offenses in the old AR read:

"Compromising the confidentiality of inmate affairs. CLASS 3"

"Conducting unauthorized business transactions with an inmate or an inmate's family. CLASS 5"

"Transmitting prohibited messages for inmates. CLASS 3"

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

"Identified self, displayed badge or identification, or made improper use of your status as a Department employee other than is necessary, whether on or off duty. CLASS 5"

"Retaliated against another employee for reporting a complaint of misconduct. CLASS 3"

<u>The changed offenses in the new AR now read</u>:

"Compromising the confidentiality of inmate affairs. CLASS 3-5"

"Conducting unauthorized transactions with an inmate or an inmate's family. CLASS 5"

"Transmitting prohibited messages to or for inmates. CLASS 3-5"

"Identified self, displayed badge or identification, appeared in uniform, or made improper use of your status as a Department employee other than is necessary, whether on or off duty. CLASS 2-5"

"Retaliated against another employee for reporting a complaint of misconduct. CLASS 4-5"

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, offenses in the new AR have been changed in the UNBECOMING CONDUCT category. The changed offenses in the old AR read:

"Engaging in horseplay with inmates and/or co-workers. CLASS 3"

"Gambling on State property or while on duty. CLASS 2"

<u>The changed offenses in the new AR now read</u>:

"Engaging in horseplay with co-workers. CLASS 3 With inmates. CLASS 4-5"

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

"Gambling on State property or while on duty or gambling while in uniform. CLASS 2"

--Under the CLASS OF OFFENSE GUIDELINES, offenses that were in the old AR have been removed from the new AR in the UNBECOMING CONDUCT category. The removed offenses that were in the old AR read:

"Borrowing from or lending to an inmate something of value. CLASS 2"

"Activities or relationships between Department staff and all persons currently or formerly under the supervision of the Department, or the jurisdiction of a criminal justice agency and their families, outside the normal course of interactions required by their duties. CLASS 1 - 5"

"NAC 284.650 (2) Disgraceful personal conduct which impairs the performance of a job or causes discredit to the agency. CLASS 2

"Wear the Department uniform in any bar, tavern, nightclub, or gambling establishment except in the performance of assigned duties. CLASS 2

"Staff on inmate Sexual Harassment, which includes staff, volunteer, contractors, or any service providers coming in contact with an inmate, said conducts includes but is not limited to:

(1) Repeated verbal comments of a sexual nature to an inmate; or

(2) Demeaning references to gender; or

(3) Derogatory comments about body or clothing; or

(4) Repeated profane or obscene language or gestures.

CLASS 1 – 5"

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

--Under the CLASS OF OFFENSE GUIDELINES, an offense in the new AR that was not in the old AR has been added to the UNBECOMING CONDUCT category. The added offense that is in the new AR but was not in the old AR reads:

> **"Any violation of AR 345 regarding unauthorized relationships. CLASS 1-5"**
>
> **"Verbal threats or display of intimidating behavior towards a staff member. CLASS 3"**

--Under the CLASS OF OFFENSE GUIDELINES in the new AR, offenses in the new AR have been changed in the UNBECOMING CONDUCT category. The changed offenses in the old AR read:

> **"Unauthorized use, misuse, destruction or waste of property belonging to another employee, a citizen or an inmate. CLASS 2"**
>
> **"Displaying pornographic or adult pictures, movies, or videos to inmates, employees or to persons outside of the Department while on paid status or on state property. CLASS 5"**
>
> **"Any conduct whether on or off duty which negatively reflects upon the image of the State of Nevada or the Department of Corrections. CLASS 1 – 5"**

<u>The changed offenses in the new AR now read</u>:

> **"Unauthorized use, misuse, destruction or waste of property belonging to the State of Nevada, another employee, a citizen, or an inmate. CLASS 1-5 (Such misconduct may subject the employee to financial liability for replacement of the property, whether attributable to negligence, lack of reasonable care, or failure to follow proper procedures.)"**
>
> **"Displaying pornographic or adult pictures, movies, videos or text to inmates, employees or to persons outside of the Department while on paid status or on State property. CLASS 5"**
>
> **"Any conduct whether on or off duty which may negatively reflect upon the image of the State of Nevada or the Department of Corrections. CLASS 1–5"**

SUMMARY OF CHANGES

AR 339, EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

--Three new sections have been added to the new AR. These three new sections were not in the old AR. The three new sections are titled:

"ADJUDICATION"
"IMPOSING CORRECTIVE OR DISCIPLINARY ACTION"
"CONFIDENTIALITY OF PERSONNEL RECORDS"

The three new added sections in the new AR read:

339.08 ADJUDICATION

1. After the assigned investigator or supervisor completes the final case report, the Appointing Authority will adjudicate the matter within the time assigned, designating the final applicable Class of Offense Guidelines, using the appropriate form, and in coordination with the Office of the Inspector General.

2. The Appointing Authority shall prepare the Result of Adjudication Form, DOC-1096. Thereafter, the Appointing Authority should meet with the accused employee to advise the employee of the findings and recommendations.

339.09 IMPOSING CORRECTIVE or DISCIPLINARY ACTION

1. Employee performance issues should be addressed at the lowest appropriate level of supervision beginning with verbal counseling and through Specificity of Charges.

2. Corrective action includes a verbal or written counseling, which may be recorded on the performance card, as well as a Letter of Instruction or a Written Reprimand.

3. Before issuing corrective action, the Appointing Authority should make certain that no formal investigation related to the performance or misconduct issue is still pending. While performance issues or low-level misconduct will not usually be subject to a formal investigation, the impartial fact-finding process may determine that an issue appearing to be more serious at the outset does not require discipline.

4. Except for PREA-related matters, prior to an investigation, verbal or written counseling may be used to immediately correct safety or security issues. This counseling should include an acknowledgment that further investigation leading to discipline may follow in due course.

5. Verbal or written counseling and Letters of Instruction may be used to supplement the evaluation process, between regularly scheduled reports on performance.

6. An impartial fact-finding investigation is required before imposition of a suspension, demotion, or dismissal.

7. When a suspension, demotion or dismissal is warranted, a Specificity of Charges (NPD-41) should be drafted, utilizing the appropriate format located on the Stewart shared drive.

339.10 CONFIDENTIALITY OF PERSONNEL RECORDS

1. All documents assembled or produced in support of this regulation are confidential.

2. Files may be reviewed by a subject employee pursuant to applicable sections of NRS Chapters 284 and 289.

3. Files may be copied by a subject peace offer pursuant to applicable sections of NRS Chapter 289.

A. Once an appeal has been filed, a peace officer may request a copy of the investigative file, using the DOC-1066 form.

B. The DOC-1066 form is available on the shared drive and should be submitted to the Department's Human Resources Division.

SUMMARY OF CHANGES

AR 487, MAINTENANCE REQUESTS

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"Work of an emergency nature that may affect the security, health, safety or cost savings may be completed and a work order prepared after completion."**

<u>The changed sentence in the new AR reads</u>:

> **"Work of an emergency nature that may affect the security, safety and health of the institution, or which may result in cost savings, may be completed and a work order prepared after completion."**

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"Parts or materials to effect the repair will be procured by the FS III or designee using the SR/ PO process."**
>
> **"After hours repairs: The FS III will prepare a roster after hours and weekend call for emergency repairs. Emergency repairs that warrant after hours calls are repairs that affect the security, safety or health of the staff and/or inmates. After hours repairs will be reported to the FS III on the next working day."**

<u>The changed sentences in the new AR read</u>:

> **"Parts or materials to effect the repair will be procured by the FS III or designee using the Stores Request (SR)/Purchase Order (PO) process."**
>
> **"After hours repairs: The FS III will prepare a roster for use after hours and on weekends for emergency repairs. Emergency repairs that warrant after hours calls are repairs that affect the security, safety and health of the staff and/or inmates. After hours repairs will be reported to the FS III on the next working day."**

SUMMARY OF CHANGES

AR 490, INSTITUTIONAL SANITATION AND INSPECTIONS

--A sentence that was in the RESPONSIBILITY section of the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"The Compliance Enforcement Unit of the Chief Engineer's Office is responsible to ensure compliance with applicable health codes and regulations."**

<u>The changed sentence in the new AR reads</u>:

> **"The Compliance Enforcement Unit is responsible to ensure compliance with applicable safety and health codes and regulations."**

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"Each institution/facility will comply with all applicable health codes and regulations. Wardens will ensure that inspections are completed as indicated below:**
>
> > **A. Departmental staff members will conduct monthly sanitation inspections of all institutional areas.**
> >
> > **B. Departmental staff members will ensure that the monthly institutional sanitation inspections are documented and forwarded to the Department's Compliance Enforcement Unit in a timely manner."**

<u>The changed sentences in the new AR read</u>:

> **"Each institution/facility will conduct monthly sanitation inspections of all institutional areas.**
>
> > **A. The institution/facility must document the monthly sanitation inspections and maintain them so they are readily accessible for audit purposes; and**
> >
> > **B. The institution/facility must maintain monthly sanitation inspection records for three years from date generated before removal from the institution/facility."**

SUMMARY OF CHANGES

AR 490, INSTITUTIONAL SANITATION AND INSPECTIONS

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

"The Compliance Enforcement Unit will:

A. Maintain copies of all inspection reports for each institution/facility.

B. Train selected staff of each institution to perform the monthly sanitation inspections.

C. Complete a quarterly inspection of each institution/facility.

D. Coordinate/facilitate the institutional inspections by federal, state and/or local health department officials.

E. Ensure a corrective action response is prepared for each deficiency item identified above.

(1) Each inspection report submitted should specify the corrective action that is required to bring the deficiency up to the standards of proper sanitation and health practices.

(2) The Warden/designee should endorse on the report that the action was actually taken; or his/her reason for failing to take action promptly to correct the deficiency."

<u>The changed sentences in the new AR read</u>:

"The Compliance Enforcement Unit will Complete an inspection of each institution/facility semi-annually, or more often if deemed necessary by the Compliance Enforcement Unit.

A. The Compliance Enforcement Unit must distribute a Corrective Action Response form (DOC 038) for deficiencies identified during the inspection. The Corrective Action Response form will be provided to the appropriate institution/facility Warden for completion and return to the Compliance Enforcement Unit.

SUMMARY OF CHANGES

AR 490, INSTITUTIONAL SANITATION AND INSPECTIONS

(1) Each Corrective Action Response form submitted to the institution/facility Warden should specify the corrective action that is required to bring the deficiency up to the standards of proper sanitation and/or safety and health practices.

(2) The Warden/designee should review and endorse the Corrective Action Response form, stating on the report that corrective action was actually taken or explaining his/her reason for failing to take action promptly to correct the deficiency."

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

"The Warden of the institution/facility will ensure that the housekeeping plan is reviewed on at least an annual basis."

"Staff should have input in the preparation of the plans."

<u>The changed sentences in the new AR read</u>:

"The Warden of the institution/facility will ensure that the housekeeping plan is reviewed annually."

"Staff should have input in the preparation of the plan."

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

"The specific items listed below and any other matters which are appropriate for the sanitation of the function and the hygiene and health of all persons housed, working or otherwise properly authorized to be in each area should be included:"

<u>The changed sentence in the new AR reads</u>:

"The specific items listed below, and any other matters which are appropriate for the sanitation of the function or use of the given area and the hygiene and health of all persons housed, working, or otherwise properly authorized to be in each area, should be included:"

SUMMARY OF CHANGES

AR 490, INSTITUTIONAL SANITATION AND INSPECTIONS

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"Area waste disposal procedures which provide for the collection, storage and disposal of all liquid and solid waste accumulations for the area in a manner which will avoid nuisance and hazards, and protect the health and safety of inmates and staff."**

<u>The changed sentence in the new AR reads</u>:

> **"Area waste disposal procedures which provide for the collection, storage and disposal of all liquid and solid waste accumulations for the area in a manner which will avoid nuisance and hazards, and protect the safety and health of inmates and staff;"**

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"Reporting to the medical staff of the prison any illness or disease they contract or has reason to believe they have contracted, and any injury requiring treatment or becoming infected, in order that appropriate action may be taken by the staff to provide for their own health and the health of other inmates and staff."**

> **"Obeying all direct orders of any staff member pertaining to action required in order to conduct themselves and maintain themselves and their assigned living or working areas (or any area in which they may be present) in a sanitary manner."**

<u>The changed sentences in the new AR read</u>:

> **"Reporting to the medical staff of the prison any illness or disease they contract or have reason to believe they have contracted, and any injury requiring treatment or becoming infected, so that appropriate action may be taken by the medical staff to provide for the inmate's health and the health of other inmates and staff."**

SUMMARY OF CHANGES

AR 490, INSTITUTIONAL SANITATION AND INSPECTIONS

"Obeying all direct orders of any staff member pertaining to action required in order to maintain themselves and their assigned living or working areas (or any area in which they may be present) in a sanitary manner."

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

"All inmates should be provided with clothing, linen, and bedding sufficient to meet the needs of the situation including sanitation, health and humane requirements. Special protective clothing should be issued appropriately to inmates assigned to hospitals, farms, garages, maintenance shops and any other work detail where reasonable precautions dictate the use of such clothing."

"Pest control measures will be conducted to eradicate, by whatever means is effective, any insects, rodents, or vermin found. Institutions and facilities, including camps, restitution centers and transitional housing centers will be conducted on a quarterly basis or as deemed necessary."

<u>The changed sentences in the new AR read</u>:

"All inmates should be provided with clothing, linen, and bedding sufficient to meet the need for sanitary, healthy and humane conditions. Special protective clothing should be issued appropriately to inmates assigned to hospitals, farms, garages, maintenance shops and any other work detail where reasonable precautions dictate the use of such clothing."

"Pest control measures will be conducted to eradicate, by whatever means is effective, any insects, rodents, or vermin found. Pest control measures at institutions and facilities, including camps, restitution centers and transitional housing centers, will be conducted on a quarterly basis or as deemed necessary."

SUMMARY OF CHANGES

AR 491, INMATE SUBSTANCE ABUSE TESTING

--Sentences in the old AR have been changed in the new AR. The changed sentences in the old AR read:

"The Department's Inspector General is responsible:

A. To oversee the inmate substance abuse testing program; and

B. To identify and report non-compliance with this administrative regulation; and

C. Ensure that all required reports concerning the test results are prepared in a timely manner."

<u>The changed sentences in the new AR read</u>:

"The Inspector General's designee is responsible:

A. To oversee the inmate substance abuse testing program;

B. To identify and report non-compliance with this administrative regulation;

C. To ensure that all required reports concerning the test results are submitted in a timely manner; and"

--A sentence in the old AR has been changed in the new AR. The changed sentence in the old AR read:

"An inmate refusal to test or provide a sample; or who provides an adulterated sample, will result in the initiation of disciplinary action."

<u>The changed sentence in the new AR reads</u>:

"An inmate's refusal to test or provide a sample, or who provides an adulterated sample, will result in the initiation of disciplinary action."

--A sentence in the old AR has been changed in the new AR. The changed sentence in the old AR read:

"Any training conducted or received by the staff members will be forwarded to the Training section."

SUMMARY OF CHANGES

AR 491, INMATE SUBSTANCE ABUSE TESTING

<u>The changed sentence in the new AR reads</u>:

> **"Any training conducted or received by the staff members will be forwarded to the Employee Development Division."**

--A sentence in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"Submit a monthly report of all Inmate Substance Testing activity to the Office of the Inspector General, who will notify each Warden of the results on a DOC Form 37, Drug and Alcohol Testing Program."**

<u>The changed sentence in the new AR reads</u>:

> **"Each Institutional Inmate Substance Testing Coordinator shall notify each Warden of the results on a DOC Form 37, Drug and Alcohol Testing Program."**

--Sentences in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"Ensure disciplinary process is relied upon to determine that appropriate sanction(s) are imposed."**
>
> **"An Associate Warden should report the results of all Inmate Drug and Alcohol Testing conducted prior to and following an inmate's parole hearing to the Parole Commissioners."**

<u>The changed sentences in the new AR read</u>:

> **"Ensure the disciplinary process is relied upon to determine whether the inmate is guilty of the charge and, if the inmate is found guilty, to impose appropriate sanction(s)."**
>
> **"Results of all Inmate Drug and Alcohol Testing conducted prior to and following an inmate's parole hearing will be reported to the Parole Commissioners."**

SUMMARY OF CHANGES

AR 491, INMATE SUBSTANCE ABUSE TESTING

--A sentence in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"Ensure disciplinary process is relied upon to determine that appropriate sanction(s) are imposed."**

<u>The changed sentence in the new AR reads</u>:

> **"Ensure the disciplinary process is relied upon to determine whether the inmate is guilty of the charge and, if the inmate is found guilty, to impose appropriate sanction(s)."**

--The ATTACHMENTS that were in the old AR have been removed from the new AR. The ATTACHMENTS list in the old AR read:

> **ATTACHMENTS**
>
> Drug and Alcohol Testing Program (DOC-037)
> Refusal of Inmate Alcohol and Drug Testing (DOC-2041)
> Inmate Drug and Alcohol Testing Protocol

SUMMARY OF CHANGES

AR 503, CONDUCT OF OBJECTIVE CLASSIFICATION

--References in the AUTHORITY section of the new AR have been added. The added references in the AUTHORITY section read:

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

--Sentences that were not in the old AR have been added to the new AR. The added sentences read:

> **"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."**

-A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"An inmate should receive prior notice of a scheduled classification hearing. Reasonable prior notice may be satisfied by posting the classification list in a common area accessible to the inmate 24 hours prior to the scheduled start of the hearing agenda, or by delivering an appointment slip to the inmate."**

<u>The changed sentence in the new AR reads</u>:

> **"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."**

-A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"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."**

SUMMARY OF CHANGES

AR 503, CONDUCT OF OBJECTIVE CLASSIFICATION

The changed sentence in the new AR reads:

> **"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."**

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"All Classification Committee decisions, other than routine job or housing decisions should be reviewed by supervisory staff, at least at the level of CCSIII."**

The changed sentence in the new AR reads:

> **"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."**

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"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 (subjective criteria) is also a critical tool staff should implement for classification decisions. Subjective criteria will also be noted in the classification case notes when utilized."**

SUMMARY OF CHANGES

AR 503, CONDUCT OF OBJECTIVE CLASSIFICATION

<u>The changed sentence in the new AR reads</u>:

> **"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."**

-A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"Youthful Offender Program (YOP) placement as defined in Departmental regulations."**

<u>The changed sentence in the new AR reads</u>:

> **"Correctional Youth Program(CYP) placement as defined in Departmental regulations."**

-A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"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."**

<u>The changed sentence in the new AR reads</u>:

> **"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."**

SUMMARY OF CHANGES

AR 504, RECEPTION AND INITIAL CLASSIFICATION PROCESS

--A sentence that was not in the old AR has been added to the new AR. The added sentence reads:

"All new commitments must complete the reception process.

A. NDOC does not detain inmates solely for civil immigration purposes."

SUMMARY OF CHANGES

AR 506, RECLASSIFICATION SCHEDULE

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"**When an inmate has been identified as having been arrested for a crime involving sexual misconduct. DOC Form 2070 will be given to the inmate upon identification of such arrests.**"**
>
> **"**After business hours and holidays, the sending institution will contact the receiving institution directly, enter a case note in NOTIS and transact the inmate using an Unscheduled Transfer in NOTIS. A change classification instrument will be completed on the first work day following the unscheduled transfer.**"**

<u>The changed sentences in the new AR read</u>:

> **"**When an inmate has been identified as having been arrested for two or more sexual offenses arising from separate incidents, and/or convicted as an adult, or adjudicated guilty as a minor, for a felony offense allegedly involving sexual misconduct a DOC Form 2070 will be completed. If the inmate wishes to appeal, the discretionary decision, a Full Classification Committee is to be conducted with no less than a 3-member panel. This panel should include an Associate Warden or designee; the inmate's caseworker and/or another caseworker or uniformed officer with the rank of Sergeant or higher. The results of the full classification will be distributed to the inmate using DOC Form 2086. All actions noted above are also to be recorded respectively in the inmate's case notes.**"**
>
> **"**After business hours and holidays, the sending institution will contact the receiving institution directly, enter a case note in NOTIS and transact the inmate using an Unscheduled Transfer in NOTIS. A change classification instrument will be completed on the first work day following the unscheduled transfer. The sending institution is to email the appropriate OMD staff(s) the next business day after the change classification has been completed.**"**

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"Requests for protective segregation should be treated as a priority matter and not be delayed unnecessarily and exclusions documented in the NOTIS assessment."**

SUMMARY OF CHANGES

AR 506, RECLASSIFICATION SCHEDULE

<u>The changed sentence in the new AR reads</u>:

> **"Requests for protective segregation should be treated as a priority matter and not be delayed unnecessarily and exclusions documented in the NOTIS assessment.**
>
> > **(1) If approved for Protective Segregation corresponding Alert and Care in Placement entries will be entered in NOTIS accordingly."**

SUMMARY OF CHANGES

AR 515, RED TAG STATUS

--A sentence in the RESPONSIBILITY section of the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"Wardens and Facility Managers will be responsible to manage the use of red tag status at their institutions and facilities."**

<u>The changed sentence in the new AR now reads</u>:

> **"Wardens and Facility Managers will be responsible for managing the use of red tag status at their institutions and facilities."**

--A sentence in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"Anytime the Shift Supervisor takes this type of action, he must immediately notify the Associate Warden or Warden."**

<u>The changed sentence in the new AR now reads</u>:

> **"Anytime the Shift Supervisor orders a red tag status, he must immediately notify the Associate Warden or Warden."**

--A sentence in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"A written follow-up report will be completed in the Incident & Offenses in Custody screens of the Nevada Offender Tracking Information System (NOTIS) prior to the end of shift."**

<u>The changed sentence in the new AR now reads</u>:

> **"A written follow-up report will be completed by the Shift Supervisor in the Incident & Offenses in Custody screens of the Nevada Offender Tracking Information System (NOTIS) prior to the end of shift."**

--A sentence in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"This regulation is superseded when an institution is in lockdown status or when an inmate is only being held over at an institution when being transferred to another institution/facility."**

SUMMARY OF CHANGES

AR 515, RED TAG STATUS

<u>The changed sentence in the new AR now reads</u>:

> **"This regulation does not apply when an institution is in lockdown status or when an inmate is only being held overnight at an institution when being transferred to another institution/facility."**

SUMMARY OF CHANGES

AR 521, CUSTODY CATEGORIES AND CRITERIA

--Changes have been made to the AUTHORITY section of the new AR which were not in the old AR. The AUTHORITY section of the old AR read:

> **"NRS 209.131; 209.376, 209.341; 209.351; 209.425; 209.427; 209.429; 209.481; 209.4889; 484C.340; 484C.110"**

<u>The AUTHORITY section in the new AR reads</u>:

> **"NRS 209.131; 209.376, 209.341; 209.351; 209.425; 209.427; 209.429; 209.481; 209.4889; 484C.110; NRS 484C.400, 484C.410, 484C.430, 484C.440, 488.420, 488.425 and 488.427; § 15601, *et seq.* and Federal Register 28 CFR Part 115**

--A sentence in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"The Wardens are responsible for the adherence to the classification process."**

<u>The changed sentence in the new AR reads</u>:

> **"The Wardens are responsible for the classification process."**

--A sentence that was not in the RESPONSIBILITY section of the old AR has been added to the RESPONSIBILITY section of the new AR. The added sentence in the new AR reads:

> **"In all levels of classification, the mandated Prison Rape Elimination Act (PREA) guidelines will be followed in accordance to the PREA standards. Refer to AR 573, PREA Screening and Classification for more information."**

--A sentence in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"Use of restraints on pregnant inmates will be under the provisions of AR 407, Use of Handcuffs and Restraints."**

SUMMARY OF CHANGES

AR 521, CUSTODY CATEGORIES AND CRITERIA

<u>The changed sentence in the new AR reads</u>:

> **"Use of restraints on pregnant inmates will be under the provisions of AR 407, Use of Handcuffs and Restraints, and AR 455, Use of Handcuffs and Restraints on Pregnant Inmates."**

--A sentence in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"The following minimum custody criteria are based on NRS 209.481 and Department policy:**
>
> **(1) Have a total risk factor score (RFS) of 13 points or less.**
>
> **(2) Be within 36 months of probable release from NDOC custody.**
>
> **(3) Have performed assigned duties in a faithful or orderly manner. "**

<u>The changed sentence in the new AR reads</u>:

> **"Minimum custody criteria include:**
>
> **A. Inmates must meet the following criteria to qualify to minimum custody:**
>
> **(1) Have a total risk factor score (RFS) of 13 points or less.**
>
> **(2) Be within 36 months of probable release from NDOC custody.**
>
> **(3) Have performed assigned duties in a faithful or orderly manner."**

--Sentences in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"Committed a serious violent major infraction of AR 707 within the immediately preceding 12 months."**
>
> **"Committed any major or work infraction of AR 707 within the immediately preceding 6 months."**

SUMMARY OF CHANGES

AR 521, CUSTODY CATEGORIES AND CRITERIA

<u>The changed sentences in the new AR read</u>:

> **"The commission of a serious violent major infraction of AR 707 within the immediately preceding 12 months."**
>
> **"The commission of any major or work infraction of AR 707 within the immediately preceding 6 months."**

--Sentences in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"Two or more charges for sexual offenses arising from separate incidents."**

<u>The changed sentences in the new AR read</u>:

> **"If arrested for two or more sexual offenses arising from separate incidents, and/or convicted as an adult, or adjudicated guilty as a minor, for a felony offense allegedly involving sexual misconduct, the inmate is to be issued a DOC 2070 form advising of discretionary preclusion from minimum and community trustee classification consideration."**

--Sentences in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"Having ever been convicted of a felony crime for any offense involving the intended death of any victim."**

<u>The changed sentences in the new AR read</u>:

> **"Having ever been convicted of a felony crime for any offense involving the intended death of any victim. For clarification purposes, this preclusion should only be used if the victim(s) actually died. If there was no death, inmates may still be precluded from minimum custody, but it would be a discretionary preclusion due to "Violent Offender" (see section C below); and not for "intended death of the victim."**

SUMMARY OF CHANGES

AR 521, CUSTODY CATEGORIES AND CRITERIA

--Sentences in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"Have ever been convicted of a felony for the escape or attempted escape from any medium custody or above prison or jail."**
>
> **"Have ever been convicted of a felony for the escape or attempted escape from any minimum custody or below prison, jail or facility within the immediately preceding 120 months."**
>
> **"Have a current felony detainer lodged against them."**
>
> **"Have a death or life without the possibility of parole sentence."**
>
> **"Require protective segregation."**

<u>The changed sentences in the new AR read</u>:

> **"Having ever been convicted of a felony for the escape or attempted escape from any medium custody or above prison or jail."**
>
> **"Having ever been convicted of a felony for the escape or attempted escape from any minimum custody or below prison, jail or facility within the immediately preceding 120 months."**
>
> **"Having a current felony detainer lodged against them."**
>
> **"Having a death or life without the possibility of parole sentence."**
>
> **"Requiring protective segregation."**

--A sentence in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"Inmates serving DUI sentences under NRS 484.3792 or 484.3795, who have no non-DUI offenses as part of their sentence structure are exempt from the 36 months to probable release criteria."**

SUMMARY OF CHANGES

AR 521, CUSTODY CATEGORIES AND CRITERIA

<u>The changed sentence in the new AR reads</u>:

> **"Inmates serving DUI sentences under NRS 484C.400, 484C.410, 484C.430, 484C.440, 488.420, 488.425 and 488.427 who have no non-DUI offenses as part of their sentence structure are exempt from the 36 months to probable release criteria."**

--Sentences in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"Staff should classify a minimum custody inmate after a disciplinary finding for a serious infraction or for an infraction that raises the inmate's RFS to 14 points or more, to determine the appropriateness to retain the inmate at a minimum custody level."**
>
> **"If the determination is to increase the inmate's custody level, staff must immediately treat the inmate at the recommended custody level."**

<u>The changed sentences in the new AR read</u>:

> **"Staff should conduct a post-disciplinary review of minimum custody inmates after a disciplinary finding for a serious infraction or for an infraction that could raises the inmate's RFS to 14 points or more, to determine the appropriateness of retaining the inmate at a minimum custody level."**
>
> **"If the determination is to increase the inmate's custody level, staff must immediately treat the inmate at the recommended custody level and reclassify accordingly."**

--A sentence that was not in the old AR has been added to the new AR. The added sentence in the new AR reads:

> **"Searches of inmates will only be conducted by NDOC staff in accordance with applicable Administrative Regulations and PREA requirements."**

SUMMARY OF CHANGES

AR 521, CUSTODY CATEGORIES AND CRITERIA

--Sentences in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"CT inmates may be searched upon return to their facility from work areas outside of the institution."**
>
> **"The following are CT and off reservation work detail (ORWD) criteria:"**
>
> **"CT and ORWD inmates must have a RFS of 11 points or less."**

<u>The changed sentences in the new AR read</u>:

> **"CT inmates should be searched upon return to their facility from work areas outside of the institution."**
>
> **"The following are CT criteria:"**
>
> **"CT inmates must have a RFS of 11 points or less."**

--A sentence that was in the old AR has been removed from the new AR. The removed sentence that was in the old AR read:

> **"Candidates for CT must not have a consecutive sentence to serve."**

--Sentences that were not in the old AR have been added to the new AR. The added sentences in the new AR read:

> **"Inmates serving DUI sentences under NRS 484C.400, 484C.410, 484C.430, 484C.440, 488.420, 488.425 and 488.427 who have no non-DUI offenses as part of their sentence structure may be reviewed for CT at minimum custody facilities on a case by case basis when within 36 months to possible release."**
>
> **"All final CT classification approval considerations will be reviewed and approved or denied by Offender Management classification staff."**
>
> **"No instant offense violence or any felony offense involving violence or threats of violence toward a victim being served under the same booking number as the instant offense will be considered for CT placement."**
>
> **"Other discretionary factors may be utilized for CT approval/denial consideration. Such discretionary decisions will be documented in the inmate's case notes."**

SUMMARY OF CHANGES

AR 525, PRISON INDUSTRY CLASSIFICATION

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR reads:

> **"The associate wardens at each institution and facility are responsible for implementing this regulation."**

<u>The changed sentence in the new AR reads</u>:

> **"The Associate Wardens at each institution and facility are responsible for implementing this regulation."**

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR reads:

> **"The inmate must have a valid Social Security number, a High School Diploma or a GED, or be currently enrolled in high school or GED completion courses; and"**

<u>The changed sentence in the new AR reads</u>:

> **"The inmate must have a High School Diploma or a High School Equivalency, or be currently enrolled in high school or High School Equivalency completion courses; and"**

--Sentences that were not in the old AR have been added to the new AR. The added sentences in the new AR read:

> **"Inmate must have a valid social security number authenticated through the Federal E-Verify system, and must successfully complete the Federal I-9 form."**
>
> **"Inmates with an escape in their history will be reviewed by a full classification committee on a case-by-case basis."**

SUMMARY OF CHANGES

AR 525, PRISON INDUSTRY CLASSIFICATION

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"All inmates must be reviewed and approved in person by the full classification committee prior to being placed on the approved assignment list to a PI assignment. Being placed on the approved PI assignment list, does not in any way guarantee the inmate an assignment to PI."**
>
> **"Assignment of inmates reviewed and approved by institution's full classification committee to PI requires the concurrence of the PI supervisor of the shop where the inmate will be working."**

<u>The changed sentences in the new AR read</u>:

> **"All inmates must be reviewed and approved in person by the full classification committee prior to being placed on the approved assignment list to a PI assignment. Being placed on the approved PI assignment list, does not in any way guarantee the inmate an assignment to PI. If an inmate requires further review or approval from Warden, this approval or denial will occur no longer than two weeks after full classification meeting."**
>
> **"Assignment of inmates reviewed and approved by institution's full classification committee to PI requires the concurrence of the PI supervisor of the shop where the inmate will be working. On a weekly basis, the Classification Committee should provide the Prison Industries Supervisor with an updated list of PI eligible inmates, inmates approved, denied or awaiting Warden's reviews."**

SUMMARY OF CHANGES

AR 570, INMATE MOVEMENT DOCUMENTATION

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"The entry of data which relates to changes in the custody or assignment of an inmate must occur prior to 11:59 p.m. on the date the change is officially implemented."**

<u>The changed sentences in the new AR read</u>:

> **"The entry of data which relates to changes in the custody or assignment of an inmate must occur prior to 11:59 p.m. on the date the change is officially implemented. This includes inmates who are placed on Temporary Absence (TA) status and who are not to be on such status past 11:59 p.m. If an inmate will be out of the institution/facility after midnight, (hospital admittance or booked into a non NDOC facility) then the inmate will have to be transferred into the identified area. Exceptions to this include Nevada Division Forestry crews on extended emergency response detail or medical emergencies. Such exceptions should be communicated to the Offender Management Statistician."**

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"The institution or facility should contact the appropriate OMD Staff member with any questions regarding the entry of movement data or movements that were entered in error."**

<u>The changed sentences in the new AR read</u>:

> **"The institution or facility should contact the OMD Statistician or other OMD staff member with any questions regarding the entry of movement data or movements that were entered in error."**

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"The official daily movement sheet will detail the number and types of admissions and releases each day and the count at the close of the day, to include the following: (4-4101)"**

SUMMARY OF CHANGES

AR 570, INMATE MOVEMENT DOCUMENTATION

<u>The changed sentences in the new AR read</u>:

> **"The official daily movement sheet will detail the number and types of admissions and releases each day and the count at the close of the day, to include the following:"**

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"(a) Received inmates**
>
> > **i. This includes new inmates and transfers between institutions, facilities and pseudo locations.**
> >
> > **ii. Pseudo locations are locations of inmates who are counted other than at institutions/facilities. Such locations include out of state count, escape, Nevada jail, hospital, and residential confinement."**

<u>The changed sentences in the new AR read</u>:

> **"(a) Received inmates**
>
> > **i. This includes new inmates and transfers between institutions, facilities and Non-in-house locations.**
> >
> > **ii. Non-in-house locations are locations of inmates who are counted in the total departmental count, but are housed other than at institutions/facilities. Such locations include out of state count, escape, Nevada jail, hospital, and residential confinement."**

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"The institution or facility must notify the appropriate OMD Staff member immediately regarding a death, so that the inmate can be properly released within NOTIS, especially if the inmate was housed in a pseudo location at the time of death."**

SUMMARY OF CHANGES

AR 570, INMATE MOVEMENT DOCUMENTATION

<u>The changed sentences in the new AR read</u>:

> **"The institution or facility must notify the appropriate OMD Staff member immediately regarding a death, so that the inmate can be properly released within NOTIS, especially if the inmate was housed in a Non-in-house location at the time of death. For further procedural information, refer to Administrative Regulation 420 – Inmate Death or Serious Injury Procedure."**

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"Overrides for transfers and releases not authorized in NOTIS require verbal approval by OMD with no exception."**

<u>The changed sentences in the new AR read</u>:

> **"Overrides for transfers and releases not authorized in NOTIS require verbal approval by OMD with no exception. All such overrides will be documented in the inmate's case notes and/or classification approval entry completed."**

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"Each institution and facility will produce a daily movement sheet once per day. It will be completed on the night shift between midnight and 1:00 a.m. and will cover the previous 24 hour period (midnight to 11:59 p.m.)"**

<u>The changed sentences in the new AR read</u>:

> **"Each institution and facility will produce a daily movement sheet once per day. It should be completed on the night shift between midnight and 1:00 a.m. and will cover the previous 24 hour period (midnight to 11:59 p.m.)"**

SUMMARY OF CHANGES

AR 573, PREA SCREENING AND CLASSIFICATION

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

Possible Aggressor Factors:

(1) History of institutional violent behavior;

(2) Any history of sexual abuse;

(3) History of convictions for violent offenses;"

<u>The changed sentences in the new AR read</u>:

Possible Aggressor Factors:

(1) History of institutional violent behavior;

(2) Any history of sexual abuse;

(3) History of convictions for violent offenses or sexual assault offenses;

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR reads:

"The Risk Assessment result will be noted in a chronological entry in the Nevada Offender Tracking Information System (NOTIS) as well as by entering a corresponding Alert in NOTIS when applicable."

<u>The changed sentence in the new AR reads</u>:

"Completion of the Risk Assessment will be noted in a chronological entry in the Nevada Offender Tracking Information System (NOTIS) along with a reference to an alert when applicable."

SUMMARY OF CHANGES

AR 600, HEALTH CARE SERVICES

--Sentences in the RESPONSIBILITY section of the old AR have been changed in the RESPONSIBILITY section of the new AR. The changed sentences in the old AR read:

> **"All Medical Division staff and all Medical Officers are responsible for the compliance with this regulation."**
>
> **"The institutional Director of Nursing Services (DONS) is the Health Care Administrator (HCA) at their respective institution. The HCA is responsible for the provision of health care services at that institution, ensuring all inmates have unimpeded access. Additionally, the DONS as HCA is responsible for the overall administrative supervision of all Medical Division employees at their institution, to include personnel and operational matters."**

<u>The changed sentences in the new AR read</u>:

> **"All Medical Division staff and all Medical Officers are responsible for compliance with this regulation."**
>
> **"The institutional Director of Nursing Services (DONS) is the Health Care Administrator (HCA) at their respective institution. The HCA is responsible for the provision of health care services at that institution, ensuring all inmates have access to care. Additionally, the HCA is responsible for the overall administrative supervision of all Medical Division employees at their institution, except for health care practitioners. Health care practitioners report clinically to the Medical Director and administratively to the Warden at the institution assigned."**

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR reads:

> **"If the Medical Division cannot provide the required in-patient or out-patient care, the Medical Administrator will arrange for such care with outside facilities/providers through contractual agreements."**

SUMMARY OF CHANGES

AR 600, HEALTH CARE SERVICES

<u>The changed sentence in the new AR reads</u>:

> **"If the Medical Division cannot provide the required in-patient or out-patient care inside the institution, the Medical Administrator will contract with outside facilities/providers to provide such care."**

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR reads:

> **"This regulation requires an Operational Procedure for the institutional infirmaries, Regional Medical Facility, Mental Health Unit, Extended Care Units, Structured Housing Unit, and Medical Intermediate Care Unit, and each Medical Officer at a camp or transition center."**

<u>The changed sentence in the new AR reads</u>:

> **"This regulation requires an Operational Procedure for the institutional infirmaries, Regional Medical Facility, Mental Health Unit, Extended Care Unit, Structured Care Unit, and Medical Intermediate Care Unit."**

SUMMARY OF CHANGES

AR 610, HUMAN IMMUNODEFICIENCY VIRUS (HIV) AND ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR reads:

> **"The Department segregates inmates who test positive for HIV antibodies if they engage in high risk behavior which tends to promote the spread of this disease, as defined in NRS 209.385(4)(b)."**

<u>The changed sentence in the new AR reads</u>:

> **"Mandatory screening for HIV should be conducted during the intake process on all inmates housed in the Department."**

--Sentences that were in the old AR have been removed from the new AR. The removed sentences in the old AR read:

> **"This is for the welfare of the general inmate population, for the welfare of staff, and to reduce the opportunities for the disease to spread."**
>
> **"The Medical Director/Designee and the Offender Management Administrator (OMA) must approve any classification that recommends release from segregation."**
>
> **"Mandatory screening for common infectious disease, including HIV, should be conducted during the intake process on all inmates housed in the Department."**
>
> **"All inmates working as food handlers must report any information about their health related to diseases that may be transmitted through food per NAC 446.211."**

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR reads:

> **"In all cases of inmate disciplinary action where there is some evidence that the offender engaged in behavior that increases the risk of transmitting the virus, such as battery, sexual activity, illegal intravenous injection of a controlled substance or a dangerous drug, or receiving or giving of tattoos, the inmate should be classified and moved to a segregation unit and housed in a single occupancy cell."**

SUMMARY OF CHANGES

AR 610, HUMAN IMMUNODEFICIENCY VIRUS (HIV) AND ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

<u>The changed sentence in the new AR reads</u>:

> **"In all cases of inmate disciplinary action where there is some evidence that the offender engaged in behavior that increases the risk of transmitting the virus, such as battery, sexual activity, illegal intravenous injection of a controlled substance or a dangerous drug, or receiving or giving of tattoos, the inmate may be classified and moved to the appropriate housing."**

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR reads:

> **"The Medical Director/Designee and the Offender Management Administrator (OMA) must approve any classification decision that recommends release from segregation."**

<u>The changed sentence in the new AR reads</u>:

> **"The Offender Management Administrator (OMA) must approve any classification decision."**

--A directive in the REFERENCE section has been changed in the new AR. The changed REFERENCE in the old AR reads:

> **"National Commission on Correctional Health Care Standards, 2008 Revison, P-B-01."**

<u>The changed REFERENCE in the new AR reads</u>:

> **"National Commission on Correctional Health Care Standards, 2014 Revison, P-B-01."**

SUMMARY OF CHANGES

AR 631, DENTAL SERVICES

--A sentence that was in the RESPONSIBILITY section of the old AR has been removed from the new AR. The removed sentence in the old AR read:

> **"The Medical Director/Medical Administrator will have responsibility for the clinical and administrative supervision of institutional dentists providing services to inmates."**

--A sentence that was not in the old AR has been added to the new AR. The added sentence in the new AR reads:

> **"The Medical Director/designee will set the Dentist's work hours based on the dental services schedule and the institution(s) covered."**

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR reads:

> **"The Director of Nursing Services at the institution provides administrative oversight including (but not limited to) scheduling of work hours, leave time approval and time sheet approval."**

<u>The changed sentence in the new AR reads</u>:

> **"The Warden at the institution provides administrative supervision including leave time approval and time sheet approval."**

--A sentence that was not in the old AR has been added to the new AR. The added sentence in the new AR reads:

> **"All emergency grievances related to dental should be reviewed by the institutional Dentist or the on-call physician if it is received outside normal hours."**

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR reads:

> **"Appropriate specialists may be contacted for outside consultations, if warranted by dental status and approved by the Medical Director and/or Utilization Review Panel."**

SUMMARY OF CHANGES

AR 631, DENTAL SERVICES

The changed sentence in the new AR reads:

> **"Appropriate specialists may be contacted for outside consultations, if warranted by dental status and approved by the Utilization Review Panel."**

SUMMARY OF CHANGES

AR 635, MEDICATION DISTRIBUTION, CONTROL AND SECURITY

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR reads:

> **"All Medical Division staff are responsible for the compliance with this regulation."**

<u>The changed sentence in the new AR reads</u>:

> **"All Medical Division staff are responsible for compliance with this regulation."**

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR reads:

> **"Inmate patients may obtain prescription refills by submitting a request (Medical Kite) to the infirmary/clinic within 14 days of running out of medication."**

<u>The changed sentence in the new AR reads</u>:

> **"Inmate patients may obtain prescription refills by submitting a request (Medical Kite) to the infirmary/clinic. To ensure the patient does not run out of medications, the request should be submitted no sooner than 10 days prior or no later than 7 days prior."**

SUMMARY OF CHANGES

AR 658, HEARING IMPAIRED INMATES

--This is a NEW AR.

> **"This AR details the policies relative to identify inmates who are deaf or hearing impaired, and provide American Disabilities Act (ADA) accommodations."**

SUMMARY OF CHANGES

AR 701, INMATE IDENTIFICATION

--A directive that was not in the AUTHORITY section of the old AR has been added to the new AR. The added directive in the new AR is:

> **"NRS 209.511"**

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR reads:

> **"Upon release from custody (i.e. parole, expiration, court order), the inmate is not authorized to take the ID card with him/her."**

<u>The changed sentence in the new AR reads</u>:

> **"Upon release from custody (i.e. parole, expiration, court order), the inmate is authorized to take the ID card with him/her.**

SUMMARY OF CHANGES

AR 708, REFERRAL FOR CRIMINAL PROSECUTION

--A sentence in the RESPONSIBILITY section of the old AR has been changed in the new AR. The changed sentence in the old AR read:

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

<u>The changed sentence in the new AR reads</u>:

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

--A section that was not in the old AR has been added to the new AR. The added section in the new AR reads:

> **"CONFIDENTIALITY OF MATERIALS**
>
> **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."**

--Sentences in the old AR have been changed in the new AR. The changed sentences that were in the old AR read:

> **"The Department will refer incidents involving alleged criminal conduct for review for prosecution."**
>
> **"All referrals will be sent to the Inspector General's Office for initial review.**
>
> **"The original referral document will be forwarded. The Inspector General's Office will make any additional copies upon receipt of the original referral document."**
>
> **"All referrals for criminal prosecution will be made on the forms attached to this regulation."**

SUMMARY OF CHANGES

AR 708, REFERRAL FOR CRIMINAL PROSECUTION

<u>The changed sentences in the new AR now read</u>:

> **"Facilities or institutions will refer incidents involving alleged criminal conduct for review for prosecution."**
>
> **"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."**
>
> **"The IG will make an additional copy upon receipt of the original referral documents and generate a referral case number for tracking purposes."**
>
> **"All referrals for criminal prosecution will be made using NDOC forms noted within this AR."**

--Sentences in the old AR have been changed in the new AR. The changed sentences that were in the old AR read:

> **"The referral for prosecution package shall include, but is not limited to:**
>
> **A. Memorandum from Referral Coordinator summarizing the incident;**
>
> **B. Request for Prosecution using Form DOC-1501;**
>
> **C. Provide a Witness List DOC-1501a;"**

<u>The changed sentences in the new AR now read</u>:

> **"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);"**

SUMMARY OF CHANGES

AR 708, REFERRAL FOR CRIMINAL PROSECUTION

--A sentence in the old AR has been changed in the new AR. The changed sentence in the old AR read:

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

<u>The changed sentence in the new AR reads</u>:

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

--ATTACHMENTS that were in the old AR have been removed from the new AR. The ATTACHMENTS in the old AR read:

> **ATTACHMENTS**
>
> **DOC Form 1501**
> **DOC Form 1501a**
> **DOC Form 1501b**
> **DOC Form 1528**

SUMMARY OF CHANGES

AR 850, EDUCATIONAL PROGRAMS

--Throughout the AR, all references to General Educational Development or GED that were in the old AR, have been changed to High School Equivalency or HSE in the new AR.

--A sentence that was in the RESPONSIBILITY section of the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"The Department of Corrections Primary/Secondary Educational Consultant is responsible for serving as the liaison with the Department's education providers, including colleges and universities, and ensuring compliance with Department rules and regulations."**

<u>The changed sentence in the new AR reads</u>:

> **"The Department of Corrections Education Programs Professional is responsible for serving as the liaison with the Department's education providers, including colleges and universities, and ensuring compliance with Department rules and regulations."**

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"If not working or employed full-time or otherwise excused, inmates should be engaged in academic pursuit full-time."**
>
> **"All inmates should, at a minimum, complete their secondary education, either through obtaining a GED or a high school diploma."**

<u>The changed sentences in the new AR read</u>:

> **"If not working or employed full-time or otherwise excused, eligible inmates may be engaged in academic pursuit full-time."**
>
> **"Inmates, if eligible, are encouraged to complete their secondary education, either through obtaining a High School Equivalency (HSE) or a High School Diploma. Upon completion, inmates are eligible for meritorious credits."**

SUMMARY OF CHANGES

AR 850, EDUCATIONAL PROGRAMS

--A sentence that was in the old AR has been removed from the new AR. The removed sentence that was in the old AR read:

> **"Developmentally-disabled or "special needs" inmates may be exempted from this requirement by the Director/designee if they are not able to pursue academics."**

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"All literacy, ESL, and secondary education should be available to inmates at no cost.**
>
> > **A. Inmates must pay for accredited college or correspondence courses themselves, unless they are eligible for an incarcerated-inmate scholarship or for federal grant funds."**

<u>The changed sentences in the new AR read</u>:

> **"Basic literacy and secondary education should be available to inmates at no cost.**
>
> > **A. Inmates must pay for accredited college or correspondence courses themselves."**

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"Education programs should allow for flexible scheduling that permits entry at any time, and should be offered at a time when the majority of inmates can take advantage of the opportunity."**

<u>The changed sentence in the new AR reads</u>:

> **"Correctional school programs should allow for flexible scheduling that permits entry at any time, and should be offered at a time when the majority of inmates can take advantage of the opportunity."**

SUMMARY OF CHANGES

AR 850, EDUCATIONAL PROGRAMS

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"The education program should coordinate with other institutional services to provide instruction in functional social skills."**

<u>The changed sentence in the new AR reads</u>:

> **"Correctional school programs should coordinate with other institutional services to provide instruction in functional social skills."**

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"Education programs should conduct an individualized assessment to determine literacy levels of newly enrolled students."**

<u>The changed sentence in the new AR reads</u>:

> **"Correctional school programs should conduct an individualized assessment to determine literacy levels of newly enrolled students."**

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"Accommodations should be provided to meet the educational and vocational needs of inmates who require special placement because of physical, mental, emotional, or learning disabilities."**

<u>The changed sentence in the new AR reads</u>:

> **"Accommodations should be provided by correctional school districts to meet the educational and vocational needs of inmates who require special placement because of physical, mental, emotional, or learning disabilities."**

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"Educational providers should make counseling services available to inmates to assist them in making informed decisions regarding education and career choices."**

SUMMARY OF CHANGES

AR 850, EDUCATIONAL PROGRAMS

<u>The changed sentence in the new AR reads</u>:

> **"Correctional school programs should make counseling services available to inmates to assist them in making informed decisions regarding education and career choices."**

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"Education records, such as, transcripts, attendance, grades, test scores or any other personal information are confidential."**

<u>The changed sentence in the new AR reads</u>:

> **"Education records, such as, transcripts, attendance, grades, test scores or any other personal information is confidential."**

--Sentences that were in the old AR have been changed in the new AR. The changed sentences in the old AR read:

> **"Education providers, college and university instructors are considered "adjunct staff" and are subject to all Departmental rules, regulations, policies and procedures.**
>
> **A. They must undergo criminal history background checks before they can be approved to enter a Department Institution.**
>
> **B. They must provide proof of a current 2 step base line Tuberculosis test.**
>
> **C. They must be re-tested for Tuberculosis and submit proof annually.**
>
> **D. They must complete the Department's training program before entering a Department Institution."**

SUMMARY OF CHANGES

AR 850, EDUCATIONAL PROGRAMS

<u>The changed sentences in the new AR read</u>:

> **"Education providers, college and university instructors are considered volunteers and are subject to all Departmental rules, regulations, policies and procedures.**
>
> > **A. Volunteers must undergo criminal record background checks before they can be approved to enter a Department Institution.**
> >
> > **B. Volunteers must provide proof of a current 2 step base line Tuberculosis test.**
> >
> > **C. Volunteers must be re-tested for Tuberculosis and submit proof annually.**
> >
> > **D. Volunteers must complete the Department's Volunteer and PREA training programs before entering a Department Institution."**

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"Inmates who complete a vocational training program according to established guidelines should receive a certificate acknowledging their completion and may receive credits for qualified vocational programs.**
>
> > **A. Refer to AR 803 for submission process for qualified programs."**

<u>The changed sentence in the new AR reads</u>:

> **"Inmates who complete a vocational training program according to established guidelines should receive a certificate acknowledging their completion and may receive meritorious credits for qualified vocational programs."**

SUMMARY OF CHANGES

AR 850, EDUCATIONAL PROGRAMS

--A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

> **"School District supervisors must provide status reports to the Department of Corrections Primary/Secondary Educational Consultant annually, providing information identified by the Primary/Secondary Educational Consultant, including, but not limited to:"**

<u>The changed sentence in the new AR reads</u>:

> **"School District supervisors must provide status reports to the Department of Corrections Education Programs annually, providing information identified by the Education Programs Professional, including, but not limited to:"**

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
124

EMAIL MANAGEMENT

Supersedes: AR 124 (Temporary, 11/04/14)
Effective Date: 05/19/15

AUTHORITY

NRS 239; NRS 378; NRS 209.131

RESPONSIBILITY

The Director is responsible for review and approval of a policy relative to use of the Department's electronic mail (email) system, and potential transmittal of public records within the Department's email system so as to comply with approved retention schedules, and established Records Management practices.

All users of the Department's email system are responsible for compliance with the policy for dealing with the Department's email system.

124.01 DEPARTMENTAL EMAIL TRANSMITTAL OF INFORMATION

1. Email in itself is not a public record, but merely a means of transmission of information.

2. The Department does not have the information technology resources to maintain, store, or migrate email in accordance with the various records retention schedules the Nevada State Library and Archives (NSLA) assigned to Department records.

3. Department email users will not create or maintain electronic versions of emails as public records. Department email users will identify public record emails within the parameters of this regulation.

4. The Department's electronic email retention file will be purged every ninety (90) days.

124.02 DEPARTMENTAL EMAIL TRANSMITTAL OF POTENTIAL PUBLIC RECORDS

1. Department email users will be responsible for identifying emails which potentially constitute or contain public records.

2. Department email users that determine that an email contains a public record, must determine if they as the sender/receiver have the official record copy.

3. Department email users that determine emails sent or received contain public records, and that have the official copy, will print out such emails to be maintained in the Department's public records files pursuant to the appropriate NSLA record retention schedule.

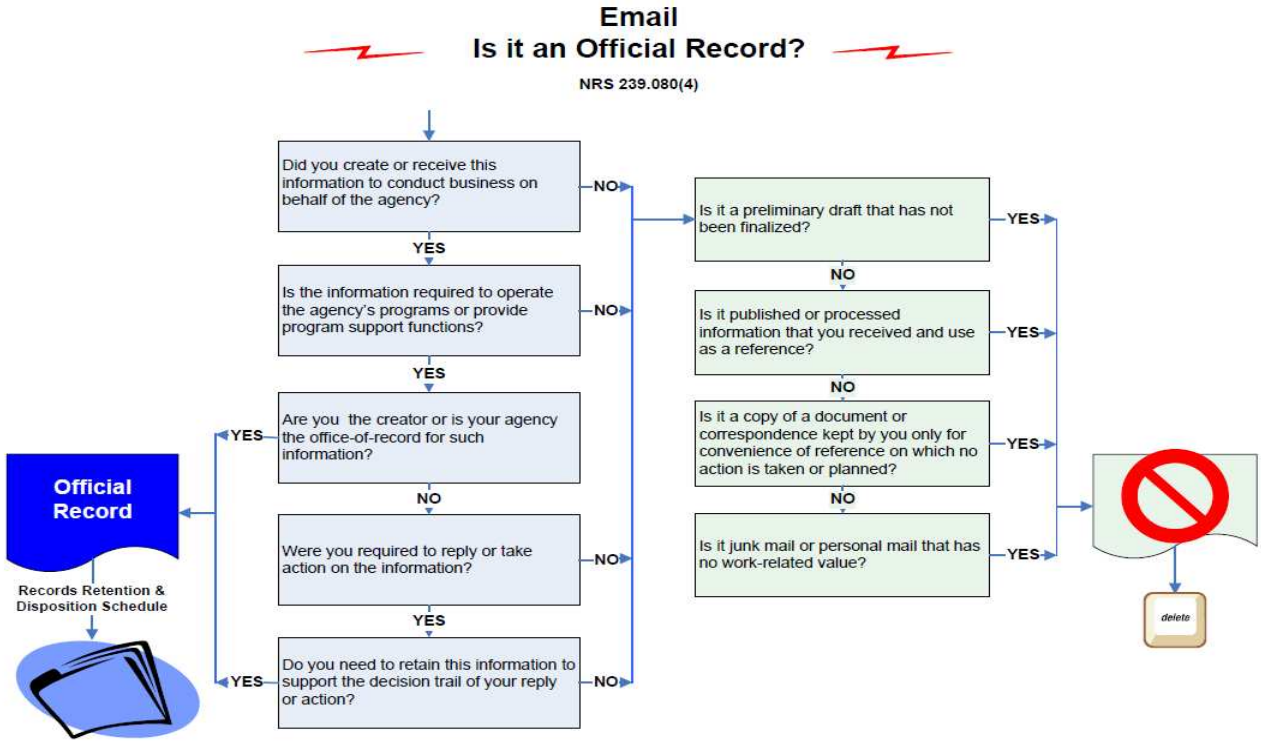
124.03 GUIDANCE ON IDENTIFICATION OF PUBLIC RECORDS WITHIN EMAILS

1. Specific guidance and training on identification of public records potentially contained within emails, is contained within the State Records Program "*Guidelines for Developing a Policy for Managing Email*" attached.

2. An electronic version may be downloaded from: *http://nsla.nv.gov/Records/Resources/Resources_Main/*

124.04 DETERMINING THE CONTENT OF AN EMAIL

1. Use the following chart to determine if an email potentially contains a public record:



124.05 USE OF THE DEPARTMENT'S EMAIL SYTEM

1. The Department's email system should be restricted to current communications and should not be used as a repository for old messages.

2. All Department email users will include the disclaimer below to the closing section of their emails:

"This message, including any attachments, is the property of the Nevada Department of Corrections and is solely for the use of the individual or entity intended to receive it. It may

contain confidential and proprietary information and any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient(s) or if you have received this message in error, please contact the sender by reply email and permanently delete it."

3. Department employees should not conduct any Department business on private email accounts, e.g. Gmail, Yahoo, AOL, or any other private internet provider accounts. Any correspondence and/or documents created or received in private email accounts could potentially be accessible, i.e., subject to public records requests and/or discovery. Print and file official communications received in or sent from a private email account that contain public records must meet NSLA retention requirements.

4. Division or institution wide emails must be authorized by the respective Division Administrator or Warden. If approved, the Division Administrator or Warden will forward the email to the help desk for distribution to that division or institution.

5. Department-wide emails must have prior approval for distribution from a Deputy Director or Director. If approved, the Deputy Director or Director approving the email (or support staff) will forward the email to the help desk for distribution department-wide.

APPLICABILITY

1. This Administrative Regulation does not require an operational procedure.

2. This Administrative Regulation does not require an audit.

REFERENCE

Nevada State Library and Archives publication "*Guidelines for Developing a Policy for Managing Email*"

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
140

ORGANIZATION OF MANAGEMENT INFORMATION SYSTEM SECTION

Supersedes: AR 140 (08/13/10) and AR 140 (Temporary, ~~05/30/10~~04/13/15)
Effective Date: ~~08/13/10~~ 05/19/15

AUTHORITY: NRS 209, NRS 242

RESPONSIBILITY

1. The Management Information System (MIS) Section has the responsibility for providing and/or coordinating all information technology (IT) and telecommunication activities and support for the Department.

2. All Department staff, contract employees and volunteers, as well as all other persons who are allowed the privilege of accessing or using ~~information technology (IT)~~IT or telecommunication systems within a secure environment or directly connected to Department IT resources, are responsible ~~to have~~for having knowledge of~~,~~ and ~~comply~~complying with~~,~~ this regulation.

140.01 ORGANIZATION OF MIS SECTION

1. The Department will have one central ~~Management of Information Systems section (~~MIS~~)~~ Section that will deal with all ~~information technology~~IT and telecommunication issues.

2. The MIS Section is headed by the Chief~~,~~ IT Manager, who reports to the Deputy Director of Support Services, and is staffed by qualified specialists.

3. The MIS Section oversees all ~~information technology~~IT and telecommunication purchases, decisions and support issues.

4. The MIS Section will implement various information and telecommunication technologies to improve and automate the Department's organization and communication, in support of the Department's mission.

5. The MIS Section will provide support for hardware, software and telecommunication assets through warranty contracts on new equipment, time and material contracts on current assets, support contracts with software publishers and other avenues.

6. The Chief~~,~~ IT Manager will:

A. Represent the Department on all ~~information technology~~IT and telecommunication issues;

B. Develop and maintain Department standards and policies on ~~information technology~~IT and telecommunication use;

C. Ensure that Department policy adheres to all federal, state and local laws, as well as State policies, governing the use of ~~information technology~~IT.

D. Review and approve all ~~information technology~~IT and telecommunication purchase requests prior to procurement;

E. Determine ~~information technology~~IT and telecommunication objectives and set priorities;

F. Review and determine where all hardware, software and telecommunication devices will be located and distributed within the Department;

G. Work with Fiscal to ensure sufficient funds are budgeted and correctly allocated to support the Department's ~~information technology~~IT needs and goals.

140.02 ORGANIZATION OF MIS HELP DESK

1. The MIS Section will operate a Help Desk to coordinate, log and track all support provided directly or indirectly by the MIS Section.

2. The MIS Help Desk will be the official contact for all technology and telecommunication requests, issues, problems and concerns.

3. Department staff may not call, e-mail or otherwise contact MIS staff directly for any request.

4. The MIS Help Desk ~~can~~should be contacted ~~by using the following methods~~as follows:

~~A.Email: helpdesk@doc.nv.gov~~

~~B.Telephone: (775) 887-3344~~

A. Routine requests should be submitted by one of the following:

(1) Employee Ticket: Fill out an online employee ticket.

(2) Email: helpdesk@doc.nv.gov

~~C.~~(3) Fax: (775) 887-3385

~~D.~~(4) Interdepartmental mail: MIS Help Desk, Bldg. 89, Stewart Facility

~~E.~~(5) Memo: Hand delivered to Chief~~,~~ IT Manager

B. Emergency requests, or in cases where none of the above are available, may be submitted by calling (775) 887-3344.

C. If any of the following occurs after 5PM or on the weekend, please call the MIS Help Desk and the after-hours recording will provide you with a number to call for assistance:

(1) System failure where the entire institution is down;

(2) Key personnel cannot log in (Shift Lt, Shift Sgt, Control Officer). This includes both network and NOTIS log in;

(3) NOTIS goes down;

(4) Telephone system failure. In this event, please have your shift Supervisor use their cell phone or drive to the nearest phone;

(5) Any situation that compromises the safety and security of the facility.

5. When contacting the MIS Help Desk, either in writing or when leaving a voice message, staff must include all pertinent information available that may assist the Help Desk in researching and resolving the request, including a minimum of the following:

A. Requestor's full name and position or title;

B. Location, including facility, area or building number, and room number or description, if applicable;

C. Full phone number, including facility phone number and extension, or direct line number;

D. Work shift or hours to contact, if applicable;

E. Department asset tag number or service tag number of affected equipment, if applicable;

F. A detailed message describing the request, issue, problem, or concern;

G. Whether a problem affects more than one device or person, if applicable.

6. Failure to contact the Help Desk via one of the approved methods, failure to leave a message, or failure to provide complete information, will be ~~the same~~treated as ~~not requesting~~though no help was requested and no ticket will be logged.

7. When the Help Desk receives a complete request, staff will log the request as a help ticket and assign a ticket number to be used for tracking, work assignment and all follow-up communication regarding the request. An Employee Ticket will be assigned to the appropriate staff based on the nature of the issue.

8. Help tickets will be prioritized, assigned, acted on, and escalated in a timely manner in accordance with MIS operating procedures and staff availability.

9. MIS will staff the Help Desk during customary business hours on weekdays, and will respond at all other times pending staff availability, as described in MIS operating procedures.

10. Staff must provide the original ticket number when contacting the Help Desk to follow up on an existing issue, or the contact will be considered a new request.

11. If a staff member feels their request has not been handled in a timely manner, they may escalate their request through the chain of command to the MIS Manager.

APPLICABILITY

1. This AR requires an Operational Procedure (OP) for the division, institution and facility.

2. This AR requires an audit.

~~Howard Skolnik,~~ Director

Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
140

ORGANIZATION OF MANAGEMENT INFORMATION SYSTEM SECTION

Supersedes: AR 140 (08/13/10) and AR 140 (Temporary, 04/13/15)
Effective Date: 05/19/15

AUTHORITY: NRS 209, NRS 242

RESPONSIBILITY

1. The Management Information System (MIS) Section has the responsibility for providing and/or coordinating all information technology (IT) and telecommunication activities and support for the Department.

2. All Department staff, contract employees and volunteers, as well as all other persons who are allowed the privilege of accessing or using IT or telecommunication systems within a secure environment or directly connected to Department IT resources, are responsible for having knowledge of and complying with this regulation.

140.01 ORGANIZATION OF MIS SECTION

1. The Department will have one central MIS Section that will deal with all IT and telecommunication issues.

2. The MIS Section is headed by the Chief IT Manager, who reports to the Deputy Director of Support Services, and is staffed by qualified specialists.

3. The MIS Section oversees all IT and telecommunication purchases, decisions and support issues.

4. The MIS Section will implement various information and telecommunication technologies to improve and automate the Department's organization and communication, in support of the Department's mission.

5. The MIS Section will provide support for hardware, software and telecommunication assets through warranty contracts on new equipment, time and material contracts on current assets, support contracts with software publishers and other avenues.

6. The Chief IT Manager will:

A. Represent the Department on all IT and telecommunication issues;

B. Develop and maintain Department standards and policies on IT and telecommunication use;

C. Ensure that Department policy adheres to all federal, state and local laws, as well as State policies, governing the use of IT.

D. Review and approve all IT and telecommunication purchase requests prior to procurement;

E. Determine IT and telecommunication objectives and set priorities;

F. Review and determine where all hardware, software and telecommunication devices will be located and distributed within the Department;

G. Work with Fiscal to ensure sufficient funds are budgeted and correctly allocated to support the Department's IT needs and goals.

140.02 ORGANIZATION OF MIS HELP DESK

1. The MIS Section will operate a Help Desk to coordinate, log and track all support provided directly or indirectly by the MIS Section.

2. The MIS Help Desk will be the official contact for all technology and telecommunication requests, issues, problems and concerns.

3. Department staff may not call, e-mail or otherwise contact MIS staff directly for any request.

4. The MIS Help Desk should be contacted as follows:

A. Routine requests should be submitted by one of the following:

(1) Employee Ticket: Fill out an online employee ticket.

(2) Email: helpdesk@doc.nv.gov

(3) Fax: (775) 887-3385

(4) Interdepartmental mail: MIS Help Desk, Bldg. 89, Stewart Facility

(5) Memo: Hand delivered to Chief IT Manager

B. Emergency requests, or in cases where none of the above are available, may be submitted by calling (775) 887-3344.

C. If any of the following occurs after 5PM or on the weekend, please call the MIS Help Desk and the after-hours recording will provide you with a number to call for assistance:

(1) System failure where the entire institution is down;

(2) Key personnel cannot log in (Shift Lt, Shift Sgt, Control Officer). This includes both network and NOTIS log in;

(3) NOTIS goes down;

(4) Telephone system failure. In this event, please have your shift Supervisor use their cell phone or drive to the nearest phone;

(5) Any situation that compromises the safety and security of the facility.

5. When contacting the MIS Help Desk, either in writing or when leaving a voice message, staff must include all pertinent information available that may assist the Help Desk in researching and resolving the request, including a minimum of the following:

A. Requestor's full name and position or title;

B. Location, including facility, area or building number, and room number or description, if applicable;

C. Full phone number, including facility phone number and extension, or direct line number;

D. Work shift or hours to contact, if applicable;

E. Department asset tag number or service tag number of affected equipment, if applicable;

F. A detailed message describing the request, issue, problem, or concern;

G. Whether a problem affects more than one device or person, if applicable.

6. Failure to contact the Help Desk via one of the approved methods, failure to leave a message, or failure to provide complete information, will be treated as though no help was requested and no ticket will be logged.

7. When the Help Desk receives a complete request, staff will log the request as a help ticket and assign a ticket number to be used for tracking, work assignment and all follow-up communication regarding the request. An Employee Ticket will be assigned to the appropriate staff based on the nature of the issue.

8. Help tickets will be prioritized, assigned, acted on, and escalated in a timely manner in accordance with MIS operating procedures and staff availability.

9. MIS will staff the Help Desk during customary business hours on weekdays, and will respond at all other times pending staff availability, as described in MIS operating procedures.

10. Staff must provide the original ticket number when contacting the Help Desk to follow up on an existing issue, or the contact will be considered a new request.

11. If a staff member feels their request has not been handled in a timely manner, they may escalate their request through the chain of command to the MIS Manager.

APPLICABILITY

1. This AR requires an Operational Procedure (OP) for the division, institution and facility.

2. This AR requires an audit.

_____ _____

Director Date

NEVADA DEPARTMENT OR CORRECTIONS
ADMINISTRATIVE REGULATION
204

INMATE STORE SYSTEM

Supersedes: AR 204 (05/20/10); and AR 204 (Temporary, ~~02/22/10)~~11/04/14))
Effective date: ~~05/20/10~~ 12/16/14

AUTHORITY

NRS 209.221

RESPONSIBILITY

The Stores Manager is responsible for the overall daily operation of the Nevada Inmate Store System (NISS).

Retail storekeepers are responsible for stocking, maintaining and selling approved inventory items for resale to inmates.

204.01 OPERATIONS

1. Access to inmate stores, canteens, and coffee shops is a privilege, rather than a right, and access may be suspended or revoked at the discretion of the Warden/designee.

2. The appropriate Deputy Director approves the list of items for sale in the stores, canteens, and coffee shops.

3. The Warden of each institution, in consultation with the Stores Manager, will establish the schedule of store, canteen, and coffee shop hours.

4. The Warden/designee shall approve all memorandums or any correspondence issued by a Retail Storekeeper prior to release to the general inmate population.

5. The sale of store, canteen, and coffee shop items will be through ducats for staff, or through the Nevada Inmate Store Systems Order Form (DOC-517~~)~~. or Scan-Tron Order Form) for inmates.

6. All sales are final. Exchanges are not permitted after an inmate has left the sales window or after the inmate receives the items unless the appropriate staff determines an error occurred or a legitimate spoilage/defective situation exists.

7. Items purchased at one location may not be authorized at other locations and may be confiscated in the event of an inmate transfer. All inmate purchases are done at their own risk.

8. An inmate's account information shall not be revealed to another inmate.

204.02 SECURITY

1. Inmate store workers are required to be under the direct supervision of the retail storekeeper.

2. Inmate workers may perform all basic functions of the store operation except operating the store computer, making telephone calls and conducting inmate transactions.

3. Retail Storekeepers are the only staff authorized to have store, canteen or coffee shop keys in their possession. If there is an emergency and the Retail Storekeeper cannot be located, an extra set of keys is kept in a glass box accessible to custody staff.

4. Inmates must not be left unsupervised in any store, canteen, or coffee shop or reserve/separate stock area at any time.

5. All inmates entering or leaving the store, canteen or coffee shop will be searched.

204.03 INMATE PERSONAL PHOTOGRAPHS

1. Photo Coupons can be ordered by inmates using form DOC-517 or Scan-Tron, which is redeemable for the inmate photograph.

2. Prior to transfer to another location, inmates may turn in for credit any unused Photo Coupons ~~to the issuing store/canteen/coffee shop~~as long as they are within the 60 day expiration date.

3. The issuing store/canteen/coffee shop can only credit or redeem Photo Coupons that were sold at their location.

APPLICABILITY

1. This regulation requires an Operational Procedure for the Support Services Division and the Institutions.

2. This regulation does not require an audit.

~~**ATTACHEMENTS**~~

~~DOC 517 – NISS Order Form~~

_____ _____

~~Howard Skolnik,~~

_____ _____

Director _____Date

NEVADA INMATE STORE SYSTEM (NISS)

ORDER FORM

Please type or write legibly

Date:_____Unit:_____Level:_____

Name: _____ Back# _____

SUBSTITUTE ITEMS (CHECK ONE): YES ____ NO ____

Prices and items subject to change without notice. One item per line.

Line	Quan.	Item Number	Alternate Item Number
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			

ITEMS PURCHASED AT STORE MAY NOT BE AUTHORIZED AT OTHER FACILITIES/INSTITUTIONS AND WILL BE CONFISCATED UPON ARRIVAL AS UNAUTHORIZED ITEMS. YOU WILL HAVE 30 DAYS TO DISPOSE OF THESE ITEMS.

PURSUANT TO NRS 209.2475, YOU WILL NOT BE ABLE TO SPEND BELOW THE MINIMUM AMOUNT SET BY THE DIRECTOR. YOUR MONTHLY STATEMENT WILL SHOW YOUR TRUE BALANCE.

DO NOT WRITE ON BACK. USE ADDITIONAL FORMS IF NECESSARY.

Signature:_____

DOC-517 (7/01)

NEVADA DEPARTMENT OR CORRECTIONS
ADMINISTRATIVE REGULATION
204

INMATE STORE SYSTEM

Supersedes: AR 204 (05/20/10); and AR 204 (Temporary, 11/04/14)
Effective date: 05/19/15

AUTHORITY

NRS 209.221

RESPONSIBILITY

The Stores Manager is responsible for the overall daily operation of the Nevada Inmate Store System (NISS).

Retail storekeepers are responsible for stocking, maintaining and selling approved inventory items for resale to inmates.

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1. Access to inmate stores, canteens, and coffee shops is a privilege, rather than a right, and access may be suspended or revoked at the discretion of the Warden/designee.

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5. The sale of store, canteen, and coffee shop items will be through ducats for staff, or through the Nevada Inmate Store Systems Order Form (DOC-517 or Scan-Tron Order Form) for inmates.

6. All sales are final. Exchanges are not permitted after an inmate has left the sales window or after the inmate receives the items unless the appropriate staff determines an error occurred or a legitimate spoilage/defective situation exists.

7. Items purchased at one location may not be authorized at other locations and may be confiscated in the event of an inmate transfer. All inmate purchases are done at their own risk.

8. An inmate's account information shall not be revealed to another inmate.

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2. Prior to transfer to another location, inmates may turn in for credit any unused Photo Coupons as long as they are within the 60 day expiration date.

3. The issuing store/canteen/coffee shop can only credit or redeem Photo Coupons that were sold at their location.

APPLICABILITY

1. This regulation requires an Operational Procedure for the Support Services Division and the Institutions.

2. This regulation does not require an audit.

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
213

EMPLOYEE FUNDS

Supersedes: AR 213 (05/20/10) and AR 213 (Temporary, ~~02/22/10~~04/13/15)
Effective Date: 05/~~20/10~~19/15

AUTHORITY

NRS 209.131
~~NRS 209.221~~
~~NRS 209.229~~
~~Letter of Intent concerning Assembly Bill 289, 1999 Legislative Session~~

PURPOSE

An Employee Fund provides for receipt of revenues generated by NDOC employees, and ensures that those revenues are expended for the collective benefit of those same employees. Those revenues include receipts from vending machines in employee areas, donations, receipts from employee fund raisers, and any other non-taxpayer provided sources.

RESPONSIBILITY

~~The~~The Warden of each institution will ensure that an Employee Fund is created pursuant to this Regulation.

The designated Deputy Director in the North will ensure that an Employee Fund is set up for the Central Office in the North. The designated Deputy Director in the South will ensure that an Employee Fund is set up for the Central Office in the South.

An Employee Fund Committee will administer the employee fund ~~at its Institution/Facility~~as created below upon the approval of the Deputy Director of Support Services. It is the responsibility of all employees to have a working knowledge of, and comply with this administrative regulation.

213.01 REPRESENTATION

1. Each employee fund will be administrated by at least a three-person committee. The committee will be elected by the employees and approved by the Warden~~(s).~~ of the institution/facility and/or the

respective designated Deputy Director overseeing the creation of the fund. If the organization fails to hold an annual election, the Warden and/or respective designated Deputy Director will appoint at least three employees from various disciplines within that organization. Vacancies caused by staff changes during the fiscal year will be filled by appointment by the Warden or respective designated Deputy Director. Elections and/or appointments will be reviewed and updated within the first quarter of each fiscal year. An updated statement of purpose and operating procedure, signed by the newly elected/appointed or ongoing committee members for that fiscal year, will be signed by the Warden or respective designated Deputy Director, and sent to the Deputy Director of Support Services no later than the end of the first quarter of each fiscal year.

2. ~~Each~~Employees elected or appointed to the committee may not utilize more than 6 work hours per committee member per month administering the fund. Such utilization of work time may not result in any overtime.

213.02 CREATION OF THE FUND

1. The Employee Fund ~~Committee~~ will ~~submit a~~be created by each institution and/or organization as follows:

A. A statement of purpose (see example "A") ~~to the Deputy Director of Support Services~~ will be created which ~~will explain~~explains how revenues will be generated and for what purpose the funds will be expended.

~~A. This statement~~An organization-specific operating procedure will be ~~signed by the committee members and approved by the Warden(s).~~

B. ~~B. The fiscal year of~~created which explains how the fund will be ~~stated on this statement and will coincide with the State of Nevada's fiscal year.~~ administered.

~~C. A statement on what will happen to the funds if the committee is disbanded. Examples are using the remaining funds for the employee holiday party, picnics or charitable donations.~~

C. ~~3.~~ The ~~Deputy Director of Support Services will review the~~ statement of purpose and ~~approve (deny) the establishment of the fund~~the operating procedure will be reviewed by the respective Warden and/or designated Deputy Director, and sent to the Deputy Director of Support Services for final approval.

D. The statement of purpose and/or operating procedure will be updated and re-submitted for review and approval if changes are identified as being needed during the course of a fiscal year.

213.02 ADMINISTRATION OF THE FUND

1. All contracts for vending machine service will be in the name of the Nevada Department of

Corrections Inmate Store Fund and will follow the state rules and regulations for the bidding, awarding, and contracting as outlined in the Nevada Revised Statutes, the State Administrative Manual, and the Nevada Administrative Code. The Department of Corrections is authorized via the budget to distribute commissions received from employee vending machines to the appropriate employee fund for deposit.

2. ~~Funds received from the operation of vending machines located in the administrative area of an institution and other funds raised by the employees belong to the employees of the Department.~~

~~3.~~ Bank accounts for employee funds will be in the name of the committee and not the State of Nevada. If the bank account requires an identifying number, ~~one~~a Federal Employee Identification Number (FEIN) can be obtained from the IRS by submission of a Non-Profit Organization Application. ~~As an alternative, committee members may use their own social security number; however, if interest is earned on the account it will be reported on that individual's tax return.~~ Do not use the State of Nevada's Federal Identification Number. NDOC is not responsible for any federal, state, or local filings. To avoid any tax liability to an individual committee member, once the FEIN is obtained, the Secretary of State's Office can be contacted to incorporate as a nonprofit. Filing fees and annual renewal fees can be paid from the employee fund.
Typical steps to follow for setting up Fund:

- Obtain and Federal Employer Identification Number – file form SS-4 as a Non-profit Agency with IRS (go to IRS WEB site and put "ein" in search box and application on line will come up.
- Elect or have appointed Committee Members. First meeting elect President, Secretary, Treasurer, Director, and Registered Agency. You may also have members that are just officers of the Employee Fund.
- Committee Members meet to vote in By Laws to be signed by each member and given to the Warden or designated Deputy Director to approve and send to DDSS for approval.
- Elected Treasurer determines which local bank to use.
- File with Secretary of State as a Non-profit Corporation under 501© 4.
  File Nonprofit Articles of Incorporation, Registered Agent Acceptance $50 fee
  File Annual List of Officers - $25 fee (must be done annually)
  File exempt from having a business license
- File with Department of Taxation – file quarterly sales tax reports.

3.
~~4. The funds generated from Employees Fund operations must go for the collective benefit of the majority of the employees contributing to the fund. Each committee should set forth expenditure limits for individuals including allowable expenditures, which must be included in the Statement of Purpose.~~

~~5. The administration of employee funds rests with the committee of elected employees and does not fall to any other section or division within the department.~~

~~6. Each Warden must agree to~~The approved statement of purpose must list the type of expenditures that will be allowed by the Employee Committees representing their respective institutions/facilities. ~~The Deputy Director of Support Services has final authority to disallow any expenditure.~~ Examples of expenditures that are allowable include~~ donations to the Department of Corrections for a department-wide newsletter, institution/facility newsletters,~~: picnics, holiday parties, retirement plaques, training or special recognition plaques, and charitable ~~donations.~~or other donations. Each committee should set forth expenditure limits for allowable expenditures, which must be included by reference in the statement of purpose. Individual expenditures not covered by that list, or that exceed the expenditure limits contained within the statement of purpose, must be approved by the Deputy Director of Support Services through a request signed by all current employee fund committee members and the Warden or respective designated Deputy Director.

4. An expenditure log will be kept detailing the date, time, amount, and description of each expenditure made.

213.03 INDEPENDENT REVIEW

1. Monthly, the Committee will perform a reconciliation against the bank account statement (paper or online), and a copy of the reconciliation, the expenditure log, and the bank statement will be sent to the Accounting Section in the Fiscal Division for an independent review. If the Committee utilizes online banking, access must be provided to Accounting to conduct that independent review.

2. The Accounting Section will notify the Committee and copy the respective designated Deputy Director and the Warden if expenditures do not match the expenditure log, do not reconcile with the list of allowable items from the statement of purpose, exceed the allowable costs, or the account does not reconcile. Thirty days will be allowed for the Committee to provide the necessary additional records to complete the reconciliation.

3. ~~7~~The Deputy Director of Support Services will be notified immediately at the completion of that 30-day period if the Accounting Section is unable to complete the reconciliation, or if unauthorized expenditures or expenditures exceeding authorized amounts are discovered during the review.

4. Invoices and receipts must be kept by fiscal year and are subject to an independent review~~ and if~~.If an independent review is necessary~~ to~~, it will be paid for by the ~~committee funds.~~employee fund. Records need to be kept for a minimum of ~~-~~four (4) years and are subject to review by the Deputy Director of Support Services at any time.

~~8. Evidence of the completed independent review must be presented to the Deputy Director of Support Services within four months of the fiscal year closing. At a minimum, the review should be a validation of the revenues and expenditures for accuracy and appropriateness as outlined in the Statement of Purpose as approved by the Deputy Director of Support Services.~~

~~9. Committee members and other employees shall not operate or administer the fund during their~~

~~work hours.~~

APPLICABILITY

~~1~~1. This regulation requires an Operational Procedure for each institution.

2. This regulation requires an independent review.

~~**REFERENCES**~~

~~NRS 209.229~~

_____ _____

~~Howard Skolnik,~~ **ATTACHMENTS**

EXAMPLE A – Statement of Purpose
EXAMPLE B – Revenue earned from "Visitor Vending Areas"
EXAMPLE C – Revenue earned from areas other than "Visitor Vending Areas"
EXAMPLE D – Revenue earned from areas other than "Visitor Vending Areas"
EXAMPLE E - Revenue earned from areas other than "Visitor Vending Areas"

_____ _____

Director _____Date

EXAMPLE "A"

Example of "Statement of Purpose" for the
Northern Nevada ~~Department of Corrections'~~Correctional Employee Funds

The Carson City Correctional Employee Fund has been formed to provide funds for the benefit of the employees of the Carson area. The institution/facilities include the Central Offices, NNCC, NSP, and WSCC. The fiscal year for this fund will be from July 01 through June 30.

Revenues for this fund will be generated in the following ways:

A. Vending machine commissions (Non-Inmate visiting areas)

B. Admission Sales for the employee holiday party and picnic.

C. Raffle sales

D. Miscellaneous other income as approved by the committee.

Expenditures will be for the following items:

A. Employee holiday party, picnics and newsletters.

B. Award plaques for employees not to exceed $40.

C. Special employee awards as determined by the committee, not to exceed $50 per employee.

Committee Member	Date	Committee Member	Date
Committee Member	Date	Committee Member	Date

Authorized: _____ Approved:

_____

_____

Warden _____ Date _____ Deputy Director Support Services _____ Date

EXAMPLE "B"

Revenue earned from "Visitor Vending Areas" as described in AR 213

For the month of: _____

Beginning Balance: _____ _____ $0.00
Date

Revenues:

_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
Total Revenues		$0.00

Expenditures:

_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
Total Expenditures		$0.00

Ending Balance: _____ $0.00
Date

We attest that the above statement is correct:

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Warden, Institution Date

EXAMPLE "C"

Revenue earned from areas other than "Visitor Vending Areas" as described in AR 213

For the month of: _____

Beginning Balance: _____

Revenues:

_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
Total Revenues		$0.00

Expenditures:

_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
Total Expenditures		$0.00

Ending Balance: _____ $0.00
Date

We attest that the above statement is correct:

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Warden, Institution Date

EXAMPLE "D"

Revenue earned from areas other than "Visitor Vending Areas" as described in AR 213

For the quarterly reconciliation from _____ to _____
_____

Beginning Balance: _____		$0.00
Revenues:		
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
Total Revenues		$0.00
Expenditures:		
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
Total Expenditures		$0.00

Ending Balance: _____ $0.00
Date

We attest that the above statement is correct:

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Warden, Institution Date

EXAMPLE "E"

Revenue earned from areas other than "Visitor Vending Areas" as described in AR 213

For the quarterly reconciliation from _____ to _____
_____

Beginning Balance: _____		$0.00
Revenues:		
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
Total Revenues		$0.00
Expenditures:		
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
Total Expenditures		$0.00

Ending Balance: _____ $0.00
Date

We attest that the above statement is correct:

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Warden, Institution Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
213

EMPLOYEE FUNDS

Supersedes: AR 213 (05/20/10) and AR 213 (Temporary, 04/13/15)
Effective Date: 05/19/15

AUTHORITY

NRS 209.131

PURPOSE

An Employee Fund provides for receipt of revenues generated by NDOC employees, and ensures that those revenues are expended for the collective benefit of those same employees. Those revenues include receipts from vending machines in employee areas, donations, receipts from employee fund raisers, and any other non-taxpayer provided sources.

RESPONSIBILITY

The Warden of each institution will ensure that an Employee Fund is created pursuant to this Regulation.

The designated Deputy Director in the North will ensure that an Employee Fund is set up for the Central Office in the North. The designated Deputy Director in the South will ensure that an Employee Fund is set up for the Central Office in the South.

An Employee Fund Committee will administer the employee fund as created below upon the approval of the Deputy Director of Support Services. It is the responsibility of all employees to have a working knowledge of, and comply with this administrative regulation.

213.01 REPRESENTATION

1. Each employee fund will be administrated by at least a three-person committee. The committee will be elected by the employees and approved by the Warden of the institution/facility and/or the respective designated Deputy Director overseeing the creation of the fund. If the organization fails to hold an annual election, the Warden and/or respective designated Deputy Director will appoint at least three employees from various disciplines within that organization. Vacancies caused by staff changes during the fiscal year will be filled by appointment by the Warden or respective designated

Deputy Director. Elections and/or appointments will be reviewed and updated within the first quarter of each fiscal year. An updated statement of purpose and operating procedure, signed by the newly elected/appointed or ongoing committee members for that fiscal year, will be signed by the Warden or respective designated Deputy Director, and sent to the Deputy Director of Support Services no later than the end of the first quarter of each fiscal year.

2. Employees elected or appointed to the committee may not utilize more than 6 work hours per committee member per month administering the fund. Such utilization of work time may not result in any overtime.

213.02 CREATION OF THE FUND

1. The Employee Fund will be created by each institution and/or organization as follows:

A. A statement of purpose (see example "A") will be created which explains how revenues will be generated and for what purpose the funds will be expended.

B. An organization-specific operating procedure will be created which explains how the fund will be administered.

C. The statement of purpose and the operating procedure will be reviewed by the respective Warden and/or designated Deputy Director, and sent to the Deputy Director of Support Services for final approval.

D. The statement of purpose and/or operating procedure will be updated and re-submitted for review and approval if changes are identified as being needed during the course of a fiscal year.

213.02 ADMINISTRATION OF THE FUND

1. All contracts for vending machine service will be in the name of the Nevada Department of Corrections Inmate Store Fund and will follow the state rules and regulations for the bidding, awarding, and contracting as outlined in the Nevada Revised Statutes, the State Administrative Manual, and the Nevada Administrative Code. The Department of Corrections is authorized via the budget to distribute commissions received from employee vending machines to the appropriate employee fund for deposit.

2. Bank accounts for employee funds will be in the name of the committee and not the State of Nevada. If the bank account requires an identifying number, a Federal Employee Identification Number (FEIN) can be obtained from the IRS by submission of a Non-Profit Organization Application. Do not use the State of Nevada's Federal Identification Number. NDOC is not responsible for any federal, state, or local filings. To avoid any tax liability to an individual committee member, once the FEIN is obtained, the Secretary of State's Office can be contacted to incorporate as a nonprofit. Filing fees and annual renewal fees can be paid from the employee fund.

Typical steps to follow for setting up Fund:

- Obtain and Federal Employer Identification Number – file form SS-4 as a Non-profit Agency with IRS (go to IRS WEB site and put "ein" in search box and application on line will come up.
- Elect or have appointed Committee Members. First meeting elect President, Secretary, Treasurer, Director, and Registered Agency. You may also have members that are just officers of the Employee Fund.
- Committee Members meet to vote in By Laws to be signed by each member and given to the Warden or designated Deputy Director to approve and send to DDSS for approval.
- Elected Treasurer determines which local bank to use.
- File with Secretary of State as a Non-profit Corporation under 501© 4.
  File Nonprofit Articles of Incorporation, Registered Agent Acceptance $50 fee
  File Annual List of Officers - $25 fee (must be done annually)
  File exempt from having a business license
- File with Department of Taxation – file quarterly sales tax reports.

3. The approved statement of purpose must list the type of expenditures that will be allowed by the Employee Committees representing their respective institutions/facilities. Examples of expenditures that are allowable include: picnics, holiday parties, retirement plaques, training or special recognition plaques, and charitable or other donations. Each committee should set forth expenditure limits for allowable expenditures, which must be included by reference in the statement of purpose. Individual expenditures not covered by that list, or that exceed the expenditure limits contained within the statement of purpose, must be approved by the Deputy Director of Support Services through a request signed by all current employee fund committee members and the Warden or respective designated Deputy Director.

4. An expenditure log will be kept detailing the date, time, amount, and description of each expenditure made.

213.03 INDEPENDENT REVIEW

1. Monthly, the Committee will perform a reconciliation against the bank account statement (paper or online), and a copy of the reconciliation, the expenditure log, and the bank statement will be sent to the Accounting Section in the Fiscal Division for an independent review. If the Committee utilizes online banking, access must be provided to Accounting to conduct that independent review.

2. The Accounting Section will notify the Committee and copy the respective designated Deputy Director and the Warden if expenditures do not match the expenditure log, do not reconcile with the list of allowable items from the statement of purpose, exceed the allowable costs, or the account does not reconcile. Thirty days will be allowed for the Committee to provide the necessary additional records to complete the reconciliation.

3. The Deputy Director of Support Services will be notified immediately at the completion of that

30-day period if the Accounting Section is unable to complete the reconciliation, or if unauthorized expenditures or expenditures exceeding authorized amounts are discovered during the review.

4. Invoices and receipts must be kept by fiscal year and are subject to an independent review. If an independent review is necessary, it will be paid for by the employee fund. Records need to be kept for a minimum of four (4) years and are subject to review by the Deputy Director of Support Services at any time.

APPLICABILITY

1. This regulation requires an Operational Procedure for each institution.

2. This regulation requires an independent review.

ATTACHMENTS

EXAMPLE A – Statement of Purpose
EXAMPLE B – Revenue earned from "Visitor Vending Areas"
EXAMPLE C – Revenue earned from areas other than "Visitor Vending Areas"
EXAMPLE D – Revenue earned from areas other than "Visitor Vending Areas"
EXAMPLE E - Revenue earned from areas other than "Visitor Vending Areas"

_____ _____

Director Date

EXAMPLE "A"

Example of "Statement of Purpose" for the
Northern Nevada Correctional Employee Funds

The Carson City Correctional Employee Fund has been formed to provide funds for the benefit of the employees of the Carson area. The institution/facilities include the Central Offices, NNCC, NSP, and WSCC. The fiscal year for this fund will be from July 01 through June 30.

Revenues for this fund will be generated in the following ways:

A. Vending machine commissions (Non-Inmate visiting areas)

B. Admission Sales for the employee holiday party and picnic.

C. Raffle sales

D. Miscellaneous other income as approved by the committee.

Expenditures will be for the following items:

A. Employee holiday party, picnics and newsletters.

B. Award plaques for employees not to exceed $40.

C. Special employee awards as determined by the committee, not to exceed $50 per employee.

Committee Member Date	Committee Member Date
Committee Member Date	Committee Member Date

Authorized: Approved:

Warden Date	Deputy Director Support Services Date

EXAMPLE "B"

Revenue earned from "Visitor Vending Areas" as described in AR 213

For the month of: _____

Beginning Balance: _____ _____ $0.00
Date

Revenues:

_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
Total Revenues		$0.00

Expenditures:

_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
Total Expenditures		$0.00

Ending Balance: _____ $0.00
Date

We attest that the above statement is correct:

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Warden, Institution Date

EXAMPLE "C"

Revenue earned from areas other than "Visitor Vending Areas" as described in AR 213

For the month of: _____

Beginning Balance: _____

Revenues:

_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
Total Revenues		$0.00

Expenditures:

_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
Total Expenditures		$0.00

Ending Balance: _____ $0.00
Date

We attest that the above statement is correct:

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Warden, Institution Date

EXAMPLE "D"

Revenue earned from areas other than "Visitor Vending Areas" as described in AR 213

For the quarterly reconciliation from _____ to _____
_____

Beginning Balance: _____		$0.00
Revenues:		
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
Total Revenues		$0.00
Expenditures:		
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
Total Expenditures		$0.00

Ending Balance: _____ $0.00
Date

We attest that the above statement is correct:

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Warden, Institution Date

EXAMPLE "E"

Revenue earned from areas other than "Visitor Vending Areas" as described in AR 213

For the quarterly reconciliation from _____ to _____
_____

Beginning Balance: _____		$0.00
Revenues:		
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
Total Revenues		$0.00
Expenditures:		
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
_____	$0.00	
Total Expenditures		$0.00

Ending Balance: _____ $0.00
Date

We attest that the above statement is correct:

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Committee Member Date

_____ _____
Warden, Institution Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
265

TRAVEL

Supersedes: AR 265 (06/17/12); and AR 265 (Temporary, ~~12/06/~~11/04/14)
Effective date: ~~06/17/12~~05/19/15

AUTHORITY: NRS 209.131; 281.160; 281.167; 281.169; 197.110, SAM 0200.0

RESPONSIBILITY

It is the responsibility of all NDOC employees to comply with this regulation.

265.01 GENERAL TRAVEL

1. All requests for travel authorization must be:

   A. Made on the Department's Travel Authorization Form (DOC-519);

   B. Approved (signed) by the appointing authority in advance of the trip; and

   C. Submitted to the Department's designated travel coordinator in the Support Services Division at least two weeks in advance of the trip.

2. The Chief of Fiscal Services/designee must approve exceptions to the above.

3. Travel claims submitted without the proper approvals may not be paid.

4. Travel should be by the least expensive method available when such factors as total travel time, personnel costs, Department or State Motor Pool vehicle availability, and cost of transportation are considered (SAM 0204.0).

5. Employees incorporating personal travel into their official state trip should provide a memorandum with their Travel Authorization Form to their appointing authority indicating the portion of the trip that will be considered official business and the portion to be considered annual leave or compensatory time.

265.02 PERSONAL LIABILITY

1. Employees may be held personally liable for charges billed to the Department for airline ticket costs if they cancel the trip and fail to reschedule or cancel the ticket.

2. Travel advances constitute a lien on the accrued wages of the requesting employee. Additional advances will not be issued to any employee who has an outstanding travel advance balance ~~over 60 days in arrears~~.

265.03 TRAVEL FOR COURT APPEARANCES

1. Travel for court appearances will be granted if the following documentation is attached to request for travel:

A. The employee receives a summons and complaint, naming the employee as a party to a civil lawsuit in their official capacity as an NDOC employee,

B. The employee receives a summons and complaint, naming the employee as a party to a civil lawsuit in their individual capacity, after review by the Attorney General's Office, or

C. The employee is requested by the Attorney General's Office to appear in court as a witness.

265.04 STATE FACILITATED CHARGE CARDS

1. Employees who travel on state business may apply for a state facilitated charge card.

2. The card shall be used only to charge expenses directly related to travel for official state business and cannot be used for personal cash advances or purchases of any kind.

3. Payment of the charge card bill is the responsibility of the employee to whom the card is issued.

4. Charge card balances must be paid promptly upon being reimbursed from the state.

5. Improper use of the state facilitated charge card may result in disciplinary action against the employee and deactivation of the card. Misuse of state property is a category E felony and shall be punished as provided in NRS 193.130.

265.05 FILING TRAVEL CLAIMS

1. All employees shall promptly submit a claim for travel reimbursement on form ~~TE~~DOC 522, Claim for Travel Expense, to the Department's designated travel coordinator in the Support Services Division ~~after~~within 10 days of completion of the trip ~~is completed~~.

2. Employees may voluntarily claim amounts less than the established rates based upon actual expenses (SAM 0212.1).

APPLICABILITY

1. This regulation requires an Operational Procedure for the Support Services Division.

2. This regulation requires an audit as part of the annual review of internal controls pursuant to SAM 2418.0.

REFERENCES:

ACA Standard, 4th Edition, 4-4066, SAM 0204.0, 0212.1, 2418.0

_____ _____

~~James G. Cox,~~ Director _____ Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
265

TRAVEL

Supersedes: AR 265 (06/17/12); and AR 265 (Temporary, 11/04/14)
Effective date: 05/19/15

AUTHORITY: NRS 209.131; 281.160; 281.167; 281.169; 197.110, SAM 0200.0

RESPONSIBILITY

It is the responsibility of all NDOC employees to comply with this regulation.

265.01 GENERAL TRAVEL

1. All requests for travel authorization must be:

   A. Made on the Department's Travel Authorization Form (DOC-519);

   B. Approved (signed) by the appointing authority in advance of the trip; and

   C. Submitted to the Department's designated travel coordinator in the Support Services Division at least two weeks in advance of the trip.

2. The Chief of Fiscal Services/designee must approve exceptions to the above.

3. Travel claims submitted without the proper approvals may not be paid.

4. Travel should be by the least expensive method available when such factors as total travel time, personnel costs, Department or State Motor Pool vehicle availability, and cost of transportation are considered (SAM 0204.0).

5. Employees incorporating personal travel into their official state trip should provide a memorandum with their Travel Authorization Form to their appointing authority indicating the portion of the trip that will be considered official business and the portion to be considered annual leave or compensatory time.

265.02 PERSONAL LIABILITY

1. Employees may be held personally liable for charges billed to the Department for airline ticket costs if they cancel the trip and fail to reschedule or cancel the ticket.

2. Travel advances constitute a lien on the accrued wages of the requesting employee. Additional advances will not be issued to any employee who has an outstanding travel advance balance.

265.03 TRAVEL FOR COURT APPEARANCES

1. Travel for court appearances will be granted if the following documentation is attached to request for travel:

A. The employee receives a summons and complaint, naming the employee as a party to a civil lawsuit in their official capacity as an NDOC employee,

B. The employee receives a summons and complaint, naming the employee as a party to a civil lawsuit in their individual capacity, after review by the Attorney General's Office, or

C. The employee is requested by the Attorney General's Office to appear in court as a witness.

265.04 STATE FACILITATED CHARGE CARDS

1. Employees who travel on state business may apply for a state facilitated charge card.

2. The card shall be used only to charge expenses directly related to travel for official state business and cannot be used for personal cash advances or purchases of any kind.

3. Payment of the charge card bill is the responsibility of the employee to whom the card is issued.

4. Charge card balances must be paid promptly upon being reimbursed from the state.

5. Improper use of the state facilitated charge card may result in disciplinary action against the employee and deactivation of the card. Misuse of state property is a category E felony and shall be punished as provided in NRS 193.130.

265.05 FILING TRAVEL CLAIMS

1. All employees shall promptly submit a claim for travel reimbursement on form DOC 522, Claim for Travel Expense, to the Department's designated travel coordinator in the Support Services Division within 10 days of completion of the trip.

2. Employees may voluntarily claim amounts less than the established rates based upon actual expenses (SAM 0212.1).

APPLICABILITY

1. This regulation requires an Operational Procedure for the Support Services Division.

2. This regulation requires an audit as part of the annual review of internal controls pursuant to SAM 2418.0.

REFERENCES:

ACA Standard, 4th Edition, 4-4066, SAM 0204.0, 0212.1, 2418.0

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
AR 278

OFFENDERS' STORE FUNDS
OFFENDERS' STORE/COFFEE SHOP OPERATION AND MAINTENANCE
REIMBURSEMENT TO GENERAL FUND

Supersedes: AR 278 (06/17/12); and AR 278 (Temporary, ~~07/27/~~11/04/14)
Effective Date: ~~06/17/12~~05/19/15

AUTHORITY

NRS 353.220 (5)(a)
NRS 209.221

RESPONSIBILITY

The Director shall utilize the ~~Inmate~~Offender Store ~~funds~~Fund (OSF) to defray the costs related to the operations and maintenance of the Offenders' Stores and Coffee Shops where they exist within the Department. ~~Inmate Store Funds~~OSF are to be utilized for the benefit of inmates and to ensure the continuation of Offenders' Stores and Coffee Shops.

278.01 REIMBURSEMENT

1. Annual reimbursement will represent a proration of the square footage of each inmate store or coffee shop in each facility/institution.

APPLICABILITY

1. This AR does not require an Operational Procedure, as it is an Accounting Desktop Procedure (DT-0030).

2. This AR requires an audit to ensure institution/facility compliance.

REFERENCES

26th Special Session, Assembly Bill 6, Section 35

~~James G. Cox,~~

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
AR 278

OFFENDERS' STORE FUNDS
OFFENDERS' STORE/COFFEE SHOP OPERATION AND MAINTENANCE
REIMBURSEMENT TO GENERAL FUND

Supersedes: AR 278 (06/17/12); and AR 278 (Temporary, 11/04/14)
Effective Date: 05/19/15

AUTHORITY

NRS 353.220 (5)(a)
NRS 209.221

RESPONSIBILITY

The Director shall utilize the Offender Store Fund (OSF) to defray the costs related to the operations and maintenance of the Offenders' Stores and Coffee Shops where they exist within the Department. OSF are to be utilized for the benefit of inmates and to ensure the continuation of Offenders' Stores and Coffee Shops.

278.01 REIMBURSEMENT

1. Annual reimbursement will represent a proration of the square footage of each inmate store or coffee shop in each facility/institution.

APPLICABILITY

1. This AR does not require an Operational Procedure, as it is an Accounting Desktop Procedure (DT-0030).

2. This AR requires an audit to ensure institution/facility compliance.

REFERENCES

26th Special Session, Assembly Bill 6, Section 35

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
AR 279

INMATE WELFARE FUNDS
GYMNASIUM OPERATION AND MAINTENANCE
REIMBURSEMENT TO GENERAL FUND

Supersedes: AR 279 (06/17/12); and AR 279 (Temporary, ~~07/27/~~11/04/14)
Effective Date: ~~06/17/12~~ 05/19/15

AUTHORITY

NRS 353.220 (5)(a)
NRS 209.221

RESPONSIBILITY

The Director shall utilize the Inmate Welfare ~~funds~~Fund (IWF) account to defray the costs related to the operations of ~~visitation and~~ the gymnasium where they exist within the Department. ~~Inmate Welfare Funds are~~The IWF is to be utilized for the benefit of inmates ~~and their families~~ to ensure continuation of ~~visitation and~~ the use of the gymnasiums.

279.01 REIMBURSEMENT

1. The gymnasium will be prorated based upon square footage and available hours for use where they exist in each facility.

APPLICABILITY

1. This AR does not require an Operational Procedure, as it is an Accounting Desktop Procedure (DT-0030).

2. This AR requires an audit to ensure institution/facility compliance.

REFERENCES

26th Special Session, Assembly Bill 6, Section 35

~~James G. Cox,~~ Director

Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
AR 279

INMATE WELFARE FUNDS
GYMNASIUM OPERATION AND MAINTENANCE
REIMBURSEMENT TO GENERAL FUND

Supersedes: AR 279 (06/17/12); and AR 279 (Temporary, 11/04/14)
Effective Date: 05/19/15

AUTHORITY

NRS 353.220 (5)(a)
NRS 209.221

RESPONSIBILITY

The Director shall utilize the Inmate Welfare Fund (IWF) account to defray the costs related to the operations of the gymnasium where they exist within the Department. The IWF is to be utilized for the benefit of inmates to ensure continuation of the use of the gymnasiums.

279.01 REIMBURSEMENT

1. The gymnasium will be prorated based upon square footage and available hours for use where they exist in each facility.

APPLICABILITY

1. This AR does not require an Operational Procedure, as it is an Accounting Desktop Procedure (DT-0030).

2. This AR requires an audit to ensure institution/facility compliance.

REFERENCES

26th Special Session, Assembly Bill 6, Section 35

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
339

EMPLOYEE CODE OF ETHICS
EMPLOYEE AND CONDUCT,
CORRECTIVE OR DISCIPLINARY ACTION, AND
PROHIBITIONS AND PENALTIES

Supersedes: AR 339 (06/17/12); incorporates AR 340 (08/13/10); AR 341 (08/13/10); and AR 343 (12/17/13); AR 339 (Temporary, 11/24/11 10/13/14); AR 339 (Temporary, 12/10/14); and AR 339 (Temporary, 12/18/14)

Effective date: 06/17/12 05/19/15

AUTHORITY

Any and all relevant NRS and NAC including but not limited to: 209.131, .239; NRS Chapters 284 & 289; NRS 199.325; NRS 281.481 281A.400; NAC 284.638 - 284. - .656; NAC 284.548, 284.738 - 284. - .771-, 42 U.S.C. § 15601, *et seq.* and 28 C.F.R. Part 115

RESPONSIBILITY

1. The Director/Designee has the final and overall responsibility for administering employee discipline.

The Appointing Authorities are responsible for enforcement of this Administrative Regulation (AR), utilizing the appropriate state forms. Additionally, the primary responsibility for ensuring that complaint allegations are properly referred and investigated rests with each Warden/Division Head who becomes aware of the complaint or allegation of employee misconduct.

The Department's Human Resources Division is responsible to provide each permanent classified employee with a copy of this AR and maintain records of distribution. The Human Resources Division is also responsible for tracking disciplinary actions and maintaining employee personnel files.

2. The overall responsibility for compliance with the provisions set forth in this Administrative Regulation (AR) has been delegated by the Director to the Appointing Authorities.

~~3. The Wardens/Division Heads are responsible to ensure compliance with this Administrative Regulation and to ensure that non-compliance with this procedure is reported and addressed in a timely manner.~~

~~4. All Wardens/Division Heads are responsible to distribute, post, and ensure accessibility and compliance with this AR.~~

~~5.~~ All Department employees are responsible to comply with this ~~procedure~~AR at all times. ~~All Department employees are responsible to make appropriate notifications concerning incidents, activities, or events of immediate interest or concern which take place within the jurisdiction of, or which impact, the Department.~~ This includes immediately reporting any alleged act of employee misconduct to a supervisor.

~~6. The Department Human Resources Division is responsible to ensure all new employees receive a copy of this AR and sign acknowledgment of such.~~

~~7.~~ The Employee Development Manager, in conjunction with the Inspector General (IG), is responsible to develop and deliver training on this AR.

The IG is responsible for and oversees all investigations. The IG will maintain the investigative case file, including copies of related attachments associated with the complaint.

The Warden/Division Heads are responsible to review completed misconduct complaint investigations and adjudicate subordinate employee culpability, making recommendations for corrective or disciplinary action.

339.01 CODE OF ETHICS

1. Employees of the Nevada Department of Corrections should at all times adhere to the following Code of Ethics.

A. The Nevada Department of Corrections is committed to a code of ethics that will guide the performance, conduct and behavior of its employees. This code will ensure that our professionalism is reflected in the operation and activities of the Department and is recognized by all interested parties. In this light, the following principles are practiced:

(1) Employees shall maintain high standards of honesty, integrity, and impartiality, free from any personal considerations, favoritism, or partisan demands.

(2) Employees shall be courteous, considerate, and prompt when dealing with the public, realizing that we serve the public.

(3) Employees shall maintain mutual respect and professional cooperation in their relationships with other staff members of the Department of Corrections.

(4) Employees shall be firm, fair, and consistent in the performance of their duties. Employees should treat others with dignity, respect, and compassion and provide humane custody and care, void of all retribution, harassment, or abuse.

(5) Employees shall uphold the tenets of the United States Constitution, its amendments, the Nevada Constitution, federal and State laws, rules, and regulations, and policies of the Department.

(6) Whether on or off duty, in uniform or not, employees shall conduct themselves in a manner that will not tend to bring discredit or embarrassment to the Department of Corrections and the State of Nevada.

(7) Employees shall report without reservation any corrupt or unethical behavior that could affect either inmates, employees, or the integrity of the Department of Corrections.

(8) Employees shall not use their position for personal gain.

(9) Employees shall maintain confidentiality of information that has been entrusted to them~~ and designated as such~~.

(10) Employees shall not permit themselves to be placed under any kind of personal obligation that could lead any person to expect official favors.

(11) Employees shall not accept or solicit from anyone, either directly or indirectly, anything of economic value, such as a gift, gratuity, favor, entertainment, or loan which is, or may appear to be, designed to influence their official conduct.

(12) Employees shall not discriminate against any inmate, employee, or any member of the public on the basis of race, color, religion, sex, sexual orientation, age, disability, gender identity or expression, or national origin.

(13) Employees shall not sexually harass or condone sexual harassment with or against any person, including but not limited to any inmate, employee, volunteer, vendor, or any member of the public.

(14) Employees shall maintain the highest standards of personal hygiene, grooming and neatness while on duty or otherwise representing the Department.

339.02~~ EMPLOYEE LIABILITY~~

~~1. Inmate Property~~

~~A. Loss of or damage to inmate property caused by an employee of the Department which is attributable to negligence, lack of reasonable care, failure to follow proper procedures or~~

~~misconduct on the part of the employee may subject the employee to a financial liability for replacement of the property and may result in disciplinary action.~~

~~2. State Property~~

~~A.Loss of or damage to state property or unnecessary expenditure of state funds caused by any employee of the Department which is attributable to negligence, lack of reasonable care, failure to follow proper procedures or misconduct on the part of the employee, may subject the employee to a financial liability for the replacement of the property or funds and may result in disciplinary action.~~

~~B.Misuse, unauthorized use, or unlawful use of State Property by any employee or the Department may subject the employee to a financial liability and may result in disciplinary action.~~

~~3. Penalties for employees who violate any regulation that results in loss or property damage or costs incurred by the Department may result in, but are not limited to:~~

~~A. Being held financially liable, after appropriate legal process, for the costs associated with the violation.~~

~~B. Reprimand, suspension or dismissal from State service.~~

~~C.Subject the employee to civil, compensatory or criminal prosecution and penalties.~~

~~339.03~~ EMPLOYEE CONDUCT ON AND OFF DUTY

1. All Department employees are responsible, at all times, to conduct themselves in an appropriate manner, with honor, integrity~~ and~~, impartiality, and loyalty whether on or off duty, to obey and support the letter and spirit of the law, and to always exercise appropriate self-discipline in the use of the power and authority entrusted to them.

2. The penalty imposed for a violation of 339.~~04~~07 Class of Offense Guidelines (18. ~~U..),~~R.), can range from a CLASS 1 – 5 violation depending upon the facts and circumstances of the particular case.

3. Under the law Peace Officers are expected to abide by the laws they are empowered to enforce. ~~Employees~~Peace Officer employees will obey all laws of the U.S., State of Nevada, and ordinances in force in their jurisdiction. Violations of law, ~~or~~ an indictment~~,~~ or information filed against an officer, or a conviction ~~will~~can be cause for disciplinary action up to and including termination from employment~~.~~, especially where off-duty conduct tends to bring the Department into public discredit or which tends to affect the employee's ability to perform assigned duties efficiently. Employees must also be careful that the authority vested in them as Peace Officers is not abused.

339.03 GOALS OF CORRECTIVE AND DISCIPLINARY MEASURES

1. Public employees have an affirmative duty to serve the public. The public trusts that the Department will operate within legal and procedural boundaries. Occasionally an employee will step beyond these boundaries, resulting in a misconduct and/or performance complaint. Each time the Appointing Authority adjudicates a complaint public trust is impacted.

2. When an allegation of misconduct and/or performance is Sustained, corrective or disciplinary action shall be applied.

3. Disciplinary action is intended to serve three purposes which are weighed carefully when making recommendations:

A. To modify the offending employee's behavior.

B. To set expectations for other employees.

C. To assure the public that the Department strives to maintain the public trust by holding employees accountable.

4. The offending employee's Appointing Authority is generally the best person to review and recommend the corrective or disciplinary action that will best serve to modify that employee's behavior. However, the recommendation will be superseded if it does not set consistent expectations for all employees or fails to uphold the public trust.

339.04 REPORTING COMPLAINTS OR MISCONDUCT

1. All Department employees, regardless of rank or position, who become aware of an alleged act of employee misconduct, are responsible to take immediate and appropriate action to control the situation, prevent aggravation of the incident, and notify their chain of command regarding the allegation.

2. All employees at any location must accept complaints of employee misconduct from any source, in any format. If the receiving employee is not a supervisor, a supervisor must be notified immediately.

A. Complaints may be based on affirmative acts or failures to act.

B. Any failure to comply with posted AR's, OP's, Post Orders, Unit Rules, or other procedures should be reported,

C. Lower level issues related to performance need not be investigated by Inspector General staff, as long as an "impartial fact-finding" process is followed.

D. An employee who takes a complaint from an outside source may provide the complainant with a copy of the completed NOTIS entry or DOC form 028, including any documentation.

E. An employee taking a complaint should have a supervisor or another employee take over if it becomes clear that the complaint is about the employee.

F. If the complaint being received is about the employee's immediate supervisor, the employee is authorized to report the complaint to any other supervisor.

3. A supervisor who is informed of a complaint should immediately complete a NOTIS entry or DOC-028. The supervisor should make certain that any documentation is attached.

4. The Appointing Authority is responsible to make certain that reporting forms are correct and complete. Deficient reports will be returned to the Appointing Authority for corrections.

339.05 INVESTIGATIONS

1. The Appointing Authority is responsible for ensuring that allegations of employee misconduct are investigated. The Appointing Authority should request an investigation using the "refer to IG" function in NOTIS.

2. Following receipt of an investigation request, the Inspector General or designee will review the NOTIS preliminary report/DOC-028, any attachments, and any other reports related to the allegations of employee misconduct to determine if an investigation is appropriate. If an investigation is initiated, the Inspector General or designee will identify generally appropriate

allegations based upon the Class of Offense Guidelines outlined below and assign the appropriate investigative body.

A. Generally, those offenses identified as Class 1 and 2 will be assigned to the involved Appointing Authority for investigation. At the discretion of the Inspector General or designee, Class 3 offenses may be assigned to the involved Appointing Authority or to an investigator within the Inspector General's Office. Generally, Class 4 and 5 offenses will be assigned to Office of the Inspector General investigators.

B. Incidents of poor or less than standard performance that do not contain an element of misconduct will be assigned to the Warden/Division Head for appropriate action without case assignment.

C. When circumstances dictate that the investigation will involve the interview of civilians or investigation outside of the institution, the investigation will be conducted by the Office of the Inspector General.

3. A preliminary inquiry will be conducted pursuant to the Office of the Inspector General – Guide for Investigators – Preliminary Investigations Section, noting that the original complaint and reports may suffice.

4. Any employee who is the focus or subject of an investigation shall be afforded all rights and protections provided by law, and by Department regulation and directive. Current requirements are in the "Office of the Inspector General – Guide for Investigators."

5. The Inspector General or designee shall review the matter to determine where the investigation will be assigned.

A. If the IG determines that a formal investigation is not necessary, the Inspector General will notify the Appointing Authority, who is then responsible to appoint an individual of the rank of Sergeant/Non-sworn supervisor or higher as an institutional investigator.

(1) If an investigation assigned to an institution subsequently yields evidence of potential criminal misconduct by an employee or others, the Appointing Authority shall immediately notify the Inspector General.

(2) The Inspector General shall review the matter and determine whether the investigation should continue with the Appointing Authority or be returned to the Inspector General's authority.

B. If a formal investigation is required, a case number and investigator will be assigned without delay.

(1) A formal investigation will be conducted pursuant to the Office of the Inspector General – Guide for Investigators.

(2) If it becomes necessary to conduct parallel administrative and criminal investigations regarding a complaint of employee misconduct, the Inspector General shall ensure that the investigations are bifurcated. Information developed during the administrative investigation growing out of the subject's interview shall not be shared in the criminal investigation.

(3) If additional misconduct is discovered during the course of an investigation which is related to the original misconduct, the investigator shall amend the allegations and continue with investigation. If the discovered misconduct is not related to the current investigation, the investigator should generate a new NOTIS entry and submit it for Inspector General review and assignment.

(4) The investigation will be completed within the due date assigned by the Office of the Inspector General and applicable statutes and regulations. The Inspector General's Office may grant extensions requested for reasonable cause.

(5) Where an IG investigator has determined that a polygraph examination would appropriately supplement an investigation, the procedural safeguards provided in the "Office of the Inspector General – Guide for Investigators" will be applied.

C. Upon completion of an employee misconduct investigation, the assigned investigator shall document investigative facts in a final case report according to the guidelines in the "Inspector General – Guide for Investigators."

339.06 PROHIBITIONS AND PENALTIES

1. The Chart of Corrective/Disciplinary measures ascribes an available range of Corrective/Disciplinary action for each Class of prohibited activity. This chart indicates the suggested level of discipline, from less serious to more serious, for the Class of Offense and for first, second and third offenses.

2. Penalties for prohibited activities should be assessed based upon criteria established in the Chart of Corrective/Disciplinary Sanctions.

3. Multiple Infractions - In cases involving more than one sustained violation, disciplinary action should begin with the most serious violation. Other related violations may then be considered as aggravating circumstances when determining the appropriate penalty from within the minimum and maximum recommended range, or each violation may be individually considered and the penalties cumulated.

4. Progressive Discipline - Grave acts of misconduct may warrant dismissal of an employee without previous corrective action or progressive discipline. However, less serious acts of misconduct may warrant the use of progressive discipline, i.e., lesser to greater discipline, to give the employee a chance to reform his or her conduct. The increasing level of concern expressed through progressive discipline may begin with corrective action or proceed to a written reprimand, suspension for up to 30 calendar days, demotion, or dismissal.

5. Appointing Authorities and employees must recognize that penalty schedules cannot accurately, fairly, or consistently address every situation.; a comprehensive list of DOs and DON'Ts of employee conduct is not possible. Appointing Authorities must conduct an individual analysis of each employee for each incident and exercise their professional judgment and discretion, then recommend a penalty based upon the need to modify the employee's behavior, set expectations for other employees, and maintain the public trust. There is no requirement that charges similar in nature must result in identical penalties in recommending a penalty. Training, education, actions, awards, and punishments are interrelated, not separate elements.

6. There is no requirement that charges similar in nature must result in identical penalties. Employees sometimes incorrectly equate fairness and consistency as synonyms; they are not.

A. Consistency within a disciplinary system means holding every employee equally accountable for unacceptable behavior. Unacceptable behavior for one is unacceptable behavior for all, regardless of rank, status, or tenure.

B. 6.Fairness within a disciplinary system means understanding the numerous circumstances that could contribute to the unacceptable behavior. Disciplinary recommendations must consider these circumstances. Thus, two employees accused of the same misconduct could face different consequences.

7. Appointing Authorities and their reviewers should neither rely solely on previously imposed penalties nor quote them as an authority in —penalty rationales. It must be remembered that this is a historical document of penalties. As such, it may not reflect an appropriate penalty for the misconduct. Indeed, an appropriate penalty may be higher or lower depending upon current issues and the impact of the particular misconduct on the Department and/or fellow employees.

~~7. Appointing Authorities should determine if arrests~~8. ~~or convictions have an adverse impact on the employment of the employee by the State, and if an adverse impact is found, the appointing authority may immediately dismiss the employee.~~

Failure to report, failure to act, or failure to disclose is considered misconduct.

9. ~~8.~~ The Department has developed ~~a~~ Class of Offense ~~Guide~~Guidelines which ~~describes~~describe many prohibited employee ~~conduct~~actions and a Chart of Corrective/Disciplinary Sanctions which ~~prescribes recommended~~recommends penalties for inappropriate conduct.

10. Conflicting activities pursuant to NAC 284.738 include but are not limited to any activity prohibited by AR 332, Employee Reporting Responsibilities; AR 345, Unauthorized Relationships; AR 346, Nepotism; AR 347, Political Activities by Employees; and AR 355, Employee Secondary Employment.

Chart of Corrective/Disciplinary Sanctions

	First Offense		Second Offense		Third Offense	
Class	**Minimum**	**Maximum**	**Minimum**	**Maximum**	**Minimum**	**Maximum**
1	Verbal Counseling	Written Reprimand	Written Reprimand	Suspension	Suspension	Dismissal
2	Written Reprimand	Suspension	Suspension	Suspension Demotion	Suspension Demotion	Dismissal
3	Suspension	Suspension Demotion	Suspension Demotion	Dismissal	Dismissal	N/A
4	Suspension Demotion	Dismissal	Suspension Demotion	Dismissal	Dismissal	N/A
5	Dismissal	Dismissal				

339.~~05~~07 CLASS OF OFFENSE GUIDELINES

1. **ABSENT WITHOUT LEAVE (AWOL)**

A. Unexcused tardiness. **CLASS 1**

B. Absence without approved leave for three consecutive scheduled working days. ~~**CLASS 5**~~
CLASS 5

C. Any absence without approved leave short of three consecutive scheduled working days. **CLASS 2-4**

2. **DISCHARGE OF FIREARM DUE TO NEGLIGENCE**

A. Discharge of firearm because of negligence. **CLASS 2**

B. Discharge of firearm due to negligence, with substantial injury/damage. **CLASS 4-5**

3. **ALCOHOL ABUSE**

The State of Nevada Reasonable Suspicion and Pre-Employment Drug and Alcohol Testing Program provides for the testing of employees and applicants for alcohol and drugs pursuant to NRS 284.406 through NRS 284.407; and NAC 284.880 to 284.894, inclusive.

A. Employees under the influence of alcohol with the intent to report to duty or while on duty. First offense. **CLASS 4** Second offense within five years. **CLASS 5**

B. Appear for duty with the odor of alcohol/intoxicant on person or breath. **CLASS 3**

C. Purchase or consumption of alcohol while in uniform when off duty. **CLASS 23**

D. Purchase or possess alcoholic beverage on duty. **CLASS 34**

E. Consumption of an alcoholic beverage while on duty. **CLASS 4**

F. Driving while under the influence of alcohol while on duty. **CLASS 4**

G. Damaging State property while under the influence of an alcoholic beverages. beverage. **CLASS 4-5**

H. Refusal to submit to a lawfully required alcohol test. **CLASS 5**

4. **NARCOTICS/DRUGS**

The State of Nevada Reasonable Suspicion and Pre-Employment Drug and Alcohol Testing Program provides for the testing of employees and applicants for alcohol and drugs pursuant to NRS 284.406 through NRS 284.407; and NAC 284.880 to 284.894, inclusive.

A. Employees under the influence of or using a controlled substance/narcotic/drug, etc. while on duty. First offense. **CLASS 3** Second offense within five years. **CLASS 5**

B. Peace Officers and/or those employees who come into contact with inmates as a part of their job duties, under the influence of or using a controlled substance/narcotic/drug, etc. while on duty. First offense. **CLASS 4** Second offense within five years. **CLASS 5**

C. Refusal to submit to a lawfully required controlled substance/narcotic/drug test. **CLASS 5**

D. An employee driving under the influence in violation of NRS ~~484.379~~484C.010 et seq. or of any other offense for which driving under the influence is an element of the offense, and the offense occurred while driving a state vehicle~~,~~ or a privately owned vehicle on state business. **CLASS 4-5**

E. Unlawful manufacture, distribution, dispensing, possession~~–~~, selling, or use of any controlled substance, narcotic, and/or drug at his/her place of work or on state business. **CLASS 4**

F. Knowingly transport any person to buy/obtain any illegal controlled substance, narcotic, and/or drug. **CLASS 4**

G. Failure to notify a supervisor after consuming any drug, alcohol and/or substance which could interfere with the safe and efficient performance of his/her duties. **CLASS 4**

5. **CRIMINAL MISCONDUCT**

A. An employee who is convicted of driving under the influence in violation of NRS ~~484.379~~484C.010 et seq. or of any other offense for which driving under the influence is an element of the offense while driving a state vehicle, or a privately owned vehicle on state business. ~~–~~(*See* NAC 284.653.) **CLASS 4-5** Second offense within 5 years. **CLASS 5** ~~**CLASS 5**~~

B. An employee who is convicted of the unlawful manufacture, distribution, dispensing, possession, selling, or use of any controlled substance at his place of work or on state business. **CLASS 5**

C. Guilty plea of any type (Alford, no contest, etc.) or conviction of a felony, gross misdemeanor, or misdemeanor. ~~**CLASS 4**~~ **CLASS 4** Provided the conduct at issue has an adverse impact upon the Department and/or tends to bring the Department into public discredit which tends to affect the employee's ability to perform duties efficiently. ~~**Provided the conduct at issue has an adverse impact upon the Department and/or negatively reflects upon the image of the State of Nevada or the Department of Corrections.*~~

D. Reasonable belief that a felony, gross misdemeanor, or misdemeanor has been committed. ~~**CLASS 4**~~ **CLASS 4** Provided the conduct at issue has an adverse impact upon the Department and/or tends to bring the Department into public discredit which tends to affect the employee's ability to perform duties efficiently. ~~**Provided the conduct at issue has an adverse impact upon the Department and/or negatively reflects upon the image of the State of Nevada or the Department of Corrections.*~~

E. Domestic violence conviction. [18 U.S.C.A. §§ 917, 922 (Federal Gun Control Act of 1968) as amended, effective October 1, 1996]. **CLASS 5**

~~F. Any sexual contact/conduct with an inmate under the supervision of the Department, including but not limited to, oral sexual contact or sexual intercourse, masturbation, homosexual acts, or physical contact with the clothed or unclothed genitals or pubic area to arouse, appeal to or gratify sexual desires.~~ ~~**CLASS 5**~~

6. **DISCOURTESY**

A. Discourteous or improper remark to a ~~co-worker. **CLASS 2**~~

~~B. Discourteous or improper remark to a~~ member of the public~~.~~ or a co-worker. **CLASS 2**

B
~~C. Inappropriate gesture or touching. **CLASS 2**~~

~~D~~. Initiate and/or perpetuate malicious rumors regarding fellow employees. ~~–~~**CLASS 2**

~~E. Verbal threats toward a staff member. **CLASS 3**~~

7. **DISCRIMINATION~~/~~, SEXUAL HARASSMENT, AND OTHER TITLE VII VIOLATIONS**

A. Title VII of the Civil Rights Act pertains to discriminatory acts in the workplace taken against applicants or employees merely on the basis of their race, color, religion, sex, sexual orientation, age, disability, or national origin.

B. NDOC is required by Title VII to ensure that no discrimination occurs in the workplace. As part of this responsibility, NDOC must provide a system for reporting, prompt investigation, and discipline of employees engaging in unlawful conduct. The goal is to ensure that the alleged harasser stops the discriminatory behavior as well as discouraging other employees who might engage in such behavior from doing so.

C. ~~A~~"Sexual Harassment" is defined pursuant to NAC 284.771. Therefore, depending on the nature, severity, and duration of conduct in violation of Title VII, NDOC should impose prompt disciplinary sanctions ranging from a **CLASS 3** to a **CLASS 5**.

D. "Hostile work environment" is a legal term for discriminatory conduct in violation of Title VII by employees that occurs over a period of time and by its nature changes an employee's terms and conditions of employment. It is not a work environment that is unpleasant for reasons not directly associated with Title VII discrimination, such as a grouchy supervisor or ill-mannered co-workers.

~~B. "Sexual Harassment" as defined pursuant to NAC 284.771.~~

~~C. Therefore, depending on the nature, severity, and duration of conduct in violation of Title VII, NDOC should impose prompt disciplinary sanctions ranging from a CLASS 1 to a CLASS 5 in accordance with NAC 284.771.~~

~~D.~~ E ~~NDOC is required by Title VII to ensure that no discrimination occurs in the workplace. As part of this responsibility, NDOC must promptly discipline employees engaging in~~

~~unlawful conduct to assure that the individual involved stops the discriminatory behavior as well as discouraging other employees who might engage in such behavior from doing so.~~

~~E. Title VII of the Civil Rights Act pertains to discriminatory acts in the workplace taken against applicants or employees merely on the basis of their race, color, religion, sex, sexual orientation, age, disability, or national origin.~~

~~F~~. Refer to NAC 284.771.

(1) Discriminating against or harassing another person because of that person's race, color, religion, sex, sexual orientation, age, disability, gender identity or expression, or national origin. **CLASS 4-5**

(2) Make a prohibited discriminatory remark at work or in the work related environment. **CLASS 4-5**

(3) Display of discriminatory photographs, cartoons, jokes, ~~social network postings~~ or other comments of a discriminatory nature at work or in the work related environment. **CLASS 4-5** (While the NDOC cannot control your personal postings on a social networking site, any inappropriate materials from such a site re-posted in any work-related environment can lead to charges under this section. Similarly, "photo-shopping" an image of a co-worker in a discriminatory fashion can lead to charges under this section.)

8. **DISHONESTY**

A. Theft, misappropriation, or other fraudulent activity involving Department or State funds, property, or resources~~.~~, including but not limited to falsification of a timesheet. **CLASS 5**

B. Theft of property belonging to another employee, a citizen, or an inmate. **CLASS 5**

C. Knowingly making false statement on travel claims. **CLASS 5**

D. Receiving travel expenses through false pretenses. **CLASS 5**

E. Making a personal profit from State transactions. **CLASS 5**

F. Accepting or soliciting a bribe or gratuity. **CLASS 5**

G. Converting found, recovered or seized property to personal use. **CLASS 2-5**

9. **FALSE ~~AND~~OR MISLEADING STATEMENTS**

A. Knowingly providing false or misleading statements, including omissions, either verbally or in written reports or other documents, concerning actions related to the performance

of official duties~~ or~~. Or knowingly providing false or misleading statements, including omissions, in response to any question or request for information in any *official* investigation, interview, hearing or judicial proceeding. **CLASS 5**

B. Knowingly ~~providing false/misleading statements to a supervisor. **CLASS 4**~~falsifying any State record or report. **CLASS 5**

~~C. Knowingly falsifying any State record or report. **CLASS 5**~~

~~D~~C. Failure to assure factual accounting and record-keeping to prohibit falsification, unauthorized alteration, or destruction of documents, log books, and other records. **CLASS 5**

10. **FRAUD IN SECURING APPOINTMENT**

A. Willful falsification of application for employment or other personnel forms. The falsification must deal with a material fact that would have adversely affected the employee's selection. **CLASS 5**

B. Permitting another person to take a portion of the State Service examination for the employee or for someone else or participating in such an examination for another person. **CLASS 5**

11. **IMPROPER POLITICAL ACTIVITY**

A. Using or promising to use any official authority or influence for the purpose of influencing the vote or political action of any person or for any consideration. **CLASS 2**

B. Engaging in political activity during the hours of their state employment to improve the chances of a political party or a person seeking office, or at any time engage in political activity to secure a preference for a promotion, transfer, or salary advancement. **CLASS 2**

C. Engaging in any unauthorized political activity, except for expressing an opinion, while on duty, while in uniform, or at public expense. **CLASS 3**

D. Soliciting and~~\~~/or influencing any employee to engage or not engage in any political activities with direct or indirect use of any threat, intimidation, or coercion~~, including~~. This includes threats of discrimination, reprisal, force, or any other adverse consequence including loss of any benefit, reward, promotion, advancement, or compensation. **CLASS 5**

E. Subjecting any employee who chooses not to engage in any political activity to any direct or indirect discrimination, reprisal, force, coercion or intimidation or any other adverse consequence including the loss of any benefit, reward, promotion, advancement, or compensation. **CLASS 5**

12. **INSUBORDINATION**

A. Disobeying or refusing to obey~~,~~ a statute, regulation, written or verbal instruction, or lawful order~~ wherein no security breach occurs is a~~. **CLASS 4**~~ Any disobeying~~ **-5**

B. Disobeying or refusing to obey~~, including but not limited to refusal to work mandatory overtime,~~ a statute, regulation, written or verbal instruction, or lawful order, involving a potential or an actual security breach, especially which ~~results in mandatory staffing levels not being met, a breach that~~ leads to ~~any~~personal injury~~ to a person, or resulting in another type of security breach. **Class**~~. **CLASS 5**

~~B~~C. Argue about the wisdom or propriety of a lawful order or decision~~.~~; back-talking. **CLASS 2**

~~C~~D. Refusal to undergo a search of person or property on institutional property. **CLASS 5**

~~D~~E. Failure to provide identification or display proper I.D. **CLASS 1-2**

~~E~~F. Unauthorized service and or acceptance of legal process. **CLASS 1**

~~F~~G. Unauthorized representation of Department. **CLASS 2-5**

~~G~~H. Disobeying the State of Nevada smoking statutes~~. **CLASS 1**~~ and/or Department tobacco prohibition regulations. **CLASS 3**

I. Use of profane, disparaging, or abusive language directed at, with, to and/or around or to otherwise make another employee(s) aware of an attempt to embarrass, ridicule or degrade a supervisor of the institution, Department or State of Nevada Service. **CLASS 3-5**

J. Refusal to work mandatory overtime. **CLASS 3** Any subsequent refusal. **CLASS 4-5**

13. **MISUSE OR UNAUTHORIZED USE OF ~~STATE~~ PROPERTY**

Behavior under this category may also subject the employee to civil or compensatory penalties or criminal prosecution.

A. Damage to or loss of State property or equipment ~~-~~due to neglect or carelessness. ~~**CLASS 1**~~
CLASS 2-5

B. Failure to properly maintain State property and/or ~~department~~Department equipment. **CLASS~~—~~ 1**

C. Unauthorized use, misuse, or waste of property belonging to the State or Department. **CLASS 2~~-~~5**

D. Unauthorized destruction of State records. **CLASS 5**

E. Speeding or committing other traffic violations while driving a ~~state~~ State-owned vehicle, or reckless handling of other State equipment. **CLASS 2**

F. Using Department vehicle for other than official business or for personal use and benefit. **CLASS 3**

G. Deliberate waste of materials or supplies. **CLASS 2**

H. Unlawful removal of State property. **CLASS 5**

I. Improper use of Department communications or information systems. **CLASS 4**

~~J. Employees shall not permit~~J. Permitting inmates to use Department telephones, or be in an area unsupervised where staff telephones are accessible, except as otherwise authorized by administrative regulations. **CLASS 4**

K. Intentional destruction, damage to or loss of property or State equipment. **CLASS 4~~-~~5**

L. Loss of or damage to inmate property caused by an employee of the Department which is attributable to negligence, lack of reasonable care, failure to follow proper procedures or misconduct on the part of the employee. **CLASS 2-4**

14. **COMPUTER USAGE VIOLATIONS**

~~*AR 143: An inmate shall not work on or with any computer, computer system or information system that is connected, in any way, to any network, or that is equipped with a modem, network card, or similar device, which would permit data communications or communications of any type with a person or device outside a Department facility. Failure to comply will result in disciplinary action up to and including termination.*~~

A. Unauthorized or ~~Improper~~improper use or copying of proprietary software, electronic file, program, or data~~ without authorization.~~. **CLASS 4-5**

B. Unauthorized use or distribution of Department data or programs for other than the administration of Department duties, responsibilities, and business. **CLASS ~~2~~3-5**

C. The ~~inappropriate~~ introduction or use of ~~unauthorized~~ computer hardware or software to or on Department computers or systems, including ~~the~~but not limited to, downloading ~~to Department computers of inappropriate or unauthorized~~any such materials ~~from any source.~~without prior authorization. **CLASS ~~2~~3-5**

D. ~~Accessing Department computers using~~Using another employee's password~~.~~ to access Department computers. **CLASS 3**

E. Providing or exposing your password to any other person. **CLASS 3**

F. ~~Misrepresenting oneself on the Internet as another person without authorization. **CLASS 3**~~
Failure to secure your Department computer, or accessing a Department computer which has been left unsecured. **CLASS 3**

G. ~~Inappropriate use~~Use of State or Department e-mail, intranet, or ~~internet~~Internet system ~~that includes, use~~ which violates any statute, regulation, Administrative Regulation, ~~Policy~~policy or ~~Procedure, use~~procedure for purposes not directly related to Department duties~~, unauthorized use to access and/or distribute computer games~~ or unrelated to the Department mission. ~~**CLASS 3**~~

~~H. Inappropriate use of Department e-mail or internet system that includes, use which violates any Law, use in any for-profit endeavor unrelated to Department duties,~~ This includes activities such as access to or distribution of computer games or use for private business~~ including commercial advertising, unauthorized fund-raising or public relations. **CLASS**~~. **CLASS 3-4**

~~I~~H. Use of State or Department equipment for gambling. CLASS 5

I. Use for access to or distribution of pornographic material as defined by NAC 284.646(4). **CLASS 5**

J. ~~Use for access to and/or distribution/copying of indecent, adult, offensive or obscene material. **CLASS 5**~~

~~K. Forge~~Forging a digital signature. **CLASS 5**

~~L~~K. Attempting to, or intentionally using e-mail or Internet facilities to disable, impair, overload or disrupt computer or network performance, services or equipment, or to circumvent any system intended to protect privacy or security of another user or the system or to harass other users. **CLASS 5**

~~M~~L. Unauthorized use to inappropriately seek, distribute, obtain copies of, modify, or distribute information, files, or other data that is private, confidential or not open to public inspection. **CLASS 5**

~~N.~~ M. Intentionally allowing an inmate to have any password protected file. **CLASS 5**

~~O. Inmates shall never be permitted~~N. Permitting an inmate to have access to privileged, confidential, or sensitive information contained on a computer. Employees should not access such information on their computer screens with inmates in the vicinity. **CLASS 4**

O. Leaving an inmate ~~P. Inmates shall never be left~~ unsupervised in any area ~~which contains~~containing access to privileged, confidential, or sensitive information ~~which is not properly secured.~~on an unsecured computer. **CLASS 5**

P. ~~Q.~~ Improperly permitting an inmate to work on ~~or~~, use, or otherwise access any computer, computer system, or information system ~~that is~~ of the State or the Department so that:

(1) the inmate may be connected in any way to a ~~network or that is equipped with a~~ modem, network ~~card~~ or similar device ~~to permit~~which would allow communication outside a Department facility~~.~~ ;~~CLASS 5~~

(2) ~~R. Improperly permitting an inmate to write or modify any computer software owned, leased, or used by the Department or the State, or to utilize such software to~~the inmate may collect ~~or~~, organize, or otherwise use personal, Department, or State proprietary ~~data.~~ or confidential~~CLASS 5~~

(3) ~~S. Improperly instructing or permitting any inmate to provide technical assistance or otherwise assist staff with the resolution or attempted resolution of any computer, computer system, or~~ information ~~system problem. **CLASS 4**~~; OR

(4) the inmate participates in providing technical or other assistance with a computer problem. CLASS 5

Q. Purposefully circumventing State or Department internet security for any reason including but not limited to accessing unauthorized internet web sites. **CLASS 3-4**

15. **NEGLECT OF DUTY**

A. Careless or sloppy work; frequent mistakes or errors. **CLASS 1**

B. Failure to complete work assignments. **CLASS 1**

C. Failure to complete and submit required reports to supervisor or other designated person. **CLASS 2**

D. Failure to take corrective action when warranted. **CLASS 1–2**

E. Willful failure to intervene or respond when necessary. **CLASS 3**

F. Making inappropriate recommendations. **CLASS 1**

G. Wasting time or loitering~~,~~. **CLASS 1**

H. Failure to devote full time, attention and effort to assigned duties. **CLASS 2**

I. Conducting outside/personal business on State time. **CLASS 2-3**

J. Engage in unauthorized off duty employment, activity or enterprise determined to be inconsistent, incompatible, or in conflict with duties as employees of the Department. **CLASS 3**

K. Engage in secondary employment without an approved Request for Secondary Employment Form. **CLASS 2**

L. Failure to keep work area clean and uncluttered causing a work hazard. **CLASS 1**

M. Misplacement of important documents or property. **CLASS 1**

N. Disregard of safety rules. **CLASS 2-4**

O. Intentionally initiating or causing a disruption of normal operations. **CLASS 4**

P. Failure to make proper notification of sick leave. **CLASS 2**

Q. Failure to maintain telephone or other method of delivering messages at residence. **CLASS 1**

R. Failure to maintain required uniform. **CLASS 1**

S. Failure to wear appropriate clothing consistent with assigned duties. **CLASS 1**

T. Failure to appear for court or a hearing when duly notified or subpoenaed. ~~**CLASS 2**~~

~~U.~~ **CLASS 3**

U. Failure to comply with any court order or judgment. CLASS 3-**5**

V. Failure to maintain personal appearance appropriate to the job. **CLASS 1**

~~V~~W. Loss of seized, found, or recovered property by negligence. **CLASS 1** Willful failure to appropriately identify and secure such property. CLASS 2~~**CLASS 1**~~

~~W~~X. Allowing unauthorized personnel to enter work areas. **CLASS 2**

~~X~~Y. Failure to ensure subordinate employees perform required duties. **CLASS 1**

~~Y~~Z. Failure to report to a supervisor when tired or ill. **CLASS 2**

~~Z. Failure to report misconduct, or failure to report or notify supervisor concerning incidents, activities, or events of immediate interest or concern which take place within the jurisdiction of, or which impact, the Department.~~AA. ~~**CLASS 3**~~

~~AA. Failure to exercise proper supervision over offenders.~~ ~~**CLASS 2**~~

~~BB. Concealing or covering-up of defective workmanship.~~ ~~**CLASS 2**~~

~~CC. Failure to report an arrest or conviction of any misdemeanor, gross misdemeanor, or felony within 5 working days.~~ ~~**CLASS 2**~~

~~DD. Failure to report a violation of a traffic law when a driver's license is a requirement of the position. CLASS 2~~

~~EE. Willful failure to turn seized, found, or recovered property directly to property custodian, court, or owner.~~ ~~**CLASS 2**~~

~~FF. Preferential treatment of subordinates or offenders. CLASS 2~~

~~GG. Failure to respond to radio call.~~ ~~**CLASS 2**~~

~~HH. Failure to comply with any court order or judgment. CLASS 3~~

~~II. Unauthorized possession of weapons or security equipment on State Property. **CLASS 5**~~

~~JJ.~~ Sleeping on duty or failure to remain fully awake while on duty. CLASS 4

~~KK~~BB. Failure to assure safety and security as part of effective job performance, employees remain alert, aware of, attentive and responsive to their surroundings while on duty. ~~**CLASS 4**~~
CLASS 4

CC. Failure to report misconduct, or failure to report or notify supervisor concerning incidents, activities, events of immediate interest or concern, or matters impacting PREA which take place within the jurisdiction of, or which impact, the Department. **CLASS 1-5**

DD. Failure to exercise proper supervision over offenders. **CLASS 2**

EE. Concealing or covering-up of defective workmanship. **CLASS 2**

FF. Failure to report an arrest or conviction of any misdemeanor, gross misdemeanor, or felony within 24 hours or before the beginning of their next shift. CLASS 2

GG. Failure to report suspension or revocation of a driver's license when a valid driver's license is a requirement of the position. **CLASS 2**

HH. Failure to report contact with law enforcement (other than in matters involving routine traffic stops, random automobile stops and road blocks, and other than in cases involving the rendering of assistance to law enforcement) or having been notified that employee is the subject of a criminal investigation, or that a criminal investigation is proceeding against employee. **CLASS 2**

II. Preferential treatment of subordinates or offenders. **CLASS 2**

JJ. Failure to respond to radio call. **CLASS 2**

KK. Unauthorized possession of weapons or security equipment on State Property.
CLASS 5

LL. Failure to perform security functions~~. **CLASS 4**~~, violation of any safety rule, or violating or endangering the security of an institution. **CLASS 4-5**

MM. ~~Failure to Discharge Duties - intentionally failing~~Intentional failure to discharge duties, whether custodial ~~responsibility~~or other job responsibilities, provided that failure results in (a) escape of a prisoner ~~or~~ (b) the serious physical injury (c) sexual assault or (d) death of another person. **CLASS 5**

NN. ~~Security Violation – Jeopardizing the security of the institution.~~ Engaging~~**CLASS 5**~~

~~OO. Engage~~ in any act or communicating information in any fashion that could assist any individual to escape arrest, detention and/or punishment, or enables any individual to dispose of or ~~secrete~~conceal evidence. **CLASS 5**

~~PP~~OO. Withholding information or concealing suspected criminal activity to shield individuals from detection, arrest, detention or punishment. **CLASS 5**

~~QQ~~PP. Attempting to have any formal charges dismissed, reduced, avoided or stricken from any court calendar, except as provided by law. **CLASS 4**

~~RR~~QQ. Take any action that interferes with the administration of criminal justice, including intentionally interfering with the service of subpoenas, other lawful process, or the attendance or testimony of any witness at any lawful proceeding. **CLASS 5**

~~SS~~RR. Concealing, altering, falsifying, destroying, removing, tampering or withholding any property or evidence associated with any alleged misconduct, investigation, arrest, or other administrative or enforcement action. **CLASS 5**

~~TT~~SS. Removing, copying, concealing, altering, falsifying, destroying, stealing, or tampering with any record, report, or other official document maintained by the State, Department or any other criminal justice agency. (Official Department reports may be removed and/or copied only as allowed by law and Department policy/procedure.) ~~–~~**CLASS 5**

~~UU~~TT. Leaving an assigned post while on duty without authorization of a supervisor. ~~**CLASS 5**~~

~~VV~~**CLASS 5**

UU. Failure to meet Peace Officer Standards & Training (POST) requirements. **CLASS 5**

~~WW~~VV. Failure to maintain a valid driver's license when it is a condition of employment. **CLASS 5**

WW. Failure to maintain license, certification, etc. when condition of employment. **CLASS 5**

(4) ~~XX.~~ XX.~~Failure to maintain license, certification, etc. when condition of employment. **CLASS 5**~~

~~YY.~~ Introduction of a telecommunication device as described in NRS 212.165. **CLASS 5** When the introduction of the telecommunications device is immediately self-reported by the

employee, no calls have been made or received through the device during the time it has been inside the institution, and the employee has been discipline-free during the previous 12 months. **CLASS 2**~~.~~

~~ZZ~~YY. Possession and/or Introduction of non-intoxicant contraband. Contraband is any item not issued by the State to properly perform job duties. An employee must obtain written approval of the Warden or designee to possess any personal items while on duty. **CLASS 4**

~~AAA~~ZZ. Possession and/or introduction of an intoxicant contraband, including narcotics and alcohol. **CLASS 5**

~~BBB~~AAA. Failure to cooperate with official investigations conducted by the Department or other criminal justice agencies, when such failure does not violate an ~~accused'~~accused's Constitutional self- incrimination protection. **CLASS 3**

~~CCC~~BBB. Failure to safely operate motor vehicles while on duty – When the failure results in significant damage, bodily injury or death. **CLASS 5** When the failure results in minimal damage and/or minor injuries. **CLASS 3**

~~DDD. Failure to report an inmate's sexual activity. **CLASS 5**~~

~~EEE. Failure to report contact with law enforcement (other than in matters involving routine traffic stops, random automobile stops and road blocks, and other than in cases involving the rendering of assistance to law enforcement) or having been notified that employee is the subject of a criminal investigation, or that a criminal investigation is proceeding against employee. **CLASS 2**~~

16. **SEXUAL ~~MISCONDUCT~~ABUSE**

A. Any sexual contact including but not limited to, oral sexual contact, including kissing any body part or sexual ~~intercourse~~penetration, masturbation~~, homosexual acts~~, or physical contact with the clothed or unclothed genitals or pubic area to arouse, appeal to or gratify sexual desires involving any individual other than an inmate on State time and/or involving State property or equipment. **CLASS 5**

B. Custodial Sexual Misconduct defined as sexual abuse is any behavior or act of a sexual nature, either consensual or non-consensual, directed toward an inmate by an employee, volunteer, contractor, official visitor, or agency representative. These acts include but are not limited to:

(1) Unauthorized, intentional touching of the clothed or unclothed genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse or gratify sexual desire; ~~or~~

(2) Unauthorized, intentional touching, fondling, or caressing of an inmate's person, directly or indirectly, related to a "romantic" relationship;

(3) Completed, attempted, threatened, or requested sexual acts; or

(5) ~~(4)~~ Occurrences of indecent exposure, invasion of privacy or staff voyeurism. **CLASS 5**

***Voyeurism by a staff member, contractor, or volunteer** is defined as:* invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

C. Staff on inmate sexual ~~gratification.~~harassment includes staff, volunteers, or contractors who have contact with an inmate. Prohibited conduct includes but is not limited to repeated instances of:

(1) Verbal comments of a sexual nature to an inmate;

(2) Demeaning references to gender;

(3) Sexually suggestive or derogatory comments about body or clothing; or

(4) Profane or obscene language or gestures, first offense **CLASS 3-5, second or any subsequent offense Class 5**

D. Failure to report an inmate's sexual activity. CLASS 5

17. **UNAUTHORIZED USE OF FORCE**

A. Willfully employing or permitting the use of unnecessary, unauthorized, or excessive force. **CLASS 4-5**

B. Creating a situation where force must be used unnecessarily. **CLASS 4**

C. Failing to report any use of force either as a participant or a witness. **CLASS 3-4**

18. **UNBECOMING CONDUCT**

A. Engaging in horseplay with ~~inmates and/or~~ co-workers. **CLASS 3** With inmates. **CLASS 4-5**

B. Gambling on State property or while on duty~~.~~ or gambling while in uniform. **CLASS 2**

C. Unprofessional remark to an inmate. **CLASS 1**

D. Providing contraband to an inmate. **CLASS 5**

E. Abuse of sick leave. **CLASS 2**

F. ~~Borrowing from or lending to an inmate something of value. **CLASS 2**~~

~~G.~~ Misuse and/or abuse of supervisory authority or privilege. **CLASS 2**

~~H. Activities or relationships between Department staff and all persons currently or formerly under the supervision of the Department, or the jurisdiction of a criminal justice agency and their families, outside the normal course of interactions required by their duties. **CLASS 1 - 5**~~

~~I.~~G. Any violation of AR 345 regarding unauthorized relationships. **CLASS 1-5**

H. Divulging criminal records, medical records, or other legally protected information of one person to another, except when necessary to conduct the Department's business. **CLASS 5**

~~J~~I. Unauthorized disclosure of confidential Department matters. **CLASS 4**

~~K~~J. Compromising the confidentiality of inmate affairs. **CLASS 3-5**

K.
~~L.~~ Conducting unauthorized ~~business~~ transactions with an inmate or an inmate's family. **CLASS 5**

~~M.~~
L. Transmitting prohibited messages to or for inmates. **CLASS 3-5**

M~~N.~~ ~~NAC 284.650 (2) Disgraceful personal conduct which impairs the performance of a job or causes discredit to the agency. **CLASS 2**~~

~~O~~. Identified self, displayed badge or identification, appeared in uniform, or made improper use of your status as a Department employee other than is necessary, whether on or off duty. **CLASS 2-5**

N. ~~P. Wear the Department uniform in any bar, tavern, nightclub, or gambling establishment except in the performance of assigned duties. **CLASS 2**~~

~~Q.~~ Retaliated against another employee or an inmate for reporting a complaint of misconduct~~. **CLASS 3**~~, to include sexual harassment or sexual abuse of an inmate, or retaliated against another employee or an inmate who cooperates with an official PREA investigation.

CLASS 4-5

O. ~~R.~~ Inciting another to fight. **CLASS 4**

~~S~~P. Unauthorized use, misuse, destruction or waste of property belonging to the State of Nevada, another employee, a citizen ~~or an inmate. **CLASS 2**~~, or an inmate. **CLASS 1-5** (Such misconduct may subject the employee to financial liability for replacement of the property, whether attributable to negligence, lack of reasonable care, or failure to follow proper procedures.)

~~T~~Q. Displaying pornographic or adult pictures, movies, ~~or~~ videos or text to inmates, employees or to persons outside of the Department while on paid status or on ~~state~~State property. **CLASS 5**

~~U.~~ R. Any conduct whether on or off duty which may negatively ~~reflects~~reflect upon the image of the State of Nevada or the Department of Corrections. **CLASS 1—5**

~~V. Staff on inmate Sexual Harassment, which includes staff, volunteer, contractors, or any service providers coming in contact with an inmate, said conducts includes but is not limited to:~~

~~(1) Repeated verbal comments of a sexual nature to an inmate; or~~

S. Verbal threats or display of intimidating behavior towards a staff member. **CLASS 3**

339.08 ADJUDICATION

1. After the assigned investigator or supervisor completes the final case report, the Appointing Authority will adjudicate the matter within the time assigned, designating the final applicable Class of Offense Guidelines, using the appropriate form, and in coordination with the Office of the Inspector General.

2. The Appointing Authority shall prepare the Result of Adjudication Form, DOC-1096. Thereafter, the Appointing Authority should meet with the accused employee to advise the employee of the findings and recommendations.

339.09 IMPOSING CORRECTIVE or DISCIPLINARY ACTION

1. Employee performance issues should be addressed at the lowest appropriate level of supervision beginning with verbal counseling and through Specificity of Charges.

2. Corrective action includes a verbal or written counseling, which may be recorded on the performance card, as well as a Letter of Instruction or a Written Reprimand.

3. Before issuing corrective action, the Appointing Authority should make certain that no formal investigation related to the performance or misconduct issue is still pending. While

performance issues or low-level misconduct will not usually be subject to a formal investigation, the impartial fact-finding process may determine that an issue appearing to be more serious at the outset does not require discipline.

4. Except for PREA-related matters, prior to an investigation, verbal or written counseling may be used to immediately correct safety or security issues. This counseling should include an acknowledgment that further investigation leading to discipline may follow in due course.

5. Verbal or written counseling and Letters of Instruction may be used to supplement the evaluation process, between regularly scheduled reports on performance.

6. An impartial fact-finding investigation is required before imposition of a suspension, demotion, or dismissal.

7. When a suspension, demotion or dismissal is warranted, a Specificity of Charges (NPD-41) should be drafted, utilizing the appropriate format located on the Stewart shared drive.

339.10 CONFIDENTIALITY OF PERSONNEL RECORDS

1. All documents assembled or produced in support of this regulation are confidential.

2. Files may be reviewed by a subject employee pursuant to applicable sections of NRS Chapters 284 and 289.

3. Files may be copied by a subject peace offer pursuant to applicable sections of NRS Chapter 289.

A. Once an appeal has been filed, a peace officer may request a copy of the investigative file, using the DOC-1066 form.

B. The DOC-1066 form is available on the shared drive and should be submitted to the Department's Human Resources Division.

~~(2) Demeaning references to gender; or~~

~~(3) Derogatory comments about body or clothing; or~~

~~(4) Repeated profane or obscene language or gestures.~~

~~**CLASS 1 – 5**~~

APPLICABILITY

1. This regulation applies to all employees of the Department.

2. This regulation does not require an Operational Procedure.

3. This regulation does not require an audit.

REFERENCES:

ACA Standards 4-~~4069; 4-~~4048~~;~~, 4-4067, and 4-4069; 2008 Supplement 4-4069; 2010 Supplement 4-4069; and 2012 Supplement 4-4067 and 4-4069

_____ _____

~~James G. Cox,~~ Director _____ Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
339

EMPLOYEE CODE OF ETHICS AND CONDUCT, CORRECTIVE OR DISCIPLINARY ACTION, AND PROHIBITIONS AND PENALTIES

Supersedes: AR 339 (06/17/12); incorporates AR 340 (08/13/10); AR 341 (08/13/10); and AR 343 (12/17/13); AR 339 (Temporary, 10/13/14); AR 339 (Temporary, 12/10/14); and AR 339 (Temporary, 12/18/14)

Effective date: 05/19/15

AUTHORITY

NRS 209.131, .239; NRS Chapters 284 & 289; NRS 281A.400; NAC 284.638 -.656; 284.548, 284.738 -.771, 42 U.S.C. § 15601, *et seq.* and 28 C.F.R. Part 115

RESPONSIBILITY

The Director/Designee has responsibility for administering employee discipline.

The Appointing Authorities are responsible for enforcement of this Administrative Regulation (AR), utilizing the appropriate state forms. Additionally, the primary responsibility for ensuring that complaint allegations are properly referred and investigated rests with each Warden/Division Head who becomes aware of the complaint or allegation of employee misconduct.

The Department's Human Resources Division is responsible to provide each permanent classified employee with a copy of this AR and maintain records of distribution. The Human Resources Division is also responsible for tracking disciplinary actions and maintaining employee personnel files.

All Department employees are responsible to comply with this AR at all times. This includes immediately reporting any alleged act of employee misconduct to a supervisor.

The Employee Development Manager, in conjunction with the Inspector General (IG), is responsible to develop and deliver training on this AR.

The IG is responsible for and oversees all investigations. The IG will maintain the investigative case file, including copies of related attachments associated with the complaint.

The Warden/Division Heads are responsible to review completed misconduct complaint investigations and adjudicate subordinate employee culpability, making recommendations for corrective or disciplinary action.

339.01 CODE OF ETHICS

1. Employees of the Nevada Department of Corrections should at all times adhere to the following Code of Ethics.

A. The Nevada Department of Corrections is committed to a code of ethics that will guide the performance, conduct and behavior of its employees. This code will ensure that our professionalism is reflected in the operation and activities of the Department and is recognized by all interested parties. In this light, the following principles are practiced:

(1) Employees shall maintain high standards of honesty, integrity, and impartiality, free from any personal considerations, favoritism, or partisan demands.

(2) Employees shall be courteous, considerate, and prompt when dealing with the public, realizing that we serve the public.

(3) Employees shall maintain mutual respect and professional cooperation in their relationships with other staff members of the Department of Corrections.

(4) Employees shall be firm, fair, and consistent in the performance of their duties. Employees should treat others with dignity, respect, and compassion and provide humane custody and care, void of all retribution, harassment, or abuse.

(5) Employees shall uphold the tenets of the United States Constitution, its amendments, the Nevada Constitution, federal and State laws, rules, and regulations, and policies of the Department.

(6) Whether on or off duty, in uniform or not, employees shall conduct themselves in a manner that will not tend to bring discredit or embarrassment to the Department of Corrections and the State of Nevada.

(7) Employees shall report without reservation any corrupt or unethical behavior that could affect either inmates, employees, or the integrity of the Department of Corrections.

(8) Employees shall not use their position for personal gain.

(9) Employees shall maintain confidentiality of information that has been entrusted to them.

(10) Employees shall not permit themselves to be placed under any kind of personal obligation that could lead any person to expect official favors.

(11) Employees shall not accept or solicit from anyone, either directly or indirectly, anything of economic value, such as a gift, gratuity, favor, entertainment, or loan which is, or may appear to be, designed to influence their official conduct.

(12) Employees shall not discriminate against any inmate, employee, or any member of the public on the basis of race, color, religion, sex, sexual orientation, age, disability, gender identity or expression, or national origin.

(13) Employees shall not sexually harass or condone sexual harassment with or against any person, including but not limited to any inmate, employee, volunteer, vendor, or any member of the public.

(14) Employees shall maintain the highest standards of personal hygiene, grooming and neatness while on duty or otherwise representing the Department.

339.02 EMPLOYEE CONDUCT ON AND OFF DUTY

1. All Department employees are responsible, at all times, to conduct themselves in an appropriate manner, with honor, integrity, impartiality, and loyalty whether on or off duty, to obey and support the letter and spirit of the law, and to always exercise appropriate self-discipline in the use of the power and authority entrusted to them.

2. The penalty imposed for a violation of 339.07 Class of Offense Guidelines (18. R.), can range from a CLASS 1 – 5 violation depending upon the facts and circumstances of the particular case.

3. Under the law Peace Officers are expected to abide by the laws they are empowered to enforce. Peace Officer employees will obey all laws of the U.S., State of Nevada, and ordinances in force in their jurisdiction. Violations of law, an indictment or information filed against an officer, or a conviction can be cause for disciplinary action up to and including termination from employment, especially where off-duty conduct tends to bring the Department into public discredit or which tends to affect the employee's ability to perform assigned duties efficiently. Employees must also be careful that the authority vested in them as Peace Officers is not abused.

339.03 GOALS OF CORRECTIVE AND DISCIPLINARY MEASURES

1. Public employees have an affirmative duty to serve the public. The public trusts that the Department will operate within legal and procedural boundaries. Occasionally an employee will step beyond these boundaries, resulting in a misconduct and/or performance complaint. Each time the Appointing Authority adjudicates a complaint public trust is impacted.

2. When an allegation of misconduct and/or performance is Sustained, corrective or disciplinary action shall be applied.

3. Disciplinary action is intended to serve three purposes which are weighed carefully when making recommendations:

A. To modify the offending employee's behavior.

B. To set expectations for other employees.

C. To assure the public that the Department strives to maintain the public trust by holding employees accountable.

4. The offending employee's Appointing Authority is generally the best person to review and recommend the corrective or disciplinary action that will best serve to modify that employee's behavior. However, the recommendation will be superseded if it does not set consistent expectations for all employees or fails to uphold the public trust.

339.04 REPORTING COMPLAINTS OR MISCONDUCT

1. All Department employees, regardless of rank or position, who become aware of an alleged act of employee misconduct, are responsible to take immediate and appropriate action to control the situation, prevent aggravation of the incident, and notify their chain of command regarding the allegation.

2. All employees at any location must accept complaints of employee misconduct from any source, in any format. If the receiving employee is not a supervisor, a supervisor must be notified immediately.

A. Complaints may be based on affirmative acts or failures to act.

B. Any failure to comply with posted AR's, OP's, Post Orders, Unit Rules, or other procedures should be reported,

C. Lower level issues related to performance need not be investigated by Inspector General staff, as long as an "impartial fact-finding" process is followed.

D. An employee who takes a complaint from an outside source may provide the complainant with a copy of the completed NOTIS entry or DOC form 028, including any documentation.

E. An employee taking a complaint should have a supervisor or another employee take over if it becomes clear that the complaint is about the employee.

F. If the complaint being received is about the employee's immediate supervisor, the employee is authorized to report the complaint to any other supervisor.

3. A supervisor who is informed of a complaint should immediately complete a NOTIS entry or DOC-028. The supervisor should make certain that any documentation is attached.

4. The Appointing Authority is responsible to make certain that reporting forms are correct and complete. Deficient reports will be returned to the Appointing Authority for corrections.

339.05 INVESTIGATIONS

1. The Appointing Authority is responsible for ensuring that allegations of employee misconduct are investigated. The Appointing Authority should request an investigation using the "refer to IG" function in NOTIS.

2. Following receipt of an investigation request, the Inspector General or designee will review the NOTIS preliminary report/DOC-028, any attachments, and any other reports related to the allegations of employee misconduct to determine if an investigation is appropriate. If an investigation is initiated, the Inspector General or designee will identify generally appropriate allegations based upon the Class of Offense Guidelines outlined below and assign the appropriate investigative body.

A. Generally, those offenses identified as Class 1 and 2 will be assigned to the involved Appointing Authority for investigation. At the discretion of the Inspector General or designee, Class 3 offenses may be assigned to the involved Appointing Authority or to an investigator within the Inspector General's Office. Generally, Class 4 and 5 offenses will be assigned to Office of the Inspector General investigators.

B. Incidents of poor or less than standard performance that do not contain an element of misconduct will be assigned to the Warden/Division Head for appropriate action without case assignment.

C. When circumstances dictate that the investigation will involve the interview of civilians or investigation outside of the institution, the investigation will be conducted by the Office of the Inspector General.

3. A preliminary inquiry will be conducted pursuant to the Office of the Inspector General – Guide for Investigators – Preliminary Investigations Section, noting that the original complaint and reports may suffice.

4. Any employee who is the focus or subject of an investigation shall be afforded all rights and protections provided by law, and by Department regulation and directive. Current requirements are in the "Office of the Inspector General – Guide for Investigators."

5. The Inspector General or designee shall review the matter to determine where the investigation will be assigned.

A. If the IG determines that a formal investigation is not necessary, the Inspector General will notify the Appointing Authority, who is then responsible to appoint an individual of the rank of Sergeant/Non-sworn supervisor or higher as an institutional investigator.

(1) If an investigation assigned to an institution subsequently yields evidence of potential criminal misconduct by an employee or others, the Appointing Authority shall immediately notify the Inspector General.

(2) The Inspector General shall review the matter and determine whether the investigation should continue with the Appointing Authority or be returned to the Inspector General's authority.

B. If a formal investigation is required, a case number and investigator will be assigned without delay.

(1) A formal investigation will be conducted pursuant to the Office of the Inspector General – Guide for Investigators.

(2) If it becomes necessary to conduct parallel administrative and criminal investigations regarding a complaint of employee misconduct, the Inspector General shall ensure that the investigations are bifurcated. Information developed during the administrative investigation growing out of the subject's interview shall not be shared in the criminal investigation.

(3) If additional misconduct is discovered during the course of an investigation which is related to the original misconduct, the investigator shall amend the allegations and continue with investigation. If the discovered misconduct is not related to the current investigation, the investigator should generate a new NOTIS entry and submit it for Inspector General review and assignment.

(4) The investigation will be completed within the due date assigned by the Office of the Inspector General and applicable statutes and regulations. The Inspector General's Office may grant extensions requested for reasonable cause.

(5) Where an IG investigator has determined that a polygraph examination would appropriately supplement an investigation, the procedural safeguards provided in the "Office of the Inspector General – Guide for Investigators" will be applied.

C. Upon completion of an employee misconduct investigation, the assigned investigator shall document investigative facts in a final case report according to the guidelines in the "Inspector General – Guide for Investigators."

339.06 PROHIBITIONS AND PENALTIES

1. The Chart of Corrective/Disciplinary measures ascribes an available range of Corrective/Disciplinary action for each Class of prohibited activity. This chart indicates the suggested level of discipline, from less serious to more serious, for the Class of Offense and for first, second and third offenses.

2. Penalties for prohibited activities should be assessed based upon criteria established in the Chart of Corrective/Disciplinary Sanctions.

3. Multiple Infractions - In cases involving more than one sustained violation, disciplinary action should begin with the most serious violation. Other related violations may then be considered as aggravating circumstances when determining the appropriate penalty from within the minimum and maximum recommended range, or each violation may be individually considered and the penalties cumulated.

4. Progressive Discipline - Grave acts of misconduct may warrant dismissal of an employee without previous corrective action or progressive discipline. However, less serious acts of misconduct may warrant the use of progressive discipline, i.e., lesser to greater discipline, to give the employee a chance to reform his or her conduct. The increasing level of concern expressed through progressive discipline may begin with corrective action or proceed to a written reprimand, suspension for up to 30 calendar days, demotion, or dismissal.

5. Appointing Authorities and employees must recognize that penalty schedules cannot accurately, fairly, or consistently address every situation; a comprehensive list of DOs and DON'Ts of employee conduct is not possible. Appointing Authorities must conduct an individual analysis of each employee for each incident and exercise their professional judgment and discretion in recommending a penalty. Training, education, actions, awards, and punishments are interrelated, not separate elements.

6. There is no requirement that charges similar in nature must result in identical penalties. Employees sometimes incorrectly equate fairness and consistency as synonyms; they are not.

A. Consistency within a disciplinary system means holding every employee equally accountable for unacceptable behavior. Unacceptable behavior for one is unacceptable behavior for all, regardless of rank, status, or tenure.

B. Fairness within a disciplinary system means understanding the numerous circumstances that could contribute to the unacceptable behavior. Disciplinary recommendations must consider these circumstances. Thus, two employees accused of the same misconduct could face different consequences.

7. Appointing Authorities and their reviewers should neither rely solely on previously imposed penalties nor quote them as an authority in penalty rationales. It must be remembered that this is a historical document of penalties. As such, it may not reflect an appropriate penalty for the

misconduct. Indeed, an appropriate penalty may be higher or lower depending upon current issues and the impact of the particular misconduct on the Department and/or fellow employees.

8. Failure to report, failure to act, or failure to disclose is considered misconduct.

9. The Department has developed Class of Offense Guidelines which describe many prohibited employee actions and a Chart of Corrective/Disciplinary Sanctions which recommends penalties for inappropriate conduct.

10. Conflicting activities pursuant to NAC 284.738 include but are not limited to any activity prohibited by AR 332, Employee Reporting Responsibilities; AR 345, Unauthorized Relationships; AR 346, Nepotism; AR 347, Political Activities by Employees; and AR 355, Employee Secondary Employment.

Chart of Corrective/Disciplinary Sanctions

	First Offense		Second Offense		Third Offense	
Class	**Minimum**	**Maximum**	**Minimum**	**Maximum**	**Minimum**	**Maximum**
1	Verbal Counseling	Written Reprimand	Written Reprimand	Suspension	Suspension	Dismissal
2	Written Reprimand	Suspension	Suspension	Suspension Demotion	Suspension Demotion	Dismissal
3	Suspension	Suspension Demotion	Suspension Demotion	Dismissal	Dismissal	N/A
4	Suspension Demotion	Dismissal	Suspension Demotion	Dismissal	Dismissal	N/A
5	Dismissal	Dismissal				

339.07 CLASS OF OFFENSE GUIDELINES

1. **ABSENT WITHOUT LEAVE (AWOL)**

A. Unexcused tardiness. **CLASS 1**

B. Absence without approved leave for three consecutive scheduled working days.
CLASS 5

C. Any absence without approved leave short of three consecutive scheduled working days.
CLASS 2-4

2. **DISCHARGE OF FIREARM DUE TO NEGLIGENCE**

A. Discharge of firearm because of negligence. **CLASS 2**

B. Discharge of firearm due to negligence, with substantial injury/damage. **CLASS 4-5**

3. **ALCOHOL ABUSE**

The State of Nevada Reasonable Suspicion and Pre-Employment Drug and Alcohol Testing Program provides for the testing of employees and applicants for alcohol and drugs pursuant to NRS 284.406 through NRS 284.407; and NAC 284.880 to 284.894, inclusive.

A. Employees under the influence of alcohol with the intent to report to duty or while on duty. First offense. **CLASS 4** Second offense within five years. **CLASS 5**

B. Appear for duty with the odor of alcohol/intoxicant on person or breath. **CLASS 3**

C. Purchase or consumption of alcohol while in uniform when off duty. **CLASS 3**

D. Purchase or possess alcoholic beverage on duty. **CLASS 4**

E. Consumption of an alcoholic beverage while on duty. **CLASS 4**

F. Driving while under the influence of alcohol while on duty. **CLASS 4**

G. Damaging State property while under the influence of an alcoholic beverage. **CLASS 4-5**

H. Refusal to submit to a lawfully required alcohol test. **CLASS 5**

4. **NARCOTICS/DRUGS**

The State of Nevada Reasonable Suspicion and Pre-Employment Drug and Alcohol Testing Program provides for the testing of employees and applicants for alcohol and drugs pursuant to NRS 284.406 through NRS 284.407; and NAC 284.880 to 284.894, inclusive.

A. Employees under the influence of or using a controlled substance/narcotic/drug, etc. while on duty. First offense. **CLASS 3** Second offense within five years. **CLASS 5**

B. Peace Officers and/or those employees who come into contact with inmates as a part of their job duties, under the influence of or using a controlled substance/narcotic/drug, etc. while on duty. First offense. **CLASS 4** Second offense within five years. **CLASS 5**

C. Refusal to submit to a lawfully required controlled substance/narcotic/drug test. **CLASS 5**

D. An employee driving under the influence in violation of NRS 484C.010 et seq. or of any other offense for which driving under the influence is an element of the offense, and the offense occurred while driving a state vehicle or a privately owned vehicle on state business. **CLASS 4-5**

E. Unlawful manufacture, distribution, dispensing, possession, selling, or use of any controlled substance, narcotic, and/or drug at his/her place of work or on state business. **CLASS 4**

F. Knowingly transport any person to buy/obtain any illegal controlled substance, narcotic, and/or drug. **CLASS 4**

G. Failure to notify a supervisor after consuming any drug, alcohol and/or substance which could interfere with the safe and efficient performance of his/her duties. **CLASS 4**

5. **CRIMINAL MISCONDUCT**

A. An employee who is convicted of driving under the influence in violation of NRS 484C.010 et seq. or of any other offense for which driving under the influence is an element of the offense while driving a state vehicle, or a privately owned vehicle on state business. (*See* NAC 284.653.) **CLASS 4-5** Second offense within 5 years. **CLASS 5**

B. An employee who is convicted of the unlawful manufacture, distribution, dispensing, possession, selling, or use of any controlled substance at his place of work or on state business. **CLASS 5**

C. Guilty plea of any type (Alford, no contest, etc.) or conviction of a felony, gross misdemeanor, or misdemeanor. **CLASS 4** Provided the conduct at issue has an adverse impact upon the Department and/or tends to bring the Department into public discredit which tends to affect the employee's ability to perform duties efficiently.

D. Reasonable belief that a felony, gross misdemeanor, or misdemeanor has been committed. **CLASS 4** Provided the conduct at issue has an adverse impact upon the Department and/or tends to bring the Department into public discredit which tends to affect the employee's ability to perform duties efficiently.

E. Domestic violence conviction. [18 U.S.C.A. §§ 917, 922 (Federal Gun Control Act of 1968) as amended, effective October 1, 1996]. **CLASS 5**

6. **DISCOURTESY**

A. Discourteous or improper remark to a member of the public or a co-worker. **CLASS 2**

B. Initiate and/or perpetuate malicious rumors regarding fellow employees. **CLASS 2**

7. **DISCRIMINATION, SEXUAL HARASSMENT, AND OTHER TITLE VII VIOLATIONS**

A. Title VII of the Civil Rights Act pertains to discriminatory acts in the workplace taken against applicants or employees merely on the basis of their race, color, religion, sex, sexual orientation, age, disability, or national origin.

B. NDOC is required by Title VII to ensure that no discrimination occurs in the workplace. As part of this responsibility, NDOC must provide a system for reporting, prompt investigation, and discipline of employees engaging in unlawful conduct. The goal is to ensure that the alleged harasser stops the discriminatory behavior as well as discouraging other employees who might engage in such behavior from doing so.

C. "Sexual Harassment" is defined pursuant to NAC 284.771. Therefore, depending on the nature, severity, and duration of conduct in violation of Title VII, NDOC should impose prompt disciplinary sanctions ranging from a **CLASS 3** to a **CLASS 5**.

D. "Hostile work environment" is a legal term for discriminatory conduct in violation of Title VII by employees that occurs over a period of time and by its nature changes an employee's terms and conditions of employment. It is not a work environment that is unpleasant for reasons not directly associated with Title VII discrimination, such as a grouchy supervisor or ill-mannered co-workers.

E. Refer to NAC 284.771.

(1) Discriminating against or harassing another person because of that person's race, color, religion, sex, sexual orientation, age, disability, gender identity or expression, or national origin. **CLASS 4-5**

(2) Make a prohibited discriminatory remark at work or in the work related environment. **CLASS 4-5**

(3) Display of discriminatory photographs, cartoons, jokes, or other comments of a discriminatory nature at work or in the work related environment. **CLASS 4-5** (While the NDOC cannot control your personal postings on a social networking site, any inappropriate materials from such a site re-posted in any work-related environment can lead to charges under this section. Similarly, "photo-shopping" an image of a co-worker in a discriminatory fashion can lead to charges under this section.)

8. **DISHONESTY**

A. Theft, misappropriation, or other fraudulent activity involving Department or State funds, property, or resources, including but not limited to falsification of a timesheet. **CLASS 5**

B. Theft of property belonging to another employee, a citizen, or an inmate. **CLASS 5**

C. Knowingly making false statement on travel claims. **CLASS 5**

D. Receiving travel expenses through false pretenses. **CLASS 5**

E. Making a personal profit from State transactions. **CLASS 5**

F. Accepting or soliciting a bribe or gratuity. **CLASS 5**

G. Converting found, recovered or seized property to personal use. **CLASS 2-5**

9. **FALSE OR MISLEADING STATEMENTS**

A. Knowingly providing false or misleading statements, including omissions, either verbally or in written reports or other documents, concerning actions related to the performance of official duties. Or knowingly providing false or misleading statements, including omissions, in response to any question or request for information in any *official* investigation, interview, hearing or judicial proceeding. **CLASS 5**

B. Knowingly falsifying any State record or report. **CLASS 5**

C. Failure to assure factual accounting and record-keeping to prohibit falsification, unauthorized alteration, or destruction of documents, log books, and other records. **CLASS 5**

10. **FRAUD IN SECURING APPOINTMENT**

A. Willful falsification of application for employment or other personnel forms. The falsification must deal with a material fact that would have adversely affected the employee's selection. **CLASS 5**

B. Permitting another person to take a portion of the State Service examination for the employee or for someone else or participating in such an examination for another person. **CLASS 5**

11. **IMPROPER POLITICAL ACTIVITY**

A. Using or promising to use any official authority or influence for the purpose of influencing the vote or political action of any person or for any consideration. **CLASS 2**

B. Engaging in political activity during the hours of their state employment to improve the chances of a political party or a person seeking office, or at any time engage in political activity to secure a preference for a promotion, transfer, or salary advancement. **CLASS 2**

C. Engaging in any unauthorized political activity, except for expressing an opinion, while on duty, while in uniform, or at public expense. **CLASS 3**

D. Soliciting and/or influencing any employee to engage or not engage in any political activities with direct or indirect use of any threat, intimidation, or coercion. This includes threats of discrimination, reprisal, force, or any other adverse consequence including loss of any benefit, reward, promotion, advancement, or compensation. **CLASS 5**

E. Subjecting any employee who chooses not to engage in any political activity to any direct or indirect discrimination, reprisal, force, coercion or intimidation or any other adverse consequence including the loss of any benefit, reward, promotion, advancement, or compensation. **CLASS 5**

12. **INSUBORDINATION**

A. Disobeying or refusing to obey a statute, regulation, written or verbal instruction, or lawful order. **CLASS 4-5**

B. Disobeying or refusing to obey a statute, regulation, written or verbal instruction, or lawful order, involving a potential or an actual security breach, especially which leads to personal injury. **CLASS 5**

C. Argue about the wisdom or propriety of a lawful order or decision; back-talking. **CLASS 2**

D. Refusal to undergo a search of person or property on institutional property. **CLASS 5**

E. Failure to provide identification or display proper I.D. **CLASS 1-2**

F. Unauthorized service and or acceptance of legal process. **CLASS 1**

G. Unauthorized representation of Department. **CLASS 2-5**

H. Disobeying the State of Nevada smoking statutes and/or Department tobacco prohibition regulations. **CLASS 3**

I. Use of profane, disparaging, or abusive language directed at, with, to and/or around or to otherwise make another employee(s) aware of an attempt to embarrass, ridicule or degrade a supervisor of the institution, Department or State of Nevada Service. **CLASS 3-5**

J. Refusal to work mandatory overtime. **CLASS 3** Any subsequent refusal. **CLASS 4-5**

13. **MISUSE OR UNAUTHORIZED USE OF PROPERTY**

Behavior under this category may also subject the employee to civil or compensatory penalties or criminal prosecution.

A. Damage to or loss of State property or equipment due to neglect or carelessness. **CLASS 2-5**

B. Failure to properly maintain State property and/or Department equipment. **CLASS 1**

C. Unauthorized use, misuse, or waste of property belonging to the State or Department. **CLASS 2-5**

D. Unauthorized destruction of State records. **CLASS 5**

E. Speeding or committing other traffic violations while driving a State-owned vehicle, or reckless handling of other State equipment. **CLASS 2**

F. Using Department vehicle for other than official business or for personal use and benefit. **CLASS 3**

G. Deliberate waste of materials or supplies. **CLASS 2**

H. Unlawful removal of State property. **CLASS 5**

I. Improper use of Department communications or information systems. **CLASS 4**

J. Permitting inmates to use Department telephones, or be in an area unsupervised where staff telephones are accessible, except as otherwise authorized by administrative regulations. **CLASS 4**

K. Intentional destruction, damage to or loss of property or State equipment. **CLASS 4-5**

L. Loss of or damage to inmate property caused by an employee of the Department which is attributable to negligence, lack of reasonable care, failure to follow proper procedures or misconduct on the part of the employee. **CLASS 2-4**

14. COMPUTER USAGE VIOLATIONS

A. Unauthorized or improper use or copying of proprietary software, electronic file, program, or data. **CLASS 4-5**

B. Unauthorized use or distribution of Department data or programs for other than the administration of Department duties, responsibilities, and business. **CLASS 3-5**

C. The introduction or use of computer hardware or software to or on Department computers or systems, including but not limited to, downloading any such materials without prior authorization. **CLASS 3-5**

D. Using another employee's password to access Department computers. **CLASS 3**

E. Providing or exposing your password to any other person. **CLASS 3**

F. Failure to secure your Department computer, or accessing a Department computer which has been left unsecured. **CLASS 3**

G. Use of State or Department e-mail, intranet, or Internet system which violates any statute, regulation, Administrative Regulation, policy or procedure for purposes not directly related to Department duties or unrelated to the Department mission. This includes activities such as access to or distribution of computer games or use for private business. **CLASS 3-4**

H. Use of State or Department equipment for gambling. **CLASS 5**

I. Use for access to or distribution of pornographic material as defined by NAC 284.646(4). **CLASS 5**

J. Forging a digital signature. **CLASS 5**

K. Attempting to, or intentionally using e-mail or Internet facilities to disable, impair, overload or disrupt computer or network performance, services or equipment, or to circumvent any system intended to protect privacy or security of another user or the system or to harass other users. **CLASS 5**

L. Unauthorized use to inappropriately seek, distribute, obtain copies of, modify, or distribute information, files, or other data that is private, confidential or not open to public inspection. **CLASS 5**

M. Intentionally allowing an inmate to have any password protected file. **CLASS 5**

N. Permitting an inmate to have access to privileged, confidential, or sensitive information contained on a computer. Employees should not access such information on their computer screens with inmates in the vicinity. **CLASS 4**

O. Leaving an inmate unsupervised in any area containing access to privileged, confidential, or sensitive information on an unsecured computer. **CLASS 5**

P. Improperly permitting an inmate to work on, use, or otherwise access any computer, computer system, or information system of the State or the Department so that:

(1) the inmate may be connected in any way to a modem, network or similar device which would allow communication outside a Department facility;

(2) the inmate may collect, organize, or otherwise use personal, Department, or State proprietary or confidential information; OR

(3) the inmate participates in providing technical or other assistance with a computer problem. **CLASS 5**

Q. Purposefully circumventing State or Department internet security for any reason including but not limited to accessing unauthorized internet web sites. **CLASS 3-4**

15. **NEGLECT OF DUTY**

A. Careless or sloppy work; frequent mistakes or errors. **CLASS 1**

B. Failure to complete work assignments. **CLASS 1**

C. Failure to complete and submit required reports to supervisor or other designated person. **CLASS 2**

D. Failure to take corrective action when warranted. **CLASS 1-2**

E. Willful failure to intervene or respond when necessary. **CLASS 3**

F. Making inappropriate recommendations. **CLASS 1**

G. Wasting time or loitering. **CLASS 1**

H. Failure to devote full time, attention and effort to assigned duties. **CLASS 2**

I. Conducting outside/personal business on State time. **CLASS 2-3**

J. Engage in unauthorized off duty employment, activity or enterprise determined to be inconsistent, incompatible, or in conflict with duties as employees of the Department. **CLASS 3**

K. Engage in secondary employment without an approved Request for Secondary Employment Form. **CLASS 2**

L. Failure to keep work area clean and uncluttered causing a work hazard. **CLASS 1**

M. Misplacement of important documents or property. **CLASS 1**

N. Disregard of safety rules. **CLASS 2-4**

O. Intentionally initiating or causing a disruption of normal operations. **CLASS 4**

P. Failure to make proper notification of sick leave. **CLASS 2**

Q. Failure to maintain telephone or other method of delivering messages at residence. **CLASS 1**

R. Failure to maintain required uniform. **CLASS 1**

S. Failure to wear appropriate clothing consistent with assigned duties. **CLASS 1**

T. Failure to appear for court or a hearing when duly notified or subpoenaed. **CLASS 3**

U. Failure to comply with any court order or judgment. **CLASS 3-5**

V. Failure to maintain personal appearance appropriate to the job. **CLASS 1**

W. Loss of seized, found, or recovered property by negligence. **CLASS 1** Willful failure to appropriately identify and secure such property. **CLASS 2**

X. Allowing unauthorized personnel to enter work areas. **CLASS 2**

Y. Failure to ensure subordinate employees perform required duties. **CLASS 1**

Z. Failure to report to a supervisor when tired or ill. **CLASS 2**

AA. Sleeping on duty or failure to remain fully awake while on duty. **CLASS 4**

BB. Failure to assure safety and security as part of effective job performance, employees remain alert, aware of, attentive and responsive to their surroundings while on duty.
CLASS 4

CC. Failure to report misconduct, or failure to report or notify supervisor concerning incidents, activities, events of immediate interest or concern, or matters impacting PREA which take place within the jurisdiction of, or which impact, the Department. **CLASS 1-5**

DD. Failure to exercise proper supervision over offenders. **CLASS 2**

EE. Concealing or covering-up of defective workmanship. **CLASS 2**

FF. Failure to report an arrest or conviction of any misdemeanor, gross misdemeanor, or felony within 24 hours or before the beginning of their next shift. **CLASS 2**

GG. Failure to report suspension or revocation of a driver's license when a valid driver's license is a requirement of the position. **CLASS 2**

HH. Failure to report contact with law enforcement (other than in matters involving routine traffic stops, random automobile stops and road blocks, and other than in cases involving the rendering of assistance to law enforcement) or having been notified that employee is the subject of a criminal investigation, or that a criminal investigation is proceeding against employee. **CLASS 2**

II. Preferential treatment of subordinates or offenders. **CLASS 2**

JJ. Failure to respond to radio call. **CLASS 2**

KK. Unauthorized possession of weapons or security equipment on State Property.
CLASS 5

LL. Failure to perform security functions, violation of any safety rule, or violating or endangering the security of an institution. **CLASS 4-5**

MM. Intentional failure to discharge duties, whether custodial or other job responsibilities, provided that failure results in (a) escape of a prisoner (b) the serious physical injury (c) sexual assault or (d) death of another person. **CLASS 5**

NN. Engaging in any act or communicating information in any fashion that could assist any individual to escape arrest, detention and/or punishment, or enables any individual to dispose of or conceal evidence. **CLASS 5**

OO. Withholding information or concealing suspected criminal activity to shield individuals from detection, arrest, detention or punishment. **CLASS 5**

PP. Attempting to have any formal charges dismissed, reduced, avoided or stricken from any court calendar, except as provided by law. **CLASS 4**

QQ. Take any action that interferes with the administration of criminal justice, including intentionally interfering with the service of subpoenas, other lawful process, or the attendance or testimony of any witness at any lawful proceeding. **CLASS 5**

RR. Concealing, altering, falsifying, destroying, removing, tampering or withholding any property or evidence associated with any alleged misconduct, investigation, arrest, or other administrative or enforcement action. **CLASS 5**

SS. Removing, copying, concealing, altering, falsifying, destroying, stealing, or tampering with any record, report, or other official document maintained by the State, Department or any other criminal justice agency. (Official Department reports may be removed and/or copied only as allowed by law and Department policy/procedure.) **CLASS 5**

TT. Leaving an assigned post while on duty without authorization of a supervisor. **CLASS 5**

UU. Failure to meet Peace Officer Standards & Training (POST) requirements. **CLASS 5**

VV. Failure to maintain a valid driver's license when it is a condition of employment. **CLASS 5**

WW. Failure to maintain license, certification, etc. when condition of employment. **CLASS 5**

XX. Introduction of a telecommunication device as described in NRS 212.165. **CLASS 5** When the introduction of the telecommunications device is immediately self-reported by the employee, no calls have been made or received through the device during the time it has been inside the institution, and the employee has been discipline-free during the previous 12 months. **CLASS 2**

YY. Possession and/or Introduction of non-intoxicant contraband. Contraband is any item not issued by the State to properly perform job duties. An employee must obtain written approval of the Warden or designee to possess any personal items while on duty. **CLASS 4**

ZZ. Possession and/or introduction of an intoxicant contraband, including narcotics and alcohol. **CLASS 5**

AAA. Failure to cooperate with official investigations conducted by the Department or other criminal justice agencies, when such failure does not violate an accused's Constitutional self-incrimination protection. **CLASS 3**

BBB. Failure to safely operate motor vehicles while on duty – When the failure results in significant damage, bodily injury or death. **CLASS 5** When the failure results in minimal damage and/or minor injuries. **CLASS 3**

16. **<u>SEXUAL ABUSE</u>**

A. Any sexual contact including but not limited to, oral sexual contact, including kissing any body part or sexual penetration, masturbation, or physical contact with the clothed or

unclothed genitals or pubic area to arouse, appeal to or gratify sexual desires involving any individual other than an inmate on State time and/or involving State property or equipment. **CLASS 5**

B. Custodial Sexual Misconduct defined as sexual abuse is any behavior or act of a sexual nature, either consensual or non-consensual, directed toward an inmate by an employee, volunteer, contractor, official visitor, or agency representative. These acts include but are not limited to:

(1) Unauthorized, intentional touching of the clothed or unclothed genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse or gratify sexual desire;

(2) Unauthorized, intentional touching, fondling, or caressing of an inmate's person, directly or indirectly, related to a "romantic" relationship;

(3) Completed, attempted, threatened, or requested sexual acts; or

(4) Occurrences of indecent exposure, invasion of privacy or staff voyeurism. **CLASS 5**

Voyeurism by a staff member, contractor, or volunteer *is defined as:* invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

C. Staff on inmate sexual harassment includes staff, volunteers, or contractors who have contact with an inmate. Prohibited conduct includes but is not limited to repeated instances of:

(1) Verbal comments of a sexual nature to an inmate;

(2) Demeaning references to gender;

(3) Sexually suggestive or derogatory comments about body or clothing; or

(4) Profane or obscene language or gestures, first offense **CLASS 3-5, second or any subsequent offense Class 5**

D. Failure to report an inmate's sexual activity. **CLASS 5**

17. **UNAUTHORIZED USE OF FORCE**

A. Willfully employing or permitting the use of unnecessary, unauthorized, or excessive force. **CLASS 4-5**

B. Creating a situation where force must be used unnecessarily. **CLASS 4**

C. Failing to report any use of force either as a participant or a witness. **CLASS 3-4**

18. **UNBECOMING CONDUCT**

A. Engaging in horseplay with co-workers. **CLASS 3** With inmates. **CLASS 4-5**

B. Gambling on State property or while on duty or gambling while in uniform. **CLASS 2**

C. Unprofessional remark to an inmate. **CLASS 1**

D. Providing contraband to an inmate. **CLASS 5**

E. Abuse of sick leave. **CLASS 2**

F. Misuse and/or abuse of supervisory authority or privilege. **CLASS 2**

G. Any violation of AR 345 regarding unauthorized relationships. **CLASS 1-5**

H. Divulging criminal records, medical records, or other legally protected information of one person to another, except when necessary to conduct the Department's business. **CLASS 5**

I. Unauthorized disclosure of confidential Department matters. **CLASS 4**

J. Compromising the confidentiality of inmate affairs. **CLASS 3-5**

K. Conducting unauthorized transactions with an inmate or an inmate's family. **CLASS 5**

L. Transmitting prohibited messages to or for inmates. **CLASS 3-5**

M. Identified self, displayed badge or identification, appeared in uniform, or made improper use of your status as a Department employee other than is necessary, whether on or off duty. **CLASS 2-5**

N. Retaliated against another employee or an inmate for reporting a complaint of misconduct, to include sexual harassment or sexual abuse of an inmate, or retaliated against another employee or an inmate who cooperates with an official PREA investigation. **CLASS 4-5**

O. Inciting another to fight. **CLASS 4**

P. Unauthorized use, misuse, destruction or waste of property belonging to the State of Nevada, another employee, a citizen, or an inmate. **CLASS 1-5 (**Such misconduct

may subject the employee to financial liability for replacement of the property, whether attributable to negligence, lack of reasonable care, or failure to follow proper procedures.)

Q. Displaying pornographic or adult pictures, movies, videos or text to inmates, employees or to persons outside of the Department while on paid status or on State property. **CLASS 5**

R. Any conduct whether on or off duty which may negatively reflect upon the image of the State of Nevada or the Department of Corrections. **CLASS 1–5**

S. Verbal threats or display of intimidating behavior towards a staff member. **CLASS 3**

339.08 ADJUDICATION

1. After the assigned investigator or supervisor completes the final case report, the Appointing Authority will adjudicate the matter within the time assigned, designating the final applicable Class of Offense Guidelines, using the appropriate form, and in coordination with the Office of the Inspector General.

2. The Appointing Authority shall prepare the Result of Adjudication Form, DOC-1096. Thereafter, the Appointing Authority should meet with the accused employee to advise the employee of the findings and recommendations.

339.09 IMPOSING CORRECTIVE or DISCIPLINARY ACTION

1. Employee performance issues should be addressed at the lowest appropriate level of supervision beginning with verbal counseling and through Specificity of Charges.

2. Corrective action includes a verbal or written counseling, which may be recorded on the performance card, as well as a Letter of Instruction or a Written Reprimand.

3. Before issuing corrective action, the Appointing Authority should make certain that no formal investigation related to the performance or misconduct issue is still pending. While performance issues or low-level misconduct will not usually be subject to a formal investigation, the impartial fact-finding process may determine that an issue appearing to be more serious at the outset does not require discipline.

4. Except for PREA-related matters, prior to an investigation, verbal or written counseling may be used to immediately correct safety or security issues. This counseling should include an acknowledgment that further investigation leading to discipline may follow in due course.

5. Verbal or written counseling and Letters of Instruction may be used to supplement the evaluation process, between regularly scheduled reports on performance.

6. An impartial fact-finding investigation is required before imposition of a suspension, demotion, or dismissal.

7. When a suspension, demotion or dismissal is warranted, a Specificity of Charges (NPD-41) should be drafted, utilizing the appropriate format located on the Stewart shared drive.

339.10 CONFIDENTIALITY OF PERSONNEL RECORDS

1. All documents assembled or produced in support of this regulation are confidential.

2. Files may be reviewed by a subject employee pursuant to applicable sections of NRS Chapters 284 and 289.

3. Files may be copied by a subject peace offer pursuant to applicable sections of NRS Chapter 289.

A. Once an appeal has been filed, a peace officer may request a copy of the investigative file, using the DOC-1066 form.

B. The DOC-1066 form is available on the shared drive and should be submitted to the Department's Human Resources Division.

APPLICABILITY

1. This regulation applies to all employees of the Department.

2. This regulation does not require an Operational Procedure.

3. This regulation does not require an audit.

REFERENCES:

ACA Standards 4-4048, 4-4067, and 4-4069; 2008 Supplement 4-4069; 2010 Supplement 4-4069; and 2012 Supplement 4-4067 and 4-4069

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
487

MAINTENANCE REQUESTS

Supersedes: AR 487 (October 15, 2012); and AR 487 (Temporary, ~~06/17/12~~11/04/14)
Effective Date: ~~October~~ 05/19/15~~, 2012~~

AUTHORITY

NRS 209.131

RESPONSIBILITY

The Warden is responsible ~~to implement~~for implementing this AR.

All ~~Maintenance~~maintenance work, construction, remodeling, repairs and replacement performed by maintenance personnel~~;~~, either by NDOC staff or assigned inmate personnel, will be accomplished by assignment from the Facility Supervisor with an approved work order under the direction of the Facility Supervisor. (FSIII)

Work of an emergency nature that may affect the security, ~~health,~~ safety and health of the institution, or which may result in cost savings, may be completed and a work order prepared after completion.

487.01 WORK ORDERS

1. Work ~~Orders~~orders received by the maintenance division will be screened by the FS III to make sure that they are explicit and contain the proper authorized signature.

2. It is the FS III's responsibility to assign all work orders a priority.

3. If required after consultation with the Warden/~~-~~designee, a work order may be assigned a high priority and this change will be properly documented.
~~.~~
4. Parts or materials to effect the repair will be procured by the FS III or designee using the ~~SR/PO~~Stores Request (SR)/Purchase Order (PO) process.

5. After hours repairs: The FS III will prepare a roster for use after hours and ~~weekend call~~on weekends for emergency repairs. Emergency repairs that warrant after hours calls are repairs that affect the security, safety ~~or~~and health of the staff and/or inmates. After hours repairs will be

reported to the FS III on the next working day.

6. Work Orders to Other Shops:

A. If an institution has vocational, or Prison Industry shops, the Maintenance Division may assign certain projects to the shops with approval of the department head~~..~~.

7. Personal work in maintenance shops is not authorized.

8. Maintenance work at Conservation Camps, Restitution and Transitional Housing Centers.

A. Maintenance work in Conservation Camps, Restitution or Transitional Housing Centers, where possible, will be done by the maintenance staff that is assigned to support the facility. Additional maintenance staff may be called in from other institutions as needed.

9. Reporting maintenance work orders shall be done monthly by each institution. Monthly ~~Facility~~facility work order reports shall be submitted to the Chief of Plant Operations or designee.

APPLICABILITY

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

2. This regulation does not require an audit.

_____ _____

~~James G. Cox,~~ Director _____Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
487

MAINTENANCE REQUESTS

Supersedes: AR 487 (October 15, 2012); and AR 487 (Temporary, 11/04/14)
Effective Date: 05/19/15

AUTHORITY

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APPLICABILITY

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

2. This regulation does not require an audit.

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
490

INSTITUTIONAL SANITATION AND INSPECTIONS

Supersedes: AR 490 (06/17/12); and AR 490 (Temporary, ~~12~~11/04/14~~/11~~)
Effective Date ~~06/17/12~~ 05/19/15

AUTHORITY

NRS 209.131
NRS 209.382
NRS 444.335

RESPONSIBILITY

1. The Warden of each institution/facility will develop an operational procedure which will include specific instructions for the inspection of the institution/facility.

2. The Compliance Enforcement Unit ~~of the Chief Engineer's Office~~ is responsible to ensure compliance with applicable safety and health codes and regulations.

490.01 INSPECTIONS

1. Each institution/facility will ~~comply with all applicable health codes and regulations. Wardens will ensure that inspections are completed as indicated below:~~

~~A. Departmental staff members will~~ conduct monthly sanitation inspections of all institutional areas.

~~B. Departmental staff members will ensure that the monthly institutional sanitation inspections are documented and forwarded to the Department's Compliance Enforcement Unit in a timely manner.~~

~~2.~~ The ~~Compliance Enforcement Unit will:~~

A. ~~A. Maintain copies of all inspection reports for each~~ institution/facility~~.~~ must document the monthly sanitation inspections and maintain them so they are readily accessible for audit purposes; and

B. ~~Train selected staff of each~~The institution~~ to perform the~~ /facility must maintain monthly sanitation ~~inspections~~inspection records for three years from date generated before removal from the institution/facility.

2.
~~C.~~The Compliance Enforcement Unit will Complete ~~a quarterly~~an inspection of each institution/facility~~.~~

~~D.~~ ~~Coordinate/facilitate the institutional inspections~~ semi-annually, or more often if deemed necessary by ~~federal, state and/or local health department officials~~the Compliance Enforcement Unit.

~~E. Ensure a corrective action response is prepared for each deficiency item identified above.~~

A. The Compliance Enforcement Unit must distribute a Corrective Action Response form (DOC 038) for deficiencies identified during the inspection. The Corrective Action Response form will be provided to the appropriate institution/facility Warden for completion and return to the Compliance Enforcement Unit.

(1) Each ~~inspection report~~Corrective Action Response form submitted to the institution/facility Warden should specify the corrective action that is required to bring the deficiency up to the standards of proper sanitation and/or safety and health practices.

(2) The Warden/designee should review and endorse the Corrective Action Response form, stating on the report that ~~the~~corrective action was actually taken~~;~~ or explaining his/her reason for failing to take action promptly to correct the deficiency.

490.02 WATER SUPPLY

1. No less than one time during each calendar year, a chemical analysis test shall be taken at each applicable institution/facility. A qualified independent auditor will certify the potable water supply to be in compliance with local laws and regulations.

A. On a monthly basis, a bacteriology test is required.

B. The Director/designee will cause a special audit to be made at any time he is presented with evidence that reasonable cause for such an audit exists.

490.03 HOUSEKEEPING PLANS

1. The Warden/designee of each institution/facility will prepare a written housekeeping plan for all areas of the facility's physical plant which provides for daily housekeeping and regular maintenance by assigning specific duties and responsibilities to staff and inmates.

A. The Warden of the institution/facility will ensure that the housekeeping plan is reviewed ~~on at least an annual basis~~ annually.

B. Staff should have input in the preparation of the ~~plans~~plan.

2. The specific items listed below, and any other matters which are appropriate for the sanitation of the function or use of the given area and the hygiene and health of all persons housed, working, or otherwise properly authorized to be in each area, should be included:

A. A cleaning schedule for the area;

B. Designation of the number of inmates assigned to clean each area, and reference to the source of information concerning specific inmates assigned;

C. A time schedule for completion of assigned housekeeping duties;

D. Area waste disposal procedures which provide for the collection, storage and disposal of all liquid and solid waste accumulations for the area in a manner which will avoid nuisance and hazards, and protect the safety and health ~~and safety~~ of inmates and staff~~.~~;

E. Instructions for the acquisition, storage and utilization of cleaning supplies and equipment~~.~~; and

F. Specific instructions, as necessary, for the cleaning of:

(1) Floors, walls, ceilings, doors and windows;

(2) Toilets, sinks and showers;

(3) Barber facilities;

(4) Linens, clothing and bedding;

(5) Inmate personal property;

(6) Electrical equipment and lighting;

(7) Heating and cooling facilities;

(8) Accessories, equipment, tools and supplies;

(9) Living and/or working areas

(10) Storage areas and lockers;

(11) Furnishings, and any other item, equipment, and area reasonably required to be maintained in a sanitary condition so as to safeguard environmental health.

3. A copy of the housekeeping ~~plans~~plan should be maintained in the following places:

A. Office of the Warden;

B. Office of the Associate Warden/Facility Manager;

C. Office of the immediately responsible supervisor; and

D. Posted in an area accessible to all ~~inmate~~inmates and staff personnel assigned to live, work or be present in the area affected by the particular plan.

490.04 SANITATION OF LIVING AND WORK AREAS

1. Each inmate is responsible for maintaining sanitary conditions, including, but not limited to, the following:

A. Cleaning their working and living area, including walls, floors, sink, toilet, windows and other property within their room, cell or living area unless a specific assignment covering any portion or item therein has been given by proper authority to another inmate or person.

B. Properly using and caring ~~of~~for any cleaning equipment or materials issued to them by the person in charge of their area.

C. Exchanging their soiled linen, bedding, and clothing as provided for in the rules of the institution/facility in order to keep their person in a sanitary condition.

D. Utilizing shaving, bathing, hand-washing, shampooing, and barber facilities as provided.

E. Brushing and/or cleaning teeth and dentures regularly as required in order to protect and properly care for their teeth and practice appropriate sanitation of their mouth.

F. Reporting to the medical staff of the prison any illness or disease they contract or ~~has~~have reason to believe they have contracted, and any injury requiring treatment or becoming infected, ~~in order~~so that appropriate action may be taken by the medical staff to provide for ~~their own~~the inmate's health and the health of other inmates and staff.

G. Obeying all direct orders of any staff member pertaining to action required in order to ~~conduct themselves and~~ maintain themselves and their assigned living or working areas (or any area in which they may be present) in a sanitary manner.

H. Inmates are responsible for maintaining themselves and their areas in a sanitary condition. If they fail to comply, appropriate action, including disciplinary action, may be taken.

490.05 INMATE CLOTHING/BEDDING

1. A supply of clothing, linen and bedding should be maintained at a level adequate to supply the Department's inmate population.

2. Clothing for exchange should be available to all inmates at least two times during each calendar week.

3. Linen for exchange should be available for all inmates at least one time during each calendar week except in emergency lockdowns when weekly exchange may not be possible. Special schedules may be arranged during those times.

4. All inmates should be provided with clothing, linen, and bedding sufficient to meet the ~~needs of the situation including sanitation, health~~need for sanitary, healthy and humane ~~requirements~~conditions. Special protective clothing should be issued appropriately to inmates assigned to hospitals, farms, garages, maintenance shops and any other work detail where reasonable precautions dictate the use of such clothing.

5. All inmates must be provided with adequate bathroom and hair care facilities as to enable them to maintain acceptable standards of personal hygiene, including:

A. Sufficient bathing facilities in all housing areas to permit inmates to shower at least three times each calendar week;

B. Hair care services which comply with applicable health requirements.

490.06 PEST CONTROL

1. Refer to AR 483 and as follows:

A. Pest control measures will be conducted to eradicate, by whatever means is effective, any insects, rodents, or vermin found. ~~Institutions~~Pest control measures at institutions and facilities, including camps, restitution centers and transitional housing centers, will be conducted on a quarterly basis or as deemed necessary.

2. Chemicals must be applied by licensed personnel.

APPLICABILITY

1. This AR requires an Operational Procedure at each institution/facility.

2. This AR requires an audit.

_____ _____

~~James G. Cox,~~ Director _____Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
490

INSTITUTIONAL SANITATION AND INSPECTIONS

Supersedes: AR 490 (06/17/12); and AR 490 (Temporary, 11/04/14)
Effective Date 05/19/15

AUTHORITY

NRS 209.131
NRS 209.382
NRS 444.335

RESPONSIBILITY

1. The Warden of each institution/facility will develop an operational procedure which will include specific instructions for the inspection of the institution/facility.

2. The Compliance Enforcement Unit is responsible to ensure compliance with applicable safety and health codes and regulations.

490.01 INSPECTIONS

1. Each institution/facility will conduct monthly sanitation inspections of all institutional areas.

   A. The institution/facility must document the monthly sanitation inspections and maintain them so they are readily accessible for audit purposes; and

   B. The institution/facility must maintain monthly sanitation inspection records for three years from date generated before removal from the institution/facility.

2. The Compliance Enforcement Unit will Complete an inspection of each institution/facility semi-annually, or more often if deemed necessary by the Compliance Enforcement Unit.

   A. The Compliance Enforcement Unit must distribute a Corrective Action Response form (DOC 038) for deficiencies identified during the inspection. The Corrective Action Response form will be provided to the appropriate institution/facility Warden for completion and return to the Compliance Enforcement Unit.

(1) Each Corrective Action Response form submitted to the institution/facility Warden should specify the corrective action that is required to bring the deficiency up to the standards of proper sanitation and/or safety and health practices.

(2) The Warden/designee should review and endorse the Corrective Action Response form, stating on the report that corrective action was actually taken or explaining his/her reason for failing to take action promptly to correct the deficiency.

490.02 WATER SUPPLY

1. No less than one time during each calendar year, a chemical analysis test shall be taken at each applicable institution/facility. A qualified independent auditor will certify the potable water supply to be in compliance with local laws and regulations.

A. On a monthly basis, a bacteriology test is required.

B. The Director/designee will cause a special audit to be made at any time he is presented with evidence that reasonable cause for such an audit exists.

490.03 HOUSEKEEPING PLANS

1. The Warden/designee of each institution/facility will prepare a written housekeeping plan for all areas of the facility's physical plant which provides for daily housekeeping and regular maintenance by assigning specific duties and responsibilities to staff and inmates.

A. The Warden of the institution/facility will ensure that the housekeeping plan is reviewed annually.

B. Staff should have input in the preparation of the plan.

2. The specific items listed below, and any other matters which are appropriate for the sanitation of the function or use of the given area and the hygiene and health of all persons housed, working, or otherwise properly authorized to be in each area, should be included:

A. A cleaning schedule for the area;

B. Designation of the number of inmates assigned to clean each area, and reference to the source of information concerning specific inmates assigned;

C. A time schedule for completion of assigned housekeeping duties;

D. Area waste disposal procedures which provide for the collection, storage and disposal of all liquid and solid waste accumulations for the area in a manner which will avoid nuisance and hazards, and protect the safety and health of inmates and staff;

E. Instructions for the acquisition, storage and utilization of cleaning supplies and equipment; and

F. Specific instructions, as necessary, for the cleaning of:

(1) Floors, walls, ceilings, doors and windows;

(2) Toilets, sinks and showers;

(3) Barber facilities;

(4) Linens, clothing and bedding;

(5) Inmate personal property;

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(8) Accessories, equipment, tools and supplies;

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(10) Storage areas and lockers;

(11) Furnishings, and any other item, equipment, and area reasonably required to be maintained in a sanitary condition so as to safeguard environmental health.

3. A copy of the housekeeping plan should be maintained in the following places:

A. Office of the Warden;

B. Office of the Associate Warden/Facility Manager;

C. Office of the immediately responsible supervisor; and

D. Posted in an area accessible to all inmates and staff personnel assigned to live, work or be present in the area affected by the particular plan.

490.04 SANITATION OF LIVING AND WORK AREAS

1. Each inmate is responsible for maintaining sanitary conditions, including, but not limited to, the following:

A. Cleaning their working and living area, including walls, floors, sink, toilet, windows and other property within their room, cell or living area unless a specific assignment covering any portion or item therein has been given by proper authority to another inmate or person.

B. Properly using and caring for any cleaning equipment or materials issued to them by the person in charge of their area.

C. Exchanging their soiled linen, bedding, and clothing as provided for in the rules of the institution/facility in order to keep their person in a sanitary condition.

D. Utilizing shaving, bathing, hand-washing, shampooing, and barber facilities as provided.

E. Brushing and/or cleaning teeth and dentures regularly as required in order to protect and properly care for their teeth and practice appropriate sanitation of their mouth.

F. Reporting to the medical staff of the prison any illness or disease they contract or have reason to believe they have contracted, and any injury requiring treatment or becoming infected, so that appropriate action may be taken by the medical staff to provide for the inmate's health and the health of other inmates and staff.

G. Obeying all direct orders of any staff member pertaining to action required in order to maintain themselves and their assigned living or working areas (or any area in which they may be present) in a sanitary manner.

H. Inmates are responsible for maintaining themselves and their areas in a sanitary condition. If they fail to comply, appropriate action, including disciplinary action, may be taken.

490.05 INMATE CLOTHING/BEDDING

1. A supply of clothing, linen and bedding should be maintained at a level adequate to supply the Department's inmate population.

2. Clothing for exchange should be available to all inmates at least two times during each calendar week.

3. Linen for exchange should be available for all inmates at least one time during each calendar week except in emergency lockdowns when weekly exchange may not be possible. Special schedules may be arranged during those times.

4. All inmates should be provided with clothing, linen, and bedding sufficient to meet the need for sanitary, healthy and humane conditions. Special protective clothing should be issued appropriately to inmates assigned to hospitals, farms, garages, maintenance shops and any other work detail where reasonable precautions dictate the use of such clothing.

5. All inmates must be provided with adequate bathroom and hair care facilities as to enable them to maintain acceptable standards of personal hygiene, including:

A. Sufficient bathing facilities in all housing areas to permit inmates to shower at least three times each calendar week;

B. Hair care services which comply with applicable health requirements.

490.06 PEST CONTROL

1. Refer to AR 483 and as follows:

A. Pest control measures will be conducted to eradicate, by whatever means is effective, any insects, rodents, or vermin found. Pest control measures at institutions and facilities, including camps, restitution centers and transitional housing centers, will be conducted on a quarterly basis or as deemed necessary.

2. Chemicals must be applied by licensed personnel.

APPLICABILITY

1. This AR requires an Operational Procedure at each institution/facility.

2. This AR requires an audit.

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
491

INMATE SUBSTANCE ABUSE TESTING

Supersedes: AR 491 (06/17/12) and AR 491 (Temporary, 03/~~27/12~~04/15)
Effective Date: ~~06/17/12~~ 05/19/15

AUTHORITY

NRS 209.131
NRS 453.411

RESPONSIBILITY

1. The ~~Department's~~ Inspector ~~General~~General's designee is responsible:

   A. To oversee the inmate substance abuse testing program;~~ and~~

   B. To identify and report non-compliance with this administrative regulation;~~ and~~

   C. ~~Ensure~~To ensure that all required reports concerning the test results are ~~prepared~~submitted in a timely manner~~.~~; and

   D. To develop and disseminate protocols governing the appropriate collection, control, and chain of custody forms and procedures.

2. The Inmate Substance Testing Coordinators are responsible to ensure proper procedures are followed in the collecting, maintaining, and testing process of the day-to-day operations of this program.

3. All staff is responsible to have knowledge of, and comply with, this procedure.

491.01 INMATE DRUG, ALCOHOL, AND NICOTINE TESTING

1. All inmate substance abuse testing shall be completed in accordance with the provisions of this administrative regulation and associated protocols established by the Office of the Inspector General.

2. The Department has ~~a~~ zero tolerance for unauthorized drug~~.~~, alcohol, and tobacco use.

   A. All inmates committed to the Department are subject to testing at any time.

B. Testing shall not be used as a tool to harass inmates.

C. Testing shall not be done on the basis of race, creed, color, national origin, sex, age, political affiliation, sexual orientation, and handicap or for any other discriminatory purpose.

3. The use of mandatory language in this administrative regulation is intended solely for the guidance of the employees of the Department.

A. Failure of an employee to follow any mandatory language shall not result in any compulsory outcome at any inmate disciplinary hearing, including, but not limited to:

(1) Types and severity of sanctions; or

(2) Dismissal of charges.

4. An ~~inmate~~inmate's refusal to test or provide a sample~~;~~, or who provides an adulterated sample, will result in the initiation of disciplinary action.

491.02 INSTITUTION/FACILITY INMATE SUBSTANCE TESTING COORDINATOR

1. Each Warden and/or Facility Manager shall appoint a staff member as the Institutional/Facility Inmate Substance Testing Coordinator and a back up coordinator.

2. The Institutional/Facility Inmate Substance Testing Coordinator and the back up coordinator shall:

A. Receive training concerning the Inmate Substance Testing program pursuant to guidelines established in this regulation and the Office of the Inspector General protocols.

B. Ensure that testing procedures utilized at their institution/facility are consistent with the guidelines established in this administrative regulation and the Office of the Inspector General protocols.

C. Ensure that staff members who are engaged in the collection of the test samples have been properly trained concerning the collection procedures pursuant to the guidelines established in this administrative regulation and the Office of the Inspector General protocols.

(1) Any training conducted or received by the staff members will be forwarded to the ~~Training section.~~Employee Development Division.

D. Ensure the collection procedure is performed under the direct supervision of a properly trained Staff Collector.

E. Ensure that the Staff Collector observes all appropriate documentation and chain of custody procedures.

F. Maintain all documentation regarding the Inmate Substance Testing program.

~~G. Submit a monthly report of all~~Each Institutional Inmate Substance Testing ~~activity to the Office of the Inspector General, who will~~Coordinator **shall** notify each Warden of the results on a DOC Form 37, Drug and Alcohol Testing Program.

491.03 POSITIVE TEST RESULTS

1. In the event of a positive test result, the Institutional Inmate Substance Testing Coordinator shall consult with the institutional/facility medical staff to determine if there is any possible cross-reactivity with any prescribed medication the inmate may be taking.

2. Absent any justified medical explanation for a positive result, the Institutional Inmate Substance Testing Coordinator shall:

A. Ensure that a Notice of Charges form is prepared.

B. Ensure the disciplinary process is relied upon to determine ~~that~~whether the inmate is guilty of the charge and, if the inmate is found guilty, to impose appropriate sanction(s~~) are imposed.~~).

~~3. An Associate Warden should report the results~~
3. Results of all Inmate Drug and Alcohol Testing conducted prior to and following an inmate's parole hearing will be reported to the Parole Commissioners.

491.04 ADULTERATED TEST RESULTS

1. In the event that a urine sample is determined by the vendor who tests the sample to have been adulterated, the inmate will be referred for disciplinary action.

2. The Institutional Inmate Substance Abuse Testing Coordinator shall:

A. Ensure that a Notice of Charges report is prepared.

B. Ensure the disciplinary process is relied upon to determine ~~that~~whether the inmate is guilty of the charge and, if the inmate is found guilty, to impose appropriate sanction(s~~) are imposed.~~).

APPLICABILITY

1. This Administrative Regulation requires an Operational Procedure at each Institution/Facility.

2. This Administrative Regulation requires an audit.

~~**ATTACHMENTS**~~

~~Drug and Alcohol Testing Program (DOC-037)~~
~~Refusal of Inmate Alcohol and Drug Testing (DOC-2041)~~
~~Inmate Drug and Alcohol Testing Protocol~~

_____

_____

~~James G. Cox,~~

_____

_____

Director _____Date

DT-08-_____
To be filled out by IG staff only

Nevada Department of Corrections
Office of the Inspector General

Monthly U/A Tracking Form
Drug & Alcohol Testing Program

Institution:_____ **Month Tested:**_____

Test Type:	Random	☐	Saturation	☐	For Cause ☐
Program:	Post Visit	☐	DUI	☐	RSAT ☐
	Prior to Parole	☐	As Indicated	☐	GHP (Going Home Prepared) ☐

*****AS INDICATED** *requires* an explanation in the comments section***
Use 1 form per Test Type. Do not combine tests together.

General Statistics:

Total Attempts: _____ Total Refusals: _____ Total Collected: _____

Total Negative: _____ Total Positive: _____ Total Invalid: _____

Detail of Results

1. 01 Alcohol Number positive:_____
2. 02 Amphetamines Number positive:_____
3. 03 Barbiturates Number positive:_____
4. 04 Cannabinoines Number positive:_____
5. 05 Cocaine Number positive:_____
6. 06 Opiates Number positive:_____
7. 07 PCP Number positive:_____

Comments:_____

_____

_____

Signature:_____ **Date:**_____

DOC 037 (06/08)

NEVADA DEPARTMENT OF CORRECTIONS

REFUSAL OF INMATE ALCOHOL AND/OR DRUG TESTING

Name of Inmate:_____DOC#_____

Name of Officer Ordering Test:_____

(The following statement will be read to the refusing inmate)

As outlined in AR 491.01, Paragraph 4, your refusal will result in the initiation of disciplinary action.

I have read or have had read to me the above statement. I understand that if I refuse to submit to the urine/breath test, that I will be charged, in addition to any other appropriate charges, with MJ 44 - Failure to submit to a mandatory drug and/or alcohol screening.

INMATE'S SIGNATURE_____

NDOC NUMBER:_____

DATE:_____ TIME:_____

CHECK HERE IF INMATE REFUSED TO SIGN ( ) AND FILL IN BELOW

SPECIFIC STATEMENT MADE BY INMATE_____

_____

_____

_____

STAFF WITNESS

NAME (Please Print):_____

SIGNATURE:_____

DATE:_____ TIME:_____

DOC 2041 (Rev. 09/06)

NEVADA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
INMATE DRUG AND ALCOHOL TESTING PROTOCOL

I. The Nevada Department of Corrections has a contract with a vendor for Inmate Drug and Alcohol Testing. The contract specifies the vendor will provide drug and alcohol testing services for the Nevada Department of Corrections under the following terms:

- All specimen collection to be done by NDOC staff.
- Testing materials, forms, packaging, and shipping pursuant to approved NDOC and Attorney General Chain of Custody procedures.
- All testing (presumptive and confirmatory) are to be completed by the vendor.
- Testing is to be completed at Federal guideline levels based on "Zero Tolerance" levels at all institutions and facilities.
- Testing to be completed for Alcohol, Barbiturates, THC, Opiates, Cocaine, and Amphetamines and Methamphetamines.
- Vendor will provide daily reporting of all positive tests via the Internet Website, telephone, or fax at NDOC discretion.
- Vendor will provide Month End Report, via Internet Website, telephone, or fax at NDOC discretion. Report will be by Institution and will include number of collections per month, number of negative results, and number of positive results.
- Vendor to use an approved Chain of Custody form and keep it on file for the duration that the sample is kept in the lab or in storage.
- Vendor to retain evidence for two years.
- NDOC to submit a minimum of 10 samples per box.
- Vendor will provide following evening reporting for negatives.
- Vendor will provide positive results 24 to 48 hours after submission.

II. Pursuant to Administrative Regulation 491, only properly trained staff members, shall be assigned to collect inmates' specimens for testing.

III. Staff shall complete an appropriate form for each sample collected.

IV. The Staff Collector shall place security seal across the top of the collection container in such a fashion as to prevent tampering with the sample.

V. The staff collector shall identify the collection container by placing the corresponding control number and the date and time of the collection on the collection container.

VI. The Staff Collector who obtained the specimen shall complete the Nevada Department of Corrections Inmate Drug and Alcohol Test Log (DOC form 037) for each specimen collected. The log shall include the involved inmate's name and back number, the date and time the specimen was collected, the type of specimen collected, and the name of the Staff Collector.

VII. The Staff Collector shall transport the specimen to the facility's designated storage location for temporary storage pending shipment to the laboratory for analysis.

VIII. The Institutional Inmate Substance Testing Coordinator shall examine the Inmate Drug and Alcohol Storage (DOC form 037) daily. Specimens shall be forwarded to the designated laboratory for analysis when there are at least 10 samples ready for analysis or within three days of collection, which ever comes first.

IX. When necessary, the Institutional Inmate Substance Testing Coordinator shall remove each specimen from the temporary locked storage location, compare each specimen to the Inmate Drug and Alcohol Storage Log (NDOC #) and review the form for accuracy. Any discrepancies shall be immediately brought to the attention of a supervisor. The Institutional Inmate Substance Testing Coordinator shall contact the courier service designated for their respective institution and arrange for transport of the specimen to the vendor's laboratories.

X. NDOC Staff will not conduct any presumptive testing of specimens collected from inmates. All specimens will remain sealed after collection. The vendor's laboratories will conduct all testing procedures except for nicotine which is an instant test.

XI. Except in cases where an inmate is exhibiting objective symptoms indicating illicit ~~drug use of alcohol consumption, no sanctions shall be imposed pending the results of the~~ vendor's analysis. Where there is other evidence of illicit drug, alcohol or tobacco products use (contraband, objective symptoms), appropriate segregation and disciplinary procedures may be pursued.

XII. Upon receipt of a positive test result from vendor, the Institutional/Facility Inmate Substance Testing Coordinator shall pursue appropriate segregation and disciplinary procedures.

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
491

INMATE SUBSTANCE ABUSE TESTING

Supersedes: AR 491 (06/17/12) and AR 491 (Temporary, 03/04/15)
Effective Date: 05/19/15

AUTHORITY

NRS 209.131
NRS 453.411

RESPONSIBILITY

1. The Inspector General's designee is responsible:

   A. To oversee the inmate substance abuse testing program;

   B. To identify and report non-compliance with this administrative regulation;

   C. To ensure that all required reports concerning the test results are submitted in a timely manner; and

   D. To develop and disseminate protocols governing the appropriate collection, control, and chain of custody forms and procedures.

2. The Inmate Substance Testing Coordinators are responsible to ensure proper procedures are followed in the collecting, maintaining, and testing process of the day-to-day operations of this program.

3. All staff is responsible to have knowledge of, and comply with, this procedure.

491.01 INMATE DRUG, ALCOHOL, AND NICOTINE TESTING

1. All inmate substance abuse testing shall be completed in accordance with the provisions of this administrative regulation and associated protocols established by the Office of the Inspector General.

2. The Department has zero tolerance for unauthorized drug, alcohol, and tobacco use.

   A. All inmates committed to the Department are subject to testing at any time.

B. Testing shall not be used as a tool to harass inmates.

C. Testing shall not be done on the basis of race, creed, color, national origin, sex, age, political affiliation, sexual orientation, and handicap or for any other discriminatory purpose.

3. The use of mandatory language in this administrative regulation is intended solely for the guidance of the employees of the Department.

A. Failure of an employee to follow any mandatory language shall not result in any compulsory outcome at any inmate disciplinary hearing, including, but not limited to:

(1) Types and severity of sanctions; or

(2) Dismissal of charges.

4. An inmate's refusal to test or provide a sample, or who provides an adulterated sample, will result in the initiation of disciplinary action.

491.02 INSTITUTION/FACILITY INMATE SUBSTANCE TESTING COORDINATOR

1. Each Warden and/or Facility Manager shall appoint a staff member as the Institutional/Facility Inmate Substance Testing Coordinator and a back up coordinator.

2. The Institutional/Facility Inmate Substance Testing Coordinator and the back up coordinator shall:

A. Receive training concerning the Inmate Substance Testing program pursuant to guidelines established in this regulation and the Office of the Inspector General protocols.

B. Ensure that testing procedures utilized at their institution/facility are consistent with the guidelines established in this administrative regulation and the Office of the Inspector General protocols.

C. Ensure that staff members who are engaged in the collection of the test samples have been properly trained concerning the collection procedures pursuant to the guidelines established in this administrative regulation and the Office of the Inspector General protocols.

(1) Any training conducted or received by the staff members will be forwarded to the Employee Development Division.

D. Ensure the collection procedure is performed under the direct supervision of a properly trained Staff Collector.

E. Ensure that the Staff Collector observes all appropriate documentation and chain of custody procedures.

F. Maintain all documentation regarding the Inmate Substance Testing program.

Each Institutional Inmate Substance Testing Coordinator **shall** notify each Warden of the results on a DOC Form 37, Drug and Alcohol Testing Program.

491.03 POSITIVE TEST RESULTS

1. In the event of a positive test result, the Institutional Inmate Substance Testing Coordinator shall consult with the institutional/facility medical staff to determine if there is any possible cross-reactivity with any prescribed medication the inmate may be taking.

2. Absent any justified medical explanation for a positive result, the Institutional Inmate Substance Testing Coordinator shall:

A. Ensure that a Notice of Charges form is prepared.

B. Ensure the disciplinary process is relied upon to determine whether the inmate is guilty of the charge and, if the inmate is found guilty, to impose appropriate sanction(s).

3. Results of all Inmate Drug and Alcohol Testing conducted prior to and following an inmate's parole hearing will be reported to the Parole Commissioners.

491.04 ADULTERATED TEST RESULTS

1. In the event that a urine sample is determined by the vendor who tests the sample to have been adulterated, the inmate will be referred for disciplinary action.

2. The Institutional Inmate Substance Abuse Testing Coordinator shall:

A. Ensure that a Notice of Charges report is prepared.

B. Ensure the disciplinary process is relied upon to determine whether the inmate is guilty of the charge and, if the inmate is found guilty, to impose appropriate sanction(s).

APPLICABILITY

1. This Administrative Regulation requires an Operational Procedure at each Institution/Facility.

2. This Administrative Regulation requires an audit.

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
503

CONDUCT OF OBJECTIVE CLASSIFICATION

Supersedes: AR 503 (~~08/13/10,~~ 12/17/12); and AR 503 (Temporary ~~12/03/12)~~ , 11/24/14)
Effective Date: ~~12/17/12~~ 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 ~~of~~with this regulation.

The Associate Wardens/Facility Managers or designees are responsible for compliance ~~of~~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 ~~posting the classification list in a common area accessible~~delivering an appointment slip to the inmate 24 hours prior to the scheduled start of the hearing agenda~~, or by delivering an appointment slip to the inmate~~.

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 staff should implementwhich can be utilized for classification decisions. SubjectiveAny subjective criteria will also be notedwhich was a factor in the classification decision will be included in the case notes when utilized.

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. ~~Youthful Offender~~Correctional Youth Program ~~(YOP~~(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

_____ _____

~~James G. Cox,~~ Director _____Date

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

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_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
504

RECEPTION AND INITIAL CLASSIFICATION PROCESS

Supersedes: AR 504 (~~02/~~12/~~10,~~ 17/12); and AR 504 (Temporary ~~12/03~~, 01/12/15)
Effective Date: ~~12/17/12~~ 05/19/15

AUTHORITY: NRS 209.131; NRS 209.261; NRS 209.341; NRS 209.351

RESPONSIBILITY

1. The Offender Management Administrator (OMA) is responsible to establish procedures for processing new and returning inmates.

2. An Associate Warden at Intake/Reception Centers is responsible to ensure compliance with this regulation.

504.01 GENERAL PROCEDURES

1. All incoming inmates will complete a thorough screening and assessment at admission and receive a thorough orientation of the institution's procedures, rules, programs and services.

2. The goal of the reception center and the initial classification process will be to:

A. Ensure that the inmate is properly committed to the Department with appropriate commitment documents;

B. Ensure that identification procedures are completed, to include photographs, fingerprints, and identifying marks;

C. Provide a quarantine period to permit medical/dental/psychological examinations and recommendations for necessary treatment;

D. Introduce inmates through orientation programs to policies, rules, regulations, and to the type of programs that are available;

E. Assign staff of various disciplines to work with inmates in needs assessments and developing future programs through the use of pre-commitment information,

psychological tests, and educational and vocational testing and risk assessment instruments;

F. Complete the reception process within three (3) weeks after the inmate is received, provided that medical and other requirements do not prevent release from the reception unit;

G. Ensure public protection through assignment of proper housing and custody designation;

H. Ensure custody designations are assigned at the lowest possible level consistent with the safety and security considerations of the Department; and

I. Maintain a classification process that is consistent with individual dignity and adheres to the principle of fairness.

3. The custody level for intake inmates will be unassigned pending completion of the reception process.

4. All male inmates from the ages of 18 to 25 will be provided documents needed to register for the draft if they haven't already done so.

504.02 RECEPTION POINT FOR NEW COMMITMENTS AND RETURNING INMATES

1. All new commitments must complete the reception process.

A. NDOC does not detain inmates solely for civil immigration purposes.

2. New commitments will be transported to an intake center based on the following regional formula:

A. Females

(1) Female inmates will be transported to Florence McClure Women's Correctional Center (FMWCC).

(2) Female inmates may be temporarily housed at Northern Nevada Correctional Center (NNCC) until transported to FMWCC.

B. Males will be transported to either Northern Nevada Correctional ~~center~~Center (NNCC) or High Desert State Prison (HDSP) depending on department transportation schedules, but generally:

(1) NNCC will intake inmates from the following counties:

Mineral, Lyon, Douglas, Carson, Washoe, Storey, Churchill, Pershing, Humboldt, Lander, Elko, and Eureka counties.

(2) HDSP will intake inmates from the following counties:

Clark, Esmeralda, Nye, Lincoln, and White Pine counties.

3. Returning inmates.

A. Returning inmates who have not been out of custody, may be returned to the institution from where they departed from, unless their absence exceeds 90 days.

(1) If the absence exceeds 90 days the inmate will be returned to the closest Department intake center for processing.

B. All returning inmates who are not processed through an intake center will be held in a segregated environment until properly classified.

C. Laboratory/blood tests are required for returning inmates who have been out of custody including, but not limited to, those assigned to Northern Nevada Restitution Center (NNRC) and Casa Grande Transitional Housing Center (CGTH).

(1) Returning inmates who have been out of custody will be treated as new commitments and will be processed through an intake center.

D. The Deputy Director/Warden will determine where returning escapees will be placed. Generally they will be returned, quarantined for medical testing, and processed through an intake center.

(1) The only exception to this will be for the extremely dangerous inmate for whom the intake unit provides too little security. These inmates will go directly to HDSP or Ely State Prison (ESP) for quarantine, processing, and classification.

(2) All female inmates returned from escape status will go to FMWCC.

4. Safe Keepers

A. Under limited circumstances county Safe Keepers may be approved (for temporary housing) by the OMA.

B. This approval must be obtained in advance and during normal working hours.

(1) Emergency approval may be granted by the highest ranking supervisor on duty after hours but only in cases where the request comes from a rural jail and where the inmate's behavior is seriously disruptive. Telephone approval must be

received from the OMA or Deputy Director. This action will be documented in NOTIS.

C. Safe Keepers will be required to complete an abbreviated intake process and will be housed in an intake center initially unless otherwise approved by OMA/Deputy Director.

D. The specific intake center where the Safe Keeper will be housed is dependant on the nature of the jail request (i.e. a medical case will be housed at NNCC). Direction will be provided by the OMA/Deputy Director.

5. Reception hours.

A. New commitments should be received between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Exceptions to this policy should be coordinated, in advance, by the OMA during normal working hours or by the highest ranking supervisor on duty, after hours.

B. Returning inmates will be received at anytime of day.

6. Required documentation

A. New commitments

(1) New Commitments must be accompanied by a certified copy of the Judgment of Conviction reflecting the judgment of imprisonment.

(2) Probation violators will be accompanied by a certified copy of the Order Revoking Probation and the original certified copy of the Judgment of Conviction.

B. Parole violators

(1) Parole violators must be accompanied by a Retake Warrant and either of the following Parole and Probation forms:

(a) Notice of Preliminary Inquiry Hearing; or

(b) Prior Notice of Charges and Receipt for documents.

C. Safe Keepers

(1) Verbal or written approval by the OMA/designee.

(2) The counties requesting safe keeping will forward a letter of request to the Offender Management Division (OMD).

(3) If verbal authorization is given, the written request will be submitted as soon as practical.

7. As documentation that accompanies new commitments is often non-standard and complex, institutions with intake units will develop operational procedures.

A. These operational procedures will be based on specific information provided by OMD.

8. It is the responsibility of the intake caseworker to ensure the proper commitment type is entered in NOTIS.

504.03 INITIAL CLASSIFICATION SUMMARY

1. The reception and initial classification process will be directed toward the evaluation and the entering of staff's findings and research in the Demographic & Descriptors, Legal Cases, and Integrated Case Management screens of Nevada Offender Tracking Information System (NOTIS) on all new and returning inmates.

2. This report will become a permanent part of the inmate's record and contain, but should not be limited to, relevant information required by statute.

A. The Department will obtain and maintain records of all offenders as listed below:

(1) The name, date of birth, race, sex, height, weight, complexion, color of eyes and hair, peculiarities of build or features;

(2) Place of birth (state, county or city, or country, province or city) and country of citizenship;

(3) Occupation, and whether the offender can read and write; and

(4) Date of sentence, name of judge passing sentence, county sentenced, the crime charged, date of incarceration, and the term of imprisonment.

B. Other pertinent information to be included will be:

(1) Information regarding offense;

(2) Inmate's offense motivation;

(3) Accounts of the legal aspects of the case, including statements or information from probation and parole officers, the courts or other law enforcement agencies;

(4) A summary of the inmate's prior criminal history;

(5) Educational achievement and intake testing scores;

(6) Medical/psychological/dental findings and treatment needs;

(7) Escape records;

(8) History of drug and/or drug abuse; and

(9) Security Threat Group documentation.

3. All applicable information will be entered into the NOTIS by the intake caseworker and become part of the automated Initial Classification Summary Sheet and initial Objective Classification Instrument used to make initial classification recommendations.

504.04 INITIAL DESIGNATION

1. Retention of custody at a higher level than the scoring guideline may be appropriate based upon case factors.

2. The reasons for any exception to the objective classification instrument score will be documented in the classification instrument narrative and in the classification case note of NOTIS.

3. Classification committees will be guided by the considerations when establishing levels of custody. They are:

A. Institutional adjustment;

(1) Relationship with staff.

(2) Disciplinary record.

(3) Violence while incarcerated.

(4) Escape proneness.

B. Nature of offense;

(1) Notoriety of offense.

(2) Severity of violence involved in offense.

(3) Psychopathology versus environmental anti-social behavior.

(4) Attitudes toward offense and authority.

C. Criminal history;

(1) Extent of prior arrest record.

(2) Levels of violence in prior arrest record.

(3) Pattern of increasing/decreasing violence.

(4) Prior incarcerations.

(5) History of escapes/absconding.

(6) Holds/detainers.

D. Total length of sentence;

(1) Time served versus time remaining.

E. Program consideration;

(1) Nature of work assignment.

(2) Release orientation versus institutional orientation.

(3) Mental Health consideration.

(4) Family relationships.

(5) Age and/or vulnerabilities.

4. Returning inmates from escape will be evaluated based on the nature and severity of the escape and from what custody level.

A. Male inmates representing the highest risk to the community and therefore the highest security considerations of the Department will be designated to ESP regardless of other case factors.

5. Staff judgment remains a key element in all classification decisions.

504.05 INITIAL CLASSIFICATION COMMITTEE

1. The Initial Classification Committee will be minimally comprised of the following, to include:

A. Warden/designee;

B. Reception unit caseworker; and

C. Any other appropriate staff as assigned by the Warden.

2. To the extent practicable, and upon completion of the evaluation and initial summary report, inmates will be scheduled for a hearing before the Initial Classification Committee within three (3) weeks of their reception.

3. The Initial Classification Committee, with the participation of the inmate, will recommend an appropriate level of custody

4. When making a recommendation, the Initial Classification Committee will be guided by, but not limited to, the following factors and considerations:

A. Information contained in the Initial Classification Summary report;

B. Recommendation of the sentencing court;

C. Initial Designation Instrument risk factor score;

D. Staff's evaluation;

E. The inmate's custody needs;

F. Needs assessment evaluation regarding programs and their availability within specific facilities;

G. The possibility and desirability of the inmate's reintegration into the community near the location of the facility;

H. The inmate's expressed interest and preference;

I. History of violence or escape;

J. Mental health problems, past or present;

K. Prior criminal history;

L. The availability of bed and program space at the facility deemed most suitable for the inmate;

M. Protection needs;

N. Length of sentence; and

O. Committees assessment regarding the degree and level of custody required for public protection, safety of staff, safety of other inmates and the individual to be classified.

5. The Initial Classification Committee will also make a recommendation for facility of transfer, assignment, educational or vocational program, and give direction for any special services it deems necessary (i.e., medical and psychological).

6. The Initial Classification Committee, or a subsequent classification committee, may determine whether arrangements, as authorized by law, should be made to house an inmate within another jurisdiction in the following circumstances:

A. Following a psychological examination and concurrence with mental health staff, the committee deems that an inmate is mentally incapable of being supervised by the Department in accordance with the Department's Administrative Regulation 654 Involuntary Transfer of Inmates to Non-Prison Mental Health Facilities.

B. If it is determined that an inmate's safety is in jeopardy at any Nevada institution/facility, due to factors including, but not limited to, notoriety or prior law enforcement employment, Interstate Compact transfer may be recommended.

7. The decisions and recommendations of the Initial Classification Committee will be recorded and made a part of the permanent record of the inmate and used as a reference during subsequent classification hearings.

A. The recommendations will be entered in the NOTIS classification system in correspondence with the Initial Designation Instrument completion.

B. The Initial Designation Instrument will be maintained in NOTIS throughout the inmates incarceration. It may be updated if the inmate returns as a parole violator or returning inmate.

8. Copies of the Initial Classification Summary report will be maintained in the Department's Institutional File (I-File) and Central File (C-File) for the inmate.

504.06 INITIAL CLASSIFICATION APPROVAL

1. The recommendation made by the Initial Classification Committee will be reviewed and either approved or disapproved by staff in the Offender Management Division through NOTIS.

A. Classification of inmates 18 years and under will be reviewed by the OMA.

REFERENCES

ACA Standards 4-4285, 4-4286, 4-4287, 4-4288,4-4297, 4-4374; and 2012 Standards Supplement

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504.01 GENERAL PROCEDURES

1. All incoming inmates will complete a thorough screening and assessment at admission and receive a thorough orientation of the institution's procedures, rules, programs and services.

2. The goal of the reception center and the initial classification process will be to:

A. Ensure that the inmate is properly committed to the Department with appropriate commitment documents;

B. Ensure that identification procedures are completed, to include photographs, fingerprints, and identifying marks;

C. Provide a quarantine period to permit medical/dental/psychological examinations and recommendations for necessary treatment;

D. Introduce inmates through orientation programs to policies, rules, regulations, and to the type of programs that are available;

E. Assign staff of various disciplines to work with inmates in needs assessments and developing future programs through the use of pre-commitment information,

psychological tests, and educational and vocational testing and risk assessment instruments;

F. Complete the reception process within three (3) weeks after the inmate is received, provided that medical and other requirements do not prevent release from the reception unit;

G. Ensure public protection through assignment of proper housing and custody designation;

H. Ensure custody designations are assigned at the lowest possible level consistent with the safety and security considerations of the Department; and

I. Maintain a classification process that is consistent with individual dignity and adheres to the principle of fairness.

3. The custody level for intake inmates will be unassigned pending completion of the reception process.

4. All male inmates from the ages of 18 to 25 will be provided documents needed to register for the draft if they haven't already done so.

504.02 RECEPTION POINT FOR NEW COMMITMENTS AND RETURNING INMATES

1. All new commitments must complete the reception process.

A. NDOC does not detain inmates solely for civil immigration purposes.

2. New commitments will be transported to an intake center based on the following regional formula:

A. Females

(1) Female inmates will be transported to Florence McClure Women's Correctional Center (FMWCC).

(2) Female inmates may be temporarily housed at Northern Nevada Correctional Center (NNCC) until transported to FMWCC.

B. Males will be transported to either Northern Nevada Correctional Center (NNCC) or High Desert State Prison (HDSP) depending on department transportation schedules, but generally:

(1) <u>NNCC will intake inmates from the following counties:</u>

Mineral, Lyon, Douglas, Carson, Washoe, Storey, Churchill, Pershing, Humboldt, Lander, Elko, and Eureka counties.

(2) HDSP will intake inmates from the following counties:

Clark, Esmeralda, Nye, Lincoln, and White Pine counties.

3. Returning inmates.

A. Returning inmates who have not been out of custody, may be returned to the institution from where they departed from, unless their absence exceeds 90 days.

(1) If the absence exceeds 90 days the inmate will be returned to the closest Department intake center for processing.

B. All returning inmates who are not processed through an intake center will be held in a segregated environment until properly classified.

C. Laboratory/blood tests are required for returning inmates who have been out of custody including, but not limited to, those assigned to Northern Nevada Restitution Center (NNRC) and Casa Grande Transitional Housing Center (CGTH).

(1) Returning inmates who have been out of custody will be treated as new commitments and will be processed through an intake center.

D. The Deputy Director/Warden will determine where returning escapees will be placed. Generally they will be returned, quarantined for medical testing, and processed through an intake center.

(1) The only exception to this will be for the extremely dangerous inmate for whom the intake unit provides too little security. These inmates will go directly to HDSP or Ely State Prison (ESP) for quarantine, processing, and classification.

(2) All female inmates returned from escape status will go to FMWCC.

4. Safe Keepers

A. Under limited circumstances county Safe Keepers may be approved (for temporary housing) by the OMA.

B. This approval must be obtained in advance and during normal working hours.

(1) Emergency approval may be granted by the highest ranking supervisor on duty after hours but only in cases where the request comes from a rural jail and where the inmate's behavior is seriously disruptive. Telephone approval must be

received from the OMA or Deputy Director. This action will be documented in NOTIS.

C. Safe Keepers will be required to complete an abbreviated intake process and will be housed in an intake center initially unless otherwise approved by OMA/Deputy Director.

D. The specific intake center where the Safe Keeper will be housed is dependant on the nature of the jail request (i.e. a medical case will be housed at NNCC). Direction will be provided by the OMA/Deputy Director.

5. Reception hours.

A. New commitments should be received between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Exceptions to this policy should be coordinated, in advance, by the OMA during normal working hours or by the highest ranking supervisor on duty, after hours.

B. Returning inmates will be received at anytime of day.

6. Required documentation

A. New commitments

(1) New Commitments must be accompanied by a certified copy of the Judgment of Conviction reflecting the judgment of imprisonment.

(2) Probation violators will be accompanied by a certified copy of the Order Revoking Probation and the original certified copy of the Judgment of Conviction.

B. Parole violators

(1) Parole violators must be accompanied by a Retake Warrant and either of the following Parole and Probation forms:

(a) Notice of Preliminary Inquiry Hearing; or

(b) Prior Notice of Charges and Receipt for documents.

C. Safe Keepers

(1) Verbal or written approval by the OMA/designee.

(2) The counties requesting safe keeping will forward a letter of request to the Offender Management Division (OMD).

(3) If verbal authorization is given, the written request will be submitted as soon as practical.

7. As documentation that accompanies new commitments is often non-standard and complex, institutions with intake units will develop operational procedures.

A. These operational procedures will be based on specific information provided by OMD.

8. It is the responsibility of the intake caseworker to ensure the proper commitment type is entered in NOTIS.

504.03 INITIAL CLASSIFICATION SUMMARY

1. The reception and initial classification process will be directed toward the evaluation and the entering of staff's findings and research in the Demographic & Descriptors, Legal Cases, and Integrated Case Management screens of Nevada Offender Tracking Information System (NOTIS) on all new and returning inmates.

2. This report will become a permanent part of the inmate's record and contain, but should not be limited to, relevant information required by statute.

A. The Department will obtain and maintain records of all offenders as listed below:

(1) The name, date of birth, race, sex, height, weight, complexion, color of eyes and hair, peculiarities of build or features;

(2) Place of birth (state, county or city, or country, province or city) and country of citizenship;

(3) Occupation, and whether the offender can read and write; and

(4) Date of sentence, name of judge passing sentence, county sentenced, the crime charged, date of incarceration, and the term of imprisonment.

B. Other pertinent information to be included will be:

(1) Information regarding offense;

(2) Inmate's offense motivation;

(3) Accounts of the legal aspects of the case, including statements or information from probation and parole officers, the courts or other law enforcement agencies;

(4) A summary of the inmate's prior criminal history;

(5) Educational achievement and intake testing scores;

(6) Medical/psychological/dental findings and treatment needs;

(7) Escape records;

(8) History of drug and/or drug abuse; and

(9) Security Threat Group documentation.

3. All applicable information will be entered into the NOTIS by the intake caseworker and become part of the automated Initial Classification Summary Sheet and initial Objective Classification Instrument used to make initial classification recommendations.

504.04 INITIAL DESIGNATION

1. Retention of custody at a higher level than the scoring guideline may be appropriate based upon case factors.

2. The reasons for any exception to the objective classification instrument score will be documented in the classification instrument narrative and in the classification case note of NOTIS.

3. Classification committees will be guided by the considerations when establishing levels of custody. They are:

A. Institutional adjustment;

(1) Relationship with staff.

(2) Disciplinary record.

(3) Violence while incarcerated.

(4) Escape proneness.

B. Nature of offense;

(1) Notoriety of offense.

(2) Severity of violence involved in offense.

(3) Psychopathology versus environmental anti-social behavior.

(4) Attitudes toward offense and authority.

C. Criminal history;

(1) Extent of prior arrest record.

(2) Levels of violence in prior arrest record.

(3) Pattern of increasing/decreasing violence.

(4) Prior incarcerations.

(5) History of escapes/absconding.

(6) Holds/detainers.

D. Total length of sentence;

(1) Time served versus time remaining.

E. Program consideration;

(1) Nature of work assignment.

(2) Release orientation versus institutional orientation.

(3) Mental Health consideration.

(4) Family relationships.

(5) Age and/or vulnerabilities.

4. Returning inmates from escape will be evaluated based on the nature and severity of the escape and from what custody level.

A. Male inmates representing the highest risk to the community and therefore the highest security considerations of the Department will be designated to ESP regardless of other case factors.

5. Staff judgment remains a key element in all classification decisions.

504.05 INITIAL CLASSIFICATION COMMITTEE

1. The Initial Classification Committee will be minimally comprised of the following, to include:

A. Warden/designee;

B. Reception unit caseworker; and

C. Any other appropriate staff as assigned by the Warden.

2. To the extent practicable, and upon completion of the evaluation and initial summary report, inmates will be scheduled for a hearing before the Initial Classification Committee within three (3) weeks of their reception.

3. The Initial Classification Committee, with the participation of the inmate, will recommend an appropriate level of custody

4. When making a recommendation, the Initial Classification Committee will be guided by, but not limited to, the following factors and considerations:

A. Information contained in the Initial Classification Summary report;

B. Recommendation of the sentencing court;

C. Initial Designation Instrument risk factor score;

D. Staff's evaluation;

E. The inmate's custody needs;

F. Needs assessment evaluation regarding programs and their availability within specific facilities;

G. The possibility and desirability of the inmate's reintegration into the community near the location of the facility;

H. The inmate's expressed interest and preference;

I. History of violence or escape;

J. Mental health problems, past or present;

K. Prior criminal history;

L. The availability of bed and program space at the facility deemed most suitable for the inmate;

M. Protection needs;

N. Length of sentence; and

O. Committees assessment regarding the degree and level of custody required for public protection, safety of staff, safety of other inmates and the individual to be classified.

5. The Initial Classification Committee will also make a recommendation for facility of transfer, assignment, educational or vocational program, and give direction for any special services it deems necessary (i.e., medical and psychological).

6. The Initial Classification Committee, or a subsequent classification committee, may determine whether arrangements, as authorized by law, should be made to house an inmate within another jurisdiction in the following circumstances:

A. Following a psychological examination and concurrence with mental health staff, the committee deems that an inmate is mentally incapable of being supervised by the Department in accordance with the Department's Administrative Regulation 654 Involuntary Transfer of Inmates to Non-Prison Mental Health Facilities.

B. If it is determined that an inmate's safety is in jeopardy at any Nevada institution/facility, due to factors including, but not limited to, notoriety or prior law enforcement employment, Interstate Compact transfer may be recommended.

7. The decisions and recommendations of the Initial Classification Committee will be recorded and made a part of the permanent record of the inmate and used as a reference during subsequent classification hearings.

A. The recommendations will be entered in the NOTIS classification system in correspondence with the Initial Designation Instrument completion.

B. The Initial Designation Instrument will be maintained in NOTIS throughout the inmates incarceration. It may be updated if the inmate returns as a parole violator or returning inmate.

8. Copies of the Initial Classification Summary report will be maintained in the Department's Institutional File (I-File) and Central File (C-File) for the inmate.

504.06 INITIAL CLASSIFICATION APPROVAL

1. The recommendation made by the Initial Classification Committee will be reviewed and either approved or disapproved by staff in the Offender Management Division through NOTIS.

A. Classification of inmates 18 years and under will be reviewed by the OMA.

REFERENCES

ACA Standards 4-4285, 4-4286, 4-4287, 4-4288,4-4297, 4-4374; and 2012 Standards Supplement

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
506

RECLASSIFICATION SCHEDULE

Supersedes: –AR 506 (~~06/17/12)~~10/15/13); and AR 506 (Temporary, ~~06/05/13~~11/04/14)
Effective Date: ~~10~~05/19/15~~/13~~

AUTHORITY

NRS 209.341
NRS 209.351

RESPONSIBILITY

An Associate Warden/~~-~~Facility Manager is responsible to ensure inmates are classified in a timely manner and for ensuring all classification reviews are documented.

506.01 REGULAR~~-~~ (PERIODIC) CLASSIFICATION

1. A new classification risk assessment in the Nevada Offender Tracking Information System (NOTIS) is required when the proposed classification is a Periodic classification.

   A. Regular or periodic reclassification will occur no less frequently than once every six months.

   B. The schedule of future reclassification hearings is reset each time an inmate receives a periodic reclassification.

2. NOTIS provides a means of identifying inmates who are eligible, overdue or require an interim date for periodic classification.

3. Periodic reclassification includes a review of all case factors relevant to the inmate's custody, housing and assignment.

4. The frequency of classification hearings for inmates who are placed in administrative segregation are governed by AR 507 and 509 respectively.

5. Interim review dates can be set to update classification in response to the following:

A. Violence, time frame release, post-disciplinary, or other changes that could effect a reduction in custody. This may or may not require a new classification risk assessment to be completed.

506.02 INSTITUTIONAL CLASSIFICATION

1. Institutional classification involves a review of selected items of an inmate's classification as opposed to a regular review where all aspects are considered.

2. Institutional classification may occur as often as necessary to adjust those elements of an inmate's status which do not require approval by the Offender Management Division (OMD).

3. Institutional classification does not require a new assessment be completed.

4. Institutional classification does not affect the periodic classification date.

5. Institutional classification may be conducted in-absentia if:

A. The proposed change is minor.

B. Not adverse.

C. Security precludes the inmate's presence.

D. Inmate waives presence.

E. The reason will be noted in the classification entry.

6. Reclassification Committee Composition

A. The reclassification committee should consist of at least two (2) members including the assigned Correctional Caseworker (CCS) as chairperson and either one other CCS or one custody staff. The Associate Warden or CCS III will act as the approval authority.

B. At conservation camps and transition centers, the committee should consist of at least two (2) members including the CCS as chairperson and the Facility Manager or the senior correctional officer on duty.

C. At conservation camps, the Nevada Division of Forestry (NDF) supervisor may attend the meeting as a non-voting member.

D. The committee may also include other representatives as non-voting members, when necessary to meet the treatment, program or due process needs of the inmate.

506.03 CHANGE CLASSIFICATION

1. Specific events or the satisfaction of various statutory requirements for reduced custody may indicate the need for a Change Classification hearing for the inmate. These events or circumstances may include but are not limited to:

A. The six month anniversary of an inmate's last periodic classification.

B. Completion of casework which resolved uncertainties and removes obstacles to an inmate's progression through the classification system.

C. When an inmate has met the criteria for assignment to a reduced custody by satisfying the time frame to release and time frame to violence elements of classification.

D. When an inmate has been identified as having been arrested for ~~a crime~~two or more sexual offenses arising from separate incidents, and/or convicted as an adult, or adjudicated guilty as a minor, for a felony offense allegedly involving sexual misconduct~~.~~ a DOC Form 2070 will be ~~given to~~ completed. If the inmate ~~upon identification~~wishes to appeal, the discretionary decision, a Full Classification Committee is to be conducted with no less than a 3-member panel. This panel should include an Associate Warden or designee; the inmate's caseworker and/or another caseworker or uniformed officer with the rank of ~~such arrests~~Sergeant or higher. The results of the full classification will be distributed to the inmate using DOC Form 2086. All actions noted above are also to be recorded respectively in the inmate's case notes.

E. Transfer to another institution/facility.

(1) An intra-department transfer will be preceded by a Change Classification with a new assessment by the sending institution/facility and will be approved by OMD. This is necessary to establish the inmate's new classification status.

a. During regular business hours (M-F 8:00 AM – 5:00 PM) approval will be given by designated OMD staff prior to a transfer in an urgent or emergency situation. The sending institution will e-mail OMD the reason for the request and the inmate's name and number after completing the assessment and case ~~notes~~note in NOTIS. OMD will review and approve the classification and respond to the sending and receiving institutions by e-mail.

b. After business hours and holidays, the sending institution will contact the receiving institution directly, enter a case note in NOTIS and transact the inmate using an Unscheduled Transfer in NOTIS. A change classification instrument will be completed on the first work day following the unscheduled transfer. The sending institution is to email the appropriate OMD staff(s) the next business day after the change classification has been completed.

506.04 EVENTS OR CIRCUMSTANCES WHICH MAY REQUIRE RECLASSIFICATION

1. Post disciplinary classification

A. Subsequent to a disciplinary hearing, the confinement of an individual in disciplinary segregation or austere housing or institutional transfer may require the completion of a classification hearing.

(1) This is necessary to document exclusions from various custody levels based upon the disciplinary sanctions and to correct computed custodies based upon segregation.

(2) These hearings would also document disciplinary segregation outdates in case notes and the OFFENDER CARE IN PLACEMENT screen of NOTIS. Classification staff should be trained in the regulations (AR 707 and 507) which govern this circumstance.

2. Requests for Protective Segregation

A. An inmate requesting assignment to protective segregation should have their request considered and acted upon by the classification committee.

B. Requests for protective segregation should be treated as a priority matter and not be delayed unnecessarily and exclusions documented in the NOTIS assessment.

(1) If approved for Protective Segregation corresponding Alert and Care in Placement entries will be entered in NOTIS accordingly.

3. Post Parole Board

A. A hearing before the Parole Board usually represents a significant milestone in the inmate's sentence.

B. Custody reductions or custody increases may be appropriate.

4. Post Conviction

A. Changes in the inmate's legal status subsequent to their arrival at the Department may have an immediate and direct bearing on their classification status.

B This would include but is not limited to sentence reductions, new convictions and the placement or removal of holds and detainers.

506.05 HEARING REQUIREMENTS FOR ADMINISTRATIVE SEGREGATION- AND PROTECTIVE SEGREGATION

1. The frequency of classification hearings for inmates who are placed in administrative or protective segregation are governed by AR 507 and 509 respectively.

2. Classification staff should consult those regulations for guidance concerning the frequency and conduct of hearings.

APPLICABILITY

1. This Administrative Regulation applies to all inmates within the Department.

2. This Administrative Regulation does not require an Operational Procedure.

3. This Administrative Regulation requires an audit.

REFERENCES

ACA Standards 4-4287

_____ _____

~~James G. Cox,~~ Director _____ Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
506

RECLASSIFICATION SCHEDULE

Supersedes: AR 506 (10/15/13); and AR 506 (Temporary, 11/04/14)
Effective Date: 05/19/15

AUTHORITY

NRS 209.341
NRS 209.351

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C. When an inmate has met the criteria for assignment to a reduced custody by satisfying the time frame to release and time frame to violence elements of classification.

D. When an inmate has been identified as having been arrested for two or more sexual offenses arising from separate incidents, and/or convicted as an adult, or adjudicated guilty as a minor, for a felony offense allegedly involving sexual misconduct a DOC Form 2070 will be completed. If the inmate wishes to appeal, the discretionary decision, a Full Classification Committee is to be conducted with no less than a 3-member panel. This panel should include an Associate Warden or designee; the inmate's caseworker and/or another caseworker or uniformed officer with the rank of Sergeant or higher. The results of the full classification will be distributed to the inmate using DOC Form 2086. All actions noted above are also to be recorded respectively in the inmate's case notes.

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a. During regular business hours (M-F 8:00 AM – 5:00 PM) approval will be given by designated OMD staff prior to a transfer in an urgent or emergency situation. The sending institution will e-mail OMD the reason for the request and the inmate's name and number after completing the assessment and case note in NOTIS. OMD will review and approve the classification and respond to the sending and receiving institutions by e-mail.

b. After business hours and holidays, the sending institution will contact the receiving institution directly, enter a case note in NOTIS and transact the inmate using an Unscheduled Transfer in NOTIS. A change classification instrument will be completed on the first work day following the unscheduled transfer. The sending institution is to email the appropriate OMD staff(s) the next business day after the change classification has been completed.

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A. Subsequent to a disciplinary hearing, the confinement of an individual in disciplinary segregation or austere housing or institutional transfer may require the completion of a classification hearing.

(1) This is necessary to document exclusions from various custody levels based upon the disciplinary sanctions and to correct computed custodies based upon segregation.

(2) These hearings would also document disciplinary segregation outdates in case notes and the OFFENDER CARE IN PLACEMENT screen of NOTIS. Classification staff should be trained in the regulations (AR 707 and 507) which govern this circumstance.

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A. An inmate requesting assignment to protective segregation should have their request considered and acted upon by the classification committee.

B. Requests for protective segregation should be treated as a priority matter and not be delayed unnecessarily and exclusions documented in the NOTIS assessment.

(1) If approved for Protective Segregation corresponding Alert and Care in Placement entries will be entered in NOTIS accordingly.

3. Post Parole Board

A. A hearing before the Parole Board usually represents a significant milestone in the inmate's sentence.

B. Custody reductions or custody increases may be appropriate.

4. Post Conviction

A. Changes in the inmate's legal status subsequent to their arrival at the Department may have an immediate and direct bearing on their classification status.

B This would include but is not limited to sentence reductions, new convictions and the placement or removal of holds and detainers.

506.05 HEARING REQUIREMENTS FOR ADMINISTRATIVE SEGREGATION AND PROTECTIVE SEGREGATION

1. The frequency of classification hearings for inmates who are placed in administrative or protective segregation are governed by AR 507 and 509 respectively.

2. Classification staff should consult those regulations for guidance concerning the frequency and conduct of hearings.

APPLICABILITY

1. This Administrative Regulation applies to all inmates within the Department.

2. This Administrative Regulation does not require an Operational Procedure.

3. This Administrative Regulation requires an audit.

REFERENCES

ACA Standards 4-4287

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
515

RED TAG STATUS

Supersedes: AR 515 (05/20/10); and AR 515 (Temporary, ~~02/08/10~~11/24/14)
Effective Date 05/~~20/10~~19/15

AUTHORITY

NRS 209.131

RESPONSIBILITY

Wardens and Facility Managers will be responsible ~~to manage~~for managing the use of red tag status at their institutions and facilities.

515.01 GENERAL PROCEDURES

1. Red tag status is a temporary measure in which an inmate is confined in their cell except for medical and~~-~~/or other emergency situations while the rest of the unit continues normal operation.

A. Only inmates involved in serious incidents which pose an immediate threat to life, property, self, staff, other inmates or the security or orderly operations of the institution/facility may be considered for red tag status.

B. A Shift Supervisor may order a red tag status.

C. Anytime the Shift Supervisor ~~takes this type of action,~~orders a red tag status, he must immediately notify the Associate Warden or Warden.

D. A written follow-up report will be completed by the Shift Supervisor in the Incident & Offenses in Custody screens of the Nevada Offender Tracking Information System (NOTIS) prior to the end of shift.

2. Any inmate placed on red tag status must be seen by a classification committee within three days from the date of occurrence.

3. This regulation ~~is superseded~~does not apply when an institution is in lockdown status or when an inmate is only being held ~~over~~overnight at an institution when being transferred to another institution/facility.

APPLICABILITY

1. This regulation requires an Operational Procedure for institutions and facilities.

2. This regulation requires an audit.

_____ _____

~~Howard Skolnik,~~ Director _____Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
515

RED TAG STATUS

Supersedes: AR 515 (05/20/10); and AR 515 (Temporary, 11/24/14)
Effective Date 05/19/15

AUTHORITY

NRS 209.131

RESPONSIBILITY

Wardens and Facility Managers will be responsible for managing the use of red tag status at their institutions and facilities.

515.01 GENERAL PROCEDURES

1. Red tag status is a temporary measure in which an inmate is confined in their cell except for medical and/or other emergency situations while the rest of the unit continues normal operation.

A. Only inmates involved in serious incidents which pose an immediate threat to life, property, self, staff, other inmates or the security or orderly operations of the institution/facility may be considered for red tag status.

B. A Shift Supervisor may order a red tag status.

C. Anytime the Shift Supervisor orders a red tag status, he must immediately notify the Associate Warden or Warden.

D. A written follow-up report will be completed by the Shift Supervisor in the Incident & Offenses in Custody screens of the Nevada Offender Tracking Information System (NOTIS) prior to the end of shift.

2. Any inmate placed on red tag status must be seen by a classification committee within three days from the date of occurrence.

3. This regulation does not apply when an institution is in lockdown status or when an inmate is only being held overnight at an institution when being transferred to another institution/facility.

APPLICABILITY

1. This regulation requires an Operational Procedure for institutions and facilities.

2. This regulation requires an audit.

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
521

CUSTODY CATEGORIES AND CRITERIA

Supersedes: AR 521 (~~06/17/12);~~10/15/13); and AR 521 (Temporary, ~~04/17/13); AR 521 (Temporary, 10/02/13~~11/24/14)
Effective date: ~~10~~05/19/15~~/13~~

AUTHORITY: NRS 209.131; 209.376, 209.341; 209.351; 209.425; 209.427; 209.429; 209.481; 209.4889; ~~484C.340; 484C.110~~ 484C.110; NRS 484C.400, 484C.410, 484C.430, 484C.440, 488.420, 488.425 and 488.427; § 15601, *et seq.* and Federal Register 28 CFR Part 115

RESPONSIBILITY

1. The Offender Management Administrator is responsible for the operation of NDOC's classification system and for employing the custody categories and criteria contained in this regulation.

2. The Wardens are responsible for ~~the adherence~~or to the classification process.

3. In all levels of classification, the mandated Prison Rape Elimination Act (PREA) guidelines will be followed in accordance to the PREA standards. Refer to AR 573, PREA Screening and Classification for more information.

521.01 MAXIMUM CUSTODY

1. Maximum custody is the designated status for administrative or disciplinary segregation or disciplinary detention for close custody inmates.

A. Classification of maximum custody inmates is governed by segregation guidelines in AR 506, Reclassification Schedule, and AR 507**,** Administrative Segregation.

2. Maximum custody characteristics include the following:

A. Assignment to institutions with fenced perimeters and gun towers.

B. Assignment to single occupancy cells.

C. Confinement to a cell except for scheduled exercise periods, showers, visits, professional interviews and hearings, or telephone calls.

D. Direct supervision when inmates are outside their cells.

E. Out of cell activities should be limited to separate and secure areas.

F. Unclothed body searches on exiting and returning to the housing unit.

G. Movement will be in restraint and under escort.

H. Transportation outside the institution will be under restraint, under armed escort, and may include chase vehicles as determined by the Warden. Use of restraints on pregnant inmates will be under the provisions of AR 407, Use of Handcuffs and Restraints, and AR 455, Use of Handcuffs and Restraints on Pregnant Inmates.

3. Maximum custody criteria ~~includes~~include the following:

A. Inmates designated as high risk potential (HRP).

B. Inmates under sentence of death.

521.02 CLOSE CUSTODY

1. Close custody is a restrictive level of supervision for inmates whose offense or institutional conduct indicates that they represent a potential for violence, escape, or disruption of institutional operations without the controls inherent in close custody.

2. Close custody characteristics include the following:

A. Assignment to institutions with fenced perimeters and gun towers.

B. Assignment to double or single cells in protective segregation.

C. Assignment to single cells for administrative or disciplinary segregation or to double cells as authorized by the Director or designee.

D. Housing separated from the general population of the institution.

E. Direct supervision when outside the housing unit.

F. Subject to searches as determined by the Warden.

G. Inmates may be restrained during internal movement.

~~H.~~ H. Transportation outside the institution will be under restraint, under armed escort, and may include chase vehicles as determined by the Warden. Use of restraints on pregnant

inmates will be under the provisions of AR 407, Use of Handcuffs and Restraints, and AR 455, Use of Handcuffs and Restraints on Pregnant Inmates.

3. Close custody criteria ~~includes~~include the following:

A. Assignment to specialized housing areas of medium security institutions such as administrative or protective segregation, or disciplinary segregation, detention, or disruptive group management.

B. Close custody is the custody designation for the general population of a maximum security institution.

C. Evaluation and control of inmates for not less than one year when the inmate is serving a cumulative minimum sentence(s) of 20 years or more.

D. Evaluation and control of inmates for not less than two years for each sentence when the inmate is serving a sentence of life without the possibility of parole.

E. Inmates with a history of violence, escape, or conspiracy to escape.

F. Inmates whose misconduct indicates that their behavior cannot be controlled at lower custody levels.

521.03 MEDIUM CUSTODY

1. Medium custody is for those inmates who would represent a threat to escape or engage in misconduct without the controls of a fenced perimeter and who are expected to demonstrate positive institutional adjustment in a general population.

2. Medium custody characteristics include:

A. Institutions with fenced perimeters and gun towers or perimeter patrols.

B. Direct supervision within the institution.

C. Housing in single or double occupancy cells or dormitories.

D. The general population of a medium security institution.

E. Participation in work and program activities within the perimeter of the institution.

F. Searches on a random basis or for cause.

G. Movement in general population areas without restraints or escort.

~~H.~~ H. Transportation outside the institution will be under restraint and under armed escort. Use of restraints on pregnant inmates will be under the provisions of AR 407, Use of Handcuffs and Restraints, and AR 455, Use of Handcuffs and Restraints on Pregnant Inmates.

3. Medium custody criteria ~~includes~~include:

A. Assignment of inmates who do not represent significant behavioral problems or those who would represent a potential for escape outside the perimeter of an institution.

B. Assignment of inmates who cannot be placed at reduced custody levels due to law or policy.

521.04 MINIMUM CUSTODY

1. Minimum custody is for inmates who represent a limited potential to misbehave or who represent a low risk to escape without the presence of a secure perimeter.

2. Minimum custody characteristics include the following:

A. Assignment to facilities without secure perimeters such as camps and transition centers.

B. Assignment to double occupancy or dormitory housing.

C. Access to the interior and exterior portions of institutions and facilities.

D. Intermittent supervision at least every 20 minutes, or occasional personal or telephonic contact on work assignments from transition centers.

E. Searches on a random basis, for cause, and upon returning from work assignments outside the facility.

F. Transportation without restraint and without armed escort in a state or emergency vehicle.

G. Work supervision by an employee trained in the supervision of inmates.

3. ~~The following minimum~~Minimum custody criteria ~~are based on NRS 209.481 and Department policy~~include:

A. Inmates must meet the following criteria to qualify to minimum custody:

(1) Have a total risk factor score (RFS) of 13 points or less.

(2) Be within 36 months of probable release from NDOC custody.

(3) Have performed assigned duties in a faithful or orderly manner.

B. The following criteria will disqualify an inmate from minimum custody:

(1) An RFS of 10 points or more in Section A of the reclassification instrument.

(2) ~~Committed~~The commission of a serious violent major infraction of AR 707 within the immediately preceding 12 months.

(3) ~~Committed~~The commission of any major or work infraction of AR 707 within the immediately preceding 6 months.

(4) Having ever been convicted of a sexual offense that is punishable as a felony.

a. ~~(5) Two~~If arrested for two or more ~~charges for~~ sexual offenses arising from separate incidents~~.~~, and/or convicted as an adult, or adjudicated guilty as a minor, for a felony offense allegedly involving sexual misconduct, the inmate is to be issued a DOC 2070 form advising of discretionary preclusion from minimum and community trustee classification consideration.

(~~6~~5) Having ever been convicted of a felony crime for any offense involving the intended death of any victim. For clarification purposes, this preclusion should only be used if the victim(s) actually died. If there was no death, inmates may still be precluded from minimum custody, but it would be a discretionary preclusion due to "Violent Offender" (see section C below); and not for "intended death of the victim."

(~~7~~6) Having been convicted of a crime involving the use or threatened use of force or violence against a victim that is punishable as a felony within the immediately preceding 12 months.

(~~8~~7) Having ever attempted to escape or have ever escaped from an NDOC institution, from an NDOC facility, or from an NDOC community supervision program.

(~~9) Have~~8) Having ever been convicted of a felony for the escape or attempted escape from any medium custody or above prison or jail.

(~~10) Have~~9) Having ever been convicted of a felony for the escape or attempted escape from any minimum custody or below prison, jail or facility within the immediately preceding 120 months.

(~~11) Have~~10) Having a current felony detainer lodged against them.

(~~12) Have~~11) Having a death or life without the possibility of parole sentence.

~~(13) Require~~(12) Requiring protective segregation.

(~~14~~13) Serving a disciplinary segregation or disciplinary detention sanction.

C. The following are discretionary exclusions for minimum custody:

(1) Youthful inmate

(2) Medical, dental or mental health concerns

(3) Other agency escape charges

(4) Disciplinary record

(5) Violent Offender

(6) Felony Hold

(7) Concurrent or consecutive non-NDOC sentences.

(8) Other relevant factors

D. The following are exceptions to criteria used in determining minimum custody:

(1) Inmates serving DUI sentences under NRS ~~484.3792 or 484.3795,~~484C.400, 484C.410, 484C.430, 484C.440, 488.420, 488.425 and 488.427 who have no non-DUI offenses as part of their sentence structure are exempt from the 36 months to probable release criteria.

(2) Inmates with a RFS of 14 or more points can be considered for minimum custody on a case by case basis but will require an override from the OMA prior to approval.

E. Staff may consider the following when evaluating inmates for minimum custody:

(1) Staff should ~~classify~~conduct a post-disciplinary review of minimum custody ~~inmate~~inmates after a disciplinary finding for a serious infraction or for an infraction that could raise~~s~~ the inmate's RFS to 14 points or more, to determine the appropriateness ~~to retain~~of retaining the inmate at a minimum custody level.

(2) If the determination is to not increase the inmate's custody level, an override is required from the OMA or OMA's designee. This override will be documented in NOTIS.

(3) If the determination is to increase the inmate's custody level, staff must immediately treat the inmate at the recommended custody level~~.~~ and reclassify accordingly.

(4) No inmate with a computed custody of close will be assigned to minimum custody.

521.05 COMMUNITY TRUSTEE

1. Community Trustee (CT) characteristics include the following:

A. Inmates assigned to CT may be assigned to facilities without perimeters or towers.

B. Housing of CT inmates may be in single or double occupancy cells or in dormitory type housing areas.

C. CT inmates when authorized may access the interior and exterior portions of any institution or facility of the department.

D. Staff supervision of CT inmates may be intermittent and on the job site.

E. The frequency of CT inmate supervision by non-NDOC staff may be intermittent and based on the location and type of work in which the inmate is engaged.

F. CT inmates are subject to random searches within the confines of their assigned facility.

G. Staff and non-~~DOC~~NDOC supervisors may require random searches or searches for cause.

(1) Searches of inmates will only be conducted by NDOC staff in accordance with applicable Administrative Regulations and PREA requirements.

H. CT inmates ~~may~~should be searched upon return to their facility from work areas outside of the institution.

I. CT inmates are not required to be restrained during transportation activities outside of their assigned facilities.

J. CT inmates may be transported by any state employee in a state vehicle or by non-state employees in a private vehicle used during the course of authorized work activities.

2. The following are CT~~ and off reservation work detail (ORWD)~~ criteria:

A. Candidates for CT must be eligible for minimum custody per AR 521.04.

B. CT~~ and ORWD~~ inmates must have a RFS of 11 points or less.

C. No inmate may be assigned to CT if they have ever been convicted of any escape.

D. No inmate may be assigned to CT if they have been convicted of any sex offense.

E. Failure to appear or absconding from parole or probation is not an automatic barrier to CT. Such cases will be evaluated on an individual basis.

F. Inmates who are assigned to CT must be within twenty four (24) months of probable release to the community on parole or discharge.

G. ~~Candidates for CT must not have a consecutive sentence to serve.~~

~~H.~~ No inmates can be assigned to CT custody if they have a conviction for a felony involving the use or threat of violence within the last three (3) years.

~~I~~H. Inmates cannot have a conviction for a violent major infraction of AR 707 within the last five years.

~~J.~~ I. Inmates cannot have been previously convicted of a serious violation of ~~the~~ AR 707 in the last six (6) months.

J. Inmates serving DUI sentences under NRS 484C.400, 484C.410, 484C.430, 484C.440, 488.420, 488.425 and 488.427 who have no non-DUI offenses as part of their sentence structure may be reviewed for CT at minimum custody facilities on a case by case basis when within 36 months to possible release.

K. All final CT classification approval considerations will be reviewed and approved or denied by Offender Management classification staff.

L. No instant offense violence or any felony offense involving violence or threats of violence toward a victim being served under the same booking number as the instant offense will be considered for CT placement.

M. Other discretionary factors may be utilized for CT approval/denial consideration. Such discretionary decisions will be documented in the inmate's case notes.

521.06 RESIDENTIAL CONFINEMENT

1. Assignment to residential confinement and work programs are defined in AR 523, Residential Confinement Programs.

521.07 TRANSITIONAL CENTERS

1. Assignment to Transitional Centers is defined in AR 543, Transition Centers.

APPLICABILITY

1. This AR requires an Operational Procedure within the Offender Management Division as well as institutions/facilities.

2. This AR requires an audit.

~~James G. Cox,~~ Director	_____ Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
521

CUSTODY CATEGORIES AND CRITERIA

Supersedes: AR 521 (10/15/13); and AR 521 (Temporary, 11/24/14)
Effective date: 05/19/15

AUTHORITY: NRS 209.131; 209.376, 209.341; 209.351; 209.425; 209.427; 209.429; 209.481; 209.4889; 484C.110; NRS 484C.400, 484C.410, 484C.430, 484C.440, 488.420, 488.425 and 488.427; § 15601, *et seq.* and Federal Register 28 CFR Part 115

RESPONSIBILITY

1. The Offender Management Administrator is responsible for the operation of NDOC's classification system and for employing the custody categories and criteria contained in this regulation.

2. The Wardens are responsible for the classification process.

3. In all levels of classification, the mandated Prison Rape Elimination Act (PREA) guidelines will be followed in accordance to the PREA standards. Refer to AR 573, PREA Screening and Classification for more information.

521.01 MAXIMUM CUSTODY

1. Maximum custody is the designated status for administrative or disciplinary segregation or disciplinary detention for close custody inmates.

A. Classification of maximum custody inmates is governed by segregation guidelines in AR 506, Reclassification Schedule, and AR 507**,** Administrative Segregation.

2. Maximum custody characteristics include the following:

A. Assignment to institutions with fenced perimeters and gun towers.

B. Assignment to single occupancy cells.

C. Confinement to a cell except for scheduled exercise periods, showers, visits, professional interviews and hearings, or telephone calls.

D. Direct supervision when inmates are outside their cells.

E. Out of cell activities should be limited to separate and secure areas.

F. Unclothed body searches on exiting and returning to the housing unit.

G. Movement will be in restraint and under escort.

H. Transportation outside the institution will be under restraint, under armed escort, and may include chase vehicles as determined by the Warden. Use of restraints on pregnant inmates will be under the provisions of AR 407, Use of Handcuffs and Restraints, and AR 455, Use of Handcuffs and Restraints on Pregnant Inmates.

3. Maximum custody criteria include the following:

A. Inmates designated as high risk potential (HRP).

B. Inmates under sentence of death.

521.02 CLOSE CUSTODY

1. Close custody is a restrictive level of supervision for inmates whose offense or institutional conduct indicates that they represent a potential for violence, escape, or disruption of institutional operations without the controls inherent in close custody.

2. Close custody characteristics include the following:

A. Assignment to institutions with fenced perimeters and gun towers.

B. Assignment to double or single cells in protective segregation.

C. Assignment to single cells for administrative or disciplinary segregation or to double cells as authorized by the Director or designee.

D. Housing separated from the general population of the institution.

E. Direct supervision when outside the housing unit.

F. Subject to searches as determined by the Warden.

G. Inmates may be restrained during internal movement.

H. Transportation outside the institution will be under restraint, under armed escort, and may include chase vehicles as determined by the Warden. Use of restraints on pregnant inmates will be under the provisions of AR 407, Use of Handcuffs and Restraints, and AR 455, Use of Handcuffs and Restraints on Pregnant Inmates.

3. Close custody criteria include the following:

A. Assignment to specialized housing areas of medium security institutions such as administrative or protective segregation, or disciplinary segregation, detention, or disruptive group management.

B. Close custody is the custody designation for the general population of a maximum security institution.

C. Evaluation and control of inmates for not less than one year when the inmate is serving a cumulative minimum sentence(s) of 20 years or more.

D. Evaluation and control of inmates for not less than two years for each sentence when the inmate is serving a sentence of life without the possibility of parole.

E. Inmates with a history of violence, escape, or conspiracy to escape.

F. Inmates whose misconduct indicates that their behavior cannot be controlled at lower custody levels.

521.03 MEDIUM CUSTODY

1. Medium custody is for those inmates who would represent a threat to escape or engage in misconduct without the controls of a fenced perimeter and who are expected to demonstrate positive institutional adjustment in a general population.

2. Medium custody characteristics include:

A. Institutions with fenced perimeters and gun towers or perimeter patrols.

B. Direct supervision within the institution.

C. Housing in single or double occupancy cells or dormitories.

D. The general population of a medium security institution.

E. Participation in work and program activities within the perimeter of the institution.

F. Searches on a random basis or for cause.

G. Movement in general population areas without restraints or escort.

H. Transportation outside the institution will be under restraint and under armed escort. Use of restraints on pregnant inmates will be under the provisions of AR 407, Use of Handcuffs and Restraints, and AR 455, Use of Handcuffs and Restraints on Pregnant Inmates.

3. Medium custody criteria include:

A. Assignment of inmates who do not represent significant behavioral problems or those who would represent a potential for escape outside the perimeter of an institution.

B. Assignment of inmates who cannot be placed at reduced custody levels due to law or policy.

521.04 MINIMUM CUSTODY

1. Minimum custody is for inmates who represent a limited potential to misbehave or who represent a low risk to escape without the presence of a secure perimeter.

2. Minimum custody characteristics include the following:

A. Assignment to facilities without secure perimeters such as camps and transition centers.

B. Assignment to double occupancy or dormitory housing.

C. Access to the interior and exterior portions of institutions and facilities.

D. Intermittent supervision at least every 20 minutes, or occasional personal or telephonic contact on work assignments from transition centers.

E. Searches on a random basis, for cause, and upon returning from work assignments outside the facility.

F. Transportation without restraint and without armed escort in a state or emergency vehicle.

G. Work supervision by an employee trained in the supervision of inmates.

3. Minimum custody criteria include:

A. Inmates must meet the following criteria to qualify to minimum custody:

(1) Have a total risk factor score (RFS) of 13 points or less.

(2) Be within 36 months of probable release from NDOC custody.

(3) Have performed assigned duties in a faithful or orderly manner.

B. The following criteria will disqualify an inmate from minimum custody:

(1) An RFS of 10 points or more in Section A of the reclassification instrument.

(2) The commission of a serious violent major infraction of AR 707 within the immediately preceding 12 months.

(3) The commission of any major or work infraction of AR 707 within the immediately preceding 6 months.

(4) Having ever been convicted of a sexual offense that is punishable as a felony.

a. If arrested for two or more sexual offenses arising from separate incidents, and/or convicted as an adult, or adjudicated guilty as a minor, for a felony offense allegedly involving sexual misconduct, the inmate is to be issued a DOC 2070 form advising of discretionary preclusion from minimum and community trustee classification consideration.

(5) Having ever been convicted of a felony crime for any offense involving the intended death of any victim. For clarification purposes, this preclusion should only be used if the victim(s) actually died. If there was no death, inmates may still be precluded from minimum custody, but it would be a discretionary preclusion due to "Violent Offender" (see section C below); and not for "intended death of the victim."

(6) Having been convicted of a crime involving the use or threatened use of force or violence against a victim that is punishable as a felony within the immediately preceding 12 months.

(7) Having ever attempted to escape or have ever escaped from an NDOC institution, from an NDOC facility, or from an NDOC community supervision program.

(8) Having ever been convicted of a felony for the escape or attempted escape from any medium custody or above prison or jail.

(9) Having ever been convicted of a felony for the escape or attempted escape from any minimum custody or below prison, jail or facility within the immediately preceding 120 months.

(10) Having a current felony detainer lodged against them.

(11) Having a death or life without the possibility of parole sentence.

(12) Requiring protective segregation.

(13) Serving a disciplinary segregation or disciplinary detention sanction.

C. The following are discretionary exclusions for minimum custody:

(1) Youthful inmate

(2) Medical, dental or mental health concerns

(3) Other agency escape charges

(4) Disciplinary record

(5) Violent Offender

(6) Felony Hold

(7) Concurrent or consecutive non-NDOC sentences.

(8) Other relevant factors

D. The following are exceptions to criteria used in determining minimum custody:

(1) Inmates serving DUI sentences under NRS 484C.400, 484C.410, 484C.430, 484C.440, 488.420, 488.425 and 488.427 who have no non-DUI offenses as part of their sentence structure are exempt from the 36 months to probable release criteria.

(2) Inmates with a RFS of 14 or more points can be considered for minimum custody on a case by case basis but will require an override from the OMA prior to approval.

E. Staff may consider the following when evaluating inmates for minimum custody:

(1) Staff should conduct a post-disciplinary review of minimum custody inmates after a disciplinary finding for a serious infraction or for an infraction that could raise~~s~~ the inmate's RFS to 14 points or more, to determine the appropriateness of retaining the inmate at a minimum custody level.

(2) If the determination is to not increase the inmate's custody level, an override is required from the OMA or OMA's designee. This override will be documented in NOTIS.

(3) If the determination is to increase the inmate's custody level, staff must immediately treat the inmate at the recommended custody level and reclassify accordingly.

(4) No inmate with a computed custody of close will be assigned to minimum custody.

521.05 COMMUNITY TRUSTEE

1. Community Trustee (CT) characteristics include the following:

A. Inmates assigned to CT may be assigned to facilities without perimeters or towers.

B. Housing of CT inmates may be in single or double occupancy cells or in dormitory type housing areas.

C. CT inmates when authorized may access the interior and exterior portions of any institution or facility of the department.

D. Staff supervision of CT inmates may be intermittent and on the job site.

E. The frequency of CT inmate supervision by non-NDOC staff may be intermittent and based on the location and type of work in which the inmate is engaged.

F. CT inmates are subject to random searches within the confines of their assigned facility.

G. Staff and non-NDOC supervisors may require random searches or searches for cause.

(1) Searches of inmates will only be conducted by NDOC staff in accordance with applicable Administrative Regulations and PREA requirements.

H. CT inmates should be searched upon return to their facility from work areas outside of the institution.

I. CT inmates are not required to be restrained during transportation activities outside of their assigned facilities.

J. CT inmates may be transported by any state employee in a state vehicle or by non-state employees in a private vehicle used during the course of authorized work activities.

2. The following are CT criteria:

A. Candidates for CT must be eligible for minimum custody per AR 521.04.

B. CT inmates must have a RFS of 11 points or less.

C. No inmate may be assigned to CT if they have ever been convicted of any escape.

D. No inmate may be assigned to CT if they have been convicted of any sex offense.

E. Failure to appear or absconding from parole or probation is not an automatic barrier to CT. Such cases will be evaluated on an individual basis.

F. Inmates who are assigned to CT must be within twenty four (24) months of probable release to the community on parole or discharge.

G. No inmates can be assigned to CT custody if they have a conviction for a felony involving the use or threat of violence within the last three (3) years.

H. Inmates cannot have a conviction for a violent major infraction of AR 707 within the last five years.

I. Inmates cannot have been previously convicted of a serious violation of AR 707 in the last six (6) months.

J. Inmates serving DUI sentences under NRS 484C.400, 484C.410, 484C.430, 484C.440, 488.420, 488.425 and 488.427 who have no non-DUI offenses as part of their sentence structure may be reviewed for CT at minimum custody facilities on a case by case basis when within 36 months to possible release.

K. All final CT classification approval considerations will be reviewed and approved or denied by Offender Management classification staff.

L. No instant offense violence or any felony offense involving violence or threats of violence toward a victim being served under the same booking number as the instant offense will be considered for CT placement.

M. Other discretionary factors may be utilized for CT approval/denial consideration. Such discretionary decisions will be documented in the inmate's case notes.

521.06 RESIDENTIAL CONFINEMENT

1. Assignment to residential confinement and work programs are defined in AR 523, Residential Confinement Programs.

521.07 TRANSITIONAL CENTERS

1. Assignment to Transitional Centers is defined in AR 543, Transition Centers.

APPLICABILITY

1. This AR requires an Operational Procedure within the Offender Management Division as well as institutions/facilities.

2. This AR requires an audit.

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
525

PRISON INDUSTRY CLASSIFICATION

Supersedes: AR 525 (08/13/10); and AR 525 (Temporary, ~~06/21/10~~11/04/14)
Effective date: ~~08/13/10~~ 05/19/15

AUTHORITY: NRS 209.131, 209.396

RESPONSIBILITY

The associate wardens at each institution and facility are responsible for implementing this regulation.

525.01 PRISON INDUSTRY ASSIGNMENT CRITERIA

1. In order to be assigned to Prison Industries (PI) an inmate should meet the following criteria:

A. The inmate must have a ~~valid Social Security number, a~~ High School Diploma or a ~~GED~~High School Equivalency, or be currently enrolled in high school or ~~GED~~High School Equivalency completion courses; and

B. The inmate must have no major disciplinary violations in the previous 6 months; and

C. Be functioning at an educational level equal to literacy per NRS 209.396; and

D. If not already assigned to PI, the inmate must have a minimum of 12 months remaining on their sentence until eligible for minimum custody.

E. Inmate must have a valid social security number authenticated through the Federal E-Verify system, and must successfully complete the Federal I-9 form.

F. Inmates with an escape in their history will be reviewed by a full classification committee on a case-by-case basis.

2. All inmates must be reviewed and approved in person by the full classification committee prior to being placed on the approved assignment list to a PI assignment. Being placed on the approved PI assignment list, does not in any way guarantee the

inmate an assignment to PI. If an inmate requires further review or approval from Warden, this approval or denial will occur no longer than two weeks after full classification meeting.

3. Assignment of inmates reviewed and approved by institution's full classification committee to PI requires the concurrence of the PI supervisor of the shop where the inmate will be working. On a weekly basis, the Classification Committee should provide the Prison Industries Supervisor with an updated list of PI eligible inmates, inmates approved, denied or awaiting Warden's reviews.

525.02 PRISON INDUSTRY RETENTION

1. Inmates who are found guilty of a major disciplinary violation will be reclassified out of PI.

2. A PI supervisor may remove an inmate worker for performance or behavioral reasons; however, only the classification committee can unassign the inmate.

3. The PI supervisor should provide the classification committee with a written report stating the reasons for the removal of an inmate from the PI assignment.

APPLICABILITY

1. This regulation requires operational procedures within prison industries and at each institution and facility.

2. This regulation does require an audit.

~~Howard Skolnik,~~ _____

Director _____ Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
525

PRISON INDUSTRY CLASSIFICATION

Supersedes: AR 525 (08/13/10); and AR 525 (Temporary, 11/04/14)
Effective date: 05/19/15

AUTHORITY: NRS 209.131, 209.396

RESPONSIBILITY

The associate wardens at each institution and facility are responsible for implementing this regulation.

525.01 PRISON INDUSTRY ASSIGNMENT CRITERIA

1. In order to be assigned to Prison Industries (PI) an inmate should meet the following criteria:

A. The inmate must have a High School Diploma or a High School Equivalency, or be currently enrolled in high school or High School Equivalency completion courses; and

B. The inmate must have no major disciplinary violations in the previous 6 months; and

C. Be functioning at an educational level equal to literacy per NRS 209.396; and

D. If not already assigned to PI, the inmate must have a minimum of 12 months remaining on their sentence until eligible for minimum custody.

E. Inmate must have a valid social security number authenticated through the Federal E-Verify system, and must successfully complete the Federal I-9 form.

F. Inmates with an escape in their history will be reviewed by a full classification committee on a case-by-case basis.

2. All inmates must be reviewed and approved in person by the full classification committee prior to being placed on the approved assignment list to a PI assignment. Being placed on the approved PI assignment list, does not in any way guarantee the

inmate an assignment to PI. If an inmate requires further review or approval from Warden, this approval or denial will occur no longer than two weeks after full classification meeting.

3. Assignment of inmates reviewed and approved by institution's full classification committee to PI requires the concurrence of the PI supervisor of the shop where the inmate will be working. On a weekly basis, the Classification Committee should provide the Prison Industries Supervisor with an updated list of PI eligible inmates, inmates approved, denied or awaiting Warden's reviews.

525.02 PRISON INDUSTRY RETENTION

1. Inmates who are found guilty of a major disciplinary violation will be reclassified out of PI.

2. A PI supervisor may remove an inmate worker for performance or behavioral reasons; however, only the classification committee can unassign the inmate.

3. The PI supervisor should provide the classification committee with a written report stating the reasons for the removal of an inmate from the PI assignment.

APPLICABILITY

1. This regulation requires operational procedures within prison industries and at each institution and facility.

2. This regulation does require an audit.

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
570

INMATE MOVEMENT DOCUMENTATION

Supersedes: AR 570 (05/20/10); and AR 570 (Temporary, ~~02/08/10~~11/24/14)
Effective Date: 05/~~20/10~~19/15

AUTHORITY

NRS 209.131

RESPONSIBILITY

Wardens/designees and Facility Managers will be responsible to monitor daily count procedures.

The Offender Management Division (OMD) will be responsible to develop a means by which this policy will be implemented.

570.01 GENERAL PROCEDURES

1. DAILY DEPARTMENT COUNT SHEET

A. The daily count movement sheet will include line items for each institution/ facility which accurately illustrates the revised departmental male and female counts:

(1) Institutional & facility count

(2) Nevada jail & hospital count

(3) Escape count

(4) Out-of-state count

(5) Residential confinement count

(6) Total population count

B. The daily count sheet will be produced by utilizing computer programs made available through the Nevada Offender Tracking Information System (NOTIS).

C. In the event NOTIS is not functional, each location shall be prepared to manually produce a daily movement sheet and submit the sheet to the appropriate Offender Management -Division- (OMD) staff.

2. INSITUTION/FACILITY DAILY MOVEMENT SHEET

A. The entry of data which relates to inmate movement must occur as soon as practical after the movement~~,~~ and prior to the next institutional count.

(1) NOTIS workstation will be located in a control center staffed 24 hours a day.

(2) The entry of data which relates to changes in the custody or assignment of an inmate must occur prior to 11:59 p.m. on the date the change is officially implemented. This includes inmates who are placed on Temporary Absence (TA) status and who are not to be on such status past 11:59 p.m. If an inmate will be out of the institution/facility after midnight, (hospital admittance or booked into a non NDOC facility) then the inmate will have to be transferred into the identified area. Exceptions to this include Nevada Division Forestry crews on extended emergency response detail or medical emergencies. Such exceptions should be communicated to the Offender Management Statistician.

(3) The institution or facility should contact the ~~appropriate~~ OMD ~~Staff~~Statistician or other OMD staff member with any questions regarding the entry of movement data or movements that were entered in error.

(4) The official daily movement sheet will detail the number and types of admissions and releases each day and the count at the close of the day, to include the following: ~~**(4-4101)**~~

(a) Received inmates

i. This includes new inmates and transfers between institutions, facilities and ~~pseudo~~Non-in-house locations.

ii. ~~Pseudo~~Non-in-house locations are locations of inmates who are counted in the total departmental count, but are housed other than at institutions/facilities. Such locations include out of state count, escape, Nevada jail, hospital, and residential confinement.

(b) Internal changes – representing changes within a location including housing assignments and work/program assignments.

(c) Departures – representing a decrease to the count at a particular location. This includes inmates being released from the system, deaths, escapes and transfers to other locations.

(d) The institution or facility must notify the appropriate OMD Staff member immediately regarding a death, so that the inmate can be properly released within NOTIS, especially if the inmate was housed in a ~~pseudo~~Non-in-house location at the time of death. For further procedural information, refer to Administrative Regulation 420 – Inmate Death or Serious Injury Procedure.

(e) Corrections to erroneous data previously reported.

(f) Count summary

(g) Approval signature.

B. All entries will be supported by documentation in the case notes section of NOTIS or other written documentation.

(1) Internal changes such as custody, assignment and housing will be supported by other written documents.

(2) Arrivals and departures will be supported by body receipts, commitment documents or OMD approved authorization in NOTIS reflecting transfer approval.

(3) Staff that transfers an inmate in an emergency will notify OMD as soon as possible.

(4) Overrides for transfers and releases not authorized in NOTIS require verbal approval by OMD with no exception. All such overrides will be documented in the inmate's case notes and/or classification approval entry completed.

(5) Each daily movement sheet will be reviewed for form and content by the supervisor of the night shift and signed by same to verify accuracy.

(6) In the event a movement cannot be exactly described from the standard list, the designated OMD staff member must be immediately notified.

C. Each institution and facility will produce a daily movement sheet once per day. It ~~will~~should be completed on the night shift between midnight and 1:00 a.m. and will cover the previous 24 hour period (midnight to 11:59 p.m.)

D. The daily movement sheet will be conveyed to OMD by electronic retrieval via the computer network. If this method is not possible, the information will be conveyed by telephone to the appropriate OMD Staff member.

APPLICABILITY

1. This Administrative Regulation does not require an Operational Procedure.

2. This Administrative Regulation requires an audit.

REFERENCES

ACA Standards (4th Edition) -4-4101

_____ _____

~~Howard Skolnik,~~ Director _____Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
570

INMATE MOVEMENT DOCUMENTATION

Supersedes: AR 570 (05/20/10); and AR 570 (Temporary, 11/24/14)
Effective Date: 05/19/15

AUTHORITY

NRS 209.131

RESPONSIBILITY

Wardens/designees and Facility Managers will be responsible to monitor daily count procedures.

The Offender Management Division (OMD) will be responsible to develop a means by which this policy will be implemented.

570.01 GENERAL PROCEDURES

1. DAILY DEPARTMENT COUNT SHEET

A. The daily count movement sheet will include line items for each institution/ facility which accurately illustrates the revised departmental male and female counts:

(1) Institutional & facility count

(2) Nevada jail & hospital count

(3) Escape count

(4) Out-of-state count

(5) Residential confinement count

(6) Total population count

B. The daily count sheet will be produced by utilizing computer programs made available through the Nevada Offender Tracking Information System (NOTIS).

C. In the event NOTIS is not functional, each location shall be prepared to manually produce a daily movement sheet and submit the sheet to the appropriate Offender Management Division (OMD) staff.

2. INSITUTION/FACILITY DAILY MOVEMENT SHEET

A. The entry of data which relates to inmate movement must occur as soon as practical after the movement and prior to the next institutional count.

(1) NOTIS workstation will be located in a control center staffed 24 hours a day.

(2) The entry of data which relates to changes in the custody or assignment of an inmate must occur prior to 11:59 p.m. on the date the change is officially implemented. This includes inmates who are placed on Temporary Absence (TA) status and who are not to be on such status past 11:59 p.m. If an inmate will be out of the institution/facility after midnight, (hospital admittance or booked into a non NDOC facility) then the inmate will have to be transferred into the identified area. Exceptions to this include Nevada Division Forestry crews on extended emergency response detail or medical emergencies. Such exceptions should be communicated to the Offender Management Statistician.

(3) The institution or facility should contact the OMD Statistician or other OMD staff member with any questions regarding the entry of movement data or movements that were entered in error.

(4) The official daily movement sheet will detail the number and types of admissions and releases each day and the count at the close of the day, to include the following:

(a) Received inmates

i. This includes new inmates and transfers between institutions, facilities and Non-in-house locations.

ii. Non-in-house locations are locations of inmates who are counted in the total departmental count, but are housed other than at institutions/facilities. Such locations include out of state count, escape, Nevada jail, hospital, and residential confinement.

(b) Internal changes – representing changes within a location including housing assignments and work/program assignments.

(c) Departures – representing a decrease to the count at a particular location. This includes inmates being released from the system, deaths, escapes and transfers to other locations.

(d) The institution or facility must notify the appropriate OMD Staff member immediately regarding a death, so that the inmate can be properly released within NOTIS, especially if the inmate was housed in a Non-in-house location at the time of death. For further procedural information, refer to Administrative Regulation 420 – Inmate Death or Serious Injury Procedure.

(e) Corrections to erroneous data previously reported.

(f) Count summary

(g) Approval signature.

B. All entries will be supported by documentation in the case notes section of NOTIS or other written documentation.

(1) Internal changes such as custody, assignment and housing will be supported by other written documents.

(2) Arrivals and departures will be supported by body receipts, commitment documents or OMD approved authorization in NOTIS reflecting transfer approval.

(3) Staff that transfers an inmate in an emergency will notify OMD as soon as possible.

(4) Overrides for transfers and releases not authorized in NOTIS require verbal approval by OMD with no exception. All such overrides will be documented in the inmate's case notes and/or classification approval entry completed.

(5) Each daily movement sheet will be reviewed for form and content by the supervisor of the night shift and signed by same to verify accuracy.

(6) In the event a movement cannot be exactly described from the standard list, the designated OMD staff member must be immediately notified.

C. Each institution and facility will produce a daily movement sheet once per day. It should be completed on the night shift between midnight and 1:00 a.m. and will cover the previous 24 hour period (midnight to 11:59 p.m.)

D. The daily movement sheet will be conveyed to OMD by electronic retrieval via the computer network. If this method is not possible, the information will be conveyed by telephone to the appropriate OMD Staff member.

APPLICABILITY

1. This Administrative Regulation does not require an Operational Procedure.

2. This Administrative Regulation requires an audit.

REFERENCES

ACA Standards (4th Edition) 4-4101

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
573

PREA SCREENING AND CLASSIFICATION

Supersedes: AR 573 (03/18/14); and AR 573 (Temporary, ~~02/26~~12/01/14)
Effective date: ~~03/18/14~~05/19/15

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

RESPONSIBILITY

1. The Offender Management Administrator is responsible for the operation of NDOC's classification system and for employing the categories and criteria contained in this regulation.

2. The Wardens are responsible for the implementation of the classification process at their specific institutions and facilities.

3. The Caseworkers are responsible for adhering to the classification standards and processes.

573.01 PREA SCREENING AND CLASSIFICATION

1. All inmates shall be assessed for their risk of being sexually abused by other inmates or sexually abusive toward other inmates in accordance with Federal PREA standards.

A. Initial screening should take place as soon as possible, but shall be completed within 72 hours of arrival at an institution or facility, excluding holidays. Whenever possible, and consistent with the safety and security needs of the institution or facility, inmates are not to be housed together in two-man cells prior to PREA screening.

B. Within 30 days from the inmate's arrival at the facility, a Correctional Caseworker ~~-~~will reassess the inmate's risk of victimization or potential for abusiveness ~~towards~~toward other inmates based upon any additional, relevant information which may have been received since the initial screening.

C. Inmates will be reassessed at each 6 month regular review.

D. Inmates will be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of being sexually victimized or being sexually abusive.

2. The PREA Risk Assessment will be used for all screening and assessments and, pursuant to §115.41 of the federal PREA standards, will include the following factors:

A. Possible Victim Factors:

(1) Whether the inmate has a mental, physical, or developmental disability.

(2) The age of the inmate.

(3) The physical build of the inmate.

(4) Whether the inmate has previously been incarcerated.

(5) Whether the inmate's criminal history is exclusively nonviolent.

(6) Whether the inmate has prior convictions for sex offenses against an adult or child.

(7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender intersex, or gender nonconforming.

(8) Whether the inmate has previously experienced sexual victimization.

(9) The inmate's own perception of vulnerability.

B. Possible Aggressor Factors:

(1) History of institutional violent behavior;

(2) Any history of sexual abuse;

(3) History of convictions for violent offenses~~;~~ or sexual assault offenses;

(4) History of correctional facility sex abuse, which may include violations contained in AR 707 that are of a sexual nature.

C. PREA designations

(1) The results of the NDOC approved PREA Risk Assessment will determine the PREA designations and will be considered in classification and placement decisions.

(2) The PREA designations are as follows:

(a) Known victim
(b) Potential victim
(c) Non-victim
(d) Known aggressor

(e) Potential aggressor
(f) Non-aggressor

D. Overrides from possible victim to non-victim or non-victim to possible victim must be based on documented, specific evidence. The same applies for overrides of possible aggressor or non-aggressor status. In no instance may a known aggressor or known victim designation be overridden. The source of information is to be noted on the Risk Assessment form accordingly (self-reported, Pre Sentence Investigation (PSI), Offense in Custody (OIC), Incident Report (IR), jail report, etc).

E. Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to questions asked during assessments.

3. ~~The~~Completion of the Risk Assessment~~ result~~ will be noted in a chronological entry in the Nevada Offender Tracking Information System (NOTIS) ~~as well as by entering~~along with a ~~corresponding Alert in NOTIS~~reference to an alert when applicable.

573.02 HOUSING AND PLACEMENT BASED ON PREA CLASSIFICATION

1. Staff shall use information from the risk assessment to make informed housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. Staff shall make individualized determinations about how to ensure the safety of each inmate.

2. At no time will a known victim and a known aggressor be housed together in a 2 man cell.

3. A possible victim and a possible aggressor should not be housed together unless necessary.

4. Non-victims and non-aggressors may be housed with any other category, subject to individual case factors.

573.03 SEGREGATION OF INMATES UNDER PREA~~.~~

1. Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made and it has been determined that there are no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing no more than 24 hours while completing the assessment. This assessment will determine if an immediate institutional bed move will alleviate the issue. If not, the inmate will be given a Notice for ~~placement~~Placement in Administrative Segregation and will be seen by the Caseworker within 72 hours to determine the appropriate placement of the inmate. This review will include a reassessment using the PREA Risk Assessment instrument.
~~.~~
2. Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document:

A. The opportunities that have been limited;

B. The duration of the limitation; and

C. The reasons for such limitations.

3. The facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.

4. If an involuntary segregated housing assignment is made, the facility shall clearly document:

A. The basis for the facility's concern for the inmate's safety; and

B. The reason why no alternative means of separation can be arranged.

5. Every 30 days, the facility shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

APPLICABILITY

1. This Administrative Regulation requires an Operational Procedure within the Offender Management Division and at each institution and facility.

2. This Administrative Regulation requires an audit.

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
573

PREA SCREENING AND CLASSIFICATION

Supersedes: AR 573 (03/18/14); and AR 573 (Temporary, 12/01/14)
Effective date: 05/19/15

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

RESPONSIBILITY

1. The Offender Management Administrator is responsible for the operation of NDOC's classification system and for employing the categories and criteria contained in this regulation.

2. The Wardens are responsible for the implementation of the classification process at their specific institutions and facilities.

3. The Caseworkers are responsible for adhering to the classification standards and processes.

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1. All inmates shall be assessed for their risk of being sexually abused by other inmates or sexually abusive toward other inmates in accordance with Federal PREA standards.

A. Initial screening should take place as soon as possible, but shall be completed within 72 hours of arrival at an institution or facility, excluding holidays. Whenever possible, and consistent with the safety and security needs of the institution or facility, inmates are not to be housed together in two-man cells prior to PREA screening.

B. Within 30 days from the inmate's arrival at the facility, a Correctional Caseworker will reassess the inmate's risk of victimization or potential for abusiveness toward other inmates based upon any additional, relevant information which may have been received since the initial screening.

C. Inmates will be reassessed at each 6 month regular review.

D. Inmates will be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of being sexually victimized or being sexually abusive.

2. The PREA Risk Assessment will be used for all screening and assessments and, pursuant to §115.41 of the federal PREA standards, will include the following factors:

A. Possible Victim Factors:

(1) Whether the inmate has a mental, physical, or developmental disability.

(2) The age of the inmate.

(3) The physical build of the inmate.

(4) Whether the inmate has previously been incarcerated.

(5) Whether the inmate's criminal history is exclusively nonviolent.

(6) Whether the inmate has prior convictions for sex offenses against an adult or child.

(7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender intersex, or gender nonconforming.

(8) Whether the inmate has previously experienced sexual victimization.

(9) The inmate's own perception of vulnerability.

B. Possible Aggressor Factors:

(1) History of institutional violent behavior;

(2) Any history of sexual abuse;

(3) History of convictions for violent offenses or sexual assault offenses;

(4) History of correctional facility sex abuse, which may include violations contained in AR 707 that are of a sexual nature.

C. PREA designations

(1) The results of the NDOC approved PREA Risk Assessment will determine the PREA designations and will be considered in classification and placement decisions.

(2) The PREA designations are as follows:

(a) Known victim
(b) Potential victim
(c) Non-victim
(d) Known aggressor

(e) Potential aggressor
(f) Non-aggressor

D. Overrides from possible victim to non-victim or non-victim to possible victim must be based on documented, specific evidence. The same applies for overrides of possible aggressor or non-aggressor status. In no instance may a known aggressor or known victim designation be overridden. The source of information is to be noted on the Risk Assessment form accordingly (self-reported, Pre Sentence Investigation (PSI), Offense in Custody (OIC), Incident Report (IR), jail report, etc).

E. Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to questions asked during assessments.

3. Completion of the Risk Assessment will be noted in a chronological entry in the Nevada Offender Tracking Information System (NOTIS) along with a reference to an alert when applicable.

573.02 HOUSING AND PLACEMENT BASED ON PREA CLASSIFICATION

1. Staff shall use information from the risk assessment to make informed housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. Staff shall make individualized determinations about how to ensure the safety of each inmate.

2. At no time will a known victim and a known aggressor be housed together in a 2 man cell.

3. A possible victim and a possible aggressor should not be housed together unless necessary.

4. Non-victims and non-aggressors may be housed with any other category, subject to individual case factors.

573.03 SEGREGATION OF INMATES UNDER PREA

1. Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made and it has been determined that there are no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing no more than 24 hours while completing the assessment. This assessment will determine if an immediate institutional bed move will alleviate the issue. If not, the inmate will be given a Notice for Placement in Administrative Segregation and will be seen by the Caseworker within 72 hours to determine the appropriate placement of the inmate. This review will include a reassessment using the PREA Risk Assessment instrument.

2. Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document:

A. The opportunities that have been limited;

B. The duration of the limitation; and

C. The reasons for such limitations.

3. The facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.

4. If an involuntary segregated housing assignment is made, the facility shall clearly document:

A. The basis for the facility's concern for the inmate's safety; and

B. The reason why no alternative means of separation can be arranged.

5. Every 30 days, the facility shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

APPLICABILITY

1. This Administrative Regulation requires an Operational Procedure within the Offender Management Division and at each institution and facility.

2. This Administrative Regulation requires an audit.

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
600

HEALTH CARE SERVICES

Supersedes: AR 600 (04/08/11); and AR 600 (Temporary, ~~10/13/10~~01/14/15)
Effective date: ~~04/08/11~~ 05/19/15

AUTHORITY: NRS 209.131; NRS 209.381

RESPONSIBILITY

1. All Medical Division staff and all Medical Officers are responsible for ~~the~~ compliance with this regulation.

2. The Medical Director is responsible for the formulation of health policy regarding the health care delivery system~~;~~, including developing and monitoring standards and procedures for health care services for all inmates confined within the facilities ~~and~~. The Medical Director has overall responsibility for the clinical operation of the Medical Division.

3. The Medical Administrator is responsible for administrative management of the Medical Division including activities related to budget and fiscal management.

4. The Chiefs of Nursing Services administer and direct the organized nursing services of multiple prison facilities within their geographic area and supervise the institutional Directors of Nursing ~~Service~~Services.

5. The institutional Director of Nursing Services (DONS) is the Health Care Administrator (HCA) at their respective institution. The HCA is responsible for the provision of health care services at that institution, ensuring all inmates have ~~unimpeded~~ access to care. Additionally, the ~~DONS as~~ HCA is responsible for the overall administrative supervision of all Medical Division employees at their institution, ~~to include personnel and operational matters.~~except for health care practitioners. Health care practitioners report clinically to the Medical Director and administratively to the Warden at the institution assigned.

600.01 HEALTH CARE SERVICES

1. Health care services will provide for the physical and mental well-being of the population and will include treatment of serious medical, dental, and mental illness.

2. All medical, psychiatric, and dental matters involving medical judgment are the sole province of the responsible physician and dentist, respectively.

3. Each policy and procedure in the health care delivery system will be reviewed at least annually and revised if necessary.

4. To ensure continuity of care when an inmate is referred to a community provider, appropriate medical information will be shared with the new providers in accord with consent requirements.

5. The procedure for processing complaints regarding health care will be provided and explained to all inmates upon arrival in the facility in a language clearly understood by each inmate.

6. Non-medical staff will not approve or disapprove Requests for Medical Care (KITES).

7. The Medical Director will assure only qualified health care personnel will determine and supervise health care procedures.

8. The HCA, under the general supervision of the regional Chiefs of Nursing Services and in conjunction with the Medical Director and Medical Administrator, will make every effort to ensure the appropriate space, equipment, supplies, and material is available depending on the level of health care provided at their respective institution/facility.

9. If the Medical Division cannot provide the required in-patient or out-patient care inside the institution, the Medical Administrator will ~~arrange for such care~~contract with outside facilities/providers ~~through contractual agreements~~to provide such care.

600.02 MENTAL HEALTH

1. A psychiatrist designated by the Medical Director will coordinate the clinical aspects of mental health care and the HCA will oversee nursing, administrative and other day-to-day operations.

2. The Medical Director will make every effort to ensure that an adequate number of qualified staff members are available to deal directly with inmates who have severe mental health problems, as well as to advise other correctional staff in their contacts with such individuals.

3. The HCA will provide for the detection, diagnosis, treatment, and referral of inmates with mental health problems at their respective institutions.

600.03 HEALTH CARE POLICIES, LICENSING, AND CERTIFICATIONS

1. The Medical Director will ensure that appropriate state and federal licensure, certification, or registration requirements and restrictions apply to personnel who provide health care to inmates.

A. The duties and responsibilities of such personnel will be governed by written job descriptions and approved by the Medical Director.

B. The Medical Director will give the final approval for the hiring of all health care personnel.

C. Verification of current credentials and job descriptions will be on file in the Office of the Medical Staff Development Coordinator.

APPLICABILITY

1. This regulation requires an Operational Procedure for the institutional infirmaries, Regional Medical Facility, Mental Health Unit, Extended Care ~~Units~~Unit, Structured ~~Housing~~Care Unit, and Medical Intermediate Care Unit~~, and each Medical Officer at a camp or transition center~~.

2. This regulation requires an audit.

_____ _____

~~R. Bruce Bannister, D.O.,~~ Medical Director _____Date

_____ _____

~~James G. Cox,~~ Director _____Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
600

HEALTH CARE SERVICES

Supersedes: AR 600 (04/08/11); and AR 600 (Temporary, 01/14/15)
Effective date: 05/19/15

AUTHORITY: NRS 209.131; NRS 209.381

RESPONSIBILITY

1. All Medical Division staff and all Medical Officers are responsible for compliance with this regulation.

2. The Medical Director is responsible for the formulation of health policy regarding the health care delivery system, including developing and monitoring standards and procedures for health care services for all inmates confined within the facilities. The Medical Director has overall responsibility for the clinical operation of the Medical Division.

3. The Medical Administrator is responsible for administrative management of the Medical Division including activities related to budget and fiscal management.

4. The Chiefs of Nursing Services administer and direct the organized nursing services of multiple prison facilities within their geographic area and supervise the institutional Directors of Nursing Services.

5. The institutional Director of Nursing Services (DONS) is the Health Care Administrator (HCA) at their respective institution. The HCA is responsible for the provision of health care services at that institution, ensuring all inmates have access to care. Additionally, the HCA is responsible for the overall administrative supervision of all Medical Division employees at their institution, except for health care practitioners. Health care practitioners report clinically to the Medical Director and administratively to the Warden at the institution assigned.

600.01 HEALTH CARE SERVICES

1. Health care services will provide for the physical and mental well-being of the population and will include treatment of serious medical, dental, and mental illness.

2. All medical, psychiatric, and dental matters involving medical judgment are the sole province of the responsible physician and dentist, respectively.

3. Each policy and procedure in the health care delivery system will be reviewed at least annually and revised if necessary.

4. To ensure continuity of care when an inmate is referred to a community provider, appropriate medical information will be shared with the new providers in accord with consent requirements.

5. The procedure for processing complaints regarding health care will be provided and explained to all inmates upon arrival in the facility in a language clearly understood by each inmate.

6. Non-medical staff will not approve or disapprove Requests for Medical Care (KITES).

7. The Medical Director will assure only qualified health care personnel will determine and supervise health care procedures.

8. The HCA, under the general supervision of the regional Chiefs of Nursing Services and in conjunction with the Medical Director and Medical Administrator, will make every effort to ensure the appropriate space, equipment, supplies, and material is available depending on the level of health care provided at their respective institution/facility.

9. If the Medical Division cannot provide the required in-patient or out-patient care inside the institution, the Medical Administrator will contract with outside facilities/providers to provide such care.

600.02 MENTAL HEALTH

1. A psychiatrist designated by the Medical Director will coordinate the clinical aspects of mental health care and the HCA will oversee nursing, administrative and other day-to-day operations.

2. The Medical Director will make every effort to ensure that an adequate number of qualified staff members are available to deal directly with inmates who have severe mental health problems, as well as to advise other correctional staff in their contacts with such individuals.

3. The HCA will provide for the detection, diagnosis, treatment, and referral of inmates with mental health problems at their respective institutions.

600.03 HEALTH CARE POLICIES, LICENSING, AND CERTIFICATIONS

1. The Medical Director will ensure that appropriate state and federal licensure, certification, or registration requirements and restrictions apply to personnel who provide health care to inmates.

A. The duties and responsibilities of such personnel will be governed by written job descriptions and approved by the Medical Director.

B. The Medical Director will give the final approval for the hiring of all health care personnel.

C. Verification of current credentials and job descriptions will be on file in the Office of the Medical Staff Development Coordinator.

APPLICABILITY

1. This regulation requires an Operational Procedure for the institutional infirmaries, Regional Medical Facility, Mental Health Unit, Extended Care Unit, Structured Care Unit, and Medical Intermediate Care Unit.

2. This regulation requires an audit.

_____ _____

Medical Director Date

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
610

HUMAN IMMUNODEFICIENCY VIRUS (HIV) AND ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

Supersedes: AR 610 (~~06/17/12)~~03/19/13); and AR 610 (Temporary, ~~03~~01/14/15~~/13~~)
Effective date: ~~03~~ 05/19/~~13~~15

AUTHORITY: NRS 209.131; NRS 209.385; NRS 209.511; NRS 441A; NAC 446.211

RESPONSIBILITY

All Medical Division staff and all Medical Officers are responsible for compliance with this regulation.

610.01 HIV STATUS AND AIDS INFORMATION

1. The Department should deliver treatment, programs, and services to inmates with HIV antibodies.

2. ~~The Department segregates inmates who test positive for HIV antibodies if they engage in high risk behavior which tends to promote the spread of this disease, as defined in NRS 209.385(4)(b).~~ Mandatory screening for HIV should be conducted during the intake process on all inmates housed in the Department.

~~A. This is for the welfare of the general inmate population, for the welfare of staff, and to reduce the opportunities for the disease to spread.~~

~~B. The Medical Director/Designee and the Offender Management Administrator (OMA) must approve any classification that recommends release from segregation.~~

~~3. Mandatory screening for common infectious disease, including HIV, should be conducted during the intake process on all inmates housed in the Department.~~

~~4.~~3. All inmates who test positive in the initial screening test~~,~~ will be retested for confirmation.

A. A positive confirmatory test is necessary to identify a person infected by the HIV virus.

B. Positive results from the confirmatory test do not necessarily indicate that the inmate has AIDS, but that the inmate is presumed to be infected with HIV.

~~5~~4. All inmates should be given AIDS information handouts coupled with an educational and pre-test counseling component explicitly emphasizing modes of transmission and specific risk reduction behaviors during the intake orientation process.

A. Inmates that tested positive for HIV should be offered voluntary counseling during incarceration and prior to release from prison.

610.02 CLASSIFICATION REQUIREMENTS FOR INMATES WHO TEST HIV POSITIVE

1. The name of the offender(s) who test positive for HIV antibodies will be disclosed to the following parties via a confidential weekly list prepared and distributed by Medical Administration:

A. Offender Management Administrator;

B. The Manager or Warden of the institution/facility at which the offender is confined;

C. The Warden/Manager of the institution/facility at which the offender is confined will provide the shift supervisor with one (1) copy of the confidential listing that will be placed in a secure area~~;~~.

2. Outdated lists should be shredded or deleted.

3. If an employee of the Department comes into contact with the blood or bodily fluids of an inmate the shift supervisor should inform the employee if the inmate is HIV positive.

4. All information of a personal nature about any person that concerns a real or suspected case of a communicable disease is confidential medical information.

A. Disclosure of the names of persons infected with HIV virus is prohibited except as provided for in NRS 441A.220.

B. No Department employee who has knowledge of an infected inmate based on his legal right to know may disclose this information to anyone except as described in paragraphs 1 and 3 above.

C. Unauthorized disclosure of confidential information may result in disciplinary action.

610.03 PRECAUTIONARY MEASURES - INMATES WHO TEST POSITIVE FOR HIV ANTIBODIES

1. Inmates who test positive for HIV may be classified to a work or housing assignment/activity that is outside the main security area on a case by case basis.

A. This includes, but is not limited to, restitution centers, work release, and outside government work.

B. Institutional minimum custody is not considered a community assignment as long as the inmate is within tower supervision range.

C. Inmates who test positive may be assigned to residential confinement.

2. Any inmate who is HIV positive may be classified to assignments in the canteen, culinary, food services, infirmary, or allied health services area, so long as they meet the classification criteria normally associated with those assignments and are subject to the same health and safety requirements applicable to any inmate assigned to those areas. ~~All inmates working as food handlers must report any information about their health related to diseases that may be transmitted through food per NAC 446.211.~~

3. Inmates with HIV antibodies are subject to the following housing guidelines:

A. May be housed in a single occupancy cell;

B. May not be housed in double occupancy cells with non-HIV inmates;

C. May live in a dormitory type setting with non-HIV positive inmates.

4. Weekly audits of the institution's housing plan should ensure compliance by the Associate Warden/designee.

5. The decision to house an inmate with AIDS in the infirmary should be based on a clinical decision made by the treating practitioner (Physician, Physician Assistant, Advanced Practitioner of Nursing).

6. In all cases of inmate disciplinary action where there is some evidence that the offender engaged in behavior that increases the risk of transmitting the virus, such as battery, sexual activity, illegal intravenous injection of a controlled substance or a dangerous drug, or receiving or giving of tattoos, the inmate ~~should~~may be classified and moved to ~~a segregation unit and housed in a single occupancy cell~~the appropriate housing.

A. When the disciplinary sanction, if any, expires, the inmate should be segregated under the conditions of Administrative Segregation.

B. ~~The Medical Director/Designee and the~~The Offender Management Administrator (OMA) must approve any classification decision~~ that recommends release from segregation~~.

7. Staff will use Standard (Universal) Precautions.

610.04 CLASSIFICATION OF WORK ACTIVITY

Category	Nature of Task/Activity	Protective Equipment Available	Protective Equipment Worn
I	Direct contact with blood or other body fluids to which standard precautions apply	Yes	Yes

II	Activity performed without blood exposure but exposure may occur in an emergency	Yes	No
III	Task/activity does not entail predictable or unpredictable exposure to blood	No	No

610.05 DEPARTMENT'S RESPONSIBILITY TO INMATES

1. All inmates should be provided with an educational program during the inmate orientation process and annually thereafter to provide information about HIV infection, means of virus transmission, and measures to prevent transmission.

A. HIV positive inmates and those with AIDS will receive adequate mental health and medical care, including the availability of standard diagnostic tests and medications proven to be effective.

B. Inmates may be entered into approved medication trials after signing informed consent and with the approval of the Medical Director/Designee.

610.06 EXIT TESTING AND DISSEMINATION OF INFORMATION TO STATE HEALTH DIVISION

1. Correctional Case Records Manager/designee will provide the Medical Division a printout that lists inmate discharges.

A. The Medical Division will contact each inmate on the list to have the required exit labs drawn.

2. All inmates paroling or discharging will be HIV tested prior to leaving.

3. The Medical Division staff at each institution will ensure that counseling is conducted by a practitioner for all inmates who have confirmed positive results. Appropriate reports will be sent to the State Health Division by the Disease Control Specialist III.

A. If the inmate is released before receiving confirmed test results, the Disease Control Specialist III will notify the inmate (if forwarding address known) and the State Health Division in writing of confirmed positive tests and to advise that post-test counseling and contact tracing are required.

APPLICABILTY

1. This regulation requires a Medical Directive for HIV treatment, management and precautions for NDOC institutions and facilities.

2. This regulation requires an audit.

REFERENCES:

National Commission on Correctional Health Care Standards, ~~2008~~2014 Revison, P-B-01.

_____ _____

~~R. Bruce Bannister, D.O.,~~ Medical Director _____Date

_____ _____

~~James G. Cox,~~ Director _____Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
610

HUMAN IMMUNODEFICIENCY VIRUS (HIV) AND ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

Supersedes: AR 610 (03/19/13); and AR 610 (Temporary, 01/14/15)
Effective date: 05/19/15

AUTHORITY: NRS 209.131; NRS 209.385; NRS 209.511; NRS 441A; NAC 446.211

RESPONSIBILITY

All Medical Division staff and all Medical Officers are responsible for compliance with this regulation.

610.01 HIV STATUS AND AIDS INFORMATION

1. The Department should deliver treatment, programs, and services to inmates with HIV antibodies.

2. Mandatory screening for HIV should be conducted during the intake process on all inmates housed in the Department.

3. All inmates who test positive in the initial screening test will be retested for confirmation.

   A. A positive confirmatory test is necessary to identify a person infected by the HIV virus.

   B. Positive results from the confirmatory test do not necessarily indicate that the inmate has AIDS, but that the inmate is presumed to be infected with HIV.

4. All inmates should be given AIDS information handouts coupled with an educational and pre-test counseling component explicitly emphasizing modes of transmission and specific risk reduction behaviors during the intake orientation process.

   A. Inmates that tested positive for HIV should be offered voluntary counseling during incarceration and prior to release from prison.

610.02 CLASSIFICATION REQUIREMENTS FOR INMATES WHO TEST HIV POSITIVE

1. The name of the offender(s) who test positive for HIV antibodies will be disclosed to the following parties via a confidential weekly list prepared and distributed by Medical Administration:

A. Offender Management Administrator;

B. The Manager or Warden of the institution/facility at which the offender is confined;

C. The Warden/Manager of the institution/facility at which the offender is confined will provide the shift supervisor with one (1) copy of the confidential listing that will be placed in a secure area.

2. Outdated lists should be shredded or deleted.

3. If an employee of the Department comes into contact with the blood or bodily fluids of an inmate the shift supervisor should inform the employee if the inmate is HIV positive.

4. All information of a personal nature about any person that concerns a real or suspected case of a communicable disease is confidential medical information.

A. Disclosure of the names of persons infected with HIV virus is prohibited except as provided for in NRS 441A.220.

B. No Department employee who has knowledge of an infected inmate based on his legal right to know may disclose this information to anyone except as described in paragraphs 1 and 3 above.

C. Unauthorized disclosure of confidential information may result in disciplinary action.

610.03 PRECAUTIONARY MEASURES - INMATES WHO TEST POSITIVE FOR HIV ANTIBODIES

1. Inmates who test positive for HIV may be classified to a work or housing assignment/activity that is outside the main security area on a case by case basis.

A. This includes, but is not limited to, restitution centers, work release, and outside government work.

B. Institutional minimum custody is not considered a community assignment as long as the inmate is within tower supervision range.

C. Inmates who test positive may be assigned to residential confinement.

2. Any inmate who is HIV positive may be classified to assignments in the canteen, culinary, food services, infirmary, or allied health services area, so long as they meet the classification criteria normally associated with those assignments and are subject to the same health and safety requirements applicable to any inmate assigned to those areas.

3. Inmates with HIV antibodies are subject to the following housing guidelines:

A. May be housed in a single occupancy cell;

B. May not be housed in double occupancy cells with non-HIV inmates;

C. May live in a dormitory type setting with non-HIV positive inmates.

4. Weekly audits of the institution's housing plan should ensure compliance by the Associate Warden/designee.

5. The decision to house an inmate with AIDS in the infirmary should be based on a clinical decision made by the treating practitioner (Physician, Physician Assistant, Advanced Practitioner of Nursing).

6. In all cases of inmate disciplinary action where there is some evidence that the offender engaged in behavior that increases the risk of transmitting the virus, such as battery, sexual activity, illegal intravenous injection of a controlled substance or a dangerous drug, or receiving or giving of tattoos, the inmate may be classified and moved to the appropriate housing.

A. When the disciplinary sanction, if any, expires, the inmate should be segregated under the conditions of Administrative Segregation.

B. The Offender Management Administrator (OMA) must approve any classification decision.

7. Staff will use Standard (Universal) Precautions.

610.04 CLASSIFICATION OF WORK ACTIVITY

Category	Nature of Task/Activity	Protective Equipment	
		Available	Worn
I	Direct contact with blood or other body fluids to which standard precautions apply	Yes	Yes

II	Activity performed without blood exposure but exposure may occur in an emergency	Yes	No
III	Task/activity does not entail predictable or unpredictable exposure to blood	No	No

610.05 DEPARTMENT'S RESPONSIBILITY TO INMATES

1. All inmates should be provided with an educational program during the inmate orientation process and annually thereafter to provide information about HIV infection, means of virus transmission, and measures to prevent transmission.

A. HIV positive inmates and those with AIDS will receive adequate mental health and medical care, including the availability of standard diagnostic tests and medications proven to be effective.

B. Inmates may be entered into approved medication trials after signing informed consent and with the approval of the Medical Director/Designee.

610.06 EXIT TESTING AND DISSEMINATION OF INFORMATION TO STATE HEALTH DIVISION

1. Correctional Case Records Manager/designee will provide the Medical Division a printout that lists inmate discharges.

A. The Medical Division will contact each inmate on the list to have the required exit labs drawn.

2. All inmates paroling or discharging will be HIV tested prior to leaving.

3. The Medical Division staff at each institution will ensure that counseling is conducted by a practitioner for all inmates who have confirmed positive results. Appropriate reports will be sent to the State Health Division by the Disease Control Specialist III.

A. If the inmate is released before receiving confirmed test results, the Disease Control Specialist III will notify the inmate (if forwarding address known) and the State Health Division in writing of confirmed positive tests and to advise that post-test counseling and contact tracing are required.

APPLICABILTY

1. This regulation requires a Medical Directive for HIV treatment, management and precautions for NDOC institutions and facilities.

2. This regulation requires an audit.

REFERENCES:

National Commission on Correctional Health Care Standards, 2014 Revison, P-B-01.

Medical Director	Date
Director	Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
631

DENTAL SERVICES

Supersedes: AR 631 (04/08/11); and AR 631 (Temporary, ~~09/23/10~~01/14/15)
Effective date: ~~04/08/11~~05/19/15

AUTHORITY: NRS 209.131

RESPONSIBILITY

~~1. The Medical Director/Medical Administrator will have responsibility for the clinical and administrative supervision of institutional dentists providing services to inmates.~~

~~2.~~1. All Medical Division staff are responsible for ~~the~~ compliance with this regulation.

631.01 DENTAL SERVICES

1. Organization of Dental Services

A. Dental care should be provided to inmates under the direction and supervision of a dentist that is licensed within Nevada to provide dental care.

B. Dental services are scheduled by the Director of Nursing Services/designee in conjunction with the institutional Dentist.

(1) The Medical Director will supervise and evaluate the clinical work of the institutional Dentist. The Medical Director/designee will set the Dentist's work hours based on the dental services schedule and the institution(s) covered.

(2) The ~~Director of Nursing Services~~Warden at the institution provides administrative ~~oversight~~supervision including ~~(but not limited to) scheduling of work hours,~~ leave time approval and time sheet approval.

C. Dental Assistants provide assistance to dentists within the guidelines outlined in the "Class Specification~~",~~," as provided by the State of Nevada-Department of Personnel. Dental Assistants will be supervised as follows:

(1) The institutional Dentist will supervise and evaluate the clinical work of the Dental Assistant, including (but not limited to) scheduling of appointments, chair side assistance and work site maintenance and preparation.

(2) The Director of Nursing Services at the institution will administratively supervise and evaluate the Dental Assistant including (but not limited to) scheduling of work hours, leave time approval, time sheet approval and other duties as assigned.

D. Dental Prosthetic Technicians fabricate dental prostheses for inmate patients. Dental Prosthetic Technicians also may train and supervise inmates in the process of dental prostheses fabrication. Dental Prosthetic Technicians will be supervised as follows:

(1) The institutional dentist will supervise and evaluate the clinical work of the Dental Prosthetic Technician, including (but not limited to) scheduling of workflow, prosthetic fabrication and quality.

(2) The Director of Nursing Services at the institution will administratively supervise and evaluate the Dental Prosthetic Technician including (but not limited to) scheduling of work hours, leave time approval, time sheet approval and other duties as assigned.

E. Dental records will be kept on all dental care provided including refusal to accept dental care/treatment and will be maintained as a part of the medical record.

2. Dental service should be timely, and include arrangements for handling urgent and emergent conditions. All emergency grievances related to dental should be reviewed by the institutional Dentist or the on-call physician if it is received outside normal hours.

3. Appropriate diagnostic equipment should be available in all dental facilities.

4. The institutional Dentist should examine the inmate and record results of the examination on the inmate's dental record.

5. No inmate will assist in dental procedures.

6. Inmates may be utilized in the fabrication of dental prostheses.

631.02 CLASSIFICATION OF DENTAL SERVICES

1. All newly incarcerated inmates should receive a dental examination within fourteen (14) days of intake for dental evaluation and classification purposes.

2. Dental service may be requested by an inmate by filling out a request for medical care (KITE). Inmates may be charged a co-payment for dental visits as outlined in the Department's Administrative Regulation 245.

3. When an inmate is examined they will be assessed as follows:

A. They will receive immediate treatment on an emergency basis; or~~;~~

B. Inmates will be provided appointments using a priority system established by the institutional Dentist.

631.03 INMATE TRANSFERS

1. Transfer reviews will be conducted with reference to the classification made by dental.

2. Inmates with oral infections, possible malignancy or oral conditions that may cause immediate health problems should not be cleared for rural camps.

631.04 DENTAL SERVICES NOT AVAILABLE:

1. The following dental services should not be provided:

A. Vacuum fired porcelain with or without precious or non-precious metals for any restorative work.

B. Root canals on posterior teeth except when they are an integral part of a bridge or partial support or a crown that is already present or at the discretion of the institutional Dentist, when medically necessary.

C. Cosmetic dentistry.

D. Orthodontic work (including maintenance of orthodontics present at incarceration),

E. Orthodontics may be removed by an institutional dentist with the inmate's signed authorization.

F. Casting for partial framework.

631.05 DENTAL PROSTHETICS

1. Dental prosthetic devices should be provided based on the recommendation of the institutional Dentist within the Department guidelines.

2. Whenever possible, these services will be provided by the Department's dental labs.

631.06 OUTSIDE CONSULTATIONS

1. Appropriate specialists may be contacted for outside consultations, if warranted by dental status and approved by the ~~Medical Director and/or~~ Utilization Review Panel~~.~~.

2. Treatment for dental problems that existed prior to incarceration will not always be considered necessary after incarceration. The institutional Dentist will make this determination.

A. If the institutional Dentist determines such treatments are not necessary such determination will be documented in the inmate's dental records.

APPLICABILITY

1. This regulation requires a Medical Directive for Dental Services applicable to each institution.

2. This regulation requires an audit.

_____ _____

~~R. Bruce Bannister, D.O.,~~ Medical Director _____Date

_____ _____

~~James G. Cox,~~ Director _____Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
631

DENTAL SERVICES

Supersedes: AR 631 (04/08/11); and AR 631 (Temporary, 01/14/15)
Effective date: 05/19/15

AUTHORITY: NRS 209.131

RESPONSIBILITY

1. All Medical Division staff are responsible for compliance with this regulation.

631.01 DENTAL SERVICES

1. Organization of Dental Services

A. Dental care should be provided to inmates under the direction and supervision of a dentist that is licensed within Nevada to provide dental care.

B. Dental services are scheduled by the Director of Nursing Services/designee in conjunction with the institutional Dentist.

(1) The Medical Director will supervise and evaluate the clinical work of the institutional Dentist. The Medical Director/designee will set the Dentist's work hours based on the dental services schedule and the institution(s) covered.

(2) The Warden at the institution provides administrative supervision including leave time approval and time sheet approval.

C. Dental Assistants provide assistance to dentists within the guidelines outlined in the "Class Specification," as provided by the State of Nevada-Department of Personnel. Dental Assistants will be supervised as follows:

(1) The institutional Dentist will supervise and evaluate the clinical work of the Dental Assistant, including (but not limited to) scheduling of appointments, chair side assistance and work site maintenance and preparation.

(2) The Director of Nursing Services at the institution will administratively supervise and evaluate the Dental Assistant including (but not limited to) scheduling of work hours, leave time approval, time sheet approval and other duties as assigned.

D. Dental Prosthetic Technicians fabricate dental prostheses for inmate patients. Dental Prosthetic Technicians also may train and supervise inmates in the process of dental prostheses fabrication. Dental Prosthetic Technicians will be supervised as follows:

(1) The institutional dentist will supervise and evaluate the clinical work of the Dental Prosthetic Technician, including (but not limited to) scheduling of workflow, prosthetic fabrication and quality.

(2) The Director of Nursing Services at the institution will administratively supervise and evaluate the Dental Prosthetic Technician including (but not limited to) scheduling of work hours, leave time approval, time sheet approval and other duties as assigned.

E. Dental records will be kept on all dental care provided including refusal to accept dental care/treatment and will be maintained as a part of the medical record.

2. Dental service should be timely, and include arrangements for handling urgent and emergent conditions. All emergency grievances related to dental should be reviewed by the institutional Dentist or the on-call physician if it is received outside normal hours.

3. Appropriate diagnostic equipment should be available in all dental facilities.

4. The institutional Dentist should examine the inmate and record results of the examination on the inmate's dental record.

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B. Inmates will be provided appointments using a priority system established by the institutional Dentist.

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1. Transfer reviews will be conducted with reference to the classification made by dental.

2. Inmates with oral infections, possible malignancy or oral conditions that may cause immediate health problems should not be cleared for rural camps.

631.04 DENTAL SERVICES NOT AVAILABLE:

1. The following dental services should not be provided:

A. Vacuum fired porcelain with or without precious or non-precious metals for any restorative work.

B. Root canals on posterior teeth except when they are an integral part of a bridge or partial support or a crown that is already present or at the discretion of the institutional Dentist, when medically necessary.

C. Cosmetic dentistry.

D. Orthodontic work (including maintenance of orthodontics present at incarceration),

E. Orthodontics may be removed by an institutional dentist with the inmate's signed authorization.

F. Casting for partial framework.

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2. Whenever possible, these services will be provided by the Department's dental labs.

631.06 OUTSIDE CONSULTATIONS

1. Appropriate specialists may be contacted for outside consultations, if warranted by dental status and approved by the Utilization Review Panel.

2. Treatment for dental problems that existed prior to incarceration will not always be considered necessary after incarceration. The institutional Dentist will make this determination.

A. If the institutional Dentist determines such treatments are not necessary such determination will be documented in the inmate's dental records.

APPLICABILITY

1. This regulation requires a Medical Directive for Dental Services applicable to each institution.

2. This regulation requires an audit.

_____ _____

Medical Director Date

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
635

MEDICATION DISTRIBUTION, CONTROL AND SECURITY

Supersedes: AR 635 (06/17/12) and AR 635 (Temporary, ~~11/25/10~~04/13/15)
Effective date: ~~06/17/12~~ 05/19/15

AUTHORITY: NRS 209.131; 454.215; NRS Chapters 632 & 639

RESPONSIBILITY

All Medical Division staff are responsible for ~~the~~ compliance with this regulation.

635.01 MEDICATION DISTRIBUTION, CONTROL AND SECURITY

1. All controlled substances will be administered by licensed medical professional personnel and by single doses only at the time prescribed by the practitioner (physician, physician assistant, advanced practitioner of nursing), or dentist.

2. Inmate patients who are mentally and physically capable may have the privilege of self-administering some medications (keep on person or KOP).

A. An inmate patient who abuses this privilege should be immediately re-evaluated and may have their medication discontinued or self-administration privileges revoked at the discretion of the practitioner.

3. All prescription medication should be dispensed by a Department pharmacist or a registered nurse per NRS 454.215. Practitioners may dispense in urgent cases as permitted by law.

4. All prescription medication, excluding controlled substances, may be dispensed in quantities of up to 30 days supply to qualifying inmate patients.

5. Qualifying inmate patients who are on a medication for a chronic condition may have up to one (1) years supply prescribed, to be dispensed in 30 day increments for KOP.

6. Department staff may provide non-controlled medications per written procedure and protocols.

7. Prescribed medications may be dispensed upon the written order of the prescribing practitioner in a correctional institution by a licensed nurse to an inmate in that institution. RN's

may delegate the nursing duties of the medication room to Licensed Practical Nurses (LPN's) under their supervision, abiding by the rules and regulations of the Nurse Practice Act, NRS and NAC 632.222. Procedures not delegable to LPN's are outlined in NAC 632.455.

8. The following time intervals for various drug classifications are in effect for automatic stop orders:

A. Narcotics	3 days, unless otherwise ordered by a practitioner. (no KOPs)
B. Antibiotics	10 days, unless otherwise ordered by the practitioner or dentist.
C. Anticoagulants	30 days
D. Anti-emetics	3 days
E. Cold and cough preps	5 days
F. Psychotropics	90 days, no KOPs, except SSRIs at the discretion of the prescribing practitioner.
G. All others	Up to one (1) year at the discretion of prescribing practitioner or dentist.

9. A medication order will have an automatic stop unless:

A. The order indicates a specific number of doses to be given;

B. An exact period of time for the administration of the drug is indicated; or

C. The attending practitioner or dentist reorders the drug.

10. Staff will observe inmates swallowing medications.

11. Chemo prophylaxis medication, for inmates who have tested positive for tuberculosis exposure on PPD skin testing, will be administered under direct supervision of Medical Staff only.

A. These medications may not be opened or repackaged by non-Medical personnel.

12. Monitoring

A. Inmate patients may obtain prescription refills by submitting a request (Medical Kite) to the infirmary/clinic ~~within 14 days of running out of medication~~. To ensure the patient does

not run out of medications, the request should be submitted no sooner than 10 days prior or no later than 7 days prior.

B. Inmates may receive 30-day refills after the initial prescription for up to one (1) year at the discretion of the prescribing practitioner with the exception of psychotropic medications.

C. Inmates on psychotropic medication may receive 30-day refills after the initial prescription for up to 90-days at the discretion of the prescribing practitioner.

D. All psychotropic medication will be reviewed no less than every 30 days, and the patient must be seen at least every 90 days for any refills.

13. Controlled Substances

A. There will be a joint count by licensed nurses at each shift change (a minimum of two (2) times per day) of controlled substances and the count will be documented on the shift count sheet.

B. All controlled substances must be kept under double lock and key, with a key held by the Director of Nursing Services/designee and the Charge Nurse.

C. Controlled substances will be documented and accounted for as follows:

(1) A precise record/documentation must be kept on the Controlled Substance Record (CSR), DOC-2528, of each dose of a controlled substance administered.

(2) The Central Pharmacy will include the white copy of the CSR in the shipment to the facility of the corresponding controlled substance and retain the yellow copy at the Central Pharmacy.

(3) If a controlled substance arrives from the Central Pharmacy without a CSR, the receiving facility should notify the Central Pharmacy so they can generate an appropriate CSR and send it to the facility.

(4) The facility is not to make their own CSR without coordinating with the Central Pharmacy.

(5) The completed white copy of the CSR must be sent back to the Central Pharmacy upon issuance of the corresponding controlled substance.

(6) If any remaining controlled substance doses reach their expiration date before being used, they must be returned to the Central Pharmacy with the completed white copy of the CSR.

APPLICABILTY

1. This regulation requires a medical directive for Medication Distribution, Control and Security for all institutions.

2. This regulation requires an audit.

~~R.B. Bannister, D.O.,~~ Medical Director	_____ Date
~~James G. Cox,~~ Director	_____ Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
635

MEDICATION DISTRIBUTION, CONTROL AND SECURITY

Supersedes: AR 635 (06/17/12) and AR 635 (Temporary, 04/13/15)
Effective date: 05/19/15

AUTHORITY: NRS 209.131; 454.215; NRS Chapters 632 & 639

RESPONSIBILITY

All Medical Division staff are responsible for compliance with this regulation.

635.01 MEDICATION DISTRIBUTION, CONTROL AND SECURITY

1. All controlled substances will be administered by licensed medical professional personnel and by single doses only at the time prescribed by the practitioner (physician, physician assistant, advanced practitioner of nursing), or dentist.

2. Inmate patients who are mentally and physically capable may have the privilege of self-administering some medications (keep on person or KOP).

   A. An inmate patient who abuses this privilege should be immediately re-evaluated and may have their medication discontinued or self-administration privileges revoked at the discretion of the practitioner.

3. All prescription medication should be dispensed by a Department pharmacist or a registered nurse per NRS 454.215. Practitioners may dispense in urgent cases as permitted by law.

4. All prescription medication, excluding controlled substances, may be dispensed in quantities of up to 30 days supply to qualifying inmate patients.

5. Qualifying inmate patients who are on a medication for a chronic condition may have up to one (1) years supply prescribed, to be dispensed in 30 day increments for KOP.

6. Department staff may provide non-controlled medications per written procedure and protocols.

7. Prescribed medications may be dispensed upon the written order of the prescribing practitioner in a correctional institution by a licensed nurse to an inmate in that institution. RN's

may delegate the nursing duties of the medication room to Licensed Practical Nurses (LPN's) under their supervision, abiding by the rules and regulations of the Nurse Practice Act, NRS and NAC 632.222. Procedures not delegable to LPN's are outlined in NAC 632.455.

8. The following time intervals for various drug classifications are in effect for automatic stop orders:

A. Narcotics	3 days, unless otherwise ordered by a practitioner. (no KOPs)
B. Antibiotics	10 days, unless otherwise ordered by the practitioner or dentist.
C. Anticoagulants	30 days
D. Anti-emetics	3 days
E. Cold and cough preps	5 days
F. Psychotropics	90 days, no KOPs, except SSRIs at the discretion of the prescribing practitioner.
G. All others	Up to one (1) year at the discretion of prescribing practitioner or dentist.

9. A medication order will have an automatic stop unless:

A. The order indicates a specific number of doses to be given;

B. An exact period of time for the administration of the drug is indicated; or

C. The attending practitioner or dentist reorders the drug.

10. Staff will observe inmates swallowing medications.

11. Chemo prophylaxis medication, for inmates who have tested positive for tuberculosis exposure on PPD skin testing, will be administered under direct supervision of Medical Staff only.

A. These medications may not be opened or repackaged by non-Medical personnel.

12. Monitoring

A. Inmate patients may obtain prescription refills by submitting a request (Medical Kite) to the infirmary/clinic. To ensure the patient does not run out of medications, the request should be submitted no sooner than 10 days prior or no later than 7 days prior.

B. Inmates may receive 30-day refills after the initial prescription for up to one (1) year at the discretion of the prescribing practitioner with the exception of psychotropic medications.

C. Inmates on psychotropic medication may receive 30-day refills after the initial prescription for up to 90-days at the discretion of the prescribing practitioner.

D. All psychotropic medication will be reviewed no less than every 30 days, and the patient must be seen at least every 90 days for any refills.

13. Controlled Substances

A. There will be a joint count by licensed nurses at each shift change (a minimum of two (2) times per day) of controlled substances and the count will be documented on the shift count sheet.

B. All controlled substances must be kept under double lock and key, with a key held by the Director of Nursing Services/designee and the Charge Nurse.

C. Controlled substances will be documented and accounted for as follows:

(1) A precise record/documentation must be kept on the Controlled Substance Record (CSR), DOC-2528, of each dose of a controlled substance administered.

(2) The Central Pharmacy will include the white copy of the CSR in the shipment to the facility of the corresponding controlled substance and retain the yellow copy at the Central Pharmacy.

(3) If a controlled substance arrives from the Central Pharmacy without a CSR, the receiving facility should notify the Central Pharmacy so they can generate an appropriate CSR and send it to the facility.

(4) The facility is not to make their own CSR without coordinating with the Central Pharmacy.

(5) The completed white copy of the CSR must be sent back to the Central Pharmacy upon issuance of the corresponding controlled substance.

(6) If any remaining controlled substance doses reach their expiration date before being used, they must be returned to the Central Pharmacy with the completed white copy of the CSR.

APPLICABILTY

1. This regulation requires a medical directive for Medication Distribution, Control and Security for all institutions.

2. This regulation requires an audit.

Medical Director	Date
Director	Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
658

HEARING IMPAIRED INMATES

Supersedes: AR 635 (Temporary, 04/13/15)
Effective Date: 06/15/15

AUTHORITY:

Title II of the Americans with Disabilities Act (ADA)

RESPONSIBILITY:

The Wardens, the ADA Coordinator/Associate Warden over programs and the Director of Nursing of the institutions/facilities are responsible for the operational control and administration of this procedure and ensuring its provisions are followed.

658.01 INITIAL INTAKE PROCESS

1. At intake, the Department will identify inmates who may be deaf or hearing impaired. Identification of a hearing impairment, that has not already been identified in intake process documents, is the responsibility of custody or medical staff who take note of any perceived hearing impairment.

2. Medical staff will assess inmates who are hearing impaired and may require ADA accommodations. If it is determined that an identified inmate may require services the inmate will be scheduled to be evaluated by a practitioner (physician or mid-level provider) within 48 hours.

3. If the practitioner determines that an identified inmate qualifies for reasonable ADA accommodations, the practitioner will be responsible to submit a request to the Utilization Review Panel for a consult by an outside specialist to determine the level of hearing loss and appropriate care for the inmate. Once the hearing deficit has been confirmed and a course of treatment ordered, the inmate will be seen by a committee consisting of the ADA coordinator, medical staff and classification to determine appropriate accommodations and services based on the treatment ordered. A memo to all staff will be generated by the ADA coordinator indicating the services that will be provided and any other special handling instructions. Copies of the memo will be placed in the inmate's I-file and medical file.

4. Once the appropriate level of care and the inmate's needs have been determined the inmate will be eligible to be reviewed by Classification staff to determine appropriate

institutional placement. Classification staff shall consider security concerns and appropriate programming availability at various institutions.

658.02 ACCESS TO AUXILIARY AIDS AND SERVICES

1. The ADA coordinator will ensure that deaf and hearing-impaired inmates are provided access to auxiliary aids and services when required for effective communication in accessing and participating in department programs, services and activities. Such programs, services and activities include but are not limited to the following:

A. Intake assessments and classification

B. Institutional orientation

C. Medical and mental health services

D. Substance abuse and other treatment programs

E. Inmate work and education programs

F. Program, housing, classification, release and other status reviews

G. Disciplinary hearings, grievances, discrimination complaint, and other administrative processes for review of decisions and actions by department staff affecting inmates

H. PREA reporting and/or follow-up with any PREA concerns

2. Auxiliary aids and services for deaf and hearing-impaired inmates may include but are not limited to the following:

A. Handwritten or typed notes if the communication is short and simple

B. Qualified sign language interpreters, when available, if the communication is not short and simple (either in person or video interpretation) and for large meetings and events

C. Real-time captioning of video materials, when available

D. Open or closed captioning of video materials, when available

E. Written transcripts or outlines

F. Visual notifications such as a flashing light or flashcard

G. A sign on a cell door or vest/shirt notifying staff of a hearing-impaired inmate

H. Other methods of making aurally delivered materials accessible to people with hearing impairments

3. When an auxiliary aid or service is requested by a deaf or hearing-impaired inmate, the ADA coordinator will consult with the inmate to determine what aid(s) will be effective. Staff will give primary consideration to the inmate's choice unless another equally effective means of communication is available and/or provision of the auxiliary aid or service requested by the inmate would result in an undue financial or administrative burden to the Department or a fundamental alteration of the program, services or activity.

4. After documenting an inmate's need for auxiliary aids and services for effective communication, staff will continue to provide auxiliary aids and services to the inmate unless the inmate affirmatively indicates that he or she does not want such services, or the Department determines such services are no longer required under the ADA.

658.03 MEDICAL SERVICES

1. Medical will be responsible for keeping appropriate records regarding hearing-impaired inmates and medically necessary aids and services.

2. Medical will be responsible for purchasing and keeping an appropriate stock of the most frequently used hearing aid batteries. Batteries for hearing aids not provided by the Department will be ordered upon written request by the inmate. Batteries that are in stock will be replaced by the next business day. Batteries that are not stocked will need to be ordered. The ordering process will be initiated by the next business day of the received written request. Inmates must turn in their old batteries to obtain new ones.

3. Medical staff must be notified in writing by the inmate if the inmate's hearing aid is damaged or in need of repair. The hearing aid will be sent out by the Department to a repair company by the next business day with a request for estimate or quote of the estimated charges to repair or replace the hearing aid. The completed estimate or quote will be sent to the Utilization Review Panel for authorization. Any damages that are determined to have been caused by the inmate may be subject to NRS 209.246 charges, which require the inmate to pay 100% of the cost of repair or replacement. Medical shall inform the inmate when the hearing aid was sent to the repair company and when it is expected to be returned. Medical will maintain written documentation of all hearing aid repairs, including the vendor used, the date of the repair and the specific repairs performed in the inmate's medical file. While a hearing aid is out on repair, the inmate will be provided with an alternative means of reasonable accommodation.

658.04 TELEPHONES

1. Telecommunications Typewriters (TTY) are also known as Telecommunications Device for the Deaf. The Warden shall ensure that written procedures are developed and implemented to provide TTY's for inmates who are deaf or hearing-impaired in a manner that ensures effective access to telephone services.

2. In light of the fact that telephone calls placed via a TTY unit take three to five times longer than telephone calls placed using standard voice equipment, NDOC shall not impose on TTY calls a time limit of less than four times the time allowed for voice telephone calls.

APPLICABILITY

1. This administrative regulation does require an operational procedure.

2. This administrative regulation does require an audit.

_____ _____

Medical Director Date

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
701

INMATE IDENTIFICATIONS

Supersedes: AR 701 (06/17/12); and AR 701 (Temporary, ~~03/27/~~12/17/14)
Effective date: ~~06/17/12~~05/19/15

AUTHORITY

NRS 209.131
NRS 209.151
NRS 209.511

RESPONSIBILITY

The Wardens/Facility Managers are responsible for ensuring inmates have proper identification.

701.01 INMATE IDENTIFICATION (ID) CARD

1. The inmate identification card is the property of the Nevada Department of Corrections. The inmate is prohibited from mailing this card out or giving it to anyone outside the institution/facility.

2. Each inmate shall be:

A. Photographed upon intake into the Nevada Offender Tracking Information System (NOTIS) with demographics and descriptions determined by the Offender Management Division.

B. Required to have in their possession their inmate ID card.

C. Able to produce their ID card to any staff member.

D. Responsible for reporting the loss of an identification card to their unit officer or work supervisor.

E. Subject to disciplinary action if found to be in possession of another inmate's ID card.

F. Aware that inmate ID cards are State property and they're subject to disciplinary action, including the assessment of a replacement charge for mishandling, mailing out, destroying, losing or altering their ID card.

3. When an inmate is transferred, the sending institution will ensure the inmate possesses an ID card prior to transfer.

4. Prior to issuing a new ID card, the assigned staff member shall determine whether a disciplinary offense should be charged and whether to charge an inmate a fee for the replacement of the card.

A. Replacement fees to be charged will be set by the designated Deputy Director and reviewed annually.

B. No cost will be assessed if it is determined the ID card is worn through normal usage.

5. The inmate ID card is the property of the Department of Corrections. Upon release from custody (i.e. parole, expiration, court order), the inmate is ~~not~~ authorized to take the ID card with him/her.

701.02 INMATE IDENTIFICATION (ID) PHOTOGRAPH

1. An inmate's photograph and demographics and descriptions should be up-dated at least once every three years or when transferred to a minimum facility.

2. A new photograph should be taken of an inmate whenever the inmate alters his appearance in any way that might inhibit immediate identification.

3. A system of routine comparisons of inmate to the inmate's photograph should be developed at all institutions and facilities.

4. Inmate photographs which are issued to outside agencies/media, will follow the procedure set forth in AR 120.

5. Before an inmate is released from the custody of the Department on parole or discharge, the Pre-Release Coordinator shall ensure a photo of the inmate is taken in NOTIS or by a digital camera (for transfer into NOTIS).

6. Information contained on the inmate photograph will reflect inmate's name; ID number and date received in the Department, as well as any other personal or legal data determined by the Offender Management Division.

APPLICABILITY

1. This AR requires an Operational Procedure.

2. This AR requires an audit

REFERENCES:

ACA Standard 4-4285

~~James G. Cox,~~ Director	Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
701

INMATE IDENTIFICATIONS

Supersedes: AR 701 (06/17/12); and AR 701 (Temporary, 12/17/14)
Effective date: 05/19/15

AUTHORITY

NRS 209.131
NRS 209.151
NRS 209.511

RESPONSIBILITY

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C. Able to produce their ID card to any staff member.

D. Responsible for reporting the loss of an identification card to their unit officer or work supervisor.

E. Subject to disciplinary action if found to be in possession of another inmate's ID card.

F. Aware that inmate ID cards are State property and they're subject to disciplinary action, including the assessment of a replacement charge for mishandling, mailing out, destroying, losing or altering their ID card.

3. When an inmate is transferred, the sending institution will ensure the inmate possesses an ID card prior to transfer.

4. Prior to issuing a new ID card, the assigned staff member shall determine whether a disciplinary offense should be charged and whether to charge an inmate a fee for the replacement of the card.

A. Replacement fees to be charged will be set by the designated Deputy Director and reviewed annually.

B. No cost will be assessed if it is determined the ID card is worn through normal usage.

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6. Information contained on the inmate photograph will reflect inmate's name; ID number and date received in the Department, as well as any other personal or legal data determined by the Offender Management Division.

APPLICABILITY

1. This AR requires an Operational Procedure.

2. This AR requires an audit

REFERENCES:

ACA Standard 4-4285

_____ _____

Director Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
708

REFERRAL FOR CRIMINAL PROSECUTION

Supersedes: AR 708 (08/13/10); and AR 708 (Temporary, ~~05/16/10)~~ 11/24/14)
Effective Date: ~~08/13/10~~ 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 ~~and forwarded~~ 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. ~~The Department~~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~~.~~

A. ~~(1) The original~~ either via email or inter-departmental mail and a copy of the referral ~~document~~ will be ~~forwarded. The Inspector General's Office~~maintained within the inmate's I file.

The IG will make ~~any~~an additional ~~copies~~copy upon receipt of the original referral ~~document.~~

(1) ~~(2) A copy of the original~~documents and generate a referral ~~document will be placed in the inmate's I-file~~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 ~~on the~~using NDOC forms ~~attached to~~noted within this ~~regulation~~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~~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

~~**ATTACHMENTS**~~

~~DOC Form 1501~~
~~DOC Form 1501a~~
~~DOC Form 1501b~~
~~DOC Form 1528~~

~~Howard Skolnik,~~

Director _____ Date

NEVADA DEPARTMENT OF CORRECTIONS

REQUEST FOR PROSECUTION

DOP CASE #: _____
AG REFERRAL #: _____

INSTITUTION: _____ TELEPHONE: _____

SPECIFIC OFFENSE: _____

SUSPECT: _____ CUSTODY LEVEL: _____ PRISON NO: _____

SEX: _____ RACE: _____ DOB: _____ ASSIGNMENT: _____

DATE OF OFFENSE: _____ TIME: _____

SPECIFIC LOCATION OF OCCURRENCE: _____

DATE REPORTED: _____ TIME: _____ WHERE AND TO WHOM: _____

REPORTED BY: _____ ADDRESS: _____ BUS. PHONE: _____
_____ HOME PHONE: _____

CRIME SCENE SECURED: ( ) YES ( ) NO DATE: _____ TIME: _____

BY WHOM: _____

ATTACHED?

CRIME SCENE PHOTOS: OFFICERS: _____ DATE: _____ TIME: _____ YES ( ) NO ( )

CRIME SCENE SKETCH: OFFICERS: _____ DATE: _____ TIME: _____ YES ( ) NO ( )

CELL INVENTORY: OFFICERS: _____ DATE: _____ TIME: _____ YES ( ) NO ( )

INMATE COUNT: OFFICERS: _____ DATE: _____ TIME: _____ YES ( ) NO ( )

WITNESS SYNOPSIS: PREPARED BY: _____ DATE: _____ YES ( ) NO ( )

EVIDENCE LIST: PREPARED BY: _____ DATE: _____ YES ( ) NO ( )

STATEMENT BY SUSPECTS (Oral statements or admissions should be included in Officer's statement)

Suspect Name: _____ Date: _____ Time: _____ Officer: _____
Miranda Yes ( ) No ( ) Statement attached Yes ( ) No ( )

Suspect Name: _____ Date: _____ Time: _____ Officer: _____
Miranda Yes ( ) No ( ) Statement attached Yes ( ) No ( )

Victim's Name: _____ Address: _____
Assignment: _____ If inmate, Custody: _____ Prison Number: _____
Sex: _____ Race: _____ DOB: _____

Victim's Name: _____ Address: _____
Assignment: _____ If inmate, Custody: _____ Prison Number: _____
Sex: _____ Race: _____ DOB: _____

LABORATORY ANALYSIS

Item #	Agency	Analyzed By	Analysis Result	Date Returned

OFFICER SUBMITTING REFERRAL: _____ DATE: _____

DOC-1501 (3/03)

NEVADA DEPARTMENT OF CORRECTIONS

WITNESS LIST

DOP CASE #: _____

AG REFERRAL #: _____

NAME: _____ ADDRESS: _____

PHONE NO: _____ JOB ASSIGNMENT: _____ IF INMATE, PRISON NO: _____

CUSTODY LEVEL: _____ SEX: _____ RACE: _____ DOB: _____

SYNOPSIS OF STATEMENT:

_____

_____

_____

_____

NAME: _____ ADDRESS: _____

PHONE NO: _____ JOB ASSIGNMENT: _____ IF INMATE, PRISON NO: _____

CUSTODY LEVEL: _____ SEX: _____ RACE: _____ DOB: _____

SYNOPSIS OF STATEMENT:

_____

_____

_____

_____

NAME: _____ ADDRESS: _____

PHONE NO: _____ JOB ASSIGNMENT: _____ IF INMATE, PRISON NO: _____

CUSTODY LEVEL: _____ SEX: _____ RACE: _____ DOB: _____

SYNOPSIS OF STATEMENT:

_____

_____

_____

_____

DOP-1501a (3/03)

NEVADA DEPARTMENT OF CORRECTIONS

EVIDENCE RECORD AND CHAIN OF EVIDENCE

DOP CASE #: _____

AG REFERRAL #: _____

ITEM NO.: _____ DATE: _____ TIME: _____ OFFICER: _____

DESCRIPTION: _____

LOCATION FOUND: _____

OFFICER: _____ DATE: _____ TIME: _____

_____

_____

_____

_____

ITEM NO.: _____ DATE: _____ TIME: _____ OFFICER: _____

DESCRIPTION: _____

LOCATION FOUND: _____

OFFICER: _____ DATE: _____ TIME: _____

_____

_____

_____

_____

ITEM NO.: _____ DATE: _____ TIME: _____ OFFICER: _____

DESCRIPTION: _____

LOCATION FOUND: _____

OFFICER: _____ DATE: _____ TIME: _____

_____

_____

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_____

DOP-1501b (3/03)

A.G. REFERRAL TRACKING SHEET					
NAME	NUMBER	DATE OF REFERRAL	CHARGES	DATE SUBMITTED TO I.G.	DATE REC'D RESULTS/DAG

DOC-1528 (3/02)

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

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
850

EDUCATIONAL PROGRAMS

Supersedes: AR 850 (04/08/11); and AR 850 (Temporary, ~~07/21/10~~11/04/14)
Effective date: ~~04/08/11~~ – 05/19/15

AUTHORITY: NRS 209.389; 209.391; 209.393; 209.396; 209.433; 209.443; 209.446; 209.4465; 209.449; 385.448; 388.573 – 388.579; NAC 389.694.

RESPONSIBILITY

The Department of Corrections ~~Primary/Secondary Educational Consultant~~Education Programs Professional is responsible for serving as the liaison with the Department's education providers, including colleges and universities, and ensuring compliance with Department rules and regulations.

850.01 ACADEMIC PROGRAMS

1. Comprehensive academic and vocational education programs should be available at all Department institutions.

A. A state standardized Correctional Education curriculum should be offered in the Department by its education providers.

B. All college and university programs will be accredited by the Northwest Association of Schools and Colleges and Universities.

C. Performance-based academic programs will be implemented to monitor and ensure individual student progress.

D. At Intake, inmates should be assessed and prioritized according to NDOC's established criteria.

2. If not working or employed full-time or otherwise excused, eligible inmates ~~should~~may be engaged in academic pursuit full-time.

. ~~All inmates should, at a minimum,~~Inmates, if eligible, are encouraged to complete their secondary education, either through obtaining a ~~GED~~ High School Equivalency (HSE) or a

~~high school diploma~~High School Diploma. Upon completion, inmates are eligible for meritorious credits.

A. Nevada Administrative Code permits an inmate with a ~~GED~~HSE to later obtain a ~~high school diploma~~High School Diploma, including using the ~~GED~~HSE completion to waive some of the regular subject-matter requirements. However, an inmate with a High School Diploma may not go back and obtain a ~~GED~~HSE.

~~C.Developmentally-disabled or "special needs" inmates may be exempted from this requirement by the Director/designee if they are not able to pursue academics.~~

3. Nevada law precludes illiterate inmates~~,~~ or those who do not speak English proficiently, from working in prison industries or other vocational programs, unless the offender:

A. Is pursuing education simultaneously, or

B. Has received an exception from the Director/designee for good cause.

4. Teachers and instructors provided to the Department by Nevada's school districts, colleges and universities should be educated and certified to ensure that their skills and credentials are comparable to teaching staff in the community.

5. ~~All~~Basic literacy~~, ESL,~~ and secondary education should be available to inmates at no cost.

A. Inmates must pay for accredited college or correspondence courses themselves~~, unless they are eligible for an incarcerated-inmate scholarship or for federal grant funds.~~.

6. ~~Education~~Correctional school programs should allow for flexible scheduling that permits entry at any time, and should be offered at a time when the majority of inmates can take advantage of the opportunity.

7. ~~The education program~~Correctional school programs should coordinate with other institutional services to provide instruction in functional social skills.

8. ~~Education~~Correctional school programs should conduct an individualized assessment to determine literacy levels of newly enrolled students.

9. Accommodations should be provided by correctional school districts to meet the educational and vocational needs of inmates who require special placement because of physical, mental, emotional, or learning disabilities.

10. ~~Educational providers~~Correctional school programs should make counseling services available to inmates to assist them in making informed decisions regarding education and career choices.

11. Inmates will receive work credits for participation in approved educational programs offered in the Department.

12. Education records, such as, transcripts, attendance, grades, test scores or any other personal information ~~are~~is confidential.

. Inmates may not instruct classes.

A. Inmates are not permitted to keep attendance for a class.

B. Inmates are not permitted access to the educational records of other inmates.

13. Education providers, college and university instructors are considered ~~"adjunct staff"~~volunteers and are subject to all Departmental rules, regulations, policies and procedures.

. ~~They~~Volunteers must undergo criminal ~~history~~record background checks before they can be approved to enter a Department Institution.

B. ~~They~~Volunteers must provide proof of a current 2 step base line Tuberculosis test.

C. ~~They~~Volunteers must be re-tested for Tuberculosis and submit proof annually.

D. ~~They~~Volunteers must complete the Department's Volunteer and PREA training ~~program~~programs before entering a Department Institution.

850.02 VOCATIONAL PROGRAMS

1. All vocational programs will be recognized, certified, or licensed by the state Department of Education.

2. Vocational programs should provide training and experience in skills that will enable inmates to obtain employment in the community upon their release.

3. To the extent possible, vocational training programs should reflect the employment needs of the community.

4. To the extent possible, vocational training programs should be offered to inmates free of charge.

A. Inmates can be required to pay for tools, special clothing or other materials required for the vocational program.

5. Inmates may receive work credits for participation in approved vocational programs offered in the Department.

6. Inmates who complete a vocational training program according to established guidelines should receive a certificate acknowledging their completion and may receive meritorious credits for qualified vocational programs.

~~A. Refer to AR 803 for submission process for qualified programs.~~

850.03 PROGRAM EVALUATIONS

1. Qualified individuals, professional groups, or appropriate trade organizations should evaluate academic and vocational training programs for effectiveness and achievement of stated objectives at least once every three (3) years.

2. School District supervisors must provide status reports to the Department of Corrections ~~Primary/Secondary Educational Consultant~~ Education Programs annually, providing information identified by the ~~Primary/Secondary Educational Consultant~~ Education Programs Professional, including, but not limited to:

. Prior year activities.

A. Review of outcomes.

B. Changes that may need to be made.

APPLICABILITY

1. This AR requires an Operational Procedure (OP) for each institution and facility offering educational or vocational programs.

2. This AR does not require an audit.

REFERENCES:

ACA Standards, 4th Edition and 2008 Supplement, 4-4464, 4-4466, 4-4467, 4-4469, 4-4470, 4-4471, 4-4472, 4-4473, 4-4474, 4-4475, 4-4476, 4-4477, 4-4478, 4-4479 and 4-4480.

_____ _____

~~James G. Cox,~~ Director ~~—~~ _____ Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
850

EDUCATIONAL PROGRAMS

Supersedes: AR 850 (04/08/11); and AR 850 (Temporary, 11/04/14)
Effective date: 05/19/15

AUTHORITY: NRS 209.389; 209.391; 209.393; 209.396; 209.433; 209.443; 209.446; 209.4465; 209.449; 385.448; 388.573 – 388.579; NAC 389.694.

RESPONSIBILITY

The Department of Corrections Education Programs Professional is responsible for serving as the liaison with the Department's education providers, including colleges and universities, and ensuring compliance with Department rules and regulations.

850.01 ACADEMIC PROGRAMS

1. Comprehensive academic and vocational education programs should be available at all Department institutions.

A. A state standardized Correctional Education curriculum should be offered in the Department by its education providers.

B. All college and university programs will be accredited by the Northwest Association of Schools and Colleges and Universities.

C. Performance-based academic programs will be implemented to monitor and ensure individual student progress.

D. At Intake, inmates should be assessed and prioritized according to NDOC's established criteria.

2. If not working or employed full-time or otherwise excused, eligible inmates may be engaged in academic pursuit full-time.

A. Inmates, if eligible, are encouraged to complete their secondary education, either through obtaining a High School Equivalency (HSE) or a High School Diploma. Upon completion, inmates are eligible for meritorious credits.

B. Nevada Administrative Code permits an inmate with a HSE to later obtain a High School Diploma, including using the HSE completion to waive some of the regular subject-matter requirements. However, an inmate with a High School Diploma may not go back and obtain a HSE.

3. Nevada law precludes illiterate inmates or those who do not speak English proficiently, from working in prison industries or other vocational programs, unless the offender:

A. Is pursuing education simultaneously, or

B. Has received an exception from the Director/designee for good cause.

4. Teachers and instructors provided to the Department by Nevada's school districts, colleges and universities should be educated and certified to ensure that their skills and credentials are comparable to teaching staff in the community.

5. Basic literacy and secondary education should be available to inmates at no cost.

A. Inmates must pay for accredited college or correspondence courses themselves.

6. Correctional school programs should allow for flexible scheduling that permits entry at any time, and should be offered at a time when the majority of inmates can take advantage of the opportunity.

7. Correctional school programs should coordinate with other institutional services to provide instruction in functional social skills.

8. Correctional school programs should conduct an individualized assessment to determine literacy levels of newly enrolled students.

9. Accommodations should be provided by correctional school districts to meet the educational and vocational needs of inmates who require special placement because of physical, mental, emotional, or learning disabilities.

10. Correctional school programs should make counseling services available to inmates to assist them in making informed decisions regarding education and career choices.

11. Inmates will receive work credits for participation in approved educational programs offered in the Department.

12. Education records, such as, transcripts, attendance, grades, test scores or any other personal information is confidential.

A. Inmates may not instruct classes.

B. Inmates are not permitted to keep attendance for a class.

C. Inmates are not permitted access to the educational records of other inmates.

13. Education providers, college and university instructors are considered volunteers and are subject to all Departmental rules, regulations, policies and procedures.

A. Volunteers must undergo criminal record background checks before they can be approved to enter a Department Institution.

B. Volunteers must provide proof of a current 2 step base line Tuberculosis test.

C. Volunteers must be re-tested for Tuberculosis and submit proof annually.

D. Volunteers must complete the Department's Volunteer and PREA training programs before entering a Department Institution.

850.02 VOCATIONAL PROGRAMS

1. All vocational programs will be recognized, certified, or licensed by the state Department of Education.

2. Vocational programs should provide training and experience in skills that will enable inmates to obtain employment in the community upon their release.

3. To the extent possible, vocational training programs should reflect the employment needs of the community.

4. To the extent possible, vocational training programs should be offered to inmates free of charge.

A. Inmates can be required to pay for tools, special clothing or other materials required for the vocational program.

5. Inmates may receive work credits for participation in approved vocational programs offered in the Department.

6. Inmates who complete a vocational training program according to established guidelines should receive a certificate acknowledging their completion and may receive meritorious credits for qualified vocational programs.

850.03 PROGRAM EVALUATIONS

1. Qualified individuals, professional groups, or appropriate trade organizations should evaluate academic and vocational training programs for effectiveness and achievement of stated objectives at least once every three (3) years.

2. School District supervisors must provide status reports to the Department of Corrections Education Programs annually, providing information identified by the Education Programs Professional, including, but not limited to:

A. Prior year activities.

B. Review of outcomes.

C. Changes that may need to be made.

APPLICABILITY

1. This AR requires an Operational Procedure (OP) for each institution and facility offering educational or vocational programs.

2. This AR does not require an audit.

REFERENCES:

ACA Standards, 4th Edition and 2008 Supplement, 4-4464, 4-4466, 4-4467, 4-4469, 4-4470, 4-4471, 4-4472, 4-4473, 4-4474, 4-4475, 4-4476, 4-4477, 4-4478, 4-4479 and 4-4480.

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Director Date