

BARBARA K. CEGAUSKE
Secretary of State

STATE OF NEVADA

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*Deputy Secretary
for Commercial Recordings*

SCOTT W. ANDERSON
Chief Deputy Secretary of State



VACANT
Deputy Secretary for Elections

GAIL J. ANDERSON
*Deputy Secretary
for Southern Nevada*

**OFFICE OF THE
SECRETARY OF STATE**

WAYNE THORLEY
*Deputy Secretary
for Operations*

MEETING NOTICE AND AGENDA

Organization: Board of State Prison Commissioners

Date/Time of Meeting: Tuesday, September 15th 2015 at 9:30 a.m.

Meeting Location:	Laxalt Building 2 nd Floor Chambers 401 N. Carson Street Carson City, NV 89701	Video Conference:	Grant Sawyer State Office Building Room 5100 555 E. Washington Ave. Las Vegas, Nevada 89101
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- I. Call to Order.
- II. Public Comment.
- III. Acceptance and Approval of Minutes – May 19, 2015 and September 16, 2014 meeting.
(For Possible Action)
- IV. Discussion of the joint project between the Nevada Dept. of Corrections and the Department of Public Safety, Division of Parole and Probation to provide approved residence for Parolees at the Casa Grande Transitional Housing facility in Las Vegas. – Greg Cox, Director (For Discussion Only)
- V. Update regarding the Association of State Correctional Administrators (ASCA) Study on the Nevada Department of Corrections (NDOC) Use of Force Policy, Prison Practices and Staff Training – Greg Cox, Director (For Discussion Only)
- VI. Update on the independent Staffing Study conducted by the Association of State Correctional Administrators (ASCA) – Greg Cox, Director (For Discussion Only)
- VII. Update on the expansion of the 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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- 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 Cynthia Keller, 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
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 September 15, 2015

AR 107 Emergency Response Manual (Temporary) Effective Date: 6/19/15
AR 120 News Media Contacts Press Releases (Temporary) Effective Date: 8/19/15
AR 122 Official Correspondence (Temporary) Effective Date: 8/19/15
AR 223 Inmate Organizational Fundraisers (Temporary) Effective Date: 8/21/15
AR 258 Inmate Fiscal Procedures (Temporary) Effective Date: 7/9/15
AR 339 Employee Code of Ethics & Conduct, etc/reverted to 6/17/12 version at 5/19/15 BOP mtg. Effective Date: 9/15/15, upon Commissioners approval **(held over from 5/19/15 BOP meeting)**
AR 440 Fire Safety (Temporary) Effective Date: 6/19/15

AR 443 Hazardous Communication And Control, Use Of Toxic, Flammable, and Caustic Substances (Temporary) Effective Date: 8/17/15

AR 446 ID of Inmates affiliated w/STG and disruptive groups (Temporary) Effective Date: 8/21/15

AR 493 Energy Conservation (Temporary) Effective Date: 8/17/15

AR 571 Inmate Genetic Marker Testing (Temporary) Effective Date: 6/19/15

AR 604 Occupational Exposure to Blood Borne Pathogens (Temporary) Effective Date: 8/21/15

AR 658, Hearing Impaired Inmates Effective Date: 9/15/15 upon Commissioners approval (**held over from 5/19/15 BOP meeting**)

AR 815 Inmate Marriages and Domestic Partnerships (Temporary) Effective Date: 6/15/15

Board of State
Prison Commissioners

BRIAN SANDOVAL
Governor

BARBARA CEGAVSKE
Secretary of State

ADAM PAUL LAXALT
Attorney General



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

May 19, 2015

The Board of Prison Commissioners held a public meeting on Tuesday, May 19, 2015, beginning at 8 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

This minutes draft has not yet been approved and is subject to revision at the next meeting.

I. Call to Order.

The meeting was called to order by Governor Brian Sandoval. Secretary of State Barbara Cegavske and Attorney General Adam Paul Laxalt were present. 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. Also, present were members of the public who were asked to sign-in. [Attachment 1](#)

II. Public Comment. Governor Sandoval called the meeting to order and asked if there was any public comment. There was no public comment in Las Vegas. Public comment in Carson City: He recognized Tonya Brown, and stated that he did receive her letter and asked if her intent was to read the entire letter into the record and requested that she summarize it instead. [Attachment 2](#)

Ms. Brown stated that she would be speaking on behalf of an inmate's mother who could not attend due to illness. Ms. Brown then stated for the record that in 1988 she became an advocate for inmates because her brother was wrongly convicted for a crime he did not commit. She explained she had a wrongful death suit against the Nevada Department of Corrections for her brother's death. She stated that evidence had been found hiding in a Washoe District Attorney's file that would exonerate him. She said that it became part of the settlement agreement made with the State and the wrongful death suit of her brother, Nolan Klein. During the discovery process, she heard that the Attorney General's Office had withheld exculpatory evidence pertaining to the 2005 case Klein versus Helling. Ms. Brown said she brought this information to the Board and it became part of a breach of settlement

agreement. She wanted to give the Board an update because of the recent shooting of inmate's Carlos Perez and Alvarolo.

Ms. Brown stated that she has concerns that the NDOC and the Attorney General's Office will not be forthcoming with the evidence. She has seen the State of Nevada pull evidence from plaintiff's cases from the courts; and she believes the courts have issued orders with adverse outcomes because of evidence withheld from them. As an advocate for the inmates and the innocent, she will place this information on the records for those who are considering settling lawsuits rather than take their case to trial. They should be made aware that Nevada's integrity is at question and could breach their settlements agreement with them as they did in her case. Ms. Brown brought several documents to attach to the record. Next, Ms. Brown read a letter from Ms. Deborah Melikian. [Attachment 3](#)

Ms. Brown stated that in the 2012 minutes, her attachments cannot be found. Anything she is trying to do she does not have access to, and this is an ongoing problem. Ms. Brown said that with the current minutes, the Board is about to pass, they intentionally only blocked her documents. Governor Sandoval asked Chief Deputy Attorney Marcher to make sure that her documents were made part of the record and Attorney Marcher assured the Governor that he would do so.

Correctional Officer TeJay Harvey from the Northern Nevada Correctional Center (NNCC) read his comments from the following attachment. [Attachment 4](#) He thanked Governor Sandoval for providing public comments and thanked the Department for commissioning the ASCA staffing study. He read from the ASCA report's findings regarding the design of NNCC highlighted on page 40. "Units four, five and six experience almost constant shutdowns of the second floor officer, and a rover post is used instead between these units; leaving the remaining staffing resources to be used elsewhere. This leaves the A officer as the only officer to supervise the unit. It is impossible to meet the demands included in the post orders in those units with only one officer supervising all of those inmates." He brought up that during a tour, an officer was assaulted in unit five and that fortunately, the officer was able to subdue the inmate and call for backup. He discussed that prison is not a safe environment; but there is no need to compound safety issues with understaffing posts. He expressed his hope that due to the results of the study, additional officers will be available for proper relief in conducting unit tours and operations. Officer Harvey also commented on Administrative Regulation 339, Employee Code of Ethics and Conduct, Corrective or Disciplinary Action, and Prohibitions and Penalties. He stated the changes were extensive and that it seemed in the disciplinary portion of the AR, that class violations of incidents are increasing and the range of discipline is broadened. He gave an example of a class two violation being changed to a broad 2-5 on page 17 of changes to AR 339. He explained that a class 2-5 violation could result anywhere from a reprimand up to a dismissal. Officer Harvey's last point brought up a rumor. The rewriting of AR 301 would take away the rights that officers currently have, to bid for their position. He would like to voice that if the loss of the position bid comes to fruition, it will cause a wave of aftermath including grievances, impacts on institutional operations and loss of senior staff. This change would not be positive for the Department.

Governor Sandoval thanked Officer Harvey and encouraged him to stay for the next part of the meeting regarding the budget presentation. The Governor also explained that in regard to AR 301, there is a process that the Department has to follow in regard to giving notice to staff and giving them an opportunity to comment and provide input on any proposed regulation changes prior to their submission to the Board. Officer Harvey said he was aware of the process but that the concern is that once the Board meeting ends, it becomes a temporary AR and then staff would be under that for a certain amount of time and since they don't have meetings often, that they would be without their post bid. Governor Sandoval pointed out that it was not on this agenda.

Jim Kelly from the Nevada Correctional Association read his comments from the following attachment. [Attachment 5](#) He discussed the recent events at High Desert State Prison. He explained the NCA has seen, too many times, where an officer is involved in questionable conduct, he may unfairly receive all the disciplinary action without investigators looking for the true cause. The NCA takes a broader view to better prepare for when something like this happens again. NCA would like a dialogue with this administration so their concerns about fairness, lack of proper training, minimum staffing levels, harsh prosecutorial investigation techniques by the Inspectors General's Office and officer retaliation may be addressed. He states they need to have a constant dialogue with administrators, managers and supervisors who will listen and learn about what their concerns are so these officers can make decisions without hesitation or fear. He believes there is an "us versus them" mentality that has grown worse over the past several years. The NCA would like to have regular meetings with Board members and/or the administration to give them an accurate perspective of what officer's face. He stated officers with many years of experience are concerned for the Department safety and all who are under their charge.

III. Acceptance and Approval of Minutes – September 18, 2014 meeting. The approval of the minutes was tabled until the next BOP meeting. Governor Sandoval asked Attorney Marcher about approving the minutes since he was the only current Board member present at the last meeting. Attorney Marcher said the Governor could make a statement that he is comfortable that the minutes accurately reflect what occurred then a motion could be made to approve them rather than keep the minutes in draft form permanently. Governor Sandoval wanted to confirm that Ms. Brown's attachments were available before he made a motion to approve the minutes. Attorney Marcher said they could table approval of these minutes until the next meeting and look into it. Secretary Cegavske moved to continue agenda item number three until the next BOP meeting; Attorney General Laxalt seconded the motion.

IV. Discussion of the Nevada Department of Corrections FY 16-17 Budget Requests – Scott Sisco, Deputy Director. Deputy Director Sisco provided a budget overview presentation for the Board's review and briefly summarized the information page by page. [Attachment 6](#) During the Legislative session, the NDOC was asked to give an overview of the major challenges facing the Department. One of the challenges brought to the session was that the female population is pushing the available bed limits. Projections show that they will be fine through the next biennium with the current available beds at Florence McClure Women's Correctional Center and Jean Camp. However, if projections are off by too much, they may ultimately have to come back to the IFC for additional funding to open an additional unit that

is available. There is an increasing percentage of maximum and medium security inmates and less lower security inmates. He stated that right now, they struggle with filling the camps. During this particular Legislative session, there were 31 bills that had the potential to impact inmate population. In past sessions, they had seen bills that reduce population of minimum security inmates. Governor Sandoval asked if that was partially a product of alternative sentencing programs and specialty courts. Director Cox said yes. Deputy Sisco said they will be looking over the next biennium to see if they can sustain all nine camps. Governor Sandoval brought up that although it is not a discussion for today, many of the inmates are used for fire crews and given the decrease of the inmate population per camps, it could create an issue down the line in terms of ability to properly staff fire crews. He asked to bookmark this issue for later discussion.

Deputy Sisco brought up high staff turnover in rural areas. The Commissioners, last year, approved putting RV spots into rural camps and they are looking at putting additional RV spots in Ely where they are struggling with filling positions. Secretary Cegavske asked if Ely was the only place difficult to staff due to lack of available housing and is that why it is so difficult to get employees hired in Ely. Director Cox said Ely is their most difficult to staff facility due to housing issues. Also, mining is a big factor; when it's busy, they have difficulty keeping staff at the facility. He does not believe Nevada is facing anything different than facilities around the country deal with, in staffing their rural areas. Deputy Sisco discussed the State Criminal Alien Assistance Grant (SCAAP); a Federal Grant that provides compensation to the state for the incarcerated aliens. The year 2009 it was approximately 3.4 million; however, it has dropped to 1.3 million. Inmates in NDOC institutions with holds on them total about 988. It costs about \$19,000 a year to house each of them, which costs the state approximately \$18 million per year. Director Cox said he has contacted the Nevada Congressional Delegation and talked with them about these issues, and they are working closely together on this issue. Deputy Sisco said the next issue he wanted to bring up was the bandwidth difficulties the institutions deal with and that they are working with EITS to try to increase that where they can. Historically, the Legislature struggles with giving money for this to NDOC. Most of NDOC's institutions do not have T-1 or fiber lines; they use radio waves. Working with EITS they have gotten most of the problems taken care of at High Desert and Lovelock. Ely is the biggest problem and they actually had the system go down for 6-8 weeks. There is no immediate fix for it in that area. Governor Sandoval stated he believed the entire town and community suffered from those issues. Director Cox confirmed that. He pointed out that other than Ely, they are better off than when the session started and he appreciates the assistance they received from EITS. Director Cox discussed utilizing telemedicine even more in the future. He explained that the Department has been utilizing tele-med for some time in Las Vegas for mental health, utilizing psychiatrists and videoconferencing with Ely inmates, as another mechanism for providing services. Governor Sandoval asked to bookmark this issue to put it on the agenda and discuss it at future meetings. He said that it is quite an accomplishment allowing for higher levels of care for inmates to access to a variety of doctors. Deputy Sisco then discussed that unfortunately, the bill for inmate public information requests had failed during the session. Inmates sometimes make massive public information requests in order to keep staff busy. Sometimes the public requests come to and ultimately through the Governor's office, the Attorney General's Office, or the Legislature. Often times, the inmate's make massive public information requests for documents, in quantities that far exceed what is allowable for an inmate in his property. Still, staff has to do their best to

respond to all inquiries. Director Cox pointed out that in the budget, a Program Officer (POI) and an Administrative Assistant (AAI) were added for NDOC to assist with this issue. Governor Sandoval brought to his attention that Deputy Sisco passed over the aging infrastructure and rising maintenance costs issue. Deputy Sisco explained there were a substantial amount of CIP requests and deferred maintenance requests included in the Governor's recommended budget. He reminded everyone that as the buildings age, they become harder and more expensive to maintain. SNCC is mothballed and being kept in the best shape possible in preparation of a possible future reopening. It has approximately 712 beds and costs approximately \$200,000 a year to monitor and maintain. Building a new institution would cost in excess of a hundred million dollars. Director Cox stated that Nevada has had the fastest-growing inmate population in the United States for the past 18 years. Having SNCC available is an asset and money-saving option for the tax payers as it would cost approximately \$10 million to open it for use, versus \$280 million plus to build a new facility. Secretary Cegavske asked if this facility in Jean, Nevada could be used as a minimum level facility or possibly a camp and Director Cox said yes. Governor Sandoval asked if some of the current facility designs are becoming obsolete in terms of the most contemporary corrections designs. He stated that is something that needs to be considered as well. Director Cox agreed.

Page 4 Population Forecasting – the Department of Corrections through the Department of Administration contracts with JFA, a consultant firm that provides inmate population forecasts for NDOC and Parole and Probation. NDOC's Offender Management Division uses those forecasts to help determine where the projected changes to the inmate population will impact their operations, minimum security, medium security, or maximum security. Director Cox reminded the Board that the inmate population is increasing. The Governor stated he believed we were second in the country for overall citizen population increases. Director Cox said they keep a good relationship with Clark County and Washoe County regarding the inmate population. Governor Sandoval said that they need to keep on top of the population growth in real time. He wants to assure as we plan into 2017 that we are prepared for these issues. Director Cox said that with the good relationships, NDOC now has with major counties and rural counties and their jail populations, it is much easier to stay on top of this and prepare for the future. Deputy Director Sisco said there were approximately 31 bills that NDOC was tracking in the session that may have an impact on the prison population. Director Cox stated that some bills will add incrementally to the population. During the session, NDOC provided fiscal notes on various bills when it was possible to estimate the financial impact; however, with some bills, we were not able to tell the impact until they were actually implemented. There is no single bill that is expected to add a large number to the inmate population. Deputy Sisco reviewed page 5 and 6 of the presentation and stated that parole violators are approximately 16% of new commits, probation violators are approximately 23% and the rest of the new commits are approximately 54%. He explained that JFA provides three sets of projections, the first as the Department is building its Agency Request budget, the second during the Governor's Recommend Phase of the budget building, and the final while the budget is being reviewed by the Legislature. He explained starting on page 8 the activity budgets, and pointing out on page 9 that 96% of NDOC's core activities relate directly to the safety and security confinement of convicted felons and inmate healthcare services. Director Cox said he believed this information speaks well of the money that has been allocated to the Department through the Governor's budget allocated for the Department. Deputy Sisco

reviewed the funding on slide 10 and that the Department is primarily funded through appropriations of the general fund. He discussed slide 11 operating costs, including historical costs per inmate. He explained that while going through the Legislative process, one of the Legislators expressed particular concerns regarding costs incurred by the Department. However, they were able to have the Legislator tour NNCC to show where the money is spent, and subsequently, that particular Legislator has become an advocate for the Department's budgets. The Legislator had particular questions regarding inmate meals and culinary operations. Ultimately, the Legislator was extremely impressed with the cost-effectiveness of NDOC's costs per inmate. Governor Sandoval clarified that all inmates eat the same meals and that provides more cost-effective purchases and economy of scale. Director Cox confirmed this and that inmate population received nutritious and balanced meals. Deputy Sisco explained that the Legislator has since then been very helpful during the Legislative budget process since he personally toured the facility. Deputy Sisco explained this is why we encourage Legislators to come in to see the prisons so they can have a better understanding of how the money is spent appropriately. He explained that the Legislative Counsel Bureau staff toured our institutions in Las Vegas and by the time they got to High Desert State Prison, there was no other place to take them for lunch so they had an opportunity to eat at the institutions and sample the food provided which was not only good, but sizable portions. He mentioned there are still some inmates, per court orders, on Kosher meals which cost \$15.70 per day; and some on common fare meals which cost \$8.50 a day. Director Cox explained the Common Fare menu is designed for the religious beliefs of the inmate population. This menu was created working with the court system, various religious systems and four inmates with sincerely held beliefs, so that it meets their needs. NDOC has been dealing with this issue for approximately 6 years and the Attorney General's Office has been very effective in helping them with numerous court cases. NDOC's Common Fare menu is one that other states are looking at adopting since they have successfully been vetted through the court system.

Secretary Cegavske asked about funding from slide number 10, saying she remembered during several sessions, there were sweeps looking at the Offender's Store Fund and requested an update on that and the other sources listed. Deputy Sisco stated there was one sweep planned for Prison Industries and he understood that the Budget Division found additional savings elsewhere, and that the planned sweep to Prison Industries was not going to take place after all. Secretary Cegavske asked where the money from the Offender Store Fund went. Deputy Sisco's explained that inmates are provided with the basic needs they require. However, inmates are allowed to purchase additional items such as snack foods and some clothing items from the inmate store. Those funds are utilized to pay for the store operations themselves, and for indigent inmate needs who may not have money for postage, legal supplies, gate money, or possibly for cremation if ultimately needed. Secretary Cegavske thanked Deputy Sisco for all he does. She went on to explain that she has had several tours of NDOC facilities over the years, and is beginning to start touring the facilities again.

Deputy Sisco moved on to slide 12 of the presentation and detailed historical operating costs per inmate from fiscal year eight (FY8). He stated there is not much movement between those years. Director Cox explained that the Governor has increased NDOC's budget for fiscal year 2016. Deputy Sisco discussed prison medical issues and the decreases to the medical budget and that most inmates admitted to the hospital for more than 24 hours are now eligible for

Medicaid as a result of the Affordable Care Act. Carson Tahoe Hospital, which is the closest to NDOC's regional medical facility, no longer will take inmates; other than emergency cases. He said they are working with Renown Hospital in Reno on additional tele-medicine to help them determine if an inmate needs to be sent to Renown, or if it is an emergency room situation that are still being handled by Carson Tahoe. The tele-medicine has helped provide cost savings. Director Cox said that the Affordable Care Act has been beneficial for many inmates in the system and after they leave the system and it absolutely enhances their medical care. Deputy Sisco went on to explain the preferred provider care contract for inmates is not Medicaid eligible. Director Cox pointed out that he has had multiple meetings with administrators at Carson Tahoe Hospital and has a good long-term relationship with them. He also explained that Renown is looking at increasing tele-medicine to enhance services both for physical and mental health issues. He said this also helps save a lot of money on transportation and subsequent, overtime costs. Deputy Sisco said he expects the Carson Tahoe refusal to take non-emergency inmates to cost the Department approximately \$100,000 a year in additional overtime costs, but that overall the inmates now being eligible for Medicaid will save the Department approximately \$2.5 million per year. Deputy Sisco discussed some of the medical expenses that came up last year that were far beyond usual and therefore, NDOC was unprepared for them. Inmates came in with cancer and catastrophic health issues' requiring more funding than had been budgeted. He explained that the Department had been working with the Division of Health Care Financing and Referral (Medicaid) to come up with a new forecasting tool to assist with forecasting issue in the future. Director Cox stated that Chief of Staff Mike Willden has been extremely helpful to the NDOC working on this process. With his knowledge and experience with DHHS, he is one of the leaders in our state who understands these processes. Deputy Sisco went on to explain that NDOC has a higher percentage, approximately 11.79%, of aging inmates over 55 than prisons in the rest of the country which averages approximately 7.1%. Deputy Sisco moved on to slide 14 reviewing major enhancements and significant maintenance items. He discussed the ASCA Staffing Study and the 100 new positions recommended to update the shift relief factor which has not been updated since 1979. Slide 15 explains the calculation of the shift relief factor. Deputy Sisco explained that the Legislature closed the Department's budgets with all FY16 positions and funding to be held by the Interim Finance Committee for final approval, due to the vacancy rates in certain rural prisons and a couple of camps. Governor Sandoval stated there was wisdom in that decision requiring NDOC to go back to IFC. Director Cox agreed. He stated Governor Sandoval is the first administration from which the NDOC ever received additional staff without opening a new prison.

Secretary Cegavske wanted to know how the furloughs going away will affect the staffing ratio and she asked about various shifts NDOC utilizes. Director Cox explained they have 8 hour, 10 hour and 12 hour shifts and it depends on the facility and its functions as to which are the appropriate shifts. The specific post will determine which shift is most effective. Director Cox also explained that with the elimination of the furloughs, they will get staff members back in their facilities six more days per year (1,700 custody staff; with a total of 2,700 staff) and it will certainly be helpful. Governor Sandoval asked about the additional non-custody positions that were added in this session. Director Cox said these positions range from hospice care, lab technicians, e-filing, PREA, NOTIS tracking system, records manager, social workers, reentry, heat plant specialists, and storekeepers. Deputy Sisco clarified the staffing study did not include the elimination of furloughs, as the current staffing levels had

also not included them. Governor Sandoval said that is an important component because we are not netting it out and it's 100 on top of eliminating the furloughs. Director Cox thanked the Governor and this administration for all their assistance and foresight helping NDOC gain these positions. Deputy Sisco went on to review the Department's Capital Improvement Projects that were included in the Governor's recommended budget. Slide number 17, \$25,864,367. The Governor thanked Deputy Sisco for being thorough.

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. Critical issue recommendation for a Use of Force Study via RFI. Director Cox explained there are several protocols they are reviewing in regards to the use of force continuum and recommended initiating a study by outside professionals. Governor Sandoval expressed concerns about the necessity of an RFI and that it would take too long before the study could take place. Director Cox explained that the Department of Administration is committed to working together and moving this forward very quickly. They have advised a turnaround of approximately 2 weeks to be available for contractors to review. He explained they've been working on this already. The study would encompass a comprehensive look at how NDOC performs its use of force from the training to the procedures and regulations and the entire aspect of it. He requests the approval of the Board to move forward. The associated cost for this study is approximately \$20,000. Director Cox said NDOC does have the funds to cover these costs. Governor Sandoval clarified the scope of work including that they would look at the incidents and at the end of the study, there would be recommendations for the NDOC to follow for improvements in the system. He then asked how far back would they look at the incidents and Director Cox said the standard for these studies is to review the prior three years to current. Director Cox pointed out that the NDOC's use of force policy has been through the courts, vetted and approved consistently from the 1980s. However, there's always room for improvement. Director Cox expects the study to be completed in 30 to 60 days. Governor Sandoval asked to place an agenda item for the next Board meeting to discuss the findings of this study. Secretary Cegavske stated that her agency has seven peace officers and they are looking at something similar. She mentioned the state agencies didn't usually participate with each other; however, this is changing and would like to look at combining with other agencies and their training. She has been very happy working with Las Vegas Metro and the court system which have made training available to her peace officers. She would like to see how everyone could engage and work together on training and policies. Director Cox explained that in the past 30 days, NDOC has been working with Metro on security threat group gang training. In the last two weeks, the FBI has conducted hostage negotiation training. Additionally, the NDOC had the National Institute of Corrections conducting training at High Desert State Prison approximately 2 weeks ago. He said the NDOC has very good relationships with stakeholders and assistance with different types of training. He and his Deputy Directors and Chaplains have also received personal training from the National Institute of Corrections which is a federally funded agency so there is no cost to the state. Director Cox explained that 12 years ago when he came to the state, he identified the NIC training. Since that time, then Director Jackie Crawford and the NDOC has been taking advantage of it. They have all kinds of training including public information officer, culinary staff, classification staff, and PREA staff. Director Cox said he would be happy to continue working together with other state agencies. He mentioned that

Governor Sandoval placed him on the POST commission; and as a POST Commissioner, he looks specifically for training for correctional as well as detention officer staff as he has the most experience in these areas.

Governor Sandoval explained he would like to get this study done as quickly as possible to assure that officers have all the required training before they are put on post and recommended this is something we should do on a four-year basis. Someone from the outside should come in, review and make sure Nevada is following best practices. He believes the vendor that comes in will make those recommendations. Director Cox explained Post requires six weeks of training for Post certification to become a category three peace officer; however, NDOC trains for eight weeks. Additionally, NDOC has officers utilize weapons training twice a year where most states only do this once per year. Deputy Director McDaniel explained that NDOC is constantly evaluating incidences whenever use of force is used. He explained most of their policy is based on major Ninth Circuit court cases. For example, one case in 1984 Buckner versus State of Nevada and the other case Capri versus Peter Demosso who was a Warden in 1984. He went on to explain that NDOC's use of force continuum is in compliance; however, NDOC is always looking to improve. He said they are currently looking at additional less than lethal continuums to assist in preventing something from happening before it gets out of hand. Deputy McDaniel explained that High Desert State Prison is one of the largest facilities in the country with approximately 3,600 inmates, and the highest number of security threat group inmates. It is an intake facility and there are approximately 80 to 90 inmates coming in each week. New inmates to the system are used to settling their problems by fighting, so that has to be taken into consideration and handled properly. Deputy McDaniel explained that when there is an altercation, the inmates are given a verbal warning several times and if they don't stop then a blank round called a popper is used and if they still don't stop after that, they use the birdshot round and they are trained to aim 10 to 15 feet on the ground in front of the inmates fighting and skip the rounds off the ground and then towards them. The courts have approved this method numerous times. He explained that they are now looking to add rubber rounds which contain approximately 18 rubber round pellets inside of 12gauge round. Las Vegas Metro, Utah and California Department of Corrections, among other states, use them to help quell disturbances. They will be adding the rubber round in between the blank round and the birdshot round as an additional deterrent to stop the escalation of a situation. Director Cox explained that approximately 60% of the time the popper round stops the incident. He said that the inmate population absolutely understands how they utilize their use of force policy. Deputy McDaniel said that they are rewriting the post orders and administrative regulation to include the use of the rubber rounds. There will be additional training for all Correctional Officers on the use of rubber rounds. He expects the use of rubber rounds to be in effect in approximately 30 days.

VI. Update on the independent Staffing Study conducted by the Association of State Correctional Administrators (ASCA) – Greg Cox, Director. The Association of State Correctional Administrators Staffing Study was approved by the Governor and the prior Secretary of State and Attorney General. Director Cox explained they are following the recommendations of the study to add the 100 correctional officer relief factor. He reminded everyone that this is the first time in the history of the Department that they are receiving additional staff without opening a prison or opening a new unit. To implement the study

effectively, they had to get the relief factor of 100 staff first, which was Legislatively approved in the budget. Once they received that through fiscal year 16 and 17, he would like to have them come back and conduct an updated study to see what is necessary at that time. Director Cox said he will continually bring in outside agencies to review our operations and see where improvements can be made.

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.

Director Cox thanked the Federal Courts Judge Cooke and the Attorney General staff for assisting in the implementation of the e-filing system at their pilot facilities in northern Nevada. He explained that Judge Cooke actually came to the facilities and worked with and assisted NDOC staff with this undertaking. He said the Attorney General staff continues to assist with this project as well. Few other states have done this and NDOC is phasing this system into all of their facilities. Director Cox said it is an ongoing process and he was very appreciative of the relationships and assistance with the Federal Court system and the Attorney General's Office. Attorney General Laxalt said that Judge Cooke is instrumental in the Ninth Circuit convention coming up the next few months and that it is great that one of our judges is the pioneer of this program and a great testament to our State. Nevada is one of the e-filing models for other states. Director Cox explained more about the Ninth Circuit Summit and agreed that Judge Cooke is a leader and we are lucky to have her in our state looking at correctional and inmate litigation and the cooperation of Nevada agencies have been instrumental in getting this Summit put together. Now there are other corrections entities and Attorney General's Offices throughout the country who would like to attend this Summit which is happening in November of this year in Sacramento, California. Governor Sandoval commented that it's nice to hear that Nevada is a national model for a positive outcome like this Summit.

VIII. Update on Prison Rape Elimination Act (PREA) implementation and compliance – Pam Del Porto, Inspector General, Department of Corrections. Director stated for the record that NDOC is viewed as one of the most effective agencies in the country in implementing not only in their Department but with how they assisted their rural partners, the Sheriff's jails and detention centers. He said as Secretary Cegavske mentioned earlier about sharing training, and explained that NDOC conducted training for Clark County and helped reduce their costs by providing for this training for their staff. Director Cox agreed that this is a very efficient and effective way to reduce costs throughout the state. Nevada is viewed as a state very much ahead of the game in PREA implementation. Inspector General Pamela Del Porto gave a brief history for the new Board members. The PREA process began as Federal law was passed in 2003 to prevent and eliminate prison rape and the final rule was not published until June 2012, which shows you some of the obstacles there has been. The standards became effective in August 2012 and the standard that governs the external audits that are required began in August 2013; however, the final audit compliance tool was not officially released until mid-2014. IG Del Porto said that under the authority of Director Cox, with the assistance of Deputy Director McDaniel, she developed a strategic plan to help the Department reach compliance and obtain grant funding under the Justice Assistance Grant to send three staff members to certified PREA auditor training in January 2014 to help prepare

the Department. She described how these certified auditors were then able to work at each facility and create a PREA audit team to work on training and bringing the facility into compliance. IG Del Porto went on to explain that external audits cannot be conducted by one's own Department and auditors are brought in from out of state prisons and consequently, NDOC sends their auditors to other states to conduct their audits as well. A western states circular auditing agreement allows correctional professionals to conduct the 200 page audit. There is a three-year audit cycle where one third of the facilities have to be audited. She said that all of our prisons audited have been found to be one hundred percent in compliance. She went on to discuss the youthful population (under age 18) must be kept separate, sight and sound, from all other inmates over 18, while maintaining programming and large muscle exercising capabilities. Nevada's youthful offenders are housed at Lovelock State Prison and Nevada is one of the few states in the nation that can do something with this population. Director Cox added that they have assisted other states who were unable to be in compliance with PREA by having their youthful inmates serve their prison terms in Nevada. IG Del Porto went on to explain that it has been a huge accomplishment for Nevada coming into compliance in three months. Governor Sandoval clarified that Nevada was required to come into compliance with the law however; the Department of Justice had not submitted the rules and regulations and policies associated with the law and there was a very narrow window of time for the state to get up to speed and in compliance. He complemented and thanked IG Del Porto and NDOC on this accomplishment. He explained there are other states that have not been able to come into compliance and there are some states who have stated they will not participate. Secretary Cegavske said that is very refreshing to hear that we are good at such things in Nevada and congratulated IG Del Porto on this accomplishment. She requested for the statistics of where we are with any possible cases from the facilities. She asked how many out-of-state inmates NDOC currently houses. Director Cox said that they have expanded their interstate compact past just the Border States and it has been very effective for the safekeeping of certain inmates. Director Cox said it is often a one-for-one cost exchange of inmates between the states and he would get the numbers to the Board of how many inmates NDOC currently has on interstate compact. Governor Sandoval pointed out that at times our cost of incarceration are significantly lower than other states so they like to send their inmates to Nevada.

IX. Discussion/possible action regarding State Administrative Regulations -

Governor Sandoval requested to have the Administrative Regulations provided to the Board members sooner so they have more time to review them before the Board meeting. He stated he was going to hold out a couple of regulations and the other Board members may do so as well. For the remaining regulations, he said he would take a motion to approve them in block as there are very minor changes in terms of updating the nomenclature contained therein. He requested holding out on Administrative Regulation (AR) 124 regarding email management and AR 658 in regards to hearing impaired inmates. Attorney General Laxalt wanted to clarify that the two AR's being held out are new regulations and would not be minor technical adjustments and therefore, require further review and discussion. Secretary Cegavske made the motion to approve all of the AR's with the exception of AR 124 and AR 658 and the motion was approved. Director Cox explained that AR 124 is brand-new, so it would not become a temporary AR and not put into effect until approved at the next Board meeting. Governor Sandoval asked Director Cox to explain the process that leads up to bringing the

AR's to the Board and how there is outreach to staff for their input. Director Cox explained the step-by-step process ensuring employee input and engagement in the updating and creation of AR's. Maxine Blackwell, the custodian of the AR's, stated she did receive input from employees on AR 339, 124 and 487 as she recalled and said she can get a list of inputs to the Board members. Governor Sandoval said they will also hold out AR 339 for further review as discussed from Correctional Officer Harvey earlier at the meeting. Director Cox explained the intent of the new AR124 on email management and explained they looked at other states agencies and other Departments around the country to review their policies to assist in creating NDOC's. Director Cox said he is requesting the Board holds final approval on AR 339 so that they may receive further input from staff before the next Board meeting. The current AR 339 will continue to be in effect until an updated version is approved at the next Board meeting. There was further discussion on the changes made on AR 487 and it was decided not to hold it out until the next meeting but to approve it during this meeting. Director Cox discussed AR 658 regarding hearing impaired inmates and explained they worked with the Department of Justice and the Attorney General's Office in regards to this AR and will continue to do so. Utilizing best standards and best practices from the Department of Justice helps to avoid future litigation and ensure compliance with case law. Attorney General Laxalt added that his office has worked extensively with Director Cox on AR 658, and it is an important step in the direction they need to go. He stated he had concerns that approval of this AR would be held up for several months until the next Board meeting and asked if in the interim, there is a process to move forward between meetings; and if not, they should seriously consider approving this AR today. Director Cox explained that AR 658 could be approved today and they would continue to work on it between now and the next Board meeting when it will be brought up to be reapproved with further enhancements. Governor Sandoval accepted a motion to approve all the proposed revisions to the state Administrative Regulations with the exception of AR 124 and AR 339.

X. Public Comment: Tonya Brown discussed the bill regarding inmate's requests for public documents SB57 and that she is in opposition to that bill. She stated some inmates have told her that their caseworkers would not give inmate's access to the Board of Prison Commissioners meeting minutes. She would like this to be part of the record. She said she believed that in AB31, they were looking to have the NDOC out from underneath the Board of Prison Commissioners on some of the regulations; however, she wants oversight and the Board to be in control of what Administrative Regulations are, and she wants to be part of the record as well. There were no additional public comments. There were letters sent in from two members of the public requesting that the Board review of their issues.

Gail Hosking [Attachment 7](#)

Mercedes Maharis [Attachment 8](#)

Additional comments on Agenda Item VI.

Governor Sandoval asked Chief Deputy Attorney Keith Marcher if the Board needed to take any action with regards to approving the Use of Force Study. Attorney Marcher recommended they could entertain a motion to approve the study. Attorney General Laxalt moved to approve and require the Department to conduct a study regarding the use of force and its regulations within the Department, to commence the process by which an outside vendor will

Board of State
Prison Commissioners

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



STATE OF NEVADA
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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

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

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 an increased workload for the law librarians but overall 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

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

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 proactive roadmap for the future. Director Cox said he believed that Governor Sandoval has made it clear

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 an 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.

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.

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

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 Mastro 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

GOVERNOR BRIAN SANDOVAL

ATTORNEY CATHERINE CORTEZ MASTO

SECRETARY OF STATE ROSS MILLER

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

DRAFT

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AR 107, EMERGENCY RESPONSE MANUAL

--In the AUTHORITY section of the new AR, a new AUTHORITY has been added. The added AUTHORITY to the new AR is: **NRS 414.040**

--Under the RESPONSIBILITY section in the new AR, a sentence has been added that was not in the old AR. The added sentence reads:

Within the framework of the Nevada's State Comprehensive Emergency Management Plan (SCEMP) latest version, Wardens shall review this document on an annual basis, implementing an institutionally specific emergency response manual as follows:

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.”**

The changed sentences in the new AR read:

“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.**

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AR 120, NEWS MEDIA CONTACTS PRESS RELEASE

-- Under the **RESPONSIBILITY** section in the new AR, this sentence has been removed:

The Warden/division head is responsible to ensure that media contacts are conducted so as not to disrupt institutional operations.

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

The Correctional Case Records Manager of the Offender Management Division is responsible to provide information from an inmate's record per the requirements of the Department's Administrative Regulation 569.

Institutional and Departmental staff are responsible to know what is public information and provide that information when requested.

The changed sentences in the new AR read:

The Correctional Case Records Manager (CCRM) of the Offender Management Division (OMD) is responsible for responding to requests for Departmental records per the requirements of the Department's Administrative Regulation 569.

Institutional and Departmental staff are responsible to know what is public information and to forward the requests to the appropriate person.

Under 120.01 NEWS MEDIA ACCESS TO INSTITUTIONS/FACILITIES

This sentence has been added:

1. The Warden/Division Head is responsible to ensure that media contacts are conducted so as not to disrupt institutional operations.

The previous #1 was moved down and became #2.

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

2. Pre-arranged news media visits to facilities are encouraged and will be coordinated through the PIO, subject to approval of time, manner and place restrictions as determined by the Director relating to safety, security, discipline and the orderly operation of the prison. News media representatives' requests for access to the facility must be in writing and include the following information:

The changed sentences in the new AR read:

3. Pre-arranged news media visits to facilities, if approved by Director/designee, will be coordinated through the PIO, subject to approval of time, manner and place restrictions as determined by the Director relating to safety, security, discipline and the orderly operation of the prison. News media representatives' requests for access to the facility must be in writing and include the following information:

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

- A. Full name, date of birth, race, and gender for the purpose of NCIC/WASIC background checks.
- C. **Time** and duration of visit.

The changed sentences in the new AR read:

- A. Full name, date of birth, **social security number**, race, and gender for the purpose of **conducting** NCIC/Washington State Criminal Information Center background checks.
- C. **Requested time** and duration of visit.

These sentences and words have been added: Also, note that from this point forward, where it previously said **facility, it now says **institution**/facility for the rest of the AR.**

- 4. News media representatives must provide positive identification. Foreign media, except for Canadians, must have an “I” Visa on their passport. **The media and their equipment shall be subjected to a clothed body search per AR 422, Search and Seizure Standards, and must follow Departmental rules and regulations.**
- 5. The PIO or designee will ensure media representatives sign the completed DOC form 045 “News Media Agreement” prior to being allowed into the **institution**/facility.
- 6. News media representatives will be granted access to the **institution**/facility subject to approval of time, manner and place restrictions as determined by the Director relating to safety, security, discipline and the orderly operation of the prison; and consistent with preserving offender rights to privacy. Media representatives must be escorted by **no one of lesser rank than** Associate Warden. Random access **to other inmates or staff** not specific to the purpose of the visit is prohibited.
- 7. **No items may be passed between media representative and inmates.**
The number sequence was altered due to adding #7.

A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read: Also, note that from this point forward, where it previously said **DOC, it now says **NDOC** for the rest of the AR.**

- 7. The Parole Board has authority to determine if media representatives will be allowed to attend Board hearings held within **DOC** institutions/facilities. The Warden or Facility supervisor may limit the number of media representatives

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based on space availability. News media representatives will follow visiting procedures outlined in this section.

The changed sentences in the new AR read:

(Changed to) 9. The Parole Board has authority to determine if media representatives will be allowed to attend Board hearings held within NDOC institutions/facilities. The Warden or Facility supervisor may limit the number of media representatives based on space availability. News media representatives will follow visiting procedures outlined in this section and other Department regulations.

This sentence has been added:

10. As the review and approval process of media requests for access may take some time, the media is encouraged to get their request and required information to the PIO at least two weeks prior to the institution/facility visit.

-- Under 120.02 PUBLIC INFORMATION OFFICER/DESIGNEE

DESIGNATION AND RESPONSIBILITIES section 2, a sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

(4) The PIO will not engage in extensive news media interviews without authorization from the Director.

The changed sentences in the new AR read:

(4) The PIO will not engage in news media interviews without authorization from the Director/designee.

From this point forward the word designee has been added where appropriate.

--Under section 3, Release of Information Regarding Incidents; a A sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

C. Names of employees or inmates involved in incidents will not be released to the news media without the specific approval of the Director or the Deputy Director, except in the instance of an inmate escape.

(1) In the event of an escape, the name of the fugitive inmate shall be released along with identifying information.

(2) In the event of an escape, press associations should be notified first, and individual media second.

(3) Inmate suspects will not be named, except in the case of an escape, until after they have been officially charged. Then, only background information, which is not relevant to the case, can be released.

(4) The name of an inmate victim can be released to the press after a member of the family, or the next of kin, is notified

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The changed sentences in the new AR read:

C. **Details of incidents, including names** of employees or inmates involved in incidents, will not be released to the news media without the specific approval of the Director or the Deputy Director, except in the instance of an inmate escape. In the event of an escape, the name of the fugitive inmate shall be released along with identifying information.

(1) In the event of an escape, press associations should be notified as **well as** individual media.

(2) Inmate suspects will not be named, except in the case of an escape, until after they have been officially charged. Then, only background information **may** be released.

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

2. Requests by other media representatives for access to facilities, staff, or offenders **will** be submitted in writing to the PIO on company letterhead at least 2 weeks prior to commencement of the project. The following information is required:

A. A description of the media representative's project, including a proposed list of facilities, offenders, activities, or situations the representative wishes to include in the project.

The changed sentences in the new AR read:

2. Requests by other media representatives for access to **NDOC institutions**/facilities, staff, or offenders must be submitted in writing to the PIO on company letterhead at least two (2) weeks prior to commencement of the project. The following information is required:

A. A description of the media representative's project, including a proposed list of **institutions**, facilities, offenders, activities, or situations the representative wishes to include in the project.

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

120.03 MEDIA CONTACTS

1. Authorized media spokespersons consist of the Director **of the Department of Corrections**/Deputy Director and the Department PIO. No other individual is authorized to speak to the media regarding Departmental issues without **the approval of one of them**.

3. Any employee contacted by a news media representative will prepare a **Media Contact Report** at the earliest opportunity, but no later than 24 hours from the

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time of contact. The [Media Contact Report](#) will consist of an e-mail message containing the following information:

D. Brief description of the [information or assistance provided](#).

4. [DOC employees will distribute the Media Contact Report to the PIO with a copy to the employee's immediate supervisor](#).

6 C. The news media may be allowed access to [all program](#) areas of the institution/facility consistent with the safe and orderly operation of the institution/facility. Media will be accompanied by the PIO and the Associate Warden must be present.

6 D. News media may be restricted from access to institutions/facilities during [disruptions](#), for security purposes or when such visits would [be](#) a substantial disruption [of](#) operational activities.

The changed sentences in the new AR read:

1. Authorized media spokespersons consist of the Director, Deputy Director and the Department PIO. No other individual is authorized to speak to the media regarding Departmental issues without [their](#) approval.

3. Any [NDOC](#) employee [directly](#) contacted by a news media representative will [not make a statement to the media, but will instead direct the media representative to contact the PIO. The employee will then prepare a NOTIS entry and an email to the PIO](#) at the earliest opportunity, but no later than 24 hours from the time of contact. The [PIO email](#) will consist of an e-mail message containing the following information:

D. Brief description of the [employees response to the media representative](#).

4. [NDOC employees will inform their supervisor and the PIO of any events that may attract public and/or news interest](#).

5 C. The news media may be allowed access to areas of the institution/facility consistent with the safe and orderly operation of the institution/facility. Media [representatives](#) will be accompanied by the [PIO/designee](#) and the [Warden or Associate Warden](#) must be present.

5 D. News media may be restricted from access to institutions/facilities during [ongoing incidents, emergencies](#), for security purposes or when such visits would [create](#) a substantial disruption [to](#) operational activities.

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--Under 120.05 USE OF PRISON BUILDINGS AND GROUNDS a sentence that was in the old AR has been changed in the new AR. The changed sentence in the old AR read:

120.05 USE OF PRISON FACILITIES

1. Use of institutions, facilities, personnel, inmates or records under the control of the Department, in conjunction with the making of motion pictures, radio or television programs (except for news of incidents), the writing of books, magazine articles or syndicated stories may be permitted only with the prior approval of the Director.
2. All movie companies, broadcasters, and writers, including news media who are permitted to enter an institution/facility, will be informed beforehand of institutional security requirements.
3. The security and operation of the institution/facility are paramount.
4. In the event of an unusual circumstance, the work of the news media, moviemakers, broadcasters, and writers may be suspended.

The changed sentences in the new AR read:

120.05 USE OF PRISON BUILDINGS AND GROUNDS

1. Use of institutions, facilities, personnel, inmates or records under the control of the Department, in conjunction with the making of motion pictures, documentaries, radio or television programs (except for live news of incidents), the writing of books, magazine articles or syndicated stories may be permitted only with the prior approval of the Director. All use of Department personnel and facilities may be charged at the Department's cost. Payments must be paid in advance to the Department.
2. All movie companies, broadcasters, and writers, including news media who are permitted to enter an institution/facility, will be informed beforehand of institutional security requirements.
3. The security and operation of the institution/facility are paramount to the needs and desires of any production crew or media representatives.
4. In the event of an unusual circumstance, the work of the news media, moviemakers, broadcasters, and writers may be suspended.
5. All movie companies seeking to film NDOC facilities must be vetted through the Nevada Film Office.

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6. All movie companies, broadcasters, writers, journalists, etc. desiring access to Department buildings and grounds must have and show proof of insurance acceptable to the Nevada Division of Risk Management prior to entrance.

--Under 120.06 RESPONSE TO REQUESTS FOR PUBLIC INFORMATION many sentences that were in the old AR have been changed in the new AR. The changed sentence in the old AR read:

120.06 RESPONSE TO REQUESTS FOR PUBLIC INFORMATION

- A. Name
 - B. Identification number
 - C. Institutional location (except OSC and Boarder inmates)
 - E. Time serving
2. The following staff information is public information
 - A. Name
 - B. Work station
 3. Confidential information that shall not be revealed to the public includes, but is not limited to:
 - B. Specific illness, medical, or psychiatric diagnosis.
 4. Requests for information contained in inmate records will be referred to the Correctional Case Records Manager of the OMD.
 5. Photos of inmates are public information.
 - B. The photo ID will not be retaken for the sole purpose of providing photos to the media.
 - C. A photo may be faxed or emailed to a member of the media.
 6. News Media Inquiries Regarding Inmates
 - A. Inquiries regarding inmates confined at an institution or facility of the Department, will be answered by institutional staff in a manner with the standards for confidentiality of inmate records as outlined in Administrative Regulation 569 and this regulation.

SUMMARY OF CHANGES

- B. Correspondence regarding inmates who have been discharged and those on the out-of-state out count may be forwarded to the Offender Management Division for response
 - C. Correspondence regarding inmates on parole may be forwarded to the Department of Parole and Probation for response.
 - D. Copies of all correspondence pertaining to inmates shall be placed in the inmate's I-file
8. C. The Department will accept personal checks, cash, or money orders for the exact cost of the copying.
- (1) Vendors established with the State of Nevada may request to be billed for the copy service.
 - D. The amount of the fee will depend on whether the document is comprised of mixed size papers; whether the document contains other media (such as overhead slides, etc); and whether the document is bound or unbound.
 - E. When determining the fee to charge, the person making the copies will examine the document and determine the fee based on the time necessary to make the copies considering the time required to disassemble a bound document and the approximate number of mixed paper sizes. Reasonable costs as allowed by law will be charged.
 - (1) The requester will be informed of the fees prior to the copies being made.
 - (2) Except for authorized vendors, as stated in section 120.06.8.C above, all fees will be paid in advance.

The changed sentences in the new AR read:

120.06 RESPONSE TO REQUESTS FOR PUBLIC INFORMATION

- A. Name used by the inmate at the time of the conviction.
- B. Department identification number.
- C. Current institutional location (except safe keepers and boarder inmates).
- E. Sentence structure.
- H. Date of incarceration.
- I. Any pending criminal court action on record with the NDOC.

SUMMARY OF CHANGES

- J. Parole board results available to the NDOC.
 - K. Age, gender, ethnicity based on the PSI.
2. The following staff information is public information:
- A. PCN.
 - B. Work location.
3. Confidential inmate information that shall not be revealed to the public includes, but is not limited to:
- B. Any and all medical information, including documentation or information on specific illnesses, medical or psychiatric diagnoses, participation in substance abuse treatment, notes that are medical or mental health in nature, physician's orders and progress notes, and medical billing information.
 - F. Individual inmate records including, but not limited to, I-files, grievances, medical, mental health, legal documents, inmate institutional behavior records, C-files, records covered under HIPAA, and cause of inmate death.
 - G. Personal information:
 - H. Any information not listed in 120.06, 1 and 2.
4. Requests for records containing inmate information will be referred to the Correctional Case Records Manager (CCRM) of the Offender Management Division (OMD).
5. Identification photos of inmates, if available, are public information.
- B. An inmate's current photo will not be retaken for the sole purpose of providing photos to the media.
 - C. A photo may be faxed or emailed to a member of the media by the Warden of a facility, the PIO, the Director or Deputy Director.
6. News Media Inquiries Regarding Inmates
- A. Inquiries regarding inmates confined at an institution or facility of the Department, will be answered by the PIO in a manner that conforms with the standards for confidentiality of inmate records as outlined in Administrative Regulation 569 and this regulation.
 - B. Correspondence regarding inmates who have been discharged and those on the out-of-state out count will be forwarded to OMD for response.

SUMMARY OF CHANGES

C. Correspondence regarding inmates on parole may be forwarded to the Department of Parole and Probation for response **or to assist the PIO with formulating a response to the media.**

D. Copies of approved media contact correspondence pertaining to **an inmate** shall be placed in the **Institutional (I-file) maintained by the Department for that inmate.**

8. C. **The copying fee for production of Departmental records will be assessed utilizing the per page rate set forth within the NDOC Fee Schedule for Public Records Requests. The fee, if any, charged for the extraordinary use of NDOC personnel or technological resources as a result of the request will also be assessed utilizing the rates set forth within the NDOC Fee Schedule for Public Records Requests.**

(1) **The copying fee for production of medical records will be assessed utilizing the per page rate set by NRS 629.061.**

D. **The Department shall inform the requester of the amount of the copying fees assessed for production of Departmental records prior to processing the requested records, and provide the requestor with instructions regarding how the fees must be remitted.**

(1) **If any fees are to be assessed for the extraordinary use of NDOC personnel or technological resources as a result of a request for production of Departmental records that contain inmate information, the Department shall also inform the requestor of the amount of any such fees prior to processing the requested records.**

E. **The requester must remit a money order or check, payable to “Nevada Department of Corrections,” for the entire and exact amount of the fees assessed prior to receiving the copies Departmental records that contain inmate information and/or medical records being made and/or delivered to the requestor.**

F. **The NDOC reserves the right to schedule and prioritize copying of Departmental records that contain inmate information and inmate medical records dependent upon department workload.**

--Under section 120.07 APPROVAL OF INMATE MEDIA CONTACTS sentences in the old AR have been changed or deleted in the new AR. The changed section in the old AR read:

1. **No member of the media, or public, has a right to a personal, face-to-face, interview or contact with an inmate. The Department reserves the right to determine all circumstances of any interview.**

SUMMARY OF CHANGES

3. A. (1) Faxes will not be delivered to the inmate.
4. The Warden of the institution where the inmate to be interviewed is housed shall provide for reasonable access between inmates and the **communications** media, subject **only** to the limitations necessary to maintain order and security and protect inmates' privacy.
 - D. Inmates who are serving sanctions of disciplinary detention or disciplinary segregation shall not be allowed to be interviewed.
 - F. Wardens may limit the number of persons or amount of equipment entering the institution in support of the interview.
5. The Department is not responsible for the identification of specific inmate candidates for interviews on issues of interest to the media.
 - A. Staff shall not seek out inmates to be interviewed.
 - B. The media shall request to interview specific inmates.
6. Executions
 - A. Upon receiving notice that an execution has been scheduled, the PIO shall determine if the inmate wants to receive requests from the media for interviews.
 - B. The PIO shall contact the attorney for the inmate to determine whether he/she will approve media interviews for the inmate.
 - C. If the inmate and the attorney indicate that interviews will be considered, the PIO may make direct contact with the inmate when an interview is requested by a member of the media. This may be done without the required letters indicated in section 120.07.3 above.
 - D. The development of media witnesses for executions is the responsibility of the PIO for the Department of Corrections.
 - (1) All witnesses of executions must be approved by the Director.
 - (2) Courtroom artists will not be approved as media witnesses.
 - (3) Media witnesses will not be allowed to interview other witnesses to the execution on the prison grounds.
7. Media requests for access to the institution for the purpose of filming or photographing the facility will be forwarded to the Warden.

SUMMARY OF CHANGES

A. Photo opportunities shall not be approved which would result in an undue disruption of operational activities of the institution.

B. Wardens may limit the number of persons or amount of equipment entering the institution in support of the photo opportunity.

The changed sentences in the new AR read:

1. No member of the media, or public, has a right to a personal, face-to-face, interview or contact with an inmate. The Department reserves the right to determine all circumstances of any interview and **the Director's decision is final.**

3. A. (1) Faxes **and emails** will not be delivered to the inmate.

4. Contact with safe keepers and boarders will be reviewed on an individual basis.

5. The Warden of the institution/facility where the inmate to be interviewed is housed shall provide for reasonable access between inmates and the media, subject to the limitations necessary to maintain order and security and protect inmates' privacy.

D. Inmates who are serving sanctions of disciplinary detention, **are in administrative segregation, are in disciplinary segregation or who have been classified as High Risk Potential** shall not be allowed to be interviewed.

F. **The PIO and** Wardens may limit the number of persons or amount of equipment entering the institution/facility in support of the interview.

G. **The NDOC does not allow inmate interviews for entertainment purposes.**

H. **Requests to interview death row inmates will be reviewed on a case by case basis.**

7. Victim Notification. During the approval process for an interview between the media and an inmate, the PIO shall notify the NDOC Victim Services Unit to provide notification to registered victim(s). The Director may take into account the registered victim's comments prior to making a decision on granting the interview.

8. Executions. Media requests for attendance at executions will follow the procedures in the Execution Manual.

SUMMARY OF CHANGES

--Under section 120.08 CONDUCT OF MEDIA CONTACTS sentences in the old AR have been changed or deleted in the new AR. The changed section in the old AR read:

1. Prearranged media visits **should** occur during normal business hours.
2. An appropriate location shall be provided by the Warden, based on the nature of the contact.
3. Members of the media shall be accompanied by the Associate Warden of the institution to ensure compliance with this regulation, and to ensure the security of the media team.
4. Inmates with close or maximum custody will be interviewed in secure locations, and may be in restraints.
5. Interviews or photo opportunities **where inmates will be recognized**, will not commence until the inmate has signed a release Form DOC 3008. This form will be placed in the inmate's I-File.
6. **Inmates** who do not wish to be seen in the photo or film will be given an opportunity to withdraw from the area.
7. An inmate may terminate an interview at any time.
8. Media will not be taken to the scene of an ongoing incident **in which there is violence or the potential for violence**.
9. Wardens shall designate a location for media and the PIO to use during major incidents.
10. If inmate unrest or violence begins to develop or actually occurs during the media contact, then the media team is to be withdrawn from the area immediately.
11. Security activities or features used to contain, control, or recapture inmates will not be discussed with, or photographed by media. This includes but is not limited to:

The changed sentences in the new AR read:

1. Prearranged media visits **will** occur during normal business hours.
2. An appropriate location **for the media** shall be provided by the Warden, based on the nature of the contact.

SUMMARY OF CHANGES

3. Members of the media shall be accompanied by the **PIO/designee and the Warden/Associate Warden** of the institution/**facility** to ensure compliance with this regulation, and to ensure the security of the media team.
4. Inmates with close or maximum custody **designations** will be interviewed in secure locations and may be in restraints.
5. Interviews or photo opportunities **of the inmate who is the subject of the media story** will not commence until the inmate has signed a release Form DOC 3008. This form will be placed in the inmate's I-File.
6. Prior to filming, inmates who do not wish to be seen in the photo or film **but who will likely appear in the background** will be given an opportunity to withdraw from the area. **In the event another inmate is inadvertently depicted in the background, the media outlet should obscure the images of the background inmates or obtain release Form DOC 3008s from the background inmates.**
7. An inmate **and/or NDOC staff** may terminate an interview at any time.
8. Media will not be taken to the scene of an ongoing incident.
9. Wardens shall designate a location for media and the PIO to use during major incidents.
10. If inmate unrest or violence begins to develop or actually occurs during the media contact, then the media team is to be withdrawn from the area immediately.
11. Security activities or features used to contain, control, or recapture inmates will not be discussed with, **filmed**, or photographed by media. This includes but is not limited to:

SUMMARY OF CHANGES

AR 122 OFFICIAL CORRESPONDENCE

--Under RESPONSIBILITY the word official was added:

All employees of the Department are responsible for the management of **official** correspondence.

--Under 122.01 WRITTEN CORRESPONDENCE 3. This section has been added:

A. Only employees in positions of Deputy Directors, Division Heads and Wardens may adapt the Department letterhead to include their name and position in the upper right hand corner of the letterhead. The Director may approve exceptions on a case-by-case basis.

B. The Department letterhead may be adapted to include the administration, division or institutional addresses in the center area of the letterhead.

At the end of the AR, this has been deleted:

REFERENCES: AR 141

SUMMARY OF CHANGES

AR 223 INMATE ORGANIZATIONAL FUNDRAISERS

-- Under 223.03 PROCEDURES, section 2. COMPLIANCE; this wording has been added:

B. Each institution/facility may conduct a maximum of two (2) fundraisers per organization per calendar year to benefit a 501(c)(3) organization.

C. Each institution/facility may conduct one (1) fundraiser each year with the sole purpose of raising funds to maintain or repair gym equipment for the institution/facility.

SUMMARY OF CHANGES

AR 258 INMATE FISCAL PROCEDURES

There were minimal changes made to this AR.

The amount of \$200.00 was increased to \$400.00 in the four places it is mentioned in the AR.

--Under 258.07 INMATE DEDUCTIONS FROM ANY SOURCE OTHER THAN WAGES some words were removed. The changed sentence in the old AR read:

B. 10% for credit to the inmate's interest bearing savings account. After the savings account reaches \$200.00, this deduction will stop with the exception of CGTH and NNRC residents who will continue to accrue 10% of their payrolls into their respective savings accounts.

The changed sentences in the new AR reads:

2. 10% for credit to the inmate's account. After the Savings Account reaches \$400.00, this deduction will stop with the exception of CGTH and NNRC inmates who will continue to accrue 10% of their deposits into their respective Savings Accounts.

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.”

The changed sentences in the RESPONSIBILITY section of the new AR now read:

“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.**”

The changed principles in the new AR now reads:

“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.”

The changed sentences in the new AR now read:

“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.**”

The changed paragraph in the new AR now reads:

“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.”

The changed sentence in the new AR now reads:

“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”

The changed offense in the new AR now reads:

“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”

The changed offenses in the new AR now read:

“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**”

The changed offenses in the new AR now read:

“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.

The changed offenses in the new AR now read:

“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 Department 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”

The changed offenses in the new AR now read:

“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”

The changed offenses in the new AR now read:

““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**”

The changed offenses in the new AR now read:

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”

The changed offense in the new AR now reads:

“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”

The changed offenses in the new AR now read:

“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”

The changed offenses in the new AR now read:

“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”

The changed offenses in the new AR now read:

“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”

The changed offense in the new AR now reads:

“**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;**

SUMMARY OF CHANGES

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

(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”

The changed offenses in the new AR now read:

“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”

The changed offenses in the new AR now read:

“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”

The changed offenses in the new AR now read:

“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”

The changed offenses in the new AR now read:

“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.

SUMMARY OF CHANGES

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

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 officer 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 440 FIRE SAFETY

--In the AUTHORITY section two of the dates have also been updated:

AUTHORITY: NRS 209.131, NRS 477.250, NRS 205.010, NRS 205.025, NAC 477.281, IFC 2012 edition, NFC 2012 edition

--Under RESPONSIBILITY, this wording has been clarified:

The appropriate Director is responsible for implementing this regulation.

The changed sentence in the new AR reads:

The Deputy Director of Operations is responsible for implementing this regulation.

There were minimal additional changes made to this AR. Throughout the AR the tense of certain words was edited for clarity. For example:

The Warden/Division Head of each institution and facility is responsible to develop, maintain and implement a fire plan for each institution and facility under their supervision.

The changed sentences in the new AR read:

The Warden/Division Head of each institution and facility is responsible for developing, maintaining, and implementing a fire plan for each institution and facility under their supervision.

There was also a spelling correction throughout the AR: insure was changed to ensure.

SUMMARY OF CHANGES

AR 443 HAZARDOUS COMMUNICATION AND CONTROL, USE OF TOXIC, FLAMMABLE, AND CAUSTIC SUBSTANCES

--Under the **RESPONSIBILITY** section in the new AR, sentences have been added and parts of sentences have been removed. The previous AR reads:

All correctional institutions/facilities under the Nevada Department of Corrections (NDOC), including camps, are required to complete the online Hazardous Material reporting requirement as required by the State Fire Marshal's office. Each institution/facility, including camps, must complete their own report.

The Chief Engineer or Chief of Plant Operations or designee is responsible for notifying the contractors and/or subcontractors to provide NDOC a copy of their Hazardous Communication Program and Material Safety Data Sheets (MSDS's) prior to starting a project.

The changed sentences in the new AR read:

All correctional institutions/facilities under Nevada Department of Corrections (NDOC), including camps, are required to complete the **annual** online Hazardous Material reporting requirement as required by the State Fire Marshal's office.

Each Facility Supervisor is responsible for notifying outside contractors and/or subcontractors **who provide services to the Department** to **furnish** NDOC with a copy of their Hazardous Communication Program and Safety Data Sheets (SDS's) **for any hazardous substances to be brought on site prior to starting a project.**

Submitted Hazardous Communication Programs shall be forwarded to the Compliance Enforcement Unit.

There were also a changes throughout the AR:

Material Safety Data Sheets (MSDS) was changed to **Safety Data Sheets (SDS)**.
Safety Specialist Consultation Supervisor was changed to **Compliance Enforcement Unit**

--Under **443.03 INVENTORIES, FILES, AND MASTER INDEX** there were **additions to section 2. Department Files, (1). The old AR read:**

(1) All product suppliers should provide -SDS's for each of their products and each product must include labels and warnings and the name and address of the supplier or responsible party prior to the delivery of the product.

The changed new AR now reads:

(1) All product suppliers should provide -SDS's for each of their products and each product must include labels and warnings and the name and address of the supplier or responsible party prior to the delivery of the product. **No hazardous material shall be used until the appropriate SDS has been received and made available.**

SUMMARY OF CHANGES

(9) SDS's for chemicals no longer used should be maintained for 30 years and be marked with time frame and location used.

Also under 443.03 INVENTORIES, FILES, AND MASTER INDEX deletion in section 3. Master Index, section C was deleted.

C. The master index will also contain an up-to-date list of emergency phone numbers (e.g., local fire department, local poison control centers.)

--Under section 443.04 TRAINING/INSPECTIONS the section was broken into two sections:

443.04 TRAINING

443.05 INSPECTIONS

--Under 443.04 TRAINING sentences in the old AR have been changed or deleted in the new AR. There were also additions to the new AR. The changed section in the old AR read:

1. The Safety Specialist Consultation Supervisor will prepare and make available to all employees and inmates written training programs on the proper storage, control and use of all hazardous substances.

A. All Staff and inmates who routinely come into contact with certain hazardous substances will receive training in those particular areas.

2. Documentation of such training will be recorded by the supervisor or individual(s) conducting the training and filed with the Department's Safety Specialist Consultation Supervisor. The supervisor will ensure a copy of the documentation will be forwarded for retention to the Department's Regional Employee Development Office.

Number 5. and 5. A. were moved under the new section 443.05 INSPECTIONS

The changed offenses in the old AR read:

1. The Compliance Enforcement Unit will prepare and make available to all employees and inmates written training programs on the proper storage, control and use of all hazardous substances.

A. NDOC shall provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard the employees have not previously been trained about is introduced into their work area.

B. All Staff and inmates who routinely come into contact with certain hazardous substances will receive training in those particular areas.

SUMMARY OF CHANGES

2. Documentation of such training will be recorded by the supervisor or individual(s) conducting the training and filed with the Department's Employee Development Office.

-Under section 443.05 INSPECTIONS Number 5. and 5. A. were moved under the new section 443.05 INSPECTIONS and changed to number 1. A.

1. The Compliance Enforcement Unit Shall conduct inspections at least semi-annually at institutions/facilities and as deemed necessary. The Compliance Enforcement Unit will report findings of non-compliance to the Warden and Deputy Director of Operation.

A. The staff member responsible for the safety program at the institution/facility may be requested to conduct inspections by the Compliance Enforcement Unit as deemed necessary.

--Under APPLICABILITY the work annual was added to this sentence:

2. This Administrative Regulation requires an **annual** audit.

SUMMARY OF CHANGES

AR 446 IDENTIFICATION OF INMATES AFFILIATED WITH SECURITY THREAT GROUPS AND DISRUPTIVE GROUPS

After the first appearance of **Inspector General's Office (IG)**, the abbreviation **IG** was used from that point forward throughout the document.

--Under **RESPONSIBILITY** part of this paragraph was deleted:

All Department staff share the responsibility in reporting and identifying STG and/or DG. All staff will accurately document suspected STG and/or DG members and their activities and ensure all validation and supporting information and documentation is sent to the designated staff member within Inspector General's Office via the appropriate and established chain of authority.

The changed paragraph in the new AR reads:

All Department staff share the responsibility in reporting and identifying STG and/or DG.

--Under **446.02 STG AND/OR DG INVESTIGATION AND VALIDATION** section **A.** had deletions and section **B** was rewritten:

A. When practical the documentation, photographs and/or any other report should be imported into the NOTIS utilizing the document import icon in the appropriate module within NOTIS.

B. Should the institution not have the capability of document import, contact should be made with the Inspector General's Office.

The changed section in the new AR reads:

A. When practical the documentation, photographs and/or any other report should be imported into the NOTIS **incident report** utilizing the document import icon.

B. The STG assessment fields in NOTIS will be updated for all involved inmates, to accurately reflect current STG status and involvement.

The section title **446.04 REVIEW AND/OR REMOVAL OF A STG/DG DESIGNATION** was changed to: **446.04 REVIEW FOR CHANGE AND/OR DEBRIEFING FROM A STG/DG DESIGNATION**

--Under **446.04 REVIEW FOR CHANGE AND/OR DEBRIEFING FROM A STG/DG DESIGNATION** sections 2 - 6 had deletions re-writes and new wording added The previous AR looked like this:

SUMMARY OF CHANGES

2. Inmates who express an interest in debriefing and having the STG/DG designation removed will be referred to the Inspector General's Office, with notification to the appropriate Associate Warden for tracking purposes.
3. The IG designee will review the inmate's classification via Offender Management Division or the classification module in NOTIS.
4. The IG designee will document the inmate's request within NOTIS and assign the matter for investigation. The investigation and follow up may be assigned to a staff member within the institution or to the IG designee. The matter will be assigned for review by an Investigator in the Inspector General's Office within 60 days.
5. The debriefing interview will be recorded, with the recording, documentation, and report from the staff member to be returned to the IG designee. The assigned staff member will make recommendations and summarize the interview contents in their report. The debriefing investigation will be completed within 180 days of assignment, unless approved by the IG or Supervisory Criminal Investigator.
6. The IG designee Office will review the staff member's recommendation with the Offender Management Division designee.
7. The safety of the inmates must be of primary concern if they are to be reviewed for transfer or a change in custody.

The changed section in the new AR reads:

2. Inmates who express an interest in debriefing, changing their status of designation from active to inactive, or want the designation removed must submit a request for any of these processes in writing through the casework staff member to the Associate Warden at the institution or facility where the inmate is housed.
3. The Associate Warden will designate an institutional staff member to:
 - Generate a Nevada Offender Tracking Information System (NOTIS) report in the Incident Report (IR) module, clearly articulating the specific request by the inmate (Debriefing, Changing Status or Removal of Status);
 - Import all documents associated with the inmate's request into the NOTIS Incident report;
 - Notify the Associated Warden of the completion of these steps; and
 - Refer the generated IR for review by the IGs Office.
4. All inmate requests for Debriefing from their affiliation with a STG will be addressed through review by the IGs office.

SUMMARY OF CHANGES

- The IG designee will review the inmate's request within NOTIS and assign the matter for **handling and investigation to an investigator** within the **IG's office**
 - The matter will be assigned for review by an Investigator in the Inspector General's Office within **30 days**.
 - **The processes and procedures associated with official Debriefing are contained within the confidential STG/DG manual.**
 - **Upon completion of the investigation of Debriefing qualification, IG staff will work with Offender Management Division (OMD) staff as well as the institutional administrative staff where the inmate is currently housed to assess best placement for the inmate.**
 - **Any activity, subsequent to official Debriefing, that is confirmed as associated with a STG will result in immediate removal from a status of Debriefed to include removal from any type of housing and/or programming associated to Debriefing**
 - **At all phases of the Debriefing process, to include any possible removal from a debriefed status, housing and/or programming, the Department will take safety and security needs of the inmate, the institution and staff into account.**
5. All inmate requests for a review for a Status Change to inactive will be initiated and conducted at the institutional level unless there are special circumstances that would not allow for the review to occur in this manner, following the prescribed format and processes, which include:
- **The Inspector General's Office designee will assign the NOTIS IR an Incident Inquiry (IN) case number to the institution wherein the inmate is housed;**
 - **The Associate Warden of the institution will designate an institutional staff member to conduct the review for a Status Change;**
 - **The designated staff member will gather facts, information and documentation from NOTIS and other sources of information from the Department or outside law enforcement agencies in order to corroborate or refute inactivity. Some identified sources of information include;**
 - **NOTIS Incident Reports;**
 - **NOTIS Disciplinary History reports;**
 - **NOTIS Grievance log report;**
 - **NOTIS Inmate Housing History report;**
 - **Classification records from NOTIS and the inmate's I file;**
 - **Recorded inmate phone calls;**
- The designated staff member will conduct an in person recorded interview with the inmate requesting a Status Change;**
- **The designated staff member will generate a report, including all garnered information, data and evidence and support his/her findings in the report;**
 - **The final report will be submitted to the Associate Warden of the Institution who in turn will submit and confer with the Inspector General's Office (designee) for a determination about the Status Change.**

SUMMARY OF CHANGES

6. Any inmate that has had their STG/DG status changed or removed for whatever reason can be reviewed for any subsequent change of status based upon demonstrated STG/DG activity, association, or documentation.

--Under 446.05 STG/DG RECORDS CONFIDENTIALITY there were numerous changes. The previous AR looked like this:

1. Institutional/facility STG/DG procedures and all related documentation and information will be confidential.

A. STG/DG information and documentation is held on a Need to Know, Right to Know basis, under the federal guidelines of 28 CFR 23 relative to dissemination.

2. Unauthorized dissemination of STG/DG information or documentation is prohibited by any staff member of the department. Only the Director or the Inspector General's Office is authorized to release STG/DG information, whether on a group or an inmate affiliated with a STG/DG.

The changed section in the new AR reads:

1. STG/DG affiliation status information about an inmate(s) may be disseminated in conjunction with an official request related to the inmate from The Pardons or Parole Board.

2. STG/DG affiliation status information about an inmate(s), including DOC forms 1597 and 1598, may only be disseminated in conjunction with an official request, related to the inmate(s) from a Law enforcement agency.

A. STG/DG information and documentation determined to be confidential will be disseminated via official request to the Inspector General's Office.

3. Unauthorized dissemination of STG/DG confidential information or documentation is prohibited by any staff member of the Department.

--Under 446.06 STG/DG TRAINING the previous AR looked like this:

1. The IG designee, with approval of the Inspector General, will identify and designate Department trainers in the identification and management of Security Threat Groups and/or Disruptive Groups.

2. Department STG/DG training lesson plans shall be approved by the IG designee and Employee Development Division.

SUMMARY OF CHANGES

The changed sentence in the new AR reads:

1. The IGs Office will make available subject matter experts to Employee Development Division for training of staff in the identification and management of Security Threat Groups and/or Disruptive Groups.
2. Department STG/DG training lesson plans shall be reviewed and approved by the IG designee and Employee Development Division.

--Under APPLICABILITY number 2. The words an OP were changed to confidential Manual The changed sentence in the new AR reads:

2. This regulation requires confidential Manual from the Inspector General's Office.

SUMMARY OF CHANGES

AR 493 ENERGY CONSERVATION

The only change to this AR is the addition of sections A and B under APPLICABILITY number 1.

1. This regulation applies to all buildings operated by the Nevada Department of Corrections.

A. Exception. 1. This regulation does not apply to the room(s) where pharmaceuticals are stored in the Central Pharmacy located Casa Grande Transitional Housing.

B. Exception. 2. Server Rooms.

SUMMARY OF CHANGES

AR 571 INMATE GENETIC MARKER TESTING

--Under **571.01 PROCEDURES, number 1., the category designation was removed, and wording was added to number 2:**

1. Certain inmates convicted of a **category A or B** felony may petition the court for post conviction genetic marker analysis.
2. Inmates meeting the requirements for this testing must submit their petition to the court on the attached DOC Form-2083, Genetic Marker Testing.

The changed sentence in the new AR reads:

1. Certain inmates convicted of a felony may petition the court for post conviction genetic marker analysis.
2. Inmates meeting the requirements for this testing must submit their petition to the **clerk of the district court via certified mail, in the county for which the petitioner was convicted** on the attached DOC Form-2083, Genetic Marker Testing. **A copy of the petition must also be sent by registered mail to the Office of the Attorney General and the district attorney in the county in which the petitioner was convicted.**

SUMMARY OF CHANGES

AR 604 OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS

--Under AUTHORITY: [NRS 630.272](#) was removed.

--Under 604.03 AUDIT [Bloodborne Pathogen](#) was removed and [Nevada Department of Corrections \(NDOC\)](#) was added. The changed sentence in the new AR reads:

1. The Medical Division's Infection Control Committee shall conduct an annual audit to ensure adherence to the [Nevada Department of Corrections \(NDOC\)](#) Exposure Control Plan.

--Under 604.04 ACCESS TO THE EXPOSURE CONTROL PLAN had deletions and new wording added The previous AR looked like this:

1. The Medical Division [should distribute the Bloodborne Pathogen Exposure Control Plan Manuals to the Medical Director and all medical institutions.](#)

The changed section in the new AR reads:

1. The Medical Division [will provide access to all employees to the NDOC Exposure Control Plan on the Stewart shared drive.](#)

--Under the signature section the names [R. Bruce Bannister, D.O.](#) and [James G. Cox](#) were removed so only the Titles are listed:

Medical Director

Director

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 815 INMATE MARRIAGES AND DOMESTIC PARTNERSHIPS

Throughout the AR the tense of certain words was edited for clarity. For example:

All inmates are responsible **to** comply with this regulation.

The changed sentences in the new AR read:

All inmates are responsible **for** complying with this regulation.

--Under 815.01 INMATE MARRIAGES number 3 there was a deletion. The previous AR looked like this:

3. Both parties must meet with the Chaplain or other designated person and be informed of the inmate's crime, the length of sentence, **and the legal ramifications of the marriage.**

The changed sentence in the new AR reads:

3. Both parties must meet with the Chaplain or other designated person and be informed of the inmate's crime **and** the length of sentence.

Throughout the AR the word **will** was changed to **must**. For example:

These costs **will** be paid for in advance.

The changed sentence in the new AR reads:

These costs **must** be paid for in advance.

--Under 815.01 INMATE MARRIAGES number 15 there was a deletion. The previous AR looked like this:

15. Security concerns may require placing reasonable restrictions on **these marriages.**

A. These concerns must be specific rather than general. For example, a denial of a marriage request because an inmate is in segregated housing is not sufficient reason to deny a marriage request.

The changed section in the new AR reads:

15. Security concerns may require placing reasonable restrictions **on the marriage ceremony.**

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
107**

**EMERGENCY RESPONSE MANUAL
(TEMPORARY)**

Supersedes: AR 107 (12/17/13)
Effective Date: 06/19/15

AUTHORITY: NRS 209.131, NRS 414.040

RESPONSIBILITY:

Within the framework of the Nevada's State Comprehensive Emergency Management Plan (SCEMP) latest version, Wardens shall review this document on an annual basis, implementing an institutionally specific emergency response manual as follows:

1. Each Warden/Facility Manager is responsible for developing specific detailed instructions regarding each institution/facility, i.e., physical layout, unique characteristics, staffing patterns and other similar information.
2. All supervisors are responsible to be aware of and follow emergency procedures as set forth in this manual.
3. All staff are responsible for having knowledge of and complying with this regulation.

107.01 EMERGENCY RESPONSE MANUAL (ERM)

1. Emergency Response Manuals will be maintained in the following offices:
 - A. Director
 - B. Deputy Directors
 - C. Wardens
 - D. Associate Wardens
 - E. Facility Managers
 - F. Central Control Centers
 - G. Inspector General
 - H. Attorney General's Office

2. The Emergency Response Manual will be organized in the following order:

- A. Section I General Emergency Response Procedure
- B. Section II Hostage Procedure
- C. Section III Tear Gas/Less Lethal Weapons Procedures
- D. Section IV Escape Procedure
- E. Section V Use of Force
- F. Section VI Fire Safety Procedure including evacuation of remote camps, utility maintenance, and casualty management
- G. Section VII Emergency Notification Procedure
- H. Section VIII Emergency Evacuation Procedure
- I. Section IX External resources and Mutual Aid
- J. Section X Emergency Key Procedure
- K. Section XI Bombs and Bomb Threat Action Plan
- L. Section XII Inmate Disturbance/Disruptive Behavior
- M. Section XIII Employee Job Action/Work Stoppage
- N. Section XIV Medical Emergencies, Including Infectious diseases.
- O. Section XV Riots, Disturbances and Major Disasters
- P. Section XVI Hazardous Material, Including Chemical Spills (on and off-site)
- Q. Section XVII Radiological Hazards
- R. Section XVIII Loss of Utilities
- S. Section XIX Response to Natural Disaster, including: Wild Land Fires, Earthquakes, Floods and Severe Weather.

3. The Warden/Facility Manager will include additional information in their manuals with specifics unique to their institution/facility.

4. Each institution/facility will maintain a log sheet in the Associate Wardens/Facility Manager's Office.

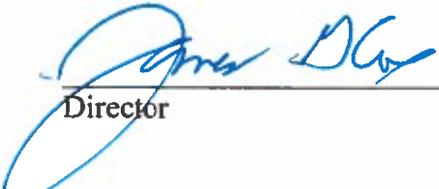
- A. The log will be signed by all supervisory/command personnel indicating that they have reviewed the material and understand the material in the Emergency Response Manual.
 - B. This log will also indicate the date reviewed.
 - C. All supervisory/command staff must review this manual at least on an annual basis.
5. The NDOC Employee Development will provide training to all employees regarding appropriate emergency response procedures.
- A. Staff will be trained through drills, reviewing procedures, on-the-job training, etc. at each institution/facility.
 - B. This training shall be documented. A copy of the documentation will be maintained in the Employee Development Office.
6. The entire Emergency Response Manual is to be considered confidential.
- A. At no time will the Emergency Response Manual be accessible to inmates.
 - B. The Emergency Response Manual will not be made available to anyone outside the Department without the specific written approval of the Director.
 - C. Loss of the Emergency Response Manual or any portion thereof or any compromise of the manual's contents will be immediately reported to the Inspector General.
7. The Emergency Response Manual shall be up-dated as necessary. At the minimum, the Emergency Response Manual should be formally reviewed on an annual basis.

APPLICABILITY

- 1. This AR requires an Operational Procedure (OP) for all institutions/facilities.
- 2. This AR requires an audit.

REFERENCES

ACA Standards, 4th Edition and 2008 Supplement, 4-4220, 4-4224



Director



Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
107**

EMERGENCY RESPONSE MANUAL

-(TEMPORARY)

Supersedes: AR 107 (~~11/13/09~~); and ~~AR 107 (Temporary, 11/25/12/17/13)~~
Effective Date: ~~12/17/13~~ 06/19/15

AUTHORITY: NRS 209.131, NRS 414.040

RESPONSIBILITY:

Within the framework of the Nevada's State Comprehensive Emergency Management Plan (SCEMP) latest version, Wardens shall review this document on an annual basis, implementing an institutionally specific emergency response manual as follows:

1. Each Warden/Facility Manager is responsible ~~to develop~~for developing specific, detailed instructions, regarding each institution/facility, i.e., physical layout, unique characteristics, staffing patterns and other similar information.
2. All supervisors are responsible to be aware of and follow emergency procedures as set forth in this manual.
3. All staff are responsible ~~to have~~for having knowledge of and ~~comply~~complying with this regulation.

107.01 EMERGENCY RESPONSE MANUAL (ERM)

1. Emergency Response Manuals will be maintained in the following offices:
 - A. Director
 - B. Deputy Directors
 - C. Wardens
 - D. Associate Wardens
 - E. Facility Managers
 - F. Central Control Centers

G. Inspector General

H. Attorney General's Office

2. The Emergency Response Manual will be organized in the following order:

A. Section I General Emergency Response Procedure

B. Section II Hostage Procedure

C. Section III Tear Gas/Less Lethal Weapons Procedures

D. Section IV Escape Procedure

E. Section V Use of Force

F. Section VI Fire Safety Procedure including evacuation of remote camps, utility maintenance, and casualty management

G. Section VII Emergency Notification Procedure

H. Section VIII Emergency Evacuation Procedure

I. Section IX External resources and Mutual Aid

J. Section X Emergency Key Procedure

K. Section XI Bombs and Bomb Threat Action Plan

L. Section XII Inmate Disturbance/Disruptive Behavior

M. Section XIII Employee Job Action/Work Stoppage

N. Section XIV Medical Emergency Emergencies, Including Infectious diseases.

O. Section XV Riots, Disturbances and Major Disasters

P. Section XVI Hazardous Material, Including Chemical Spills (on and off-site)

Q. Section XVII Adverse Radiological Hazards

R. Section XVIII Loss of Utilities

Q.S. Section XIX Response to Natural Disaster, including: Wild Land Fires, Earthquakes, Floods and Severe Weather.

3. The Warden/Facility Manager will include additional information in their manuals with specifics unique to their institution/facility.

4. Each institution/facility will maintain a log sheet in the Associate Wardens/Facility Manager's Office.
 - A. The log will be signed by all supervisory/command personnel indicating that they have reviewed the material and understand the material in the Emergency Response Manual.
 - B. This log will also indicate the date reviewed.
 - C. All supervisory/command staff must review this manual at least on an annual basis.
5. The NDOC Employee Development will provide training to all employees regarding appropriate emergency response procedures.
 - A. Staff will be trained through drills, reviewing procedures, on-the-job training, etc. at each institution/facility.
 - B. This training shall be documented. A copy of the documentation will be maintained in the Employee Development Office.
6. The entire Emergency Response Manual is to be considered confidential.
 - A. At no time will the Emergency Response Manual be accessible to inmates.
 - B. The Emergency Response Manual will not be made available to anyone outside the Department without the specific written approval of the Director.
 - C. Loss of the Emergency Response Manual or any portion thereof or any compromise of the manual's contents will be immediately reported to the Inspector General.
7. The Emergency Response Manual shall be up-dated as necessary. At the minimum, the Emergency Response Manual should be formally reviewed on an annual basis.

APPLICABILITY

1. This AR requires an Operational Procedure (OP) for all institutions/facilities.
2. This AR requires an audit.

REFERENCES

ACA Standards, 4th Edition and 2008 Supplement, 4-4220, 4-4224

|

Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
120**

**NEWS MEDIA CONTACTS
PRESS RELEASES
(TEMPORARY)**

Supersedes: AR 120 (6/17/12)
Effective Date: 8/19/15

AUTHORITY: NRS Chapter 179, 209.131, 217.265

RESPONSIBILITY:

All employees who receive requests from media groups mentioned in this Administrative Regulation are responsible to forward all such inquiries to the Public Information Officer (PIO).

The Correctional Case Records Manager (CCRM) of the Offender Management Division (OMD) is responsible for responding to requests for Departmental records per the requirements of the Department's Administrative Regulation 569.

Institutional and Departmental staff are responsible to know what is public information and to forward the requests to the appropriate person.

120.01 NEWS MEDIA ACCESS TO INSTITUTIONS/FACILITIES

1. The Warden/Division Head is responsible to ensure that media contacts are conducted so as not to disrupt institutional operations.
2. News media representatives consist of persons whose principal employment is gathering and reporting news for a:
 - A. Radio or television program, newspaper, news magazine, or national/international news service.
 - B. Website or web-based publication.
3. Pre-arranged news media visits to facilities, if approved by Director/designee, will be coordinated through the PIO, subject to approval of time, manner and place restrictions as determined by the Director relating to safety, security, discipline and the orderly operation of the prison. News media representatives' requests for access to the facility must be in writing and include the following information:

- A. Full name, date of birth, social security number, race, and gender for the purpose of conducting NCIC/Washington State Criminal Information Center background checks.
 - B. Purpose of visit.
 - C. Requested time and duration of visit.
 - D. Identity of staff/offender (s) to be seen, if applicable.
 - E. Proposed use of camera or other recording devices. The Director/Deputy Director or designee must approve possession of news media cameras and recording devices before being allowed into the facility.
4. News media representatives must provide positive identification. Foreign media, except for Canadians, must have an "I" Visa on their passport. The media and their equipment shall be subjected to a clothed body search per AR 422, Search and Seizure Standards, and must follow Departmental rules and regulations.
5. The PIO or designee will ensure media representatives sign the completed DOC form 045 "News Media Agreement" prior to being allowed into the institution/facility.
6. News media representatives will be granted access to the institution/facility subject to approval of time, manner and place restrictions as determined by the Director relating to safety, security, discipline and the orderly operation of the prison; and consistent with preserving offender rights to privacy. Media representatives must be escorted by no one of lesser rank than Associate Warden. Random access to other inmates or staff not specific to the purpose of the visit is prohibited.
7. No items may be passed between media representative and inmates.
8. In the event of an emergency, news media representatives will be restricted to a designated media center.
9. The Parole Board has authority to determine if media representatives will be allowed to attend Board hearings held within NDOC institutions/facilities. The Warden or Facility supervisor may limit the number of media representatives based on space availability. News media representatives will follow visiting procedures outlined in this section and other Department regulations.
10. As the review and approval process of media requests for access may take some time, the media is encouraged to get their request and required information to the PIO at least two weeks prior to the institution/facility visit.

120.02 PUBLIC INFORMATION OFFICER/DESIGNEE DESIGNATION AND RESPONSIBILITIES

1. The Director of the Department of Corrections/Deputy Director shall designate a Public Information Officer (PIO)/designee for the Department who is authorized to speak with the media on behalf of the NDOC about Departmental issues.

2. The PIO will:

A. Serve as the principal point of contact for news media and stakeholders requesting information regarding NDOC operations.

(1) The PIO will either answer inquiries or direct the media to other staff members for a response.

(2) If members of the media are referred to a NDOC staff member by the PIO, the PIO will notify the staff member of that referral before contact, or request that the staff member contact the media representative.

(3) In the event that the designated PIO is unavailable, the Director or Deputy Director, as appropriate, will designate a staff member to perform the functions of the PIO.

(4) The PIO will not engage in news media interviews without authorization from the Director/designee.

B. Consult with the Director and/or Deputy Directors, Wardens or other Department heads, engage in local public information activities, including news releases, special events coverage, interviews, and other efforts to inform the public about the work of the Department.

C. Identify areas in the institutions/facilities that are accessible to representatives of the news media consistent with preserving inmates' right to privacy and maintaining order and security.

D. Identify data and information protected by federal or state privacy laws or federal and state freedom of information laws.

E. Maintain lists of elected/public officials, community resource persons and location, and news media representatives.

F. Review and approve articles and other materials submitted by Department employees for internal and external publications.

G. Coordinate and respond to National PIO surveys in a timely manner.

H. Coordinate news releases with the Director and release all news stories related to the NDOC, including reportable incidents.

3. Release of Information Regarding Incidents

A. News releases may be made on incidents only after notification is given to the Director or Deputy Director. For additional information, refer to the Department's Administrative Regulation 121.

B. Each news media representative shall be provided with the same basic facts, updating events as necessary.

C. Details of incidents, including names of employees or inmates involved in incidents, will not be released to the news media without the specific approval of the Director or the Deputy Director, except in the instance of an inmate escape. In the event of an escape, the name of the fugitive inmate shall be released along with identifying information.

(1) In the event of an escape, press associations should be notified as well as individual media.

(2) Inmate suspects will not be named, except in the case of an escape, until after they have been officially charged. Then, only background information may be released.

120.03 OTHER MEDIA REPRESENTATIVES

1. Other media representatives consist of persons engaged in the production of documentary films, non-fiction books, or other freelance projects.

2. Requests by other media representatives for access to NDOC institutions/facilities, staff, or offenders must be submitted in writing to the PIO on company letterhead at least two (2) weeks prior to commencement of the project. The following information is required:

A. A description of the media representative's project, including a proposed list of institutions, facilities, offenders, activities, or situations the representative wishes to include in the project.

B. An estimated project completion date and proposed schedule for completing each element involving the Department.

C. A list of major financial contributors to the project.

D. An estimate of time required to complete each element involving the Department.

3. The PIO may reject, in whole or in part, the other media representative's request.

4. Upon a recommendation from the PIO, the Director will approve or reject the request in whole or in part. If access is granted, it will be subject to approval of time, manner and place restrictions as determined by the Director/designee relating to safety, security, discipline and the orderly operation of the institution/facility.

5. Other media representatives whose projects have been approved by the Director will be regarded as news media representatives for purposes of granting access subject to approval of time, manner and place restrictions as determined by the Director/designee relating to safety, security, discipline and the orderly operation of the institution/facility.

120.04 MEDIA CONTACTS

1. Authorized media spokespersons consist of the Director, Deputy Director and the Department PIO. No other individual is authorized to speak to the media regarding Departmental issues without their approval.

2. To accommodate special media requests and to facilitate interest in sharing accurate and timely information with the public, additional staff may be designated as authorized media spokespersons. Staff will first obtain approval from the PIO before engaging in interviews.

3. Any NDOC employee directly contacted by a news media representative will not make a statement to the media, but will instead direct the media representative to contact the PIO. The employee will then prepare a NOTIS entry and an email to the PIO at the earliest opportunity, but no later than 24 hours from the time of contact. The PIO email will consist of an e-mail message containing the following information:

- A. Name of the news media organization.
- B. Date and time of contact.
- C. Brief description of the information or assistance requested.
- D. Brief description of the employees response to the media representative.

4. NDOC employees will inform their supervisor and the PIO of any events that may attract public and/or news interest.

5. Visits from the news media will be coordinated with the PIO.

- A. News media requests for access to the institution/facility for non-incident related stories shall have the prior approval of the Warden.
- B. The Warden may limit the use of video or sound recording devices in sensitive areas.
- C. The news media may be allowed access to areas of the institution/facility consistent with the safe and orderly operation of the institution/facility. Media representatives will be accompanied by the PIO/designee and the Warden or Associate Warden must be present.

D. News media may be restricted from access to institutions/facilities during ongoing incidents, emergencies, for security purposes or when such visits would create a substantial disruption to operational activities.

120.05 USE OF PRISON BUILDINGS AND GROUNDS

1. Use of institutions, facilities, personnel, inmates or records under the control of the Department, in conjunction with the making of motion pictures, documentaries, radio or television programs (except for live news of incidents), the writing of books, magazine articles or syndicated stories may be permitted only with the prior approval of the Director. All use of Department personnel and facilities may be charged at the Department's cost. Payments must be paid in advance to the Department.
2. All movie companies, broadcasters, and writers, including news media who are permitted to enter an institution/facility, will be informed beforehand of institutional security requirements.
3. The security and operation of the institution/facility are paramount to the needs and desires of any production crew or media representatives.
4. In the event of an unusual circumstance, the work of the news media, moviemakers, broadcasters, and writers may be suspended.
5. All movie companies seeking to film NDOC facilities must be vetted through the Nevada Film Office.
6. All movie companies, broadcasters, writers, journalists, etc. desiring access to Department buildings and grounds must have and show proof of insurance acceptable to the Nevada Division of Risk Management prior to entrance.

120.06 RESPONSE TO REQUESTS FOR PUBLIC INFORMATION

1. The following inmate information is public information:
 - A. Name used by the inmate at the time of the conviction.
 - B. Department identification number.
 - C. Current institutional location (except safe keepers and boarder inmates).
 - D. Commitment offenses.
 - E. Sentence structure.
 - F. County of commitment.
 - G. Projected dates of release on parole or discharge.

- H. Date of incarceration.
 - I. Any pending criminal court action on record with the NDOC.
 - J. Parole board results available to the NDOC.
 - K. Age, gender, ethnicity based on the PSI.
2. The following staff information is public information:
- A. PCN.
 - B. Work location.
 - C. Rank.
 - D. Date of hire/promotion.
 - E. Salary.
3. Confidential inmate information that shall not be revealed to the public includes, but is not limited to:
- A. Expected date/time of movement of inmates.
 - B. Any and all medical information, including documentation or information on specific illnesses, medical or psychiatric diagnoses, participation in substance abuse treatment, kites that are medical or mental health in nature, physician's orders and progress notes, and medical billing information.
 - C. Location or acknowledgement of the presence of an inmate housed in the Department under the auspices of the Interstate Corrections Compact. These requests from media, private persons, or other law enforcement agencies should be referred to the OMD Administrator.
 - D. The specific location of a Nevada inmate transferred to another state. These requests from media, private persons, or other law enforcement agencies should be referred to the OMD Administrator.
 - E. Specifics of institutional misconduct.
 - F. Individual inmate records including, but not limited to, I-files, grievances, medical, mental health, legal documents, inmate institutional behavior records, C-files, records covered under HIPAA, and cause of inmate death.

G. Personal information:

- (1) Date of birth
- (2) Place of birth
- (3) Social Security number

H. Any information not listed in 120.06, 1 and 2.

4. Requests for records containing inmate information will be referred to the Correctional Case Records Manager (CCRM) of the Offender Management Division (OMD).

5. Identification photos of inmates, if available, are public information.

A. Information on the back of the inmate photo ID is considered not to be public information except as noted in section 120.06.1 of this regulation.

B. An inmate's current photo will not be retaken for the sole purpose of providing photos to the media.

C. A photo may be faxed or emailed to a member of the media by the Warden of a facility, the PIO, the Director or Deputy Director.

6. News Media Inquiries Regarding Inmates

A. Inquiries regarding inmates confined at an institution or facility of the Department, will be answered by the PIO in a manner that conforms with the standards for confidentiality of inmate records as outlined in Administrative Regulation 569 and this regulation.

B. Correspondence regarding inmates who have been discharged and those on the out-of-state out count will be forwarded to OMD for response.

C. Correspondence regarding inmates on parole may be forwarded to the Department of Parole and Probation for response or to assist the PIO with formulating a response to the media.

D. Copies of approved media contact correspondence pertaining to an inmate shall be placed in the Institutional (I-file) maintained by the Department for that inmate.

7. Correspondence Regarding Staff

A. Correspondence regarding staff will be handled in a manner consistent with the standards for Confidentiality of Employee Records as outlined in the Department's Administrative Regulation 308 and this regulation.

8. The Department will charge a fee for making copies of its documents.
 - A. Law Enforcement Agencies and other State Agencies are exempt from these charges.
 - B. For the purposes of counting pages, each side of a piece of paper is considered one page.
 - C. The copying fee for production of Departmental records will be assessed utilizing the per page rate set forth within the NDOC Fee Schedule for Public Records Requests. The fee, if any, charged for the extraordinary use of NDOC personnel or technological resources as a result of the request will also be assessed utilizing the rates set forth within the NDOC Fee Schedule for Public Records Requests.
 - (1) The copying fee for production of medical records will be assessed utilizing the per page rate set by NRS 629.061.
 - D. The Department shall inform the requester of the amount of the copying fees assessed for production of Departmental records prior to processing the requested records, and provide the requestor with instructions regarding how the fees must be remitted.
 - (1) If any fees are to be assessed for the extraordinary use of NDOC personnel or technological resources as a result of a request for production of Departmental records that contain inmate information, the Department shall also inform the requestor of the amount of any such fees prior to processing the requested records.
 - E. The requester must remit a money order or check, payable to “Nevada Department of Corrections,” for the entire and exact amount of the fees assessed prior to receiving the copies Departmental records that contain inmate information and/or medical records being made and/or delivered to the requestor.
 - F. The NDOC reserves the right to schedule and prioritize copying of Departmental records that contain inmate information and inmate medical records dependent upon department workload.

120.07 APPROVAL OF INMATE MEDIA CONTACTS

1. No member of the media, or public, has a right to a personal, face-to-face, interview or contact with an inmate. The Department reserves the right to determine all circumstances of any interview and the Director’s decision is final.
2. Persons authorized to visit the institution/facility and/or inmates will be provided written visit instructions on the Media Visit Information Sheet (see attached DOC form-046). Members of the media who request access to institutions/facilities or inmates for the purposes of interviews or photographs will be referred to the PIO.
3. The PIO will provide the media requesting access to inmates with instructions on how to obtain approval for inmate contacts. These instructions will include direction to:

- A. Write to the inmate requesting the interview.
 - (1) Faxes and emails will not be delivered to the inmate.
 - (2) Telephone contact with the inmate will not be allowed to initiate the request.
- B. If the inmate is pending prosecution or undertaking an appeal of his conviction or sentence, the media must obtain the approval of the inmate's attorney for the interview.
 - (1) The attorney for the inmate must provide to the Warden written approval for the interview.
 - (2) If the inmate does not have an attorney, then the media must obtain the written approval of the Director, in consultation with the Attorney General's Office.
4. Contact with safe keepers and boarders will be reviewed on an individual basis.
5. The Warden of the institution/facility where the inmate to be interviewed is housed shall provide for reasonable access between inmates and the media, subject to the limitations necessary to maintain order and security and protect inmates' privacy.
 - A. The Warden may consult with the PIO or other administrators of the Department in deciding whether to allow the interview.
 - B. Inmates who have been identified as being in need of mental health services shall not be allowed to be interviewed.
 - C. Inmates who are undergoing reception processing shall not be allowed to be interviewed.
 - D. Inmates who are serving sanctions of disciplinary detention, are in administrative segregation, are in disciplinary segregation or who have been classified as High Risk Potential shall not be allowed to be interviewed.
 - E. Interviews shall not be allowed which would result in a significant disruption in operational activities of the institution/facility or Department.
 - F. The PIO and Wardens may limit the number of persons or amount of equipment entering the institution/facility in support of the interview.
 - G. The NDOC does not allow inmate interviews for entertainment purposes.
 - H. Requests to interview death row inmates will be reviewed on a case by case basis.
6. The NDOC is not responsible for the identification of specific inmate candidates for interviews on issues of interest to the media.

A. Staff shall not seek out inmates to be interviewed.

B. The media shall request to interview specific inmates.

7. Victim Notification. During the approval process for an interview between the media and an inmate, the PIO shall notify the NDOC Victim Services Unit to provide notification to registered victim(s). The Director may take into account the registered victim's comments prior to making a decision on granting the interview.

8. Executions. Media requests for attendance at executions will follow the procedures in the Execution Manual.

9. Media requests for access to the institution/facility for the purpose of filming or photographing the institution/facility will be forwarded to the PIO.

A. Photo opportunities shall not be approved which would result in an undue disruption of operational activities of the institution/facility.

B. Wardens may limit the number of persons or amount of equipment entering the institution/facility in support of the photo opportunity.

120.08 CONDUCT OF MEDIA CONTACTS

1. Prearranged media visits will occur during normal business hours.

2. An appropriate location for the media shall be provided by the Warden, based on the nature of the contact.

3. Members of the media shall be accompanied by the PIO/designee and the Warden/Associate Warden of the institution/facility to ensure compliance with this regulation, and to ensure the security of the media team.

4. Inmates with close or maximum custody designations will be interviewed in secure locations and may be in restraints.

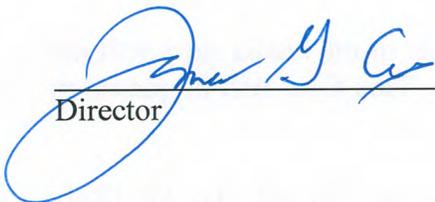
5. Interviews or photo opportunities of the inmate who is the subject of the media story will not commence until the inmate has signed a release Form DOC 3008. This form will be placed in the inmate's I-File.

6. Prior to filming, inmates who do not wish to be seen in the photo or film but who will likely appear in the background will be given an opportunity to withdraw from the area. In the event another inmate is inadvertently depicted in the background, the media outlet should obscure the images of the background inmates or obtain release Form DOC 3008s from the background inmates.

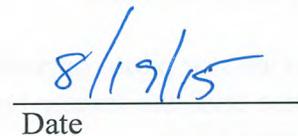
7. An inmate and/or NDOC staff may terminate an interview at any time.
8. Media will not be taken to the scene of an ongoing incident.
9. Wardens shall designate a location for media and the PIO to use during major incidents.
10. If inmate unrest or violence begins to develop or actually occurs during the media contact, then the media team is to be withdrawn from the area immediately.
11. Security activities or features used to contain, control, or recapture inmates will not be discussed with, filmed, or photographed by media. This includes but is not limited to:
 - A. Escape procedures.
 - B. Transportation plans or procedures.
 - C. Tactical plans.
 - D. Control panels.
12. Only staff authorized by the Director or the Deputy Director may represent the Department during a media event.
13. Impromptu contacts by media with line staff seeking their opinions, comments, or analysis are not permitted.
14. Staff who do not wish to appear in a photo or film will not be photographed.

APPLICABILITY

1. This procedure applies to all Department of Corrections staff.
2. This AR does not require an audit.



Director



Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
120**

**NEWS MEDIA CONTACTS
PRESS RELEASES
(TEMPORARY)**

Supersedes: AR 120 (~~Temporary, 07/27/11~~6/17/12)
Effective Date: ~~XXXX06/17/12~~ 03/30/158/19/15

AUTHORITY: NRS Chapter 179, 209.131, 217.265

RESPONSIBILITY:

All employees who receive requests from media groups mentioned in this Administrative Regulation are responsible to forward all such inquiries to the Public Information Officer (PIO). This applies to all Department institutions/facilities.

The Warden/Division Head is responsible to ensure that media contacts are conducted so as not to disrupt institutional operations.

The Correctional Case Records Manager (CCRM) of the Offender Management Division (OMD) is responsible for responding to requests for Departmental records ~~to provide information from an inmate's record~~ per the requirements of the Department's Administrative Regulation 569.

Institutional and Departmental staff are responsible to know what is public information and provide that information when requested.

120.01 NEWS MEDIA ACCESS TO INSTITUTIONS/FACILITIES

1. News media representatives consist of persons whose principal employment is gathering and reporting news for a:
 - A. Radio or television program, newspaper, news magazine, or national/international news service.
 - B. Website or web-based publication.
2. Pre-arranged news media visits to facilities if approved, ~~are encouraged and~~ will be coordinated through the PIO, subject to approval of time, manner and place restrictions as determined by the Director relating to safety, security, discipline and the orderly operation of the

prison. News media representatives' requests for access to the facility must be in writing and include the following information:

A. Full name, date of birth, social security number, race, and gender for the purpose of conducting NCIC/WASIC background checks.

B. Purpose of visit.

C. Requested time and duration of visit.

D. Identity of staff/offender (s) to be seen, if applicable.

E. Proposed use of camera or other recording devices. The Director/Deputy Director or designee must approve possession of news media cameras and recording devices before being allowed into the facility.

3. News media representatives must provide positive identification. Foreign media, except for Canadians, must have an "I" Visa on their passport. The media may be subjected to a physical search by Department security staff or personnel and must follow Departmental rules and regulations.

4. The PIO or designee will ensure media representatives sign the completed DOC form 045 "News Media Agreement" prior to being allowed into the institution/facility.

5. News media representatives will be granted access to the institution/facility subject to approval of time, manner and place restrictions as determined by the Director relating to safety, security, discipline and the orderly operation of the prison; and consistent with preserving offender rights to privacy. Media representatives must be escorted by the Associate Warden. Random access not specific to the purpose of the visit is prohibited.

6. No items may be passed between media and inmates.

67. During an emergency, news media representatives will be restricted to a designated media center.

78. The Parole Board has authority to determine if media representatives will be allowed to attend Board hearings held within NDOC institutions/facilities. The Warden or Facility supervisor may limit the number of media representatives based on space availability. News media representatives will follow visiting procedures outlined in this section.

9. As the review and approval process may take some time, the media is encouraged to get their request and required information to the PIO at least two weeks prior to the interview.

120.02 PUBLIC INFORMATION OFFICER/DESIGNEE DESIGNATION AND RESPONSIBILITIES

1. The Director of the Department of Corrections/Deputy Director shall designate a Public Information Officer (PIO)/designee for the Department who is authorized to speak with the media on behalf of the NDOC about Departmental issues.

2. PIO will:

A. Serve as the principal point of contact for news media and stakeholders requesting information regarding ~~prison~~ NDOC operations.

(1) The PIO will either answer inquiries or direct the media to other staff members for a response.

(2) If members of the media are referred to a NDOC staff member by the PIO, the PIO will notify the staff member of that referral before contact, or request that the staff member contact the media representative.

(3) In the event that the designated PIO is unavailable, the Director or Deputy Director, as appropriate, will designate a staff member to perform the functions of the PIO.

(4) The PIO will not engage in ~~extensive~~ news media interviews without authorization from the Director ~~of the Department of Corrections~~.

B. Consult with the Director and/or Deputy Directors, Wardens or other Department heads, engage in local public information activities, including news releases, special events coverage, interviews, and other efforts to inform the public about the work of the Department.

C. Identify areas in the institutions/facilities that are accessible to representatives of the news media consistent with preserving inmates' right to privacy and maintaining order and security.

D. Identify data and information protected by federal or state privacy laws or federal and state freedom of information laws.

E. Maintain lists of elected/public officials, community resource persons and location, and news media representatives.

F. Review and approve articles and other materials submitted by Department employees for internal and external publications.

G. Coordinate and respond to National PIO surveys in a timely manner.

H. Coordinate news releases with the Director and release all news stories related to the NDOC, including reportable incidents.

3. Release of Information Regarding Incidents

A. News releases may be made on incidents only after notification is given to the Director, or Deputy Director. For additional information refer to the Department's Administrative Regulation 121.

B. Each news media representative shall be provided with the same basic facts, updating events as necessary.

C. Details of incidents, including nNames of employees or inmates involved in incidents, will not be released to the news media without the specific approval of the Director, or the Deputy Director, except in the instance of an inmate escape.

(1) In the event of an escape, the name of the fugitive inmate shall be released along with identifying information.

(2) In the event of an escape, press associations should be notified ~~first, and as well as~~ individual media. ~~second.~~

(3) Inmate suspects will not be named, except in the case of an escape, until after they have been officially charged. Then, only background information, which is not relevant to the case, ~~can~~ may be released.

(4) The name of an inmate victim ~~can~~ may be released to the press after a member of the family, or the next of kin, is notified

120.03 OTHER MEDIA REPRESENTATIVES

1. Other media representatives consist of persons engaged in the production of documentary films, non-fiction books, or other freelance projects.

2. Requests by other media representatives for access to NDOC institutions/facilities, staff, or offenders will be submitted in writing to the PIO on company letterhead at least two (2) weeks prior to commencement of the project. The following information is required:

A. A description of the media representative's project, including a proposed list of institutions, facilities, offenders, activities, or situations the representative wishes to include in the project.

B. An estimated project completion date and proposed schedule for completing each element involving the Department.

C. A list of major financial contributors to the project.

D. An estimate of time required to complete each element involving the Department.

3. The PIO may reject, in whole or in part, the other media representative's request.

4. Upon a recommendation from the PIO, the Director will approve or reject the request in whole or in part. If access is granted, it will be subject to approval of time, manner and place restrictions as determined by the Director relating to safety, security, discipline and the orderly operation of the ~~prison~~institution/facility.

5. Other media representatives whose projects have been approved by the Director will be regarded as news media representatives for purposes of granting access subject to approval of time, manner and place restrictions as determined by the Director relating to safety, security, discipline and the orderly operation of the ~~prison~~institution/facility.

120.04 MEDIA CONTACTS

1. Authorized media spokespersons consist of the Director ~~of the Department of Corrections~~ /Deputy Director and the Department PIO. No other individual is authorized to speak to the media regarding Departmental issues without the approval of one of them.

2. To accommodate special media requests and to facilitate interest in sharing accurate and timely information with the public, additional staff may be designated as authorized media spokespersons. Staff will first obtain approval from the PIO before engaging in interviews.

3. Any NDOC employee contacted by a news media representative will prepare a Media Contact Report at the earliest opportunity, but no later than 24 hours from the time of contact. The Media Contact Report will consist of an e-mail message containing the following information:

- A. Name of the news media organization.
- B. Date and time of contact.
- C. Brief description of the information or assistance requested.
- D. Brief description of the information or assistance provided.

4. NDOC employees will distribute the Media Contact Report to the PIO with a copy to the employee's immediate supervisor.

5. NDOC employees will inform their supervisor and the PIO of any events that may attract public and/or news interest.

6. Visits from the news media will be coordinated with the PIO.

- A. News media requests for access to the institution/facility for non-incident related stories shall have the prior approval of the Warden.
- B. The Warden may limit the use of video or sound recording devices in sensitive areas.

C. The news media may be allowed access to all program areas of the institution/facility consistent with the safe and orderly operation of the institution/facility. Media will be accompanied by the PIO and the Associate Warden must be present.

D. News media may be restricted from access to institutions/facilities during disruptions, for security purposes or when such visits would be a substantial disruption of operational activities.

120.05 USE OF PRISON FACILITIES

1. Use of institutions, facilities, personnel, inmates or records under the control of the Department, in conjunction with the making of motion pictures, documentaries, radio or television programs (except for news of incidents), the writing of books, magazine articles or syndicated stories may be permitted only with the prior approval of the Director. All use of Department personnel and facilities may be charged at the Department's cost. Payments must be paid in advance to the Department.

2. All movie companies, broadcasters, and writers, including news media who are permitted to enter an institution/facility, will be informed beforehand of institutional security requirements.

3. The security and operation of the institution/facility are paramount.

4. In the event of an unusual circumstance, the work of the news media, moviemakers, broadcasters, and writers may be suspended.

5. All movie companies, must be vetted through the Nevada Film Office.

6. All movie companies, broadcasters, writers, journalists, etc. desiring access to Department institutions must have and show proof of insurance acceptable to the Nevada Department of Insurance prior to entrance.

120.06 RESPONSE TO REQUESTS FOR PUBLIC INFORMATION

1. The following inmate information is public information:

A. Name used by the inmate at the time of the conviction.

B. Department identification number.

C. Current institutional location (except OSC-safe keepers and boarder inmates).

D. Commitment offenses.

E. Time-servingSentence structure.

F. County of commitment.

G. Projected dates of release on parole or discharge.

H. Date of incarceration.

I. Any pending criminal court action on record.

J. Parole board actions.

K. Age, gender, ethnicity

2. The following staff information is public information

A. Name.

B. Work station.

C. Rank.

D. Date of hire/promotion.

E. Salary.

3. Confidential inmate information that shall not be revealed to the public includes, but is not limited to:

A. Expected date/time of movement of inmates.

B. Specific illness, medical, or psychiatric diagnosis.

C. Location or acknowledgement of the presence of an inmate housed in the Department under the auspices of the Interstate Corrections Compact. These requests from media, private persons, or other law enforcement agencies should be referred to the OMD Administrator.

D. The specific location of a Nevada inmate transferred to another state. These requests from media, private persons, or other law enforcement agencies should be referred to the OMD Administrator.

E. Specifics of institutional misconduct. Individual inmate records including, but not limited to, I-files, grievances, medical, mental health, legal documents, inmate institutional behavior records, records covered under HIPAA, and cause of inmate death.

F. Personal information:

(1) Date of birth

(2) Place of birth

(3) Social Security number

G. Any information not listed in 120.06, 1 and 2.

4. Requests for records containing inmate information ~~contained in inmate records~~ will be referred to the Correctional Case Records Manager of the OMD.

5. Photos of inmates, if available, are public information.

A. Information on the back of the inmate photo ID is considered not to be public information except as noted in section 120.06.1 of this regulation.

B. The photo ID will not be retaken for the sole purpose of providing photos to the media.

C. A photo may be faxed or emailed to a member of the media.

6. News Media Inquiries Regarding Inmates

A. Inquiries regarding inmates confined at an institution or facility of the Department, will be answered by ~~institutional staff~~ the PIO in a manner with the standards for confidentiality of inmate records as outlined in Administrative Regulation 569 and this regulation.

B. Correspondence regarding inmates who have been discharged and those on the out-of-state out count may be forwarded to ~~the Offender Management Division~~ OMD for response.

C. Correspondence (regarding inmates on parole) to assist PIO with formulating a response to the media may be forwarded to the Department of Parole and Probation for response.

D. Copies of all correspondence pertaining to an inmates shall be placed in the inmate's Institutional (I-file) maintained by the Department for that inmate.

7. Correspondence Regarding Staff

A. Correspondence regarding staff will be handled in a manner consistent with the standards for Confidentiality of Employee Records as outlined in the Department's Administrative Regulation 308 and this regulation.

8. The Department will charge a fee for making copies of its documents.

A. Law Enforcement Agencies and other State Agencies are exempt from these charges.

B. For the purposes of counting pages, each side of a piece of paper is considered one page.

C. The copying fee for production of Departmental records will be assessed utilizing the per page rate set forth within the NDOC Fee Schedule for Public Records Requests. The fee, if any, charged for the extraordinary use of NDOC personnel or technological resources as a result of the request will also be assessed utilizing the rates set forth within the NDOC Fee Schedule for Public Records Requests.

(1) The copying fee for production of medical records will be assessed utilizing the per page rate set by NRS 629.061.

~~C. The Department will accept personal checks, cash, or money orders for the exact cost of the copying.~~

~~(1) Vendors established with the State of Nevada may request to be billed for the copy service.~~

~~D. The amount of the fee will depend on whether the document is comprised of mixed size papers; whether the document contains other media (such as overhead slides, etc); and whether the document is bound or unbound.~~

~~E. When determining the fee to charge, the person making the copies will examine the document and determine the fee based on the time necessary to make the copies considering the time required to disassemble a bound document and the approximate number of mixed paper sizes. Reasonable costs as allowed by law will be charged.~~

~~(1) The requester will be informed of the fees prior to the copies being made.~~

~~(2) Except for authorized vendors, as stated in section 120.06.8.C above, all fees will be paid in advance.~~

D. The Department shall inform the requester of the amount of the copying fees assessed for production of Departmental records prior to processing the requested records, and provide the requestor with instructions regarding how the fees must be remitted.

(1) If any fees are to be assessed for the extraordinary use of NDOC personnel or technological resources as a result of a request for production of Departmental records that contain inmate information, the Department shall also inform the requestor of the amount of any such fees prior to processing the requested records.

E. The requester must remit a money order or check, payable to “Nevada Department of Corrections,” for the entire and exact amount of the fees assessed prior to the copies Departmental records that contain inmate information and/or medical records being made and/or delivered to the requestor.

F. The NDOC reserves the right to schedule and prioritize copying of Departmental records that contain inmate information and inmate medical records dependent upon department workload.

120.07 APPROVAL OF INMATE MEDIA CONTACTS

1. No member of the media, or public, has a right to a personal, face-to-face, interview or contact with an inmate. The Department reserves the right to determine all circumstances of any interview and the Director's decision is final.

2. Persons authorized to visit the institution/facility and/or inmates will be provided written visit instructions on the Media Visit Information Sheet (see attached DOC form-046). Members of the media who request access to institutions/facilities or inmates for the purposes of interviews or photographs will be referred to the assigned PIO.

3. The PIO will provide the media requesting access to inmates with instructions on how to obtain approval for inmate contacts. These instructions will include direction to:

A. Write to the inmate requesting the interview.

(1) Faxes will not be delivered to the inmate.

(2) Telephone contact with the inmate will not be allowed to initiate the request.

B. If the inmate is pending prosecution or undertaking an appeal of his conviction or sentence, the media must obtain the approval of the inmate's attorney for the interview.

(1) The attorney for the inmate must provide to the Warden written approval for the interview.

(2) If the inmate does not have an attorney, then the media must obtain the written approval of the Director, in consultation with the Attorney General's Office.

4. There will be no contact allowed with the media for safe keepers and boarders.

45. The Warden of the institution/facility where the inmate to be interviewed is housed shall provide for reasonable access between inmates and the communications media, subject ~~only~~ to the limitations necessary to maintain order and security and protect inmates' privacy.

A. The Warden may consult with the PIO, or other administrators of the Department in deciding whether to allow the interview.

B. Inmates who have been identified as being in need of mental health services shall not be allowed to be interviewed.

C. Inmates who are undergoing reception processing shall not be allowed to be interviewed.

D. Inmates who are serving sanctions of disciplinary detention, administrative segregation, or disciplinary segregation shall not be allowed to be interviewed.

E. Interviews shall not be allowed which would result in a significant disruption in operational activities of the institution/facility or Department.

F. The PIO and Wardens may limit the number of persons or amount of equipment entering the institution/facility in support of the interview.

G. The Department does not allow inmate interviews for entertainment purposes.

56. The Department is not responsible for the identification of specific inmate candidates for interviews on issues of interest to the media.

A. Staff shall not seek out inmates to be interviewed.

B. The media shall request to interview specific inmates.

7. Victim Notification. During the approval process for an interview between the media and an inmate, the PIO shall notify the NDOC Victim Services Unit to provide notification to registered victim(s). The Director may take into account the registered victim's comments prior to making a decision on the interview.

68. Executions

A. Upon receiving notice that an execution has been scheduled, the PIO shall determine if the inmate wants to receive requests from the media for interviews. The inmate's written approval is required and must be witnessed by a Department staff member.

B. The PIO shall contact the attorney for the inmate to determine whether he/she will approve media interviews for the inmate. The inmate's attorney's written approval is required at least 60 days prior to the inmate's execution date.

C. If the inmate and the attorney indicate that interviews will be considered, the PIO may make direct contact with the inmate when an interview is requested by a member of the media. This may be done without the required letters indicated in section 120.07.3 above.

D. The inmate and/or NDOC staff can refuse to continue with the interview at anytime prior to or during the interview.

DE. The development of media witnesses for executions is the responsibility of the PIO for the Department of Corrections.

(1) All witnesses of executions must be approved by the Director.

(2) Courtroom artists will not be approved as media witnesses, nor be allowed to witness the execution.

(3) Media witnesses will not be allowed to interview other witnesses to the execution on the prison grounds.

79. Media requests for access to the institution/facility for the purpose of filming or photographing the institution/facility will be forwarded to the ~~Warden~~PIO.

A. Photo opportunities shall not be approved which would result in an undue disruption of operational activities of the institution/facility.

B. Wardens may limit the number of persons or amount of equipment entering the institution/facility in support of the photo opportunity.

120.08 CONDUCT OF MEDIA CONTACTS

1. Prearranged media visits should occur during normal business hours.

2. An appropriate location for the media shall be provided by the Warden, based on the nature of the contact.

3. Members of the media shall be accompanied by the Associate Warden of the institution/facility to ensure compliance with this regulation, and to ensure the security of the media team.

4. Inmates with close or maximum custody will be interviewed in secure locations, and may be in restraints.

5. Interviews or photo opportunities where inmates will be recognized, will not commence until the inmate has signed a release Form DOC 3008. This form will be placed in the inmate's I-File.

6. Inmates who do not wish to be seen in the photo or film will be given an opportunity to withdraw from the area.

7. An inmate and/or NDOC staff may terminate an interview at any time.

8. Media will not be taken to the scene of an ongoing incident in which there is violence or the potential for violence.

9. Wardens shall designate a location for media and the PIO to use during major incidents.

10. If inmate unrest or violence begins to develop or actually occurs during the media contact, then the media team is to be withdrawn from the area immediately.

11. Security activities or features used to contain, control, or recapture inmates will not be discussed with, filmed, or photographed by media. This includes but is not limited to:

A. Escape procedures.

B. Transportation plans or procedures.

C. Tactical plans.

D. Control panels.

12. Only staff authorized by the Director or the Deputy Director may represent the Department during a media event.

13. Impromptu contacts by media with line staff seeking their opinions, comments, or analysis are not permitted.

14. Staff who do not wish to appear in a photo or film will not be photographed.

APPLICABILITY

1. This procedure applies to all Department of Corrections staff.

2. This AR does not require an audit.

~~James G. Cox~~, Director _____

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
122**

**OFFICIAL CORRESPONDENCE
(TEMPORARY)**

Supersedes: AR 122 (Temporary, 04/09/10) AR 122 05/20/10
Effective Date: 8/19/15

AUTHORITY: NRS 209.131

RESPONSIBILITY

All employees of the Department are responsible for the management of official correspondence.

122.01 WRITTEN CORRESPONDENCE

1. All outgoing official correspondence from the Department will be on Department letterhead, properly addressed and promptly distributed.
2. All inbound correspondence to the Department will be promptly distributed.
3. Agency approved computer letterhead templates may be used by accessing the Shared Drive, Form's folder.
 - A. Only employees in positions of Deputy Directors, Division Heads and Wardens may adapt the Department letterhead to include their name and position in the upper right hand corner of the letterhead. The Director may approve exceptions on a case-by-case basis.
 - B. The Department letterhead may be adapted to include the administration, division or institutional addresses in the center area of the letterhead.
4. Official Department stationery is not to be used for any purpose other than authorized official correspondence.
 - A. Inmates are not authorized to handle Department stationery for any purpose.
 - B. Inmates in possession of Department stationery are subject to discipline.
5. All written correspondence to members of the Legislature, elected officials, or Heads of other agencies/departments which is prepared for the Deputy Directors or Division

Head's signature will be copied to the Director for information purposes. Prior approval from the Director is necessary prior to the distribution of such correspondence.

6. A copy of all correspondence prepared for the Director's signature should be provided to the Director's Executive Assistant along with a copy of any backup documentation.

7. Unless specifically authorized to do so, Department employees will not sign on behalf of the Director.

8. A staff member may be designated to sign for other employees in their absence. The staff member will sign their name over the typed name of the Administrator that indicates the staff member has full power to act for the Administrator.

122.02 COMPUTER GENERATED CORRESPONDENCE

1. Computer generated email is authorized for correspondence between all Departmental employees, other Nevada State agencies, and other outside agencies.

2. Staff employing emails shall ensure compliance with AR 141, Information Technology Standards, Controls and Security.

APPLICABILITY

1. This regulation does not require an Operational Procedure.

2. This regulation does not require an audit.



Director



Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
122**

**OFFICIAL CORRESPONDENCE
(TEMPORARY)**

Supersedes: AR 122 (Temporary, 04/09/10) AR 122 05/20/10
Effective Date: ~~05/20/10~~ 08/19/15

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 - A. Inmates are not authorized to handle Department stationery for any purpose.
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2. Staff employing emails shall ensure compliance with AR 141, Information Technology Standards, Controls and Security.

APPLICABILITY

1. This regulation does not require an Operational Procedure.

2. This regulation does not require an audit.

~~REFERENCES: AR 141~~

~~Howard Skolnik~~, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
223**

**INMATE ORGANIZATIONAL FUNDRAISERS
(TEMPORARY)**

Supersedes: AR 223 (05/08/08) and AR 223 3/19/13
Effective Date: 8/21/15

AUTHORITY

NRS 209.131

RESPONSIBILITY

The appointing authorities are responsible to ensure that their employees and inmates comply with this administrative regulation.

223.01 GENERAL

1. Approval to hold a fundraiser must be requested from the Warden and approved by the Deputy Director of Support Services with final approval by the Director or designee.
2. The organization to benefit from the fundraiser must have a 501(c)(3) designation from the Internal Revenue Service or be a Nevada public/charter, elementary or secondary school. The 501(c)(3) designation must be attached to the application.

A. No raffles are permitted per NRS. 462.250

3. A checking account must be established for the receipt and disbursement of funds in the name of the organization holding the fundraiser.
4. Within 30 days of completion of the fundraiser, the inmate group sponsoring the fundraiser must prepare a report to the Deputy Director of Support Services regarding the event. Financial records for the fundraiser are open to inspection/audit by the office of the Inspector General.

223.02 INMATE DEDUCTIONS

1. Monies may be deducted from the inmate's Trust Account or Trust 2 Account.

223.03 PROCEDURES

1. FUND RAISER APPLICATION – (Form DOC-017)

A. Applications must include a copy of the IRS tax status notice or the charity must be listed in the Internal Revenue Service (IRS) publication 78, Search for Exempt Organizations and a copy of the State of Nevada business license, issued by the Department of Taxation. Nevada public/charter, elementary or secondary schools are exempt from this requirement.

B. All purchases must be made through the Inmate Store. The store must be notified of the fundraiser at least 30 days prior to the event.

C. If the Warden approves the application, it must be forwarded to the Deputy Director of Support Services for review.

(1) Application Form DOC 017 will be submitted and approved by the Warden and the Deputy Director 30 days before Inmate Stores creates fundraiser number and begins fundraising process.

(2) Nevada Inmate Stores Systems (NISS) will have 30 days before the fundraising event and after completion of Fundraiser sales to report and distribute supporting documentation to Inmate Services.

D. Incomplete applications will be returned to the Warden who originally approved the application.

E. Upon completed review, the Deputy Director of Support Services will forward the application to the Director or designee for approval.

(1) The Director/Designee will approve or disapprove the application.

(2) If the application is not approved, it will be returned to the Warden who originally approved the application.

F. If the application is approved, the Director/Designee will forward the application to the Chief of Inmate Services.

2. COMPLIANCE

A. Inmate Services will forward a copy of the approved application to the Warden who will contact the staff sponsor to advise them of the approval.

B. Each institution/facility may conduct a maximum of two (2) fundraisers per organization per calendar year to benefit a 501(c)(3) organization.

C. Each institution/facility may conduct one(1) fundraiser each year with the sole purpose of raising funds to maintain or repair gym equipment for the institution/facility.

3. NEVADA INMATE STORE SYSTEM (NISS) DOC 517 APPROVAL

A. No fund raisers will be operated or conducted through any of the State's funds or accounts.

B. Monies will be deducted from the inmate's trust account or trust 2 account via a store purchase on a DOC 517 within the min. max quantities as approved by the institution at established incremental rates.

C. The amount withdrawn from the inmate's trust account or trust 2 account shall be limited to purchase a reasonable quantity for the inmate's own personal use and not to purchase for other inmates unless approved, in writing, by the Director/Designee.

4. NEVADA INMATE STORE SYSTEM (NISS) DOC 517 FORM TRANSMITTAL

A. Inmates should only submit one DOC 517 form for each fundraiser.

B. Inmate Stores shall provide Inmate Services a printed batch report of inmate fundraiser purchases for fundraiser by inmate number.

C. The printed batch report for the fundraiser will be sent weekly and received at Inmate Services at least two weeks prior to the event or when the check(s) and participation lists are required.

D. A check will only be issued to the 501(c)(3) organization. Payment of invoices for the items purchased will be issued from 501(c)(3) organization. A refund check for remaining balance may be issued based on calculations. A list of participating and non-participating (NSF) inmates along with the check(s) will be forwarded to or picked up by the institution/facility staff sponsor. The staff sponsor will be responsible for notifying inmates of their participation status.

E. A fifteen percent (15%) administration fee will be charged on the Net Profits of the fundraiser.

(1) Initially, 15% will be deducted from the Net Revenue (gross proceeds) prior to issuing the check(s), which will be held pending receipt of a financial report outlining the allocation of funds, including Net Revenue, Expenses and Net Profits.

(2) The financial report will be sent to Inmate Services within 30 days of completion of fundraiser and shall have copies of receipts and checks attached for all expenses incurred that are directly related to the fund raiser.

(3) Upon review of the report and related receipts/checks, the 15% administrative fee will be re-calculated from the Net Profits and the difference between the amount withheld and the re-calculated amount will be forwarded to the organization.

(4) Inmate Services may retain the initial 15% deduction if financial reports are not received within 30 days of the date the fundraiser event is held.

EXAMPLE:	
100 participants at \$10.00 each = Net Revenue	\$1,000.00
15% initial Admin Fee withheld from Net Revenue	(\$150.00)
Initial check issued	\$850.00
Financial Report:	
Net Revenue	\$1,000.00
Fund Raiser Expenses (food, supplies, etc. Do <u>not</u> include payment to charities)	(\$200.00)
Net Profits	\$800.00
15% Admin Fee from <u>Net Profits</u>	\$120.00
Initial Admin Fee withheld from Net Revenue	\$150.00
Less Admin Fee from Net Profits	(\$120.00)
Difference owed to organization	\$30.00

F. The Director/designee may, in writing, designate a statewide fundraiser and exempt the 15% deduction.

G. All donations are final. Refunds will **NOT** be granted unless the organization must cancel the event at no fault of the inmates.

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.



 James G. Cox, Director



 Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
223**

**INMATE ORGANIZATIONAL FUNDRAISERS
(Temporary)**

Supersedes: AR 223 (05/08/08) and AR 223 (~~Temporary, 02/06/13~~)3/19/13
Effective Date: ~~03/19/13~~8/21/15

AUTHORITY

NRS 209.131

RESPONSIBILITY

The appointing authorities are responsible to ensure that their employees and inmates comply with this administrative regulation.

223.01 GENERAL

1. Approval to hold a fundraiser must be requested from the Warden and approved by the Deputy Director of Support Services with final approval by the Director or designee.
2. The organization to benefit from the fundraiser must have a 501(c)(3) designation from the Internal Revenue Service or be a Nevada public/charter, elementary or secondary school. The 501(c)(3) designation must be attached to the application.
 - A. No raffles are permitted per NRS. 462.250
3. A checking account must be established for the receipt and disbursement of funds in the name of the organization holding the fundraiser.
4. Within 30 days of completion of the fundraiser, the inmate group sponsoring the fundraiser must prepare a report to the Deputy Director of Support Services regarding the event. Financial records for the fundraiser are open to inspection/audit by the office of the Inspector General.

223.02 INMATE DEDUCTIONS

1. Monies may be deducted from the inmate's Trust Account or Trust 2 Account.

223.03 PROCEDURES

1. FUND RAISER APPLICATION – (Form DOC-017)

A. Applications must include a copy of the IRS tax status notice or the charity must be listed in the Internal Revenue Service (IRS) publication 78, Search for Exempt Organizations and a copy of the State of Nevada business license, issued by the Department of Taxation. Nevada public/charter, elementary or secondary schools are exempt from this requirement.

B. All purchases must be made through the Inmate Store. The store must be notified of the fundraiser at least 30 days prior to the event.

C. If the Warden approves the application, it must be forwarded to the Deputy Director of Support Services for review.

(1) Application Form DOC 017 will be submitted and approved by the Warden and the Deputy Director 30 days before Inmate Stores creates fundraiser number and begins fundraising process.

(2) Nevada Inmate Stores Systems (NISS) will have 30 days before the fundraising event and after completion of Fundraiser sales to report and distribute supporting documentation to Inmate Services.

D. Incomplete applications will be returned to the Warden who originally approved the application.

E. Upon completed review, the Deputy Director of Support Services will forward the application to the Director or designee for approval.

(1) The Director/Designee will approve or disapprove the application.

(2) If the application is not approved, it will be returned to the Warden who originally approved the application.

F. If the application is approved, the Director/Designee will forward the application to the Chief of Inmate Services.

2. COMPLIANCE

A. Inmate Services will forward a copy of the approved application to the Warden who will contact the staff sponsor to advise them of the approval.

B. Each institution/facility may conduct a maximum of two (2) fundraisers per organization per calendar year to benefit a 501(c)(3) organization.

C. Each institution/facility may conduct one(1) fundraiser each year with the sole purpose of raising funds to maintain or repair gym equipment for the institution/facility.-

3. NEVADA INMATE STORE SYSTEM (NISS) DOC 517 APPROVAL

A. No fund raisers will be operated or conducted through any of the State's funds or accounts.

B. Monies will be deducted from the inmate's trust account or trust 2 account via a store purchase on a DOC 517 within the min. max quantities as approved by the institution at established incremental rates.

C. The amount withdrawn from the inmate's trust account or trust 2 account shall be limited to purchase a reasonable quantity for the inmate's own personal use and not to purchase for other inmates unless approved, in writing, by the Director/Designee.

4. NEVADA INMATE STORE SYSTEM (NISS) DOC 517 FORM TRANSMITTAL

A. Inmates should only submit one DOC 517 form for each fundraiser.

B. Inmate Stores shall provide Inmate Services a printed batch report of inmate fundraiser purchases for fundraiser by inmate number.

C. The printed batch report for the fundraiser will be sent weekly and received at Inmate Services at least two weeks prior to the event or when the check(s) and participation lists are required.

D. A check will only be issued to the 501(c)(3) organization. Payment of invoices for the items purchased will be issued from 501(c)(3) organization. A refund check for remaining balance may be issued based on calculations. A list of participating and non-participating (NSF) inmates along with the check(s) will be forwarded to or picked up by the institution/facility staff sponsor. The staff sponsor will be responsible for notifying inmates of their participation status.

E. A fifteen percent (15%) administration fee will be charged on the Net Profits of the fundraiser.

(1) Initially, 15% will be deducted from the Net Revenue (gross proceeds) prior to issuing the check(s), which will be held pending receipt of a financial report outlining the allocation of funds, including Net Revenue, Expenses and Net Profits.

(2) The financial report will be sent to Inmate Services within 30 days of completion of fundraiser and shall have copies of receipts and checks attached for all expenses incurred that are directly related to the fund raiser.

(3) Upon review of the report and related receipts/checks, the 15% administrative fee will be re-calculated from the Net Profits and the difference between the amount withheld and the re-calculated amount will be forwarded to the organization.

(4) Inmate Services may retain the initial 15% deduction if financial reports are not received within 30 days of the date the fundraiser event is held.

EXAMPLE:	
100 participants at \$10.00 each = Net Revenue	\$1,000.00
15% initial Admin Fee withheld from Net Revenue	(\$150.00)
Initial check issued	\$850.00
<u>Financial Report:</u>	
Net Revenue	\$1,000.00
Fund Raiser Expenses (food, supplies, etc. Do <u>not</u> include payment to charities)	(\$200.00)
Net Profits	\$800.00
15% Admin Fee from <u>Net Profits</u>	\$120.00
Initial Admin Fee withheld from Net Revenue	\$150.00
Less Admin Fee from Net Profits	(\$120.00)
Difference owed to organization	\$30.00

F. The Director/designee may, in writing, designate a statewide fundraiser and exempt the 15% deduction.

G. All donations are final. Refunds will **NOT** be granted unless the organization must cancel the event at no fault of the inmates.

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.

James G. Cox, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
258**

**INMATE FISCAL PROCEDURES
(TEMPORARY)**

Supersedes: AR 258 (09/16/14)
Effective Date: 07/09/15

AUTHORITY

NRS: 120.A, 209.131, 209.221, 209.225, 209.241, 209.425, 209.246, 209.247, 209.2475, 209.459, 209.461, 209.4615, 209.463, 209.511, 353C

RESPONSIBILITY

1. The institutional Wardens/Facility Managers are responsible for the operation of inmate work programs.
2. Inmate Banking Services (IBS) is responsible for the administration of fiscal procedures to provide for the receipt of all inmate funds, process appropriate deductions from inmate funds, and all other associated inmate banking services.

258.01 PRISONERS' PERSONAL PROPERTY FUND (PPF)

1. The PPF is divided into four parts as follows:

A. Primary Trust Account

(1) From the PPF account, the Director/designee may permit withdrawals for immediate expenditures by the inmate for personal needs and the Department shall pay to an inmate any remaining balance in the account upon the inmate's release after appropriate deductions have been made.

(2) Upon the death of an inmate, any remaining funds, after appropriate deductions have been made, shall be paid pursuant to the Department's Administrative Regulation 420.

(3) Wages earned prior to death will be subject to Department charges and other deductions. Funds received after death from friends and family shall be returned to the sender.

(4) Any remaining balance in the Primary Trust Account upon release is subject to appropriate deductions as detailed in Department rules and regulations and in state and federal statutes.

B. Trust 2 Account

(1) Trust 2 Account shall include any funds exempt from statutory deductions upon receipt. Examples are Gift Coupon funds, tort claims paid to inmates and canteen refunds.

(2) These funds are for the inmate's personal use. An inmate may spend funds from this account, so long as it is legal and within the guidelines of the Department's rules and regulations. Examples are store purchases and Inmate Account Transaction Requests, DOC-509 (brass slips).

(3) Funds remaining in a Trust 2 Account shall be paid to the inmate upon release after all debts owed to the Department are paid.

C. Trust 3 Account

(1) Trust 3 Account shall include any funds exempt from statutory deductions upon receipt. Examples include some VA benefits and some Indian tribe settlements.

(2) These funds are for the inmate's personal use. An inmate may spend funds from this account, so long as it is legal and within the guidelines of the Department's rules and regulations. Examples are store purchases and Inmate Account Transaction Requests, DOC-509 (brass slips).

(3) Funds remaining in a Trust 3 Account shall be paid to the inmate upon release.

D. Savings Account

(1) The Director may designate a percentage to be deducted from funds received by an inmate to be placed in the inmate's individual Savings Account.

(2) This Account exists so an inmate may have funds upon release and funds are available to defray Department costs upon the inmate's death.

(3) Once the \$400.00 balance, determined by the Director, is reached and maintained, the savings deduction will no longer occur, except for inmates located at Casa Grande Transitional Housing (CGTH) or at Northern Nevada Restitution Center (NNRC), where there is no limit to the Savings Account balance. The procedure to withdraw from a Savings Account of inmates who were at CGTH or NNRC and were returned to other Department sites will be the same as outlined in this section.

(4) Withdrawals from a Savings Account are permitted during incarceration only with the approval of the Director/Designee through the use of an Inmate Savings Withdrawal Request (DOC-515).

(5) Funds remaining in a Savings Account shall be paid to the inmate upon release after all debts owed to the Department are paid.

(6) Boarders and safe keepers are exempt from the savings deduction.

(7) Upon approval of the Director, charitable contributions to 501(c)(3) organizations may be deducted.

(8) The Director has approved withdrawals from savings to obtain a copy of a birth certificate for identification purposes.

1. Any funds that cannot be processed through the lockbox procedure due to circumstances beyond the Department's control shall be placed on a check log and posted to the inmate's PPF account as indicated in section 258.10. Exceptions shall be processed through Inmate Banking Services (IBS) as indicated in section 258.10.

2. All funds received on behalf of an inmate shall be deposited into the inmate's individual account(s) in the PPF.

3. Any person who aids or encourages any inmate not to deposit all funds, which the inmate receives, into the inmate's individual account in the PPF as required in this section is guilty of a gross misdemeanor per NRS 209.221.

258.02 OFFENDERS' STORE FUND (OSF) MONTHLY REPORT

1. All funds received for the benefit of inmates through contributions and from other sources not otherwise required to be deposited in another fund, must be deposited into the OSF. Cash and other negotiable instruments confiscated from inmates will be placed into the Inmate Welfare Fund (IWF).

2. The OSF monthly reports will be submitted by Inmate Banking Services (IBS) to the Wardens/Facility Managers and shall include:

A. A Copy of the current month's Summary Budget Report (BSR-BBLS), Budget Status Receipts/Funding (BSR-Report-Obligations (BSR-BCLS).

B. The Notification of Deductions (DOC-542).

C. The advisement of Debts Owing to the Department of Corrections (DOC-540).

3. IBS will be responsible for the distribution of OSF monthly reports and will include a Certificate of Receipts/Posting of OSF Monthly Reports (form DOC-014) in the distribution.

Each Warden/Facility Manager will be responsible for providing the information for inmate access providing proof that the monthly OSF reports have been posted. Once the DOC-014 is completed, the form with the original signatures of the Warden/Facility Manager will be returned to IBS as soon as possible.

258.03 INMATE EMPLOYMENT

1. No inmate has a right to employment and the Department has no obligation to employ an inmate.

2. All inmates approved for inmate work programs must provide a valid Social Security Number (SSN) and execute any agreement forms required by the specific program in which the inmate will work. Inmates who do not have a verified SSN are not permitted to work for pay until a SSN is obtained and verified through Social Security.

A. During intake, all inmates shall complete an Inmate Employment Fiscal Agreement (Form DOC-533).

B. The fiscal agreement shall be completed in duplicate.

(1) The original copy shall be placed in the inmate's Institutional file (I-file).

(2) A copy shall be given to the inmate.

C. Regardless of the inmate's agreement to sign the fiscal agreement, the Department is permitted to take deductions from the inmate's wages per NRS 209.461.

D. Prior to the first day of work, the classification committee shall verify that the inmate has been given the opportunity to review the fiscal agreement.

E. Only one fiscal agreement shall be completed during the inmate's incarceration period, unless the form is revised, requires updating, or the original cannot be located. Inmates located at Casa Grande Transitional Housing (CGTH) and Northern Nevada Restitution Center (NNRC) shall complete the Inmate Employment Fiscal Agreement (DOC-3525) upon entry into the program.

F. Inmates who refuse to sign the fiscal agreement cannot work in any private sector operation. Federal requirements include proof of voluntary participation and this form meets that requirement.

3. Inmates must be notified prior to working of all deductions that may be taken from their wages.

A. A Notification of Deductions, DOC-542, shall be given to the inmate upon intake.

- B. The Notification of Deductions shall be posted with the OSF monthly report in areas of the institutions accessible to inmates.
 - C. The fiscal agreement shall note the statute number NRS 209.463 authorizing the Department to take specific deductions.
4. An inmate shall obtain the approval of the Director/designee before the inmate:
- A. Engages in any employment, which includes, but is not limited to, employment by a private employer or self-employment except in approved Prison Industries (PI).
 - B. Enters into a contract.
 - C. Participates in a business activity other than approved PI or hobby craft.
5. The Director/designee has sole discretion to approve or disapprove employment, contractual activity or business activity and may withdraw approval at any time pursuant to NRS 209.4615.
6. Any inmate who is employed by a private employer shall:
- A. Deposit income from such employment in the inmate's individual account in the PPF.
 - B. Provide the Director/designee with a copy of all of the inmate's federal income tax returns, reports and withholding forms when they become available to the inmate. Collection of inmate income is outlined in the Operational Procedures (OP) at the NNRC and CGTH facilities.
 - C. Upon request, provide the Director/designee with a record of any of the inmate's accounts including, but not limited to, any checking, savings, investment or brokerage firm account.
7. Inmates must sign a release allowing the employer to provide information to the Director/designee.
8. Upon the request of the Director/designee, a private employer who employs any inmate shall:
- A. Provide the Director/designee with monthly statements accounting for all wages the employer paid to any inmate.
 - B. Provide the Director/designee with any additional information requested concerning the employment of any inmate.

258.04 INVESTMENT AND DISTRIBUTION OF OSF INCOME

1. The OSF funds will be deposited with the State Treasurer for investment.

2. The interest and income earned upon the OSF must be credited to the fund and may be disbursed as authorized by the Legislature.

258.04 INMATE PAYROLL

1. Inmate wages and payrolls shall be recorded by the institution/facility by the second working day following the month of employment. Inmate payroll shall be submitted monthly to Inmate Banking Services (IBS) and received by IBS by the fifth working day following the month of employment to allow for timely posting. Exceptions include:

A. PI has a variety of payroll periods resulting from private sector operations.

(1) Forms to report individual payrolls will be developed by PI.

(2) Private sector industries' payroll will be included in this procedure.

B. Nevada Division of Forestry has incident payrolls and sends them via email during the middle of the month following the month of employment.

C. The Northern Nevada Restitution Center (NNRC) and Casa Grande Transitional Housing (CGTH) have weekly and bi-weekly payrolls, which are submitted at various times of the month.

2. IBS shall post the payroll as soon as practical after receipt.

A. The reporting period for all inmate payrolls, except as noted in section 258.05.1, shall be from the first day of the previous month to the last day of the previous month.

B. Inmate payrolls paid with a personal check, business check, etc., shall not be available until the check has cleared the bank. Clearing time can take up to fourteen (14) calendar days from the posting date of the payroll. Applicable deductions will not be taken until the payroll is available on the inmate account. The exception to this will be any payroll funded by a Nevada State agency (Advantage, Journal Vouchers, or billing claims). These exceptions should be posted within three business days of receipt.

C. Tracking of deposit receipts, billing claims or journal vouchers shall be completed daily with the State of Nevada Accounting System.

D. Posting delays can occur, which include but are not limited to, incorrectly calculated payrolls, missing names or identification numbers, or unauthorized payrolls. If any legitimate delay occurs, the payroll or check log shall be returned to the originator for correction. Payroll and check logs should be given priority over all other postings.

258.06 INMATE DEDUCTIONS FROM WAGES

The Director/designee shall establish by regulation criteria for a reasonable deduction from money credited to an inmate's account in the inmate's individual account in the PPF to repay or defray the costs assessed to an inmate pursuant to NRS 209.246. These deductions will be in order of priority as set forth within NRS 209.463 and in accordance with the federal regulations governing private sector involvement in Prison Industries.

1. Hourly wage is equal to or greater than minimum wage (for inmates at CGTH and NNRC locations, see section 258.06.3):

- A. 5% for credit to the Victims of Crime Fund for the compensation of Victims of Crime.
- B. 20% for any existing obligation of the inmate for the support of his/her family.
- C. 20% of each inmate's payroll to his/her individual account in the inmate's PPF or toward a court ordered filing fee, whichever is applicable.
- D. An amount to offset the cost of maintaining the inmate in the institution:
 - (1) 24.5% for room and board
 - (2) 29.5% for room and board for PI inmates (24.5% for room and board, 5% for PI)
- E. 50% for costs incurred by the Department on behalf of the inmate per NRS 209.246. At the time any charges pursuant to NRS 209.246 are posted to the inmate account, including but not limited to monetary sanction/restitution under the AR 707, 50% of the Trust Account may be taken as the initial payment. All restitution costs are subject to change from the original amount due to receipt of additional billings not known at the time of assessment. An inmate's Trust Account may be frozen and monetary sanctions/restitution ordered for violations of AR 707.
- F. 10% for credit to the inmate's Savings Account. After the Savings Account reaches \$400.00, this deduction will stop with the exception of CGTH and NNRC inmates who will continue to accrue 10% of their payrolls into their respective Savings Accounts.
- G. 20% for any existing obligation of the inmate to pay court ordered restitution to his/her victim. This deduction is in addition to the 5% taken for Victims of Crime Fund as stated in section 258.06.1.A.
- H. 1% to pay the balances of any fee imposed on the inmate for genetic marker testing, drug tests, or other fees per NRS 176.0915.
- I. 1% for any existing obligations of the inmate for court ordered administrative assessments for any crime committed within this state.
- J. 1% for any existing obligation of the inmate for court ordered fines for any crime committed within this state.

2. Hourly wage is below minimum wage:

- A. 5% for credit to the Victims of Crime Fund for the compensation of Victims of Crime.
- B. 20% of each inmate's payroll to his/her individual account in the PPF or toward a court ordered filing fee, whichever is applicable.
- C. An amount to offset the cost of maintaining the inmate in the institution:
 - (1) 24.5% for room and board
 - (2) 29.5% for room and board for PI inmates (24.5% for room and board, 5% for PI)
- D. 50% for costs incurred by the Department on behalf of the inmate per NRS 209.246. At the time any charges pursuant to NRS 209.246 are posted to the inmate account, including but not limited to monetary sanction/restitution under AR 707, 50% of the Trust Account may be taken as the initial payment. All restitution costs are subject to change from the original amount due to receipt of additional billings not known at the time of assessment. An inmate's Trust Account may be frozen and monetary sanctions/restitution ordered for violations of AR 707.
- E. 10% for credit to the inmate's Savings Account. After the Savings Account reaches \$400.00, this deduction will stop with the exception of CGTH and NNRC inmates who will continue to accrue 10% of their payrolls into their respective Savings Accounts.
- F. 1% to pay the balances of any fee imposed on the inmate for genetic marker testing, drug tests, or other fees per NRS 176.0915.
- G. Once the deductions, in order of priority, exhaust the available funds, the deductions will stop.

3. CGTH and NNRC:

- A. 5% for credit to the Victims of Crime Fund for the compensation of Victims of Crime.
- B. 20% of each inmate's payroll to his/her individual account in the inmate's PPF or toward a court ordered filing fee, whichever is applicable.
- C. An amount to offset the cost of maintaining the inmate at CGTH or NNRC. After 45 days, if an inmate is unemployed, the evaluation team will review the inmate's case to determine if a suitable program exists to enroll the inmate or if employment should continue to be sought. No later than 60 days from arrival, the inmate will be suitably employed, enrolled in an appropriate program, or transferred to another Department location.
 - (1) 45% for room and board NNRC.

(2) 55% for room and board at CGTH.

(3) At no time will the amount taken for room and board exceed the legislative budgeted amount per NRS 209.247. CGTH offers additional programs and is more expensive to operate than NNRC.

D. 10% for credit to the inmate's Savings Account.

E. 20% for any existing obligation of the inmate to pay court ordered restitution to his/her victim. This deduction is in addition to the 5% taken for Victims of Crime Fund as stated in section 258.06.3.A.

F. 1% to pay the balances of any fee imposed on the inmate for genetic marker testing, drug tests, or other fees per NRS 176.0915.

G. 1% for any existing obligations of the inmate for court ordered administrative assessments for any crime committed within this state.

H. 1% for any existing obligation of the inmate for court ordered fines for any crime committed within this state.

I. Once the deductions, in order of priority, exhaust the available funds, the deductions will stop. Deductions are based on the declining balance of the gross amount of payroll.

J. Inmates at CGTH and NNRC who are enrolled in the Educational/Vocational Program (EVP) and work for a private employer will be subject to payroll deductions per AR258.06.1.

258.07 INMATE DEDUCTIONS FROM ANY SOURCE OTHER THAN WAGES

The Director/designee may make the following deductions, in the following order of priority, as set forth in NRS 209.247, from any money deposited in an inmate's individual account in the PPF from any source other than wages.

1. 50% for costs incurred by the Department on behalf of the inmate per NRS 209.246. At the time any charges pursuant to NRS 209.246 are posted to the inmate account, including but not limited to monetary sanctions/restitution under AR 707, 50% of the Trust Account may be taken as the initial payment. All restitution costs are subject to change from the original amount due to receipt of additional billings not known at the time of assessment. An inmate's Trust Account may be frozen and monetary sanctions/restitution ordered for violations of AR 707.

2. 10% for credit to the inmate's account. After the Savings Account reaches \$400.00, this deduction will stop with the exception of CGTH and NNRC inmates who will continue to accrue 10% of their deposits into their respective Savings Accounts.

3. 20% towards a court ordered filing fee, if applicable

258.08 JUDGMENT OF CONVICTION (JOC)

During an inmate's incarceration in the NDOC, 20% of the balance in the trust account will be taken as initial payment for items listed in sections 258.06.1.G-J, 258.06.2.F, and 258.06.3.E-H - fines, administrative assessments, fees, restitution or any other amounts ordered by the JOC to be collected from the inmate. The initial payment will be applied in order of priority of the deductions until 20% of all have been satisfied or the available funds in the inmate's Trust Account have been exhausted, whichever occurs first.

258.09 INMATE DEPOSITS

1. Deposits to inmate accounts shall be made through the Lockbox or Department-approved money transfer service when applicable. The institution/facility designee may download Lockbox coupons from the NDOC website under Inmate Banking Services (IBS). Gift coupons will be ordered by IBS and shipped to the institutions and facilities.
2. The institution/camp/restitution designee shall distribute the coupons to the inmates.
3. Inmates may send the coupons to friends and relatives of their choice.
4. Coupons may also be obtained by family or friends through the Department's website (<http://www.doc.nv.gov/>) by clicking on Inmate Information, clicking on Inmate Banking Services, and then clicking on Inmate Deposit Coupon.
5. Coupons sent to the friend/relative (sender) shall be filled out in its entirety and sent with the money order or cashier's check to the bank lockbox address indicated on the coupon.
6. The lockbox and money transfer service will send a report listing all deposits to IBS daily.
7. IBS shall post the deposits to the inmate's applicable account retaining the reports for accounting records.

258.10 INMATE DEPOSIT EXCEPTIONS

1. Inmate Check/Cash Logs shall be considered negotiable instruments, maintained in a locked security controlled area and completed and processed with the same security precautions as cash.
2. Inmates shall never have access to check/cash log forms.
3. The only inmate funds to be accepted by any institution/facility or Inmate Banking Services (IBS) staff are money orders and cashier checks in U. S. dollars only, no foreign funds will be accepted. Cash, personal checks and other money forms shall be returned to the sender. Exceptions to these are:

A. Internal Revenue Service (IRS) Checks – IRS checks received at the institution/facility solely in the name of an incarcerated inmate will not be deposited at any institution that makes their own deposits. These IRS checks shall be forwarded to IBS where the check will be held pending verification with the IRS as to valid funds. If the IRS will not validate the check, the check shall be returned to the IRS. The Inspector General’s Office (IG) will be notified by Inmate Banking Services when this occurs and advise them of the reason for the return.

B. Northern Nevada Restitution Center (NNRC) and Casa Grande Transitional Housing (CGTH) inmates who qualify for stipends are the only inmates permitted to have cash.

C. Intake funds from newly incarcerated inmates will be transmitted from the sending jurisdiction to IBS, using United States Postal Service by first class mail.

D. Any funds, due the inmate, that is beyond the control of the Department and cannot be processed through the Lockbox procedure.

E. Cash found on an inmate shall be confiscated and placed on a separate check log, deposited in the bank and the proper documents forwarded to IBS which shall place the amount in the IWF. The check log must clearly state “Confiscated Cash.”

F. If cash is confiscated as a result of suspected criminal activity the IG’s office will be notified. An Inspector will be required to take possession of the confiscated cash as part of the ensuing investigation. A receipt will be prepared for the amount of cash confiscated. The staff member releasing the cash and the inspector receiving it will both sign the receipt. The original will be given to the IG’s office and copies will be sent to IBS and Central Office Accounting.

4. The mail officer at each institution shall return all unauthorized funds to the sender by the next business day.

5. Preparation of check/cash logs is a function of the designated receiver.

6. Funds received and accepted by the institution shall be deposited at least weekly. Copies of the deposit slips and all check/cash logs shall be forwarded to IBS by the next business day for processing. IBS shall post the monies to the inmate’s individual account in the PPF as soon as practical.

7. Due to increased counterfeit activity, funds from ALL money orders and cashier’s checks will be available to the inmate fourteen (14) calendar days from the posting date.

258.11 INMATE OUTSIDE ACCOUNTS

1. All requests for inmate outside accounts must be approved by the Director/designee.

2. Inmates must choose a person from the community to handle bank transactions before obtaining an outside checking, savings or investment account.
 - A. This person will be a non-inmate member on the account and will be responsible for making all outside transactions.
 - B. The inmate will not correspond directly with the financial organization concerning the account. The non-inmate member on the account must handle all correspondence.
 - C. The Department will not be responsible for any outside transactions.
 - D. Any exceptions to paragraphs 1 and 2 above require the approval of the Director/designee.
3. Inmates who desire to open an outside account will be responsible for gathering information regarding accounts from the financial organization of his/her choosing.
 - A. The Department will not supply information regarding interest rates or other pertinent information for any financial organization.
 - B. Any monies the inmate sends to the outside account will be through the Inmate Account Transaction Request DOC - 509 (brass slip) procedures.
 - (1) The inmate will fill out the brass slip made payable to the non-inmate member on the outside account.
 - (2) The brass slip must have the signature of the inmate and the person authorized by the Warden/Designee to sign brass slips.
 - (3) The inmate will send the brass slip with a stamped, addressed envelope to Inmate Banking Services.
 - (4) The non-inmate member will deposit all funds in the outside account and will handle any other banking transaction necessary.
4. The non-inmate member will send to the inmate all funds requested by the inmate from the outside account in the form of a cashier's check or money order following the lockbox procedure. The inmate is prohibited from contacting the bank directly and asking for money from his account.
5. All funds sent to the inmate from the non-inmate member will be deposited in the inmate's individual account in the PPF.
6. Inmates are not permitted to have a checkbook or savings passbook in their possession while incarcerated in the Nevada Department of Corrections (NDOC). Non NDOC issued debit cards,

credit cards or any other instrument used to access outside accounts are likewise not permitted. Inmates who arrive at the NDOC with any of these instruments in their possession must send the instrument to an outside individual of their choice or the instrument will be placed in the inmate's restricted personal property.

7. Upon the request of the Director/designee, inmates will provide copies of records of bank accounts, including but not limited to, checking accounts, savings accounts, investment accounts, or accounts with brokerage firms.

8. All inmates who are employed by private employers will provide the Director/designee a copy of all federal income tax returns, reports and withholding forms when they become available to the inmate.

258.12 TRANSFER OF INMATE FUNDS

1. No funds may be transferred from one inmate to another regardless of whether the inmates are located in state, out of state, or closely related, without the approval of the Director/designee.

2. All Inmate Account Transaction Requests, DOC-509 (brass slips), shall be approved by the Warden, Facility Manager, or their designee.

A. A list of all personnel authorized by the Warden to review and approve brass slips and samples of their signatures shall be sent to IBS on a yearly basis no later than January 31.

B. The signature list shall be updated whenever a change of personnel occurs. Updated authorized signature lists approved by the Warden/Facility Manager or designee shall be forwarded to IBS as often as the list is updated.

C. The Warden shall sign the list indicating approval of the authorized signatures.

D. IBS shall compare signatures of brass slips against the authorized signature list before processing.

E. Brass slips, which do not appear to be signed by an authorized signature, will not be honored and will be returned to the Warden/designee by IBS.

F. Internal procedures for IBS contain a number of additional confidential safeguards for the handling of brass slips and shall be changed periodically as needed.

3. Except for Department charges, store orders, and medical/dental co-payments, the inmate shall prepare the necessary brass slips for each deduction from the inmate's individual account in the PPF.

4. All brass slips submitted to IBS shall conform to the following:

- A. An inmate initiates a brass slip by completing it in its entirety, including date, dollar amount, payee or purpose, signature, printed name, ID number (back number) and institution.
- B. A stamped addressed envelope shall be attached to all brass slips for checks sent to the outside.
- C. The inmate shall submit the brass slip to an approving authority who can verify that the signature is that of the inmate.
- D. If the signature can be verified, the brass slip is fully completed and the transaction is legitimate, the approving authority shall give the inmate a copy and then sign the brass slip.
- E. Inmates will never possess a copy of a fully executed brass slip. Brass slips containing authorized signatures must never be returned to an inmate.
- F. All brass slips shall be accumulated daily, and forwarded to the Warden, Facility Manager, or their designee, who will review the brass slips for approval or disapproval.
- G. Any disapproved brass slips shall not be processed and the contents attached will be returned to the inmate with an explanation of why the brass slip will not be processed.
- H. The approved brass slips will be forwarded to IBS with a cover memo on Department letterhead signed by an authorized signer and identifying the quantity of brass slips.
- I. Any brass slips not processed by IBS will be voided. The contents attached will be returned to the inmate with a memo denoting the reason it will not be processed and a copy will be placed into the inmate's banking file.

258.13 INMATE FISCAL INQUIRY PROCEDURE

1. An inmate inquiry regarding his/her account must be made utilizing an Accounting Inquiry [Form DOC-544 (kite)]. Inquiries not on the correct form may be returned to the inmate without a response from IBS.
2. An inmate must complete a kite, attach any documentation available and forward it to his/her caseworker.
 - A. A caseworker will review the inquiry and determine if it can be resolved at the local level.
 - B. Simple accounting inquiries such as deposit or payroll postings may be resolved by e-mailing IBS staff; otherwise the inquiry is to be signed by the caseworker and sent to IBS for resolution. Inquiries not signed may be returned to the inmate without a response from IBS.
 - C. IBS will answer the inquiry based upon the facts and thorough research. A copy of the inquiry and related response will be placed in the inmate's file in IBS.

D. If IBS is unable to answer the inquiry, the original will be forwarded for response to the Division to which the inmate's question applies. Notification of this action will be sent to the inmate. A copy of the inquiry, copies of all pertinent documentation and a copy of the notification will be placed in the inmate's file in IBS.

3. Any accounting inquiry concerning information considered stale dated (over 180 days old) will not be acted upon and will be returned to the inmate.

4. If an inmate is requesting copies of, but not limited to, cancelled checks, brass slips, kites, and statements older than the current month's period, the inmate will be charged \$2.00 for each copy. Inmate statements are sent out after month end so some leeway will be considered to allow for mail time before a charge is assessed. For copies of cancelled checks older than 90 days, the inmate will incur a bank charge of \$10.00 per check. A kite and a brass slip must accompany a copy request, both signed by the inmate and an authorized Department representative pursuant to section 258.12.2. If an inmate does not have sufficient funds to cover the cost, the inmate will be notified that his/her request was denied.

5. If an inmate receives a deposit to his account and the funds are returned for various reasons, including, but not limited to; stop payments, non-sufficient funds or closed accounts, the sender will be charged \$25.00 for each returned check.

6. If an inmate requests a stop payment on a check issued from the inmate's account, the inmate must submit a kite and a brass slip in the amount of \$7.50 to cover the cost charged to the Department for stop payments. If the inmate does not have sufficient funds to cover the charge, the inmate will be notified his/her request was denied.

7. Brass slips submitted for charges mentioned above must be made payable to NDOC. Funds collected from inmates with sufficient funds in their trust accounts will be deposited into the IWF.

258.14 RELEASE ASSISTANCE/COST OF TRANSPORTATION

1. The Director, in accordance with NRS 209.511, may furnish inmates being released due to expiration of sentence, pardon or parole with a sum of money not to exceed \$100.00 based upon the inmate's economic need. The cost of transportation may also be provided.

A. No release assistance funds shall be given to any inmate paroling or expiring to a detainer or hold.

B. Inmates in custody for other jurisdictions shall not receive release assistance funds unless specified by contract or approved by the Director.

C. The Warden/designee based on economic considerations and the best interests of the state shall make determination of the destination and mode of transportation. Air travel

(commercial only-no chartered flights) shall be used only in medical situations and upon presentation of written justification and recommendation by the Medical Director.

D. Release assistance funds, which may include the cost of transportation, are prepared by IBS. The Department will not give gate money or provide the cost of transportation if an inmate has sufficient funds in his/her individual account in the PPF after all Department charges are assessed.

E. If an inmate does not require transportation (e.g., the inmate is picked up by family or friends upon release) and has insufficient funds of their own, only per diem shall be issued.

F. No money shall be given for clothing allowance.

2. Travel per diem, is designated by the Director. The amount of per diem per day will be \$25.00. This total will be the amount of release assistance funds the inmate will receive.

A. The amount of travel per diem is calculated by the number of days the inmate will be traveling.

B. In calculating the travel days use the following guidelines:

- (1) Within Nevada - 1 day
- (2) By Air - 1 day
- (3) West Coast - 2 days
- (4) Mid-West - 3 days
- (5) East Coast - 4 days

C. These regions are designated by the various time zones within the United States. The West Coast Region, however, combines the Pacific and Mountain Time zones allowing two (2) days travel time.

3. All funds, checks or any other negotiable instruments shall be drafted, issued or distributed by authorized free staff only. Department staff shall maintain all funds, checks, and negotiable instruments in a locked, secure vault, safe or stationary metal cabinet. All keys and/or lock combination numbers must be inaccessible to all inmates.

4. No staff with authorization to sign bank checks or any other negotiable instruments may pre-sign blank checks. All checks or other negotiable instruments shall be signed by authorized staff only after completion of the financial document.

5. No funds in any format [cash, Personal Property Fund (PPF) check, gate check, release debit card or any other financial document] shall be drafted, issued or distributed by any inmate. No

inmate assigned the prison job of clerk, administrative aide or assistant to any free staff shall have access to any funds, checks, release debit cards or financial instruments.

6. Prior to an inmate's release, the Pre-Release Coordinator shall complete a Notification of Release, DOC-563. This form will indicate the inmate's name, Department number, destination, and date of release. The Pre-Release Coordinator should notify IBS of an inmate's pending release no more than 30 days prior to the release date when possible to ensure sufficient time to process paperwork.

A. IBS shall freeze the inmate's account upon notification from the Pre-Release Coordinator.

B. The Forwarding Address form, DOC-2032, is essential to forward any money that the inmate may receive after the inmate's release, particularly payrolls posted after release.

C. An Inmate Account Transaction Requests, DOC-509 (brass slip) signed by the inmate indicating release and closure of the inmate account shall be attached to the release form. This brass slip will be used as a posting document and will facilitate later referencing, if necessary.

D. The intent of the Notification of Release, DOC-563, is to start an accounting of all funds due to the inmate at the time of the inmate's release. There shall be no pre-posting of anticipated funds. IBS will combine the account balances if applicable to determine the net effect of the inmate's account (i.e., either funds are owed to the inmate or are owed to the Department).

E. In calculating inmate funds, all charges owed the Department, including restitution charges, shall be subtracted, resulting in a determination of the inmate's remaining balance, if any.

Inmates shall sign the Notification of Release acknowledging that all release assistance and/or transportation costs incurred by the released inmate may be collected from funds deposited to the inmate's account after release.

F. Inmates shall sign the Notification of Release acknowledging that all release assistance and/or transportation costs incurred by the released inmate may be collected from funds deposited to the inmate's account after release.

G. Inmates receiving release assistance including the cost of transportation shall sign the Release Verification for Indigent Inmates, DOC-2128.

H. The Pre-Release Coordinator shall forward all release paperwork to IBS daily.

7. The Notification of Release, with the appropriate paperwork as stated in this section shall be forwarded to IBS.

8. Checks and/or release debit cards shall be issued by IBS staff as follows:
 - A. Release assistance funds per NRS 209.511 may be issued via debit cards or checks.
 - B. Release debit cards will be issued up to \$9,000.00. If an inmate's release funds exceed \$9,000.00, the balance will be issued to the inmate via check.
 - C. Inmates releasing to a hold and due release funds will be issued a check.
 - D. IBS shall post all release funds and transportation costs, if applicable, to the inmate's account on the same day the release debit cards and/or checks are issued.
9. Emergency releases shall be handled the same as ordinary releases except they will be handled expeditiously.
10. If the inmate is released prior to receiving release assistance funds, the amount will be calculated as above and mailed to the forwarding address left by the inmate at the time of release.

258.15 BALANCES IN ACCOUNTS OF RELEASED INMATES

1. Payroll funds and checks from the outside may be received after the inmate is released, resulting in a balance in the inmate's Personal Property Fund (PPF) account payable to the inmate.
2. Inmates may release with a negative balance – owing Department charges.
3. Whenever a released inmate has a positive or negative balance in their account, IBS shall make every effort to contact the inmate.
 - A. If an inmate received a release card at release and the amount is within the release card guidelines, the card will be loaded with the positive balance amount. If the account has a positive balance and the inmate was not issued a card or the card account is not active, IBS shall write a check to the inmate when a forwarding address has been provided.
 - B. If the account has a negative balance, the following procedures shall be performed by IBS to contact the inmate and collect the money due.
 - (1) The inmate shall be given notice prior to release that any balances owed to the Department at the time of release is a valid debt due and payable in full at the time of release.
 - (2) An Advisement of Debts Owing To The Department of Corrections, DOC- 540, shall be given to inmates upon intake. This advisement must disclose the inmate of the possibility of a negative impact on the inmate's credit history if debts owed to the Department are not paid. This form shall be placed in the inmate's I-file.

(3) The Notification of Debts Owing To the Department of Corrections, DOC- 541, shall be used by the Pre-release Coordinator prior to release to advise the inmate of amounts owed. This notification must also advise the inmate of the possibility of a negative impact on the inmate's credit history if not paid.

(4) A Notification of Deductions shall be posted monthly in locations accessible by all inmates per section 258.02.2.

(5) Inmates shall be given a designated time frame to pay the amount owed to the Department after release. If not paid within this time frame, the account information and the amount owed shall be sent to the State Controller's Office who may send the account information to a contracted Collection Agency.

C. Balances owed by inmates in their Department Charge Account(s) have already been paid from the IWF by IBS to the appropriate budget. Therefore, the IWF shall be reimbursed when the money is collected from the inmate or the contracted Collection Agency, whichever is applicable.

D. When an inmate is released owing Departmental charges, the amount(s) owing shall not be deleted from the inmate's individual account in the PPF. If the inmate returns to the Department under a new ID number, the amount owing shall be transferred to the new ID number.

E. If the amount owed is considered to be non-collectible, IBS shall report this fact to the Controller's Office per NRS 353C.

F. If all attempts to forward positive balances remaining on a released inmate's account fail, the funds shall remain on the inmate's PPF account until the expiration of one year from the date of the inmate's release/parole. After that one-year, the funds shall be forwarded to the State Treasurer's Abandoned Property Trust Account per NRS 120.A.

258.16 MAINTENANCE FEE

1. The Department may charge a maintenance fee for maintaining an inmate's Personal Property Fund (PPF) accounts.
2. The maintenance fee will be calculated after the close of business for the previous year based on actual costs of maintaining the inmate accounts.
3. The maintenance fee is charged against interest earned on all inmate accounts. However, to the extent that the maintenance fee exceeds interest earned by any inmate; the fee is waived for that amount.

258.16 INTEREST ON INMATE ACCOUNTS

1. Interest will be calculated on the weekly average account balance in an inmate's Primary Trust, Trust 2, Trust 3 and Savings Account portion of the inmate's individual accounts in the PPF.
2. Quarterly, the State of Nevada Treasurer determines the amount of interest earned by the PPF.
3. Interest, less applicable maintenance fees, will be paid within thirty (30) days of receipt of an interest payment from the State of Nevada Treasurer to accounts in excess of the maintenance fee mentioned in section 258.16.

258.17 IRS 1099 REPORTING

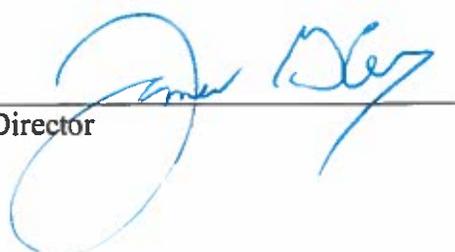
1. Annually, the Department will prepare required 1099's to meet IRS requirements.
2. An inmate who receives at least \$600.00 in payroll income from a Department source will be subject to IRS Form 1099-MISC reporting.
3. An inmate who receives at least \$600.00 in payroll income from a PI source will be subject to IRS Form 1099-MISC reporting.
4. An inmate who receives at least \$10.00 in interest will be subject to IRS Form 1099-INT reporting.

APPLICABILITY

1. This AR requires an Operational Procedure (OP) for the Support Services Division, Casa Grande Transitional Housing, Northern Nevada Restitution Center, and the Office of the Inspector General.
2. This AR requires an audit as part of the annual review of internal controls pursuant to SAM 2418.0.

REFERENCES:

ACA Standards 4-4031, 4-4032, 4-4033, 4-4034, 4-4044, 4-4045, 4-4047, 4-4407, 4-4446, 4-4461, 4-4462, and 4-4463



Director



Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
258**

**INMATE FISCAL PROCEDURES
(TEMPORARY)**

Supersedes: AR 258 (09/16/14)

Effective Date: ~~XX~~7/9/15

AUTHORITY

NRS: 120.A, 209.131, 209.221, 209.225, 209.241, 209.425, 209.246, 209.247, 209.2475, 209.459, 209.461, 209.4615, 209.463, 209.511, 353C

RESPONSIBILITY

1. The institutional Wardens/Facility Managers are responsible for the operation of inmate work programs.
2. Inmate Banking Services (IBS) is responsible for the administration of fiscal procedures to provide for the receipt of all inmate funds, process appropriate deductions from inmate funds, and all other associated inmate banking services.

258.01 PRISONERS' PERSONAL PROPERTY FUND (PPF)

1. The PPF is divided into four parts as follows:

A. Primary Trust Account

(1) From the PPF account, the Director/designee may permit withdrawals for immediate expenditures by the inmate for personal needs and the Department shall pay to an inmate any remaining balance in the account upon the inmate's release after appropriate deductions have been made.

(2) Upon the death of an inmate, any remaining funds, after appropriate deductions have been made, shall be paid pursuant to the Department's Administrative Regulation 420.

(3) Wages earned prior to death will be subject to Department charges and other deductions. Funds received after death from friends and family shall be returned to the sender.

(4) Any remaining balance in the Primary Trust Account upon release is subject to appropriate deductions as detailed in Department rules and regulations and in state and federal statutes.

B. Trust 2 Account

(1) Trust 2 Account shall include any funds exempt from statutory deductions upon receipt. Examples are Gift Coupon funds, tort claims paid to inmates and canteen refunds.

(2) These funds are for the inmate's personal use. An inmate may spend funds from this account, so long as it is legal and within the guidelines of the Department's rules and regulations. Examples are store purchases and Inmate Account Transaction Requests, DOC-509 (brass slips).

(3) Funds remaining in a Trust 2 Account shall be paid to the inmate upon release after all debts owed to the Department are paid.

C. Trust 3 Account

(1) Trust 3 Account shall include any funds exempt from statutory deductions upon receipt. Examples include some VA benefits and some Indian tribe settlements.

(2) These funds are for the inmate's personal use. An inmate may spend funds from this account, so long as it is legal and within the guidelines of the Department's rules and regulations. Examples are store purchases and Inmate Account Transaction Requests, DOC-509 (brass slips).

(3) Funds remaining in a Trust 3 Account shall be paid to the inmate upon release.

D. Savings Account

(1) The Director may designate a percentage to be deducted from funds received by an inmate to be placed in the inmate's individual Savings Account.

(2) This Account exists so an inmate may have funds upon release and funds are available to defray Department costs upon the inmate's death.

(3) Once the ~~\$200~~\$400.00 balance, determined by the Director, is reached and maintained, the savings deduction will no longer occur, except for inmates located at Casa Grande Transitional Housing (CGTH) or at Northern Nevada Restitution Center (NNRC), where there is no limit to the Savings Account balance. The procedure to withdraw from a Savings Account of inmates who were at CGTH or NNRC and were returned to other Department sites will be the same as outlined in this section.

(4) Withdrawals from a Savings Account are permitted during incarceration only with the approval of the Director/Designee through the use of an Inmate Savings Withdrawal Request (DOC-515).

(5) Funds remaining in a Savings Account shall be paid to the inmate upon release after all debts owed to the Department are paid.

(6) Boarders and safe keepers are exempt from the savings deduction.

(7) Upon approval of the Director, charitable contributions to 501(c)(3) organizations may be deducted.

(8) The Director has approved withdrawals from savings to obtain a copy of a birth certificate for identification purposes.

1. Any funds that cannot be processed through the lockbox procedure due to circumstances beyond the Department's control shall be placed on a check log and posted to the inmate's PPF account as indicated in section 258.10. Exceptions shall be processed through Inmate Banking Services (IBS) as indicated in section 258.10.

2. All funds received on behalf of an inmate shall be deposited into the inmate's individual account(s) in the PPF.

3. Any person who aids or encourages any inmate not to deposit all funds, which the inmate receives, into the inmate's individual account in the PPF as required in this section is guilty of a gross misdemeanor per NRS 209.221.

258.02 OFFENDERS' STORE FUND (OSF) MONTHLY REPORT

1. All funds received for the benefit of inmates through contributions and from other sources not otherwise required to be deposited in another fund, must be deposited into the OSF. Cash and other negotiable instruments confiscated from inmates will be placed into the Inmate Welfare Fund (IWF).

2. The OSF monthly reports will be submitted by Inmate Banking Services (IBS) to the Wardens/Facility Managers and shall include:

A. A Copy of the current month's Summary Budget Report (BSR-BBLS), Budget Status Receipts/Funding (BSR-Report-Obligations (BSR-BCLS).

B. The Notification of Deductions (DOC-542).

C. The advisement of Debts Owing to the Department of Corrections (DOC-540).

3. IBS will be responsible for the distribution of OSF monthly reports and will include a Certificate of Receipts/Posting of OSF Monthly Reports (form DOC-014) in the distribution.

Each Warden/Facility Manager will be responsible for providing the information for inmate access providing proof that the monthly OSF reports have been posted. Once the DOC-014 is completed, the form with the original signatures of the Warden/Facility Manager will be returned to IBS as soon as possible.

258.03 INMATE EMPLOYMENT

1. No inmate has a right to employment and the Department has no obligation to employ an inmate.

2. All inmates approved for inmate work programs must provide a valid Social Security Number (SSN) and execute any agreement forms required by the specific program in which the inmate will work. Inmates who do not have a verified SSN are not permitted to work for pay until a SSN is obtained and verified through Social Security.

A. During intake, all inmates shall complete an Inmate Employment Fiscal Agreement (Form DOC-533).

B. The fiscal agreement shall be completed in duplicate.

(1) The original copy shall be placed in the inmate's Institutional file (I-file).

(2) A copy shall be given to the inmate.

C. Regardless of the inmate's agreement to sign the fiscal agreement, the Department is permitted to take deductions from the inmate's wages per NRS 209.461.

D. Prior to the first day of work, the classification committee shall verify that the inmate has been given the opportunity to review the fiscal agreement.

E. Only one fiscal agreement shall be completed during the inmate's incarceration period, unless the form is revised, requires updating, or the original cannot be located. Inmates located at Casa Grande Transitional Housing (CGTH) and Northern Nevada Restitution Center (NNRC) shall complete the Inmate Employment Fiscal Agreement (DOC-3525) upon entry into the program.

F. Inmates who refuse to sign the fiscal agreement cannot work in any private sector operation. Federal requirements include proof of voluntary participation and this form meets that requirement.

3. Inmates must be notified prior to working of all deductions that may be taken from their wages.

A. A Notification of Deductions, DOC-542, shall be given to the inmate upon intake.

- B. The Notification of Deductions shall be posted with the OSF monthly report in areas of the institutions accessible to inmates.
 - C. The fiscal agreement shall note the statute number NRS 209.463 authorizing the Department to take specific deductions.
4. An inmate shall obtain the approval of the Director/designee before the inmate:
- A. Engages in any employment, which includes, but is not limited to, employment by a private employer or self-employment except in approved Prison Industries (PI).
 - B. Enters into a contract.
 - C. Participates in a business activity other than approved PI or hobby craft.
5. The Director/designee has sole discretion to approve or disapprove employment, contractual activity or business activity and may withdraw approval at any time pursuant to NRS 209.4615.
6. Any inmate who is employed by a private employer shall:
- A. Deposit income from such employment in the inmate's individual account in the PPF.
 - B. Provide the Director/designee with a copy of all of the inmate's federal income tax returns, reports and withholding forms when they become available to the inmate. Collection of inmate income is outlined in the Operational Procedures (OP) at the NNRC and CGTH facilities.
 - C. Upon request, provide the Director/designee with a record of any of the inmate's accounts including, but not limited to, any checking, savings, investment or brokerage firm account.
7. Inmates must sign a release allowing the employer to provide information to the Director/designee.
8. Upon the request of the Director/designee, a private employer who employs any inmate shall:
- A. Provide the Director/designee with monthly statements accounting for all wages the employer paid to any inmate.
 - B. Provide the Director/designee with any additional information requested concerning the employment of any inmate.

258.04 INVESTMENT AND DISTRIBUTION OF OSF INCOME

1. The OSF funds will be deposited with the State Treasurer for investment.

2. The interest and income earned upon the OSF must be credited to the fund and may be disbursed as authorized by the Legislature.

258.04 INMATE PAYROLL

1. Inmate wages and payrolls shall be recorded by the institution/facility by the second working day following the month of employment. Inmate payroll shall be submitted monthly to Inmate Banking Services (IBS) and received by IBS by the fifth working day following the month of employment to allow for timely posting. Exceptions include:

A. PI has a variety of payroll periods resulting from private sector operations.

(1) Forms to report individual payrolls will be developed by PI.

(2) Private sector industries' payroll will be included in this procedure.

B. Nevada Division of Forestry has incident payrolls and sends them via email during the middle of the month following the month of employment.

C. The Northern Nevada Restitution Center (NNRC) and Casa Grande Transitional Housing (CGTH) have weekly and bi-weekly payrolls, which are submitted at various times of the month.

2. IBS shall post the payroll as soon as practical after receipt.

A. The reporting period for all inmate payrolls, except as noted in section 258.05.1, shall be from the first day of the previous month to the last day of the previous month.

B. Inmate payrolls paid with a personal check, business check, etc., shall not be available until the check has cleared the bank. Clearing time can take up to fourteen (14) calendar days from the posting date of the payroll. Applicable deductions will not be taken until the payroll is available on the inmate account. The exception to this will be any payroll funded by a Nevada State agency (Advantage, Journal Vouchers, or billing claims). These exceptions should be posted within three business days of receipt.

C. Tracking of deposit receipts, billing claims or journal vouchers shall be completed daily with the State of Nevada Accounting System.

D. Posting delays can occur, which include but are not limited to, incorrectly calculated payrolls, missing names or identification numbers, or unauthorized payrolls. If any legitimate delay occurs, the payroll or check log shall be returned to the originator for correction. Payroll and check logs should be given priority over all other postings.

258.06 INMATE DEDUCTIONS FROM WAGES

The Director/designee shall establish by regulation criteria for a reasonable deduction from money credited to an inmate's account in the inmate's individual account in the PPF to repay or defray the costs assessed to an inmate pursuant to NRS 209.246. These deductions will be in order of priority as set forth within NRS 209.463 and in accordance with the federal regulations governing private sector involvement in Prison Industries.

1. Hourly wage is equal to or greater than minimum wage (for inmates at CGTH and NNRC locations, see section 258.06.3):

- A. 5% for credit to the Victims of Crime Fund for the compensation of Victims of Crime.
- B. 20% for any existing obligation of the inmate for the support of his/her family.
- C. 20% of each inmate's payroll to his/her individual account in the inmate's PPF or toward a court ordered filing fee, whichever is applicable.
- D. An amount to offset the cost of maintaining the inmate in the institution:
 - (1) 24.5% for room and board
 - (2) 29.5% for room and board for PI inmates (24.5% for room and board, 5% for PI)
- E. 50% for costs incurred by the Department on behalf of the inmate per NRS 209.246. At the time any charges pursuant to NRS 209.246 are posted to the inmate account, including but not limited to monetary sanction/restitution under the AR 707, 50% of the Trust Account may be taken as the initial payment. All restitution costs are subject to change from the original amount due to receipt of additional billings not known at the time of assessment. An inmate's Trust Account may be frozen and monetary sanctions/restitution ordered for violations of AR 707.
- F. 10% for credit to the inmate's Savings Account. After the Savings Account reaches \$200400.00, this deduction will stop with the exception of CGTH and NNRC inmates who will continue to accrue 10% of their payrolls into their respective Savings Accounts.
- G. 20% for any existing obligation of the inmate to pay court ordered restitution to his/her victim. This deduction is in addition to the 5% taken for Victims of Crime Fund as stated in section 258.06.1.A.
- H. 1% to pay the balances of any fee imposed on the inmate for genetic marker testing, drug tests, or other fees per NRS 176.0915.
- I. 1% for any existing obligations of the inmate for court ordered administrative assessments for any crime committed within this state.
- J. 1% for any existing obligation of the inmate for court ordered fines for any crime committed within this state.

2. Hourly wage is below minimum wage:

- A. 5% for credit to the Victims of Crime Fund for the compensation of Victims of Crime.
- B. 20% of each inmate's payroll to his/her individual account in the PPF or toward a court ordered filing fee, whichever is applicable.
- C. An amount to offset the cost of maintaining the inmate in the institution:
 - (1) 24.5% for room and board
 - (2) 29.5% for room and board for PI inmates (24.5% for room and board, 5% for PI)
- D. 50% for costs incurred by the Department on behalf of the inmate per NRS 209.246. At the time any charges pursuant to NRS 209.246 are posted to the inmate account, including but not limited to monetary sanction/restitution under AR 707, 50% of the Trust Account may be taken as the initial payment. All restitution costs are subject to change from the original amount due to receipt of additional billings not known at the time of assessment. An inmate's Trust Account may be frozen and monetary sanctions/restitution ordered for violations of AR 707.
- E. 10% for credit to the inmate's Savings Account. After the Savings Account reaches \$~~200400~~.00, this deduction will stop with the exception of CGTH and NNRC inmates who will continue to accrue 10% of their payrolls into their respective Savings Accounts.
- F. 1% to pay the balances of any fee imposed on the inmate for genetic marker testing, drug tests, or other fees per NRS 176.0915.
- G. Once the deductions, in order of priority, exhaust the available funds, the deductions will stop.

3. CGTH and NNRC:

- A. 5% for credit to the Victims of Crime Fund for the compensation of Victims of Crime.
- B. 20% of each inmate's payroll to his/her individual account in the inmate's PPF or toward a court ordered filing fee, whichever is applicable.
- C. An amount to offset the cost of maintaining the inmate at CGTH or NNRC. After 45 days, if an inmate is unemployed, the evaluation team will review the inmate's case to determine if a suitable program exists to enroll the inmate or if employment should continue to be sought. No later than 60 days from arrival, the inmate will be suitably employed, enrolled in an appropriate program, or transferred to another Department location.
 - (1) 45% for room and board NNRC.

(2) 55% for room and board at CGTH.

(3) At no time will the amount taken for room and board exceed the legislative budgeted amount per NRS 209.247. CGTH offers additional programs and is more expensive to operate than NNRC.

D. 10% for credit to the inmate's Savings Account.

E. 20% for any existing obligation of the inmate to pay court ordered restitution to his/her victim. This deduction is in addition to the 5% taken for Victims of Crime Fund as stated in section 258.06.3.A.

F. 1% to pay the balances of any fee imposed on the inmate for genetic marker testing, drug tests, or other fees per NRS 176.0915.

G. 1% for any existing obligations of the inmate for court ordered administrative assessments for any crime committed within this state.

H. 1% for any existing obligation of the inmate for court ordered fines for any crime committed within this state.

I. Once the deductions, in order of priority, exhaust the available funds, the deductions will stop. Deductions are based on the declining balance of the gross amount of payroll.

J. Inmates at CGTH and NNRC who are enrolled in the Educational/Vocational Program (EVP) and work for a private employer will be subject to payroll deductions per AR258.06.1.

258.07 INMATE DEDUCTIONS FROM ANY SOURCE OTHER THAN WAGES

The Director/designee may make the following deductions, in the following order of priority, as set forth in NRS 209.247, from any money deposited in an inmate's individual account in the PPF from any source other than wages.

1. 50% for costs incurred by the Department on behalf of the inmate per NRS 209.246. At the time any charges pursuant to NRS 209.246 are posted to the inmate account, including but not limited to monetary sanctions/restitution under AR 707, 50% of the Trust Account may be taken as the initial payment. All restitution costs are subject to change from the original amount due to receipt of additional billings not known at the time of assessment. An inmate's Trust Account may be frozen and monetary sanctions/restitution ordered for violations of AR 707.

2. 10% for credit to the inmate's ~~interest-bearing savings~~-account. After the Savings Account reaches \$~~200400~~.00, this deduction will stop with the exception of CGTH and NNRC inmates who will continue to accrue 10% of their deposits into their respective Savings Accounts.

3. 20% towards a court ordered filing fee, if applicable

258.08 JUDGMENT OF CONVICTION (JOC)

During an inmate's incarceration in the NDOC, 20% of the balance in the trust account will be taken as initial payment for items listed in sections 258.06.1.G-J, 258.06.2.F, and 258.06.3.E-H - fines, administrative assessments, fees, restitution or any other amounts ordered by the JOC to be collected from the inmate. The initial payment will be applied in order of priority of the deductions until 20% of all have been satisfied or the available funds in the inmate's Trust Account have been exhausted, whichever occurs first.

258.09 INMATE DEPOSITS

1. Deposits to inmate accounts shall be made through the Lockbox or Department-approved money transfer service when applicable. The institution/facility designee may download Lockbox coupons from the NDOC website under Inmate Banking Services (IBS). Gift coupons will be ordered by IBS and shipped to the institutions and facilities.
2. The institution/camp/restitution designee shall distribute the coupons to the inmates.
3. Inmates may send the coupons to friends and relatives of their choice.
4. Coupons may also be obtained by family or friends through the Department's website (<http://www.doc.nv.gov/>) by clicking on Inmate Information, clicking on Inmate Banking Services, and then clicking on Inmate Deposit Coupon.
5. Coupons sent to the friend/relative (sender) shall be filled out in its entirety and sent with the money order or cashier's check to the bank lockbox address indicated on the coupon.
6. The lockbox and money transfer service will send a report listing all deposits to IBS daily.
7. IBS shall post the deposits to the inmate's applicable account retaining the reports for accounting records.

258.10 INMATE DEPOSIT EXCEPTIONS

1. Inmate Check/Cash Logs shall be considered negotiable instruments, maintained in a locked security controlled area and completed and processed with the same security precautions as cash.
2. Inmates shall never have access to check/cash log forms.
3. The only inmate funds to be accepted by any institution/facility or Inmate Banking Services (IBS) staff are money orders and cashier checks in U. S. dollars only, no foreign funds will be accepted. Cash, personal checks and other money forms shall be returned to the sender. Exceptions to these are:

A. Internal Revenue Service (IRS) Checks – IRS checks received at the institution/facility solely in the name of an incarcerated inmate will not be deposited at any institution that makes their own deposits. These IRS checks shall be forwarded to IBS where the check will be held pending verification with the IRS as to valid funds. If the IRS will not validate the check, the check shall be returned to the IRS. The Inspector General’s Office (IG) will be notified by Inmate Banking Services when this occurs and advise them of the reason for the return.

B. Northern Nevada Restitution Center (NNRC) and Casa Grande Transitional Housing (CGTH) inmates who qualify for stipends are the only inmates permitted to have cash.

C. Intake funds from newly incarcerated inmates will be transmitted from the sending jurisdiction to IBS, using United States Postal Service by first class mail.

D. Any funds, due the inmate, that is beyond the control of the Department and cannot be processed through the Lockbox procedure.

E. Cash found on an inmate shall be confiscated and placed on a separate check log, deposited in the bank and the proper documents forwarded to IBS which shall place the amount in the IWF. The check log must clearly state “Confiscated Cash.”

F. If cash is confiscated as a result of suspected criminal activity the IG’s office will be notified. An Inspector will be required to take possession of the confiscated cash as part of the ensuing investigation. A receipt will be prepared for the amount of cash confiscated. The staff member releasing the cash and the inspector receiving it will both sign the receipt. The original will be given to the IG’s office and copies will be sent to IBS and Central Office Accounting.

4. The mail officer at each institution shall return all unauthorized funds to the sender by the next business day.

5. Preparation of check/cash logs is a function of the designated receiver.

6. Funds received and accepted by the institution shall be deposited at least weekly. Copies of the deposit slips and all check/cash logs shall be forwarded to IBS by the next business day for processing. IBS shall post the monies to the inmate’s individual account in the PPF as soon as practical.

7. Due to increased counterfeit activity, funds from ALL money orders and cashier’s checks will be available to the inmate fourteen (14) calendar days from the posting date.

258.11 INMATE OUTSIDE ACCOUNTS

1. All requests for inmate outside accounts must be approved by the Director/designee.

2. Inmates must choose a person from the community to handle bank transactions before obtaining an outside checking, savings or investment account.
 - A. This person will be a non-inmate member on the account and will be responsible for making all outside transactions.
 - B. The inmate will not correspond directly with the financial organization concerning the account. The non-inmate member on the account must handle all correspondence.
 - C. The Department will not be responsible for any outside transactions.
 - D. Any exceptions to paragraphs 1 and 2 above require the approval of the Director/designee.
3. Inmates who desire to open an outside account will be responsible for gathering information regarding accounts from the financial organization of his/her choosing.
 - A. The Department will not supply information regarding interest rates or other pertinent information for any financial organization.
 - B. Any monies the inmate sends to the outside account will be through the Inmate Account Transaction Request DOC - 509 (brass slip) procedures.
 - (1) The inmate will fill out the brass slip made payable to the non-inmate member on the outside account.
 - (2) The brass slip must have the signature of the inmate and the person authorized by the Warden/Designee to sign brass slips.
 - (3) The inmate will send the brass slip with a stamped, addressed envelope to Inmate Banking Services.
 - (4) The non-inmate member will deposit all funds in the outside account and will handle any other banking transaction necessary.
4. The non-inmate member will send to the inmate all funds requested by the inmate from the outside account in the form of a cashier's check or money order following the lockbox procedure. The inmate is prohibited from contacting the bank directly and asking for money from his account.
5. All funds sent to the inmate from the non-inmate member will be deposited in the inmate's individual account in the PPF.
6. Inmates are not permitted to have a checkbook or savings passbook in their possession while incarcerated in the Nevada Department of Corrections (NDOC). Non NDOC issued debit cards,

credit cards or any other instrument used to access outside accounts are likewise not permitted. Inmates who arrive at the NDOC with any of these instruments in their possession must send the instrument to an outside individual of their choice or the instrument will be placed in the inmate's restricted personal property.

7. Upon the request of the Director/designee, inmates will provide copies of records of bank accounts, including but not limited to, checking accounts, savings accounts, investment accounts, or accounts with brokerage firms.

8. All inmates who are employed by private employers will provide the Director/designee a copy of all federal income tax returns, reports and withholding forms when they become available to the inmate.

258.12 TRANSFER OF INMATE FUNDS

1. No funds may be transferred from one inmate to another regardless of whether the inmates are located in state, out of state, or closely related, without the approval of the Director/designee.

2. All Inmate Account Transaction Requests, DOC-509 (brass slips), shall be approved by the Warden, Facility Manager, or their designee.

A. A list of all personnel authorized by the Warden to review and approve brass slips and samples of their signatures shall be sent to IBS on a yearly basis no later than January 31.

B. The signature list shall be updated whenever a change of personnel occurs. Updated authorized signature lists approved by the Warden/Facility Manager or designee shall be forwarded to IBS as often as the list is updated.

C. The Warden shall sign the list indicating approval of the authorized signatures.

D. IBS shall compare signatures of brass slips against the authorized signature list before processing.

E. Brass slips, which do not appear to be signed by an authorized signature, will not be honored and will be returned to the Warden/designee by IBS.

F. Internal procedures for IBS contain a number of additional confidential safeguards for the handling of brass slips and shall be changed periodically as needed.

3. Except for Department charges, store orders, and medical/dental co-payments, the inmate shall prepare the necessary brass slips for each deduction from the inmate's individual account in the PPF.

4. All brass slips submitted to IBS shall conform to the following:

- A. An inmate initiates a brass slip by completing it in its entirety, including date, dollar amount, payee or purpose, signature, printed name, ID number (back number) and institution.
- B. A stamped addressed envelope shall be attached to all brass slips for checks sent to the outside.
- C. The inmate shall submit the brass slip to an approving authority who can verify that the signature is that of the inmate.
- D. If the signature can be verified, the brass slip is fully completed and the transaction is legitimate, the approving authority shall give the inmate a copy and then sign the brass slip.
- E. Inmates will never possess a copy of a fully executed brass slip. Brass slips containing authorized signatures must never be returned to an inmate.
- F. All brass slips shall be accumulated daily, and forwarded to the Warden, Facility Manager, or their designee, who will review the brass slips for approval or disapproval.
- G. Any disapproved brass slips shall not be processed and the contents attached will be returned to the inmate with an explanation of why the brass slip will not be processed.
- H. The approved brass slips will be forwarded to IBS with a cover memo on Department letterhead signed by an authorized signer and identifying the quantity of brass slips.
- I. Any brass slips not processed by IBS will be voided. The contents attached will be returned to the inmate with a memo denoting the reason it will not be processed and a copy will be placed into the inmate's banking file.

258.13 INMATE FISCAL INQUIRY PROCEDURE

1. An inmate inquiry regarding his/her account must be made utilizing an Accounting Inquiry [Form DOC-544 (kite)]. Inquiries not on the correct form may be returned to the inmate without a response from IBS.
2. An inmate must complete a kite, attach any documentation available and forward it to his/her caseworker.
 - A. A caseworker will review the inquiry and determine if it can be resolved at the local level.
 - B. Simple accounting inquiries such as deposit or payroll postings may be resolved by e-mailing IBS staff; otherwise the inquiry is to be signed by the caseworker and sent to IBS for resolution. Inquiries not signed may be returned to the inmate without a response from IBS.
 - C. IBS will answer the inquiry based upon the facts and thorough research. A copy of the inquiry and related response will be placed in the inmate's file in IBS.

D. If IBS is unable to answer the inquiry, the original will be forwarded for response to the Division to which the inmate's question applies. Notification of this action will be sent to the inmate. A copy of the inquiry, copies of all pertinent documentation and a copy of the notification will be placed in the inmate's file in IBS.

3. Any accounting inquiry concerning information considered stale dated (over 180 days old) will not be acted upon and will be returned to the inmate.

4. If an inmate is requesting copies of, but not limited to, cancelled checks, brass slips, kites, and statements older than the current month's period, the inmate will be charged \$2.00 for each copy. Inmate statements are sent out after month end so some leeway will be considered to allow for mail time before a charge is assessed. For copies of cancelled checks older than 90 days, the inmate will incur a bank charge of \$10.00 per check. A kite and a brass slip must accompany a copy request, both signed by the inmate and an authorized Department representative pursuant to section 258.12.2. If an inmate does not have sufficient funds to cover the cost, the inmate will be notified that his/her request was denied.

5. If an inmate receives a deposit to his account and the funds are returned for various reasons, including, but not limited to; stop payments, non-sufficient funds or closed accounts, the sender will be charged \$25.00 for each returned check.

6. If an inmate requests a stop payment on a check issued from the inmate's account, the inmate must submit a kite and a brass slip in the amount of \$7.50 to cover the cost charged to the Department for stop payments. If the inmate does not have sufficient funds to cover the charge, the inmate will be notified his/her request was denied.

7. Brass slips submitted for charges mentioned above must be made payable to NDOC. Funds collected from inmates with sufficient funds in their trust accounts will be deposited into the IWF.

258.14 RELEASE ASSISTANCE/COST OF TRANSPORTATION

1. The Director, in accordance with NRS 209.511, may furnish inmates being released due to expiration of sentence, pardon or parole with a sum of money not to exceed \$100.00 based upon the inmate's economic need. The cost of transportation may also be provided.

A. No release assistance funds shall be given to any inmate paroling or expiring to a detainer or hold.

B. Inmates in custody for other jurisdictions shall not receive release assistance funds unless specified by contract or approved by the Director.

C. The Warden/designee based on economic considerations and the best interests of the state shall make determination of the destination and mode of transportation. Air travel

(commercial only-no chartered flights) shall be used only in medical situations and upon presentation of written justification and recommendation by the Medical Director.

D. Release assistance funds, which may include the cost of transportation, are prepared by IBS. The Department will not give gate money or provide the cost of transportation if an inmate has sufficient funds in his/her individual account in the PPF after all Department charges are assessed.

E. If an inmate does not require transportation (e.g., the inmate is picked up by family or friends upon release) and has insufficient funds of their own, only per diem shall be issued.

F. No money shall be given for clothing allowance.

2. Travel per diem, is designated by the Director. The amount of per diem per day will be \$25.00. This total will be the amount of release assistance funds the inmate will receive.

A. The amount of travel per diem is calculated by the number of days the inmate will be traveling.

B. In calculating the travel days use the following guidelines:

(1) Within Nevada - 1 day

(2) By Air - 1 day

(3) West Coast - 2 days

(4) Mid-West - 3 days

(5) East Coast - 4 days

C. These regions are designated by the various time zones within the United States. The West Coast Region, however, combines the Pacific and Mountain Time zones allowing two (2) days travel time.

3. All funds, checks or any other negotiable instruments shall be drafted, issued or distributed by authorized free staff only. Department staff shall maintain all funds, checks, and negotiable instruments in a locked, secure vault, safe or stationary metal cabinet. All keys and/or lock combination numbers must be inaccessible to all inmates.

4. No staff with authorization to sign bank checks or any other negotiable instruments may pre-sign blank checks. All checks or other negotiable instruments shall be signed by authorized staff only after completion of the financial document.

5. No funds in any format [cash, Personal Property Fund (PPF) check, gate check, release debit card or any other financial document] shall be drafted, issued or distributed by any inmate. No

inmate assigned the prison job of clerk, administrative aide or assistant to any free staff shall have access to any funds, checks, release debit cards or financial instruments.

6. Prior to an inmate's release, the Pre-Release Coordinator shall complete a Notification of Release, DOC-563. This form will indicate the inmate's name, Department number, destination, and date of release. The Pre-Release Coordinator should notify IBS of an inmate's pending release no more than 30 days prior to the release date when possible to ensure sufficient time to process paperwork.

A. IBS shall freeze the inmate's account upon notification from the Pre-Release Coordinator.

B. The Forwarding Address form, DOC-2032, is essential to forward any money that the inmate may receive after the inmate's release, particularly payrolls posted after release.

C. An Inmate Account Transaction Requests, DOC-509 (brass slip) signed by the inmate indicating release and closure of the inmate account shall be attached to the release form. This brass slip will be used as a posting document and will facilitate later referencing, if necessary.

D. The intent of the Notification of Release, DOC-563, is to start an accounting of all funds due to the inmate at the time of the inmate's release. There shall be no pre-posting of anticipated funds. IBS will combine the account balances if applicable to determine the net effect of the inmate's account (i.e., either funds are owed to the inmate or are owed to the Department).

E. In calculating inmate funds, all charges owed the Department, including restitution charges, shall be subtracted, resulting in a determination of the inmate's remaining balance, if any.

Inmates shall sign the Notification of Release acknowledging that all release assistance and/or transportation costs incurred by the released inmate may be collected from funds deposited to the inmate's account after release.

F. Inmates shall sign the Notification of Release acknowledging that all release assistance and/or transportation costs incurred by the released inmate may be collected from funds deposited to the inmate's account after release.

G. Inmates receiving release assistance including the cost of transportation shall sign the Release Verification for Indigent Inmates, DOC-2128.

H. The Pre-Release Coordinator shall forward all release paperwork to IBS daily.

7. The Notification of Release, with the appropriate paperwork as stated in this section shall be forwarded to IBS.

8. Checks and/or release debit cards shall be issued by IBS staff as follows:
 - A. Release assistance funds per NRS 209.511 may be issued via debit cards or checks.
 - B. Release debit cards will be issued up to \$9,000.00. If an inmate's release funds exceed \$9,000.00, the balance will be issued to the inmate via check.
 - C. Inmates releasing to a hold and due release funds will be issued a check.
 - D. IBS shall post all release funds and transportation costs, if applicable, to the inmate's account on the same day the release debit cards and/or checks are issued.
9. Emergency releases shall be handled the same as ordinary releases except they will be handled expeditiously.
10. If the inmate is released prior to receiving release assistance funds, the amount will be calculated as above and mailed to the forwarding address left by the inmate at the time of release.

258.15 BALANCES IN ACCOUNTS OF RELEASED INMATES

1. Payroll funds and checks from the outside may be received after the inmate is released, resulting in a balance in the inmate's Personal Property Fund (PPF) account payable to the inmate.
2. Inmates may release with a negative balance – owing Department charges.
3. Whenever a released inmate has a positive or negative balance in their account, IBS shall make every effort to contact the inmate.
 - A. If an inmate received a release card at release and the amount is within the release card guidelines, the card will be loaded with the positive balance amount. If the account has a positive balance and the inmate was not issued a card or the card account is not active, IBS shall write a check to the inmate when a forwarding address has been provided.
 - B. If the account has a negative balance, the following procedures shall be performed by IBS to contact the inmate and collect the money due.
 - (1) The inmate shall be given notice prior to release that any balances owed to the Department at the time of release is a valid debt due and payable in full at the time of release.
 - (2) An Advisement of Debts Owing To The Department of Corrections, DOC- 540, shall be given to inmates upon intake. This advisement must disclose the inmate of the possibility of a negative impact on the inmate's credit history if debts owed to the Department are not paid. This form shall be placed in the inmate's I-file.

(3) The Notification of Debts Owning To the Department of Corrections, DOC- 541, shall be used by the Pre-release Coordinator prior to release to advise the inmate of amounts owed. This notification must also advise the inmate of the possibility of a negative impact on the inmate's credit history if not paid.

(4) A Notification of Deductions shall be posted monthly in locations accessible by all inmates per section 258.02.2.

(5) Inmates shall be given a designated time frame to pay the amount owed to the Department after release. If not paid within this time frame, the account information and the amount owed shall be sent to the State Controller's Office who may send the account information to a contracted Collection Agency.

C. Balances owed by inmates in their Department Charge Account(s) have already been paid from the IWF by IBS to the appropriate budget. Therefore, the IWF shall be reimbursed when the money is collected from the inmate or the contracted Collection Agency, whichever is applicable.

D. When an inmate is released owing Departmental charges, the amount(s) owing shall not be deleted from the inmate's individual account in the PPF. If the inmate returns to the Department under a new ID number, the amount owing shall be transferred to the new ID number.

E. If the amount owed is considered to be non-collectible, IBS shall report this fact to the Controller's Office per NRS 353C.

F. If all attempts to forward positive balances remaining on a released inmate's account fail, the funds shall remain on the inmate's PPF account until the expiration of one year from the date of the inmate's release/parole. After that one-year, the funds shall be forwarded to the State Treasurer's Abandoned Property Trust Account per NRS 120.A.

258.16 MAINTENANCE FEE

1. The Department may charge a maintenance fee for maintaining an inmate's Personal Property Fund (PPF) accounts.
2. The maintenance fee will be calculated after the close of business for the previous year based on actual costs of maintaining the inmate accounts.
3. The maintenance fee is charged against interest earned on all inmate accounts. However, to the extent that the maintenance fee exceeds interest earned by any inmate; the fee is waived for that amount.

258.16 INTEREST ON INMATE ACCOUNTS

1. Interest will be calculated on the weekly average account balance in an inmate's Primary Trust, Trust 2, Trust 3 and Savings Account portion of the inmate's individual accounts in the PPF.
2. Quarterly, the State of Nevada Treasurer determines the amount of interest earned by the PPF.
3. Interest, less applicable maintenance fees, will be paid within thirty (30) days of receipt of an interest payment from the State of Nevada Treasurer to accounts in excess of the maintenance fee mentioned in section 258.16.

258.17 IRS 1099 REPORTING

1. Annually, the Department will prepare required 1099's to meet IRS requirements.
2. An inmate who receives at least \$600.00 in payroll income from a Department source will be subject to IRS Form 1099-MISC reporting.
3. An inmate who receives at least \$600.00 in payroll income from a PI source will be subject to IRS Form 1099-MISC reporting.
4. An inmate who receives at least \$10.00 in interest will be subject to IRS Form 1099-INT reporting.

APPLICABILITY

1. This AR requires an Operational Procedure (OP) for the Support Services Division, Casa Grande Transitional Housing, Northern Nevada Restitution Center, and the Office of the Inspector General.
2. This AR requires an audit as part of the annual review of internal controls pursuant to SAM 2418.0.

REFERENCES:

ACA Standards 4-4031, 4-4032, 4-4033, 4-4034, 4-4044, 4-4045, 4-4047, 4-4407, 4-4446, 4-4461, 4-4462, and 4-4463

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) AR 06/17/12 (Reverted back to last permanent AR on 05/19/15)

Effective date: 9/15/15

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

Class	First Offense		Second Offense		Third Offense	
	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. **SEXUAL ABUSE**

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 officer 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
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 281.481281A.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 339.0407 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. 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~~ 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

Class	First Offense		Second Offense		Third Offense	
	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				

339.0507 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 484.379484C.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 484.379484C.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**

~~DC.~~ 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

1

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~~

~~BC.~~ Argue about the wisdom or propriety of a lawful order or decision—; back-talking.
CLASS 2

~~CD.~~ Refusal to undergo a search of person or property on institutional property.
CLASS 5

~~DE.~~ Failure to provide identification or display proper I.D. **CLASS 1-2**

~~EF.~~ Unauthorized service and or acceptance of legal process. **CLASS 1**

~~FG.~~ Unauthorized representation of Department. **CLASS 2-5**

~~GH.~~ 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 23-5

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 23-5

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 3-4

I. 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.~~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.~~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.~~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**

~~W.~~ 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~~

~~KKBB. 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**

~~PPOO.~~ Withholding information or concealing suspected criminal activity to shield individuals from detection, arrest, detention or punishment. **CLASS 5**

~~QQPP.~~ Attempting to have any formal charges dismissed, reduced, avoided or stricken from any court calendar, except as provided by law. **CLASS 4**

~~RRQQ.~~ 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**

~~SSRR.~~ 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**

~~TTSS.~~ 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**

~~UUTT.~~ 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**

~~WWVV.~~ 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.**

ZZYY. 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**

AAAZZ. Possession and/or introduction of an intoxicant contraband, including narcotics and alcohol. **CLASS 5**

BBBAAA. 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**

CCCBBB. 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. 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**

SP. 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.)

TQ. 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 officer 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
440**

**FIRE SAFETY
(TEMPORARY)**

Supersedes: AR 440 (06/17/12)
Effective date: 06/19/15

AUTHORITY: NRS 209.131, NRS 477.250, NRS 205.010, NRS 205.025, NAC 477.281, IFC 2012 edition, NFC 2012 edition

RESPONSIBILITY

The Deputy Director of Operations is responsible for implementing this regulation.

The Employee Development Manager is responsible for ensuring that the training curriculum for all institutional staff includes the requirements of this regulation.

The Warden/Division Head of each institution and facility is responsible for developing, maintaining, and implementing a fire plan for each institution and facility under their supervision.

Each employee of the Department is responsible for identifying fire safety hazards at any location within the Department to which they have access.

The Compliance Enforcement Unit is responsible for the investigation of fires as assigned.

440.01 TRAINING

1. The Training Section of the Department will carry out a training program for institutional staff in the appropriate use of emergency fire fighting equipment within the institutions where they will be employed.

440.02 FIRE PLAN

1. Each institution and facility will have a Fire Plan/Operational Procedure to guide the institution or facility's response to a fire emergency.

A. This plan will include the emergency numbers of fire departments, paramedics, and ambulance agencies that are adjacent to the institution/facility.

B. The fire plan shall include directions to report the incident to supervisors and fire departments; respond with equipment and staff; turn off electrical power; and move inmates and initiate counts as appropriate to the incident.

C. The plan shall provide that during emergencies, emergency vehicle traffic may enter an institution or facility without a vehicle search. At the conclusion of the emergency, the vehicle should be properly searched prior to departure.

2. The plan/procedure shall require that evacuation exits be conspicuously marked and evacuation routes be posted in every major area of every building.
3. The plan/procedure shall require that all fire fighting equipment in each building be conspicuously marked.
4. The entire fire safety plan/procedure should be available to all staff.
5. The Warden, Facility Manager or Division Head shall appoint a supervisor to maintain the fire plan/procedure, and to ensure that the requirements for inspections and drills are completed.
6. The fire plan/procedure shall be reviewed annually by the appropriate Compliance Enforcement Staff and a report prepared for the Warden/Division Head for corrective action.
7. Fire safety inspection and incident response shall be a component of each Departmental employee's daily activities.

440.03 FIRE SAFETY

1. All employees are expected to familiarize themselves with the location and operation of emergency equipment in their work area.
2. The inspection of fire extinguishers and other fire fighting equipment shall be made routinely per the requirements of the State Fire Marshal to insure that they are in their designated locations, operable, and have not been tampered with so as to prevent their employment.
3. Each employee in a correctional institution or facility is responsible for being aware of fire hazards such as altered electrical outlets, overloaded electrical units, unauthorized appliances or extension cords, expended or damaged fire extinguishers, and proper trash storage.
4. The Warden/Division Head shall notify and confer with the Fire Marshal's office and neighboring fire departments regarding evacuation routes and plans, and ensure that outside agencies are familiar with facilities and procedures.

5. Fire drills for living areas in each institution and facility will be conducted on a quarterly basis.

A. Where feasible, inmates should be involved in the drill. In areas where security would be jeopardized by the movement of inmates, the inmate movement will be simulated.

6. The Warden/Division Head will ensure that the State Fire Marshal's Fire Reporting Form is submitted to the Compliance Enforcement Unit in a timely manner when incidents occur.

APPLICABILITY

1. This regulation requires an Operational Procedure for each institution and facility.
2. This regulation requires an audit.



Director



Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION**

440

**FIRE SAFETY
(TEMPORARY)**

Supersedes: AR 440 (~~Temporary, 02/29~~06/17/12)

Effective date: 06/17/12~~19/15~~

AUTHORITY: NRS 209.131, NRS 477.250, NRS 205.010, NRS 205.025, NAC 477.281, IFC 2006~~2012~~ edition, NFC 2006~~2012~~ edition

RESPONSIBILITY

The ~~appropriate~~ Deputy Director of Operations is responsible for implementing this regulation.

The Employee Development Manager is responsible ~~to insure~~for ensuring that the training curriculum for all institutional staff ~~include~~includes the requirements of this regulation.

The Warden/Division Head of each institution and facility is responsible ~~to develop, maintain~~for developing, maintaining, and ~~implement~~implementing a fire plan for each institution and facility under their supervision.

Each employee of the Department is responsible ~~to identify~~for identifying fire safety hazards at any location within the Department to which they have access.

The Compliance Enforcement Unit is responsible for the investigation of fires as assigned.

440.01 TRAINING

1. The Training Section of the Department will carry out a training program for institutional staff in the appropriate use of emergency fire fighting equipment within the institutions where they will be employed.

440.02 FIRE PLAN

1. Each institution and facility will have a Fire Plan/Operational Procedure to guide the institution or facility's response to a fire emergency.

- A. This plan will include the emergency numbers of fire departments, paramedics, and ambulance agencies that are adjacent to the institution/facility.
 - B. The fire plan shall include directions to report the incident to supervisors and fire departments; respond with equipment and staff; turn off electrical power; and move inmates and initiate counts as appropriate to the incident.
 - C. The plan shall provide that during emergencies, emergency vehicle traffic may enter an institution or facility without a vehicle search. At the conclusion of the emergency, the vehicle should be properly searched prior to departure.
2. The plan/procedure shall require that evacuation exits be conspicuously marked and evacuation routes be posted in every major area of every building.
 3. The plan/procedure shall require that all fire fighting equipment in each building be conspicuously marked.
 4. The entire fire safety plan/procedure should be available to all staff.
 5. The Warden, Facility Manager or Division Head shall appoint a supervisor to maintain the fire plan/procedure, and to ~~insure~~ensure that the requirements for inspections and drills are completed.
 6. The fire plan/procedure shall be reviewed annually by the appropriate Compliance Enforcement Staff and a report prepared for the Warden/Division Head for corrective action.
 7. Fire safety inspection and incident response shall be a component of each Departmental employee's daily activities.

440.03 FIRE SAFETY

1. All employees are expected to familiarize themselves with the location and operation of emergency equipment in their work area.
2. The inspection of fire extinguishers and other fire fighting equipment shall be made routinely per the requirements of the State Fire Marshal to insure that they are in their designated locations, operable, and have not been tampered with so as to prevent their employment.
3. Each employee in a correctional institution or facility is responsible ~~to befor being~~ aware of fire hazards such as altered electrical outlets, overloaded electrical units, unauthorized appliances or extension cords, expended or damaged fire extinguishers, and proper trash storage.

4. The Warden/Division Head shall notify and confer with the Fire Marshal's office and neighboring fire departments regarding evacuation routes and plans, and ~~to insure~~ensure that outside agencies are familiar with ~~our~~ facilities and procedures.

5. Fire drills for living areas in each institution and facility will be conducted on a quarterly basis.

A. Where feasible, inmates should be involved in the drill. In areas where security would be jeopardized by the movement of inmates, the inmate movement will be simulated.

6. The Warden/Division Head will ensure that the State Fire Marshal's ~~fire reporting form~~Fire Reporting Form is submitted to the Compliance Enforcement ~~Section~~Unit in a timely ~~fashion~~manner when incidents occur.

APPLICABILITY

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

2. This regulation requires an audit.

~~James G. Cox~~, Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
443**

**HAZARDOUS COMMUNICATION AND CONTROL, USE OF TOXIC,
FLAMMABLE, AND CAUSTIC SUBSTANCES
(TEMPORARY)**

Supersedes: AR 443 6/17/12

Effective Date: 8/17/15

AUTHORITY

Title 29, Code of Federal Regulations, Section 1910.1200

National Electrical Code

NRS 209.131

NRS 618.353

NRS 618.375

NRS 618.383

RESPONSIBILITY

All Department employees and inmates using flammable, toxic, caustic and dangerous materials are responsible to follow all prescribed safety precautions, wear personal protective equipment when necessary, and report all hazards or spills to the proper authority.

All correctional institutions/facilities under Nevada Department of Corrections (NDOC), including camps, are required to complete the annual online Hazardous Material reporting requirement as required by the State Fire Marshal's office.

Each Facility Supervisor is responsible for notifying outside contractors and/or subcontractors Who provide services to the Department to furnish NDOC with a copy of their Hazardous Communication Program and Safety Data Sheets (SDS's) for any hazardous substances to be brought on site prior to starting a project.

Submitted Hazardous Communication Programs shall be forwarded to the Compliance Enforcement Unit.

DEFINITIONS

CAUSTIC MATERIAL – A substance capable of destroying or causing a destruction of other material by chemical reaction. (See OSHA Table C, attached.)

COMBUSTIBLE LIQUID – A substance with a flash point at or above 100 degrees Fahrenheit as classified in OSHA, Table C..

DANGEROUS MATERIALS – Any materials or substances that poses a hazard to employees or inmates.

FLAMMABLE LIQUID – A fluid substance with a flash point below 100 degrees Fahrenheit (37.8 degrees Centigrade). Classified by flash point as a Class I Liquid (See OSHA Table C).

FLAMMABLE MATERIALS – Are any liquid or aerosol material that is required to be labeled Flammable or Combustible under the Federal Hazardous Substances Labeling Act that must be stored, used according to label recommendations and in a way that does not endanger life or property.

FLASH POINT – The minimum temperature at which a liquid will give off sufficient vapors to form an ignitable mixture with the air near the surface of the liquid (or in the vessel used).

HAZARDOUS CHEMICALS – All chemicals that pose a hazard to the health and safety of employees and inmates.

HAZARDOUS COMMUNICATIONS – The means of recognition and identification and dissemination of information to employees and inmates regarding hazardous chemicals and materials that could be harmful.

SAFETY DATA SHEETS (SDS) – Written or printed material concerning a hazardous material containing written information on hazardous materials.

OSHA – The Occupational Safety and Health Administration, a Federal agency tasked with the regulatory responsibilities regarding the identification, labeling, use, storage and disposal safety requirements regarding hazardous materials and substances.

POISONOUS SUBSTANCES OR CHEMICALS – Are those that pose a very high (Class I) caustic hazard due to their toxicity.

TOXIC MATERIAL – A poisonous substance that, through chemical reaction or mixture, can produce possible injury or harm to the body by entry through the skin, digestive tract, or respiratory tract. The toxicity is dependent on the quantity absorbed and the rate, method, and site of absorption. (See OSHA Table C.)

443.01 GENERAL GUIDELINES

1. All flammable, caustic, and toxic substances should be issued (i.e., drawn from supply points to canisters or dispensed) only under the supervision of authorized staff. These authorized staff must have received annual safety training in flammable, caustic and toxic substances (i.e. maintenance personnel, laundry supervisor, etc.).

2. All such substances will be issued only in the amounts necessary for one day's need.

3. All inmates using such substances should be under supervision as directed by the Operational Procedure by a qualified employee with a written authorization by the Warden/Facility Manager.

4. All such substances must be accounted for and inventoried before, during, and after their use.

A. Staff must maintain a log of all substances.

5. All substances should be properly labeled or warning signs posted regarding hazards in the workplace.

A. All information must include the suitable precautions, the symptoms and emergency treatment in case of exposure to hazards. This information is included on the SDS and the primary containers.

6. Employees and inmates will be trained and provided with the proper personal protection equipment and/or devices required by the manufacturer prior to the use of these substances.

443.02 SPECIFIC GUIDELINES FOR STORAGE, USE, AND DISPOSAL

1. Storage

A. Lighting fixtures and electrical equipment in flammable liquid storage rooms must conform to the National Electrical Code requirements for installation in hazardous locations.

B. Storage rooms must meet the following specifications:

(1) Be of fire-resistant construction and properly secured;

(2) Have self-closing fire doors at all openings;

(3) Have either a four-inch sill or a four-inch depressed floor (inside storage rooms only);
and

(4) Have a ventilation system—either mechanical or gravity flow within twelve inches of the floor—that provides at least six air changes per hour in the room.

C. Each storage cabinet must be:

(1) Properly constructed, securely locked and grounded;

(2) Conspicuously labeled “Flammable—Keep Fire Away”; and

(3) No more than 60 gallons of flammable or 120 gallons of combustible liquids shall be stored in any one storage cabinet.

D. Storage rooms and cabinets must be properly secured and supervised by an authorized staff member any time they are in use. Doors and cabinets should be placed so that they do not obstruct access to exits, stairways, and other areas normally used for evacuation in the event of fire or other emergency.

E. All portable containers for flammable and combustible liquids other than the original shipping containers must be approved safety cans listed or labeled by a nationally recognized test laboratory. Containers will bear legible labels identifying the contents.

F. All excess liquids should remain in their original container in the storage room or cabinet. All containers will be tightly closed when not in use.

G. Gasoline pumps will be located outside the main compound. Pumps are to be locked when not in use and accountability of gasoline maintained.

- (1) Staff will supervise movement of gasoline into an institution for use in small engines;
- (2) Gasoline propelled lawn mowers and other small engines should be stored in a secure place when not actually in use;
- (3) Supervisors of small engine repair shops should issue gasoline needed to operate engines only during periods of instruction of repair; and
- (4) Surplus gasoline will be carefully controlled and accountability maintained at all times.

H. No more than 25 gallons of flammable or combustible liquids shall be stored in a room outside an approved storage cabinet.

I. Outside storage areas will be surrounded with curbs or dikes at least 12 inches high. The area will be protected against tampering or trespassing where necessary and should be kept free of weeds, debris and other combustible materials not necessary to the storage.

2. Use:

A. The use of any flammable or combustible liquid must conform to the provisions and precautions listed in the manufacturer's Safety Data Sheet.

B. Only a properly trained staff member can dispense flammable and combustible liquids. The only acceptable methods for drawing from or transferring these liquids into containers inside a building are (1) through a closed piping system; (2) from safety cans; (3) by a device drawing through the top; or (4) by gravity through an approved self-closing system. An approved grounding and bonding system must be used when liquids are dispensed from drums.

C. Only combustible liquids can be used for cleaning. Such operations must be performed in an approved part cleaner or dip-tank fitted with a fusible link lid with a 160-degree Fahrenheit melting-temperature link. Under no circumstances can flammable liquids be used for cleaning.

D. The Cleaning of metal parts (i.e., carburetor parts, etc.) will be accomplished with an approved cleaning agitator. Cleaning of parts in buckets or other unapproved containers is not permitted.

(1) Approved parts cleaner cabinets (with fusible linked lids) will be used.

3. Disposal

A. Excess flammable or combustible liquids must be disposed of properly according to the -SDS for each substance.

4. Spills

A. Information on the proper course of action for chemical spills is contained in the SDS for each substance.

5. Toxic and Caustic Substances

A. Storage

(1) All toxic and caustic materials are to be stored in their original containers in a secure area in each designated area. The manufacturer's label must be kept intact on the container.

B. Use

(1) Only a staff member can authorize the use of toxic and caustic substances. The -SDS for each substance details the necessary provisions and precautions for its use.

(2) Unused portions are to be returned to the original container in the storage area or, if appropriate, stored in the storage area in a suitable clearly labeled container.

C. Disposal

(1) See disposal guidelines for Flammable and Combustible Liquids above.

D. Spills

(1) See spills guidelines for Flammable and Combustible Liquids above.

a. Employees and inmates will be trained and provided with the suitable precautions, the symptoms and emergency treatment in case of exposure to hazards.

6. Poisonous Substances

A. Examples include methyl alcohol, sulfuric acid, muriatic acid, caustic soda, and tannic acid.

B. There are special precautions on the control and use of methyl alcohol (also known as wood alcohol or methanol), which is a flammable, poisonous liquid commonly used in industrial applications (e.g., shellac thinner, paint solvent, duplicating fluid, solvents for leather cements and dyes, flushing fluid for hydraulic brake systems):

- (1) Drinking methyl alcohol can cause death or permanent blindness.
- (2) Staff must supervise the use of any product containing methyl alcohol.
- (3) Products containing methyl alcohol in a diluted state, such as shoe dye, may be issued to inmates or residents, but only in the smallest workable quantities.
- (4) Immediate medical attention is imperative whenever methyl alcohol poisoning is suspected.

C. All poisonous and other toxic substances will be stored inside securely constructed locked containers or inside locked rooms available only to employees as designated in writing by the Warden.

7. Other Toxic Substances

A. Antifreeze containing ethylene glycol should be stored in a locked area and dispensed only by authorized staff.

B. Typewriter cleaner containing carbon tetrachloride or trichloroethane will be dispensed in small quantities and used under direct supervision.

C. The use of cleaning fluid containing carbon tetrachloride or tetrachloride or Trichloroethylene must be strictly controlled.

D. Glues of all types may contain hazardous chemicals and should receive close attention at every stage of handling. Nontoxic products will be used when possible. Toxic glues must be stored in locked containers and used under close supervision.

E. The use of dyes and cements for leather requires close supervision. Nonflammable types should be used whenever possible.

F. Ethyl alcohol, isopropyl alcohol, and other antiseptic products will be stored and used only in the medical department. The use of such chemicals must be closely supervised. Whenever possible, such chemicals should be diluted and issued only in small quantities so as to prevent any injurious or lethal accumulation.

G. Pesticides contain many types of poisons. All pesticides shall be securely stored. All pesticides shall be handled in accordance with AR 483.

H. Only pesticide chemicals approved by the Environmental Protection Agency should be used. DDT and 1080 (sodium fluoracetate) are among those chemicals expressly prohibited.

I. Herbicides must be stored in a locked container. The staff member responsible for herbicides application must have a current state license as a Certified Private Applicator. Proper clothing and protective gear must be used when applying herbicides.

443.03 INVENTORIES, FILES, AND MASTER INDEX

1. Inventories

A. Constant inventories will be maintained for all flammable, toxic, and caustic substances used and stored in each designated area.

(1) Employees should draw these substances only when so authorized by a Department supervisor;

(2) The issuing staff member should record the time, date, amount, and name of the person receiving the substance; and

(3) Each workstation will maintain an inventory of all types and amounts of substances in their respective areas.

B. A record card should be maintained for each such substance to accurately reflect acquisitions, disbursements, and the amounts on hand.

C. Every effort should be made to replace hazardous substances with a substance less likely to be as hazardous.

D. A copy of the inventory will be forwarded to the Safety Specialist Consultation Supervisor and the designated Associate Warden/Facility Manager on the first day of each new quarter beginning January 1st of each year.

2. Department Files

A. Each Division within the Department using any flammable, toxic, or caustic substance will maintain a file of the manufacturer's SDS for each substance and make these SDS's available to the employees at all times..

(1) All product suppliers should provide -SDS's for each of their products and each product must include labels and warnings and the name and address of the supplier or responsible party prior to the delivery of the product. No hazardous material shall be used until the appropriate SDS has been received and made available.

(2) No employee will remove or deface the labels or warnings on any product.

- (3) All labels and warnings must be legible and prominently displayed on the containers; and
- (4) All products, which carry a -SDS, will be handled in accordance with the specifications of the sheet.
- (5) The Department file should be upgraded at least annually.
- (6) The Department file should also contain a list of all areas where these substances are stored, along with a plant diagram and legend.
- (7) A copy of all information in the Department file, including the -SDS's, are to be supplied to the staff member responsible for the institution/facility's safety program, the Compliance Enforcement Unit, and the medical division at the institution/facility.
- (8) A copy of the -SDS for the chemical will be located where the chemical is stored.
- (9) SDS's for chemicals no longer used should be maintained for 30 years and be marked with time frame and location used.

3. Master Index

- A. The staff member responsible for the institution/facility's safety program will compile a master index of all flammable, caustic, and toxic substances in the institution/facility, including their locations and -SDS's.
- B. This information will be kept in the safety office (or comparable location) and a copy shall be forwarded to the Compliance Enforcement Unit who will supply a copy to the local fire department or State Fire Marshal's Office upon request within the proper jurisdiction.

443.04 TRAINING

1. The **Compliance Enforcement Unit** will prepare and make available to all employees and inmates written training programs on the proper storage, control and use of all hazardous substances.
 - A. NDOC shall provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard the employees have not previously been trained about is introduced into their work area.
 - B. All Staff and inmates who routinely come into contact with certain hazardous substances will receive training in those particular areas.
2. Documentation of such training will be recorded by the supervisor or individual(s) conducting the training and filed with the Department's Employee Development Office.

3. All Department training programs will be reviewed, at a minimum, annually by the Compliance Enforcement Unit or designee in conjunction with the Department's Employee Development Manager or designee to ensure continued update and compliance with all applicable laws. This review will be documented and filed with the Safety Specialist Consultation Supervisor.

4. Administrators, Wardens and Facility Managers will ensure that all staff and inmates who utilize these substances are properly trained in their use and are familiar with the emergency care procedures in the event of an accident.

A. Supervisors will ensure that the substances are handled and stored in accordance with the manufacturer's recommendations.

B. Supervisors will ensure that all persons working with or exposed to these materials are made aware of the warning indications and to the possible health risks involved with the product.

443.05 INSPECTIONS

1. The Compliance Enforcement Unit Shall conduct inspections at least semi-annually at institutions/facilities and as deemed necessary. The Compliance Enforcement Unit will report findings of non-compliance to the Warden and Deputy Director of Operation.

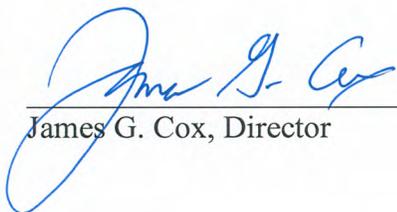
A. The staff member responsible for the safety program at the institution/facility may be requested to conduct inspections by the Compliance Enforcement Unit as deemed necessary.

APPLICABILITY

1. This Administrative Regulation is applicable to all Department staff and inmates.
2. This Administrative Regulation requires an annual audit.

ATTACHMENTS

OSHA Table C



James G. Cox, Director



Date

OSHA TABLE C

Common Flammable, Toxic, and Caustic Substances

Class I Liquids

Gasoline
Benzine (Petroleum ether)
Acetone
Hexane
Lacquer
Lacquer thinner
Denatured alcohol
Ethyl alcohol
Xylene (Xylol)
Contact cement (Flammable)
Toluidi (Toluene)
Methyl ethyl ether
Methyl ethyl ketone
Naphtha Y, M, and P

Class II Liquids

Diesel fuel
Motor oil
Kerosene
Cleaning solvents
Mineral spirits
Agitene

Class III Liquids Toxic Substances

Ammonia

Paints (oil base)
Linseed oil
Mineral oil
Neatsfoot oil
Sunray conditioner
Guardian fluid

Chlorine
Antifreeze
Duplicating Fluid
Methyl alcohol (Wood alcohol or Methanol)
Defoliants
Herbicides
Pesticides
Rodenticides

Caustic Substances

Lye
Muriatic acid
Caustic soda
Sulfuric acid
Tannic acid

Gaseous Liquified

Butane gas
Oxygen gas
Propane gas
Natural gas

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
443**

**HAZARDOUS COMMUNICATION AND CONTROL, USE OF TOXIC,
FLAMMABLE, AND CAUSTIC SUBSTANCES**

Supersedes: AR 443 (Temporary, 05/25/12)
Effective Date: ~~06/17/12-8-11-15~~ 8/17/15

AUTHORITY

Title 29, Code of Federal Regulations, Section 1910.1200
National Electrical Code
NRS 209.131
NRS 618.353
NRS 618.375
NRS 618.383

RESPONSIBILITY

All Department employees and inmates using flammable, toxic, caustic and dangerous materials are responsible to follow all prescribed safety precautions, wear personal protective equipment when necessary, and report all hazards or spills to the proper authority.

All correctional institutions/facilities under ~~the~~ Nevada Department of Corrections (NDOC), including camps, are required to complete the annual online Hazardous Material reporting requirement as required by the State Fire Marshal's office. ~~Each institution/facility, including camps, must complete their own report.~~

~~The Chief Engineer or Chief of Plant Operations or designee~~Each Facility Supervisor is responsible for notifying ~~the outside~~ contractors and/or subcontractors Who provide services to the Department to provide-furnish NDOC with a copy of their Hazardous Communication Program and ~~Material~~-Safety Data Sheets (MSDS's) for any hazardous substances to be brought on site prior to starting a project.

Submitted Hazardous Communication Programs shall be forwarded to the Compliance Enforcement Unit.

DEFINITIONS

CAUSTIC MATERIAL – A substance capable of destroying or causing a destruction of other material by chemical reaction. (See OSHA Table C, attached.)

COMBUSTIBLE LIQUID – A substance with a flash point at or above 100 degrees Fahrenheit as classified in OSHA, Table C..

DANGEROUS MATERIALS – Any materials or substances that poses a hazard to employees or inmates.

FLAMMABLE LIQUID – A fluid substance with a flash point below 100 degrees Fahrenheit (37.8 degrees Centigrade). Classified by flash point as a Class I Liquid (See OSHA Table C).

FLAMMABLE MATERIALS – Are any liquid or aerosol material that is required to be labeled Flammable or Combustible under the Federal Hazardous Substances Labeling Act that must be stored, used according to label recommendations and in a way that does not endanger life or property.

FLASH POINT – The minimum temperature at which a liquid will give off sufficient vapors to form an ignitable mixture with the air near the surface of the liquid (or in the vessel used).

HAZARDOUS CHEMICALS – All chemicals that pose a hazard to the health and safety of employees and inmates.

HAZARDOUS COMMUNICATIONS – The means of recognition and identification and dissemination of information to employees and inmates regarding hazardous chemicals and materials that could be harmful.

MATERIAL SAFETY DATA SHEETS (MSDS) – Written or printed material concerning a hazardous material containing written information on hazardous materials.

OSHA – The Occupational Safety and Health Administration, a Federal agency tasked with the regulatory responsibilities regarding the identification, labeling, use, storage and disposal safety requirements regarding hazardous materials and substances.

POISONOUS SUBSTANCES OR CHEMICALS – Are those that pose a very high (Class I) caustic hazard due to their toxicity.

TOXIC MATERIAL – A poisonous substance that, through chemical reaction or mixture, can produce possible injury or harm to the body by entry through the skin, digestive tract, or respiratory tract. The toxicity is dependent on the quantity absorbed and the rate, method, and site of absorption. (See OSHA Table C.)

443.01 GENERAL GUIDELINES

1. All flammable, caustic, and toxic substances should be issued (i.e., drawn from supply points to canisters or dispensed) only under the supervision of authorized staff. These authorized staff must have received annual safety training in flammable, caustic and toxic substances (i.e. maintenance personnel, laundry supervisor, etc.).

2. All such substances will be issued only in the amounts necessary for one day's need.
3. All inmates using such substances should be under supervision as directed by the Operational Procedure by a qualified employee with a written authorization by the Warden/Facility Manager.
4. All such substances must be accounted for and inventoried before, during, and after their use.
 - A. Staff must maintain a log of all substances.
5. All substances should be properly labeled or warning signs posted regarding hazards in the workplace.
 - A. All information must include the suitable precautions, the symptoms and emergency treatment in case of exposure to hazards. This information is included on the MSDS and the primary containers.
6. Employees and inmates will be trained and provided with the proper personal protection equipment and/or devices required by the manufacturer prior to the use of these substances.

443.02 SPECIFIC GUIDELINES FOR STORAGE, USE, AND DISPOSAL

1. Storage

- A. Lighting fixtures and electrical equipment in flammable liquid storage rooms must conform to the National Electrical Code requirements for installation in hazardous locations.
- B. Storage rooms must meet the following specifications:
 - (1) Be of fire-resistant construction and properly secured;
 - (2) Have self-closing fire doors at all openings;
 - (3) Have either a four-inch sill or a four-inch depressed floor (inside storage rooms only); and
 - (4) Have a ventilation system—either mechanical or gravity flow within twelve inches of the floor—that provides at least six air changes per hour in the room.
- C. Each storage cabinet must be:
 - (1) Properly constructed, securely locked and grounded;
 - (2) Conspicuously labeled “Flammable—Keep Fire Away”; and
 - (3) No more than 60 gallons of flammable or 120 gallons of combustible liquids shall be stored in any one storage cabinet.

D. Storage rooms and cabinets must be properly secured and supervised by an authorized staff member any time they are in use. Doors and cabinets should be placed so that they do not obstruct access to exits, stairways, and other areas normally used for evacuation in the event of fire or other emergency.

E. All portable containers for flammable and combustible liquids other than the original shipping containers must be approved safety cans listed or labeled by a nationally recognized test laboratory. Containers will bear legible labels identifying the contents.

F. All excess liquids should remain in their original container in the storage room or cabinet. All containers will be tightly closed when not in use.

G. Gasoline pumps will be located outside the main compound. Pumps are to be locked when not in use and accountability of gasoline maintained.

- (1) Staff will supervise movement of gasoline into an institution for use in small engines;
- (2) Gasoline propelled lawn mowers and other small engines should be stored in a secure place when not actually in use;
- (3) Supervisors of small engine repair shops should issue gasoline needed to operate engines only during periods of instruction of repair; and
- (4) Surplus gasoline will be carefully controlled and accountability maintained at all times.

H. No more than 25 gallons of flammable or combustible liquids shall be stored in a room outside an approved storage cabinet.

I. Outside storage areas will be surrounded with curbs or dikes at least 12 inches high. The area will be protected against tampering or trespassing where necessary and should be kept free of weeds, debris and other combustible materials not necessary to the storage.

2. Use:

A. The use of any flammable or combustible liquid must conform to the provisions and precautions listed in the manufacturer's ~~Material~~-Safety Data Sheet.

B. Only a properly trained staff member can dispense flammable and combustible liquids. The only acceptable methods for drawing from or transferring these liquids into containers inside a building are (1) through a closed piping system; (2) from safety cans; (3) by a device drawing through the top; or (4) by gravity through an approved self-closing system. An approved grounding and bonding system must be used when liquids are dispensed from drums.

C. Only combustible liquids can be used for cleaning. Such operations must be performed in an approved part cleaner or dip-tank fitted with a fusible link lid with a 160-degree

Fahrenheit melting-temperature link. Under no circumstances can flammable liquids be used for cleaning.

D. The Cleaning of metal parts (i.e., carburetor parts, etc.) will be accomplished with an approved cleaning agitator. Cleaning of parts in buckets or other unapproved containers is not permitted.

(1) Approved parts cleaner cabinets (with fusible linked lids) will be used.

3. Disposal

A. Excess flammable or combustible liquids must be disposed of properly according to the ~~MSDS~~-SDS for each substance.

4. Spills

A. Information on the proper course of action for chemical spills is contained in the ~~MSDS~~ for each substance.

5. Toxic and Caustic Substances

A. Storage

(1) All toxic and caustic materials are to be stored in their original containers in a secure area in each designated area. The manufacturer's label must be kept intact on the container.

B. Use

(1) Only a staff member can authorize the use of toxic and caustic substances. The ~~MSDS~~-SDS for each substance details the necessary provisions and precautions for its use.

(2) Unused portions are to be returned to the original container in the storage area or, if appropriate, stored in the storage area in a suitable clearly labeled container.

C. Disposal

(1) See disposal guidelines for Flammable and Combustible Liquids above.

D. Spills

(1) See spills guidelines for Flammable and Combustible Liquids above.

a. Employees and inmates will be trained and provided with the suitable precautions, the symptoms and emergency treatment in case of exposure to hazards.

6. Poisonous Substances

A. Examples include methyl alcohol, sulfuric acid, muriatic acid, caustic soda, and tannic acid.

B. There are special precautions on the control and use of methyl alcohol (also known as wood alcohol or methanol), which is a flammable, poisonous liquid commonly used in industrial applications (e.g., shellac thinner, paint solvent, duplicating fluid, solvents for leather cements and dyes, flushing fluid for hydraulic brake systems):

(1) Drinking methyl alcohol can cause death or permanent blindness.

(2) Staff must supervise the use of any product containing methyl alcohol.

(3) Products containing methyl alcohol in a diluted state, such as shoe dye, may be issued to inmates or residents, but only in the smallest workable quantities.

(4) Immediate medical attention is imperative whenever methyl alcohol poisoning is suspected.

C. All poisonous and other toxic substances will be stored inside securely constructed locked containers or inside locked rooms available only to employees as designated in writing by the Warden.

7. Other Toxic Substances

A. Antifreeze containing ethylene glycol should be stored in a locked area and dispensed only by authorized staff.

B. Typewriter cleaner containing carbon tetrachloride or trichloroethane will be dispensed in small quantities and used under direct supervision.

C. The use of cleaning fluid containing carbon tetrachloride or tetrachloride or Trichloroethylene must be strictly controlled.

D. Glues of all types may contain hazardous chemicals and should receive close attention at every stage of handling. Nontoxic products will be used when possible. Toxic glues must be stored in locked containers and used under close supervision.

E. The use of dyes and cements for leather requires close supervision. Nonflammable types should be used whenever possible.

F. Ethyl alcohol, isopropyl alcohol, and other antiseptic products will be stored and used only in the medical department. The use of such chemicals must be closely supervised. Whenever possible, such chemicals should be diluted and issued only in small quantities so as to prevent any injurious or lethal accumulation.

G. Pesticides contain many types of poisons. All pesticides shall be securely stored. All pesticides shall be handled in accordance with AR 483.

H. Only pesticide chemicals approved by the Environmental Protection Agency should be used. DDT and 1080 (sodium fluoracetate) are among those chemicals expressly prohibited.

I. Herbicides must be stored in a locked container. The staff member responsible for herbicides application must have a current state license as a Certified Private Applicator. Proper clothing and protective gear must be used when applying herbicides.

443.03 INVENTORIES, FILES, AND MASTER INDEX

1. Inventories

A. Constant inventories will be maintained for all flammable, toxic, and caustic substances used and stored in each designated area.

(1) Employees should draw these substances only when so authorized by a Department supervisor;

(2) The issuing staff member should record the time, date, amount, and name of the person receiving the substance; and

(3) Each workstation will maintain an inventory of all types and amounts of substances in their respective areas.

B. A record card should be maintained for each such substance to accurately reflect acquisitions, disbursements, and the amounts on hand.

C. Every effort should be made to replace hazardous substances with a substance less likely to be as hazardous.

D. A copy of the inventory will be forwarded to the Safety Specialist Consultation Supervisor and the designated Associate Warden/Facility Manager on the first day of each new quarter beginning January 1st of each year.

2. Department Files

A. Each Division within the Department using any flammable, toxic, or caustic substance will maintain a file of the manufacturer's MSDS for each substance and make these MSDS's available to the employees at all times..

(1) All product suppliers should provide ~~MSDS's~~ SDS's for each of their products and each product must include labels and warnings and the name and address of the supplier or responsible party prior to the delivery of the product. No hazardous material shall be used until the appropriate SDS has been received and made available.

(2) No employee will remove or deface the labels or warnings on any product.

(3) All labels and warnings must be legible and prominently displayed on the containers; and

(4) All products, which carry a ~~MSDS-SDS~~, will be handled in accordance with the specifications of the sheet.

(5) The Department file should be upgraded at least annually.

(6) The Department file should also contain a list of all areas where these substances are stored, along with a plant diagram and legend.

(7) A copy of all information in the Department file, including the ~~MSDS's-SDS's~~, are to be supplied to the staff member responsible for the institution/facility's safety program, the ~~Safety Specialist Consultation Supervisor~~Compliance Enforcement Unit, and the medical division at the institution/facility.

(8) A copy of the ~~MSDS-SDS~~ for the chemical will be located where the chemical is stored.

(9) SDS's for chemicals no longer used should be maintained for 30 years and be marked with time frame and location used.

3. Master Index

A. The staff member responsible for the institution/facility's safety program will compile a master index of all flammable, caustic, and toxic substances in the institution/facility, including their locations and ~~MSDS's-SDS's~~.

B. This information will be kept in the safety office (or comparable location) and a copy shall be forwarded to the ~~Safety Specialist Consultation Supervisor~~Compliance Enforcement Unit who will supply a copy to the local fire department or State Fire Marshal's Office upon request within the proper jurisdiction.

~~C. The master index will also contain an up to date list of emergency phone numbers (e.g., local fire department, local poison control centers.)~~

443.04 TRAINING/INSPECTIONS

1. The ~~Safety Specialist Consultation Supervisor~~Compliance Enforcement Unit -will prepare and make available to all employees and inmates written training programs on the proper storage, control and use of all hazardous substances.

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A. A- NDOC shall provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard the employees have not previously been trained about is introduced into their work area.

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B. All Staff and inmates who routinely come into contact with certain hazardous substances will receive training in those particular areas.

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2. Documentation of such training will be recorded by the supervisor or individual(s) conducting the training and filed with the Department's ~~Safety Specialist Consultation Supervisor~~. ~~The supervisor will ensure a copy of the documentation will be forwarded for retention to the Department's Regional Employee Development Office.~~

3. All Department training programs will be reviewed, at a minimum, annually by the ~~Safety Specialist Consultation Supervisor~~ Compliance Enforcement Unit or designee in conjunction with the Department's Employee Development Manager or designee to ensure continued update and compliance with all applicable laws. This review will be documented and filed with the Safety Specialist Consultation Supervisor.

4. Administrators, Wardens and Facility Managers will ensure that all staff and inmates who utilize these substances are properly trained in their use and are familiar with the emergency care procedures in the event of an accident.

A. Supervisors ~~will~~ will ensure that the substances are handled and stored in accordance with the manufacturer's recommendations.

B. Supervisors will ensure that all persons working with or exposed to these materials are made aware of the warning indications and to the possible health risks involved with the product.

5. ~~The Safety Compliance Risk Management staff~~ Compliance Enforcement Unit ~~shall~~ should conduct inspections at least quarterly ~~semi annually~~ at institutions/facilities as deemed necessary and report findings of non-compliance to the Deputy Director of Operations, Warden and Inspector General.

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~~A. The staff member responsible for the safety program at the institution/facility may be requested to conduct inspections by the Safety Specialist Consultation Supervisor~~ Compliance Enforcement Unit as deemed necessary.

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443.05 INSPECTIONS

1. The Compliance Enforcement Unit shall conduct comprehensive inspections at least semi-annually at institutions/facilities and as deemed necessary. The Compliance Enforcement Unit will report findings of non-compliance to the Warden and Deputy Director of Operation.

A. The staff member responsible for the safety program at the institution/facility may be requested to conduct inspections by the Compliance Enforcement Unit as deemed necessary.

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APPLICABILITY

1. This Administrative Regulation is applicable to all Department staff and inmates.
- | 2. This Administrative Regulation requires an annual audit.

ATTACHMENTS

OSHA Table C

James G. Cox, Director

Date

OSHA TABLE C

Common Flammable, Toxic, and Caustic Substances

Class I Liquids

Gasoline
Benzine (Petroleum ether)
Acetone
Hexane
Lacquer
Lacquer thinner
Denatured alcohol
Ethyl alcohol
Xylene (Xylol)
Contact cement (Flammable)
Toluid (Toluene)
Methyl ethyl ether
Methyl ethyl ketone
Naphtha Y, M, and P

Class II Liquids

Diesel fuel
Motor oil
Kerosene
Cleaning solvents
Mineral spirits
Agitene

**Class III Liquids
Toxic Substances**

Ammonia

Paints (oil base)
Linseed oil
Mineral oil
Neatsfoot oil
Sunray conditioner
Guardian fluid

Chlorine
Antifreeze
Duplicating Fluid
Methyl alcohol (Wood alcohol or Methanol)
Defoliants
Herbicides
Pesticides
Rodenticides

Caustic Substances

Lye
Muriatic acid
Caustic soda
Sulfuric acid
Tannic acid

Gaseous Liquified

Butane gas
Oxygen gas
Propane gas
Natural gas

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION**

446

**IDENTIFICATION OF INMATES AFFILIATED WITH SECURITY
THREAT GROUPS AND DISRUPTIVE GROUPS
(TEMPORARY)**

Supersedes: AR 446 03/19/13

Effective date: 8/21/15

AUTHORITY: NRS 209.131, NRS 193.168, 28 CFR 23

RESPONSIBILITY

The Inspector General's Office (IG) has primary responsibility for supervising the process for the identification and management, including validation, of Security Threat Groups (STG) and/or Disruptive Groups (DG) and the affiliated inmates.

Supervisory Criminal Investigators in the IGs office and assigned Inspector General Investigators are responsible to monitor STG and/or DG activity within the Department.

All Department staff share the responsibility in reporting and identifying STG and/or DG.

446.01 STG AND/OR DG IDENTIFICATION AND MANAGEMENT

1. STG status is to be considered advisory in nature and ordinarily does not require specific actions beyond an increased level of security awareness. All staff will accurately document suspected STG and/or DG members and their activities and ensure all validation and supporting information and documentation is sent to the designated staff member within the IGs office.
2. The Department will establish:
 - A. A mechanism to identify, verify, and validate STG and/or DG and the affiliated inmates;
 - B. A procedure for STG and/or DG Due Process hearings and appeals.
3. The Office of the Inspector General will develop confidential procedures to identify, verify, validate and provide suggestions for management of the STG and/or DG.

4. The Office of the Inspector General will develop confidential procedures for the sharing of intelligence relative to STG and/or DG with law enforcement agencies outside the Department of Corrections.

5. Each institution/facility will develop institutional procedures to comply with the Inspector General's guidelines in the identification of STG and/or DG, and affiliated inmates to each specific group.

A. Each institution is responsible for the management of inmates affiliated with a STG and/or DG, based upon the needs of the institution while keeping in mind the variables of housing for each inmate.

B. Expertise and information relative to housing issues of and/or for inmates should be sought from staff members of the Inspector General's office when applicable.

446.02 STG AND/OR DG INVESTIGATION AND VALIDATION

1. When STG/DG activity or affiliation is suspected, the Warden/designee of the affected institution will initiate an inquiry to gather relevant information concerning the activity and any involved inmates. This information should be documented within Nevada Offender Information Tracking System, (NOTIS) and should include as much identifiable information as possible.

A. When practical the documentation, photographs and/or any other report should be imported into the NOTIS incident report utilizing the document import icon.

B. The STG assessment fields in NOTIS will be updated for all involved inmates, to accurately reflect current STG status and involvement.

C. If documentation in support of the activity and/or identification is not scanned, all relevant information and documentation obtained during the information gathering/investigation process concerning a suspected STG/DG or affiliated inmate, will be forwarded to the Inspector General's Office designee for review.

2. When appropriate, the IG designee will validate the concerned STG/DG or affiliated inmate in accordance with established validation criterion outlined in the IG procedures.

446.03 STG AND/OR DG DUE PROCESS

1. The Department will establish processes and procedures by which an inmate can question, review and appeal a STG/DG designation/validation.

2. In accordance with established validation criterion an inmate will be notified of suspected STG/DG affiliation via NDOC Form 1598 STG/DG Notification. The NDOC Form 1598 will provide what information the suspected affiliation is based upon.

3. The inmate will be advised as to the necessary steps to, if desired, remove themselves from affiliation through the formal debriefing process.
4. Should the inmate disagree with the designation, he can, within 10 days of the written notification, request in writing via his caseworker, a STG/DG Due Process Hearing.
5. The involved casework staff member will notify the supervisory Casework staff of the inmate's request for a STG/DG Due Process Hearing.
 - A. The Casework staff member should document the inmate's request for a hearing within the appropriate area of the Offender Management Module of NOTIS.
6. The inmate will be notified in writing with a date and time that the STG/DG Due Process Hearing will occur. The inmate must be given at least 72 hours of preparation time to be able to present evidence if he believes the suspected affiliation is incorrect. The inmate may not call any witnesses.
7. The STG/DG Due Process Hearing panel will consist of the Warden or designee, which can be an Associate Warden or a staff member with sufficient supervisory experience and knowledge, the inmate's caseworker, and one other staff member of the facility. Another assigned staff member, typically from the involved institution, will present the STG/DG information on the inmate. All STG/DG Due Process Hearings will be recorded via tape or digital means.
8. The hearing will begin by informing the inmate why he is suspected of being affiliated with a STG/DG, including presenting the facts about why it is believed the inmate should be validated. All evidence will be presented at that time and this evidence will be attached to the hearing document packet.
9. Confidential information that has been proven reliable will be presented, off tape and outside the presence of the involved inmate, to the hearing panel.
10. Once the evidence and facts have been presented, the inmate will be given the opportunity to present his rebuttal, including being allowed to speak on his behalf. He can present evidence both verbally and documents to support his case. He cannot call witnesses.
11. Once the Due Process hearing panel has heard and reviewed all information and documentation, the recording will be paused or stopped. The inmate and presenting staff member will leave the room and the panel will deliberate. Once the deliberation has ended and the panel has voted whether the inmate should be validated or not, the inmate and the presenting staff member will be allowed back into the room. The tape recorder will be restarted and the inmate will be made aware of the panel's decision by advising him that he is or is not to be validated as affiliated with a STG/DG.

12. Each panel member will indicate on NDOC Form 1598 whether they agree, disagree or need additional information or investigation, with the inmate's suspected affiliation.

13. A copy of the panel's decision will remain with the STG/DG file documentation and a copy of the panel's decision will be placed into the inmate's I file.

A. The original documentation, form 1598 will be sent to the Inspector General's Office, who in turn will upload the document into the STG module for that inmate.

14. The inmate will be provided information explaining to him how he can remove himself from the affiliation through a debriefing process.

15. The inmate will also be afforded the opportunity to appeal the panel's decision should he want to do so. The panel will provide the inmate with information explaining how the appeal process works.

16. After the STG/DG Due Process Hearing has been finalized, the inmate has 10 working days from the hearing date to appeal the panel's decision. The inmate will complete the STG appeal form or an inmate request form after the hearing or the Security Threat Group or Disruptive Group Designation, NDOC form 1598 during the STG Due Process hearing. The Inspector General will forward the form to the appropriate Deputy Director for review. The Deputy Director can agree with the panel, send the matter back for further investigation and review, or overturn the panel's decision for validation of the inmate.

17. Once the Deputy Director has made his determination or recommendation, the information will be returned to the Inspector General's Office, who will notify the involved facility. Casework staff is responsible to notify the involved inmate.

18. A copy of the written results of the Due Process Hearing appeal will be placed with the STG/DG module of NOTIS for the inmate.

19. The inmate's affiliation status with a STG/DG will be reviewed by or through regular case work review at the institution wherein the inmate is housed.

446.04 REVIEW FOR CHANGE AND/OR DEBRIEFING FROM A STG/DG DESIGNATION

1. During regular reviews, casework staff will confirm with the inmate any validated STG/DG designation.

2. Inmates who express an interest in debriefing, changing their status of designation from active to inactive, or want the designation removed must submit a request for any of these processes in

writing through the casework staff member to the Associate Warden at the institution or facility where the inmate is housed.

3. The Associate Warden will designate an institutional staff member to:

- Generate a Nevada Offender Tracking Information System (NOTIS) report in the Incident Report (IR) module, clearly articulating the specific request by the inmate (Debriefing, Changing Status or Removal of Status);
- Import all documents associated with the inmate's request into the NOTIS Incident report;
- Notify the Associated Warden of the completion of these steps; and
- Refer the generated IR for review by the IGs Office.

4. All inmate requests for Debriefing from their affiliation with a STG will be addressed through review by the IGs office.

- The IG designee will review the inmate's request within NOTIS and assign the matter for handling and investigation to an investigator within the IG's office
- The matter will be assigned for review by an Investigator in the Inspector General's Office within 30 days.
- The processes and procedures associated with official Debriefing are contained within the confidential STG/DG manual.
- Upon completion of the investigation of Debriefing qualification, IG staff will work with Offender Management Division (OMD) staff as well as the institutional administrative staff where the inmate is currently housed to assess best placement for the inmate.
- Any activity, subsequent to official Debriefing, that is confirmed as associated with a STG will result in immediate removal from a status of Debriefed to include removal from any type of housing and/or programming associated to Debriefing
- At all phases of the Debriefing process, to include any possible removal from a debriefed status, housing and/or programming, the Department will take safety and security needs of the inmate, the institution and staff into account.

5. All inmate requests for a review for a Status Change to inactive will be initiated and conducted at the institutional level unless there are special circumstances that would not allow for the review to occur in this manner, following the prescribed format and processes, which include:

- The Inspector General's Office designee will assign the NOTIS IR an Incident Inquiry (IN) case number to the institution wherein the inmate is housed;
- The Associate Warden of the institution will designate an institutional staff member to conduct the review for a Status Change;
- The designated staff member will gather facts, information and documentation from NOTIS and other sources of information from the Department or outside law enforcement agencies in order to corroborate or refute inactivity. Some identified sources of information include;

- NOTIS Incident Reports;
- NOTIS Disciplinary History reports;
- NOTIS Grievance log report;
- NOTIS Inmate Housing History report;
- Classification records from NOTIS and the inmate's I file;
- Recorded inmate phone calls;

The designated staff member will conduct an in person recorded interview with the inmate requesting a Status Change;

- The designated staff member will generate a report, including all garnered information, data and evidence and support his/her findings in the report;
- The final report will be submitted to the Associate Warden of the Institution who in turn will submit and confer with the Inspector General's Office (designee) for a determination about the Status Change.

6. Any inmate that has had their STG/DG status changed or removed for whatever reason can be reviewed for any subsequent change of status based upon demonstrated STG/DG activity, association, or documentation.

446.05 STG/DG RECORDS CONFIDENTIALITY

1. STG/DG affiliation status information about an inmate(s) may be disseminated in conjunction with an official request related to the inmate from The Pardons or Parole Board.

2. STG/DG affiliation status information about an inmate(s), including DOC forms 1597 and 1598, may only be disseminated in conjunction with an official request, related to the inmate(s) from a Law enforcement agency.

A. STG/DG information and documentation determined to be confidential will be disseminated via official request to the Inspector General's Office.

3. Unauthorized dissemination of STG/DG confidential information or documentation is prohibited by any staff member of the Department.

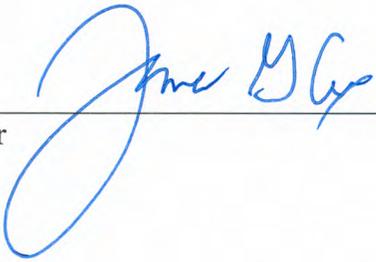
446.06 STG/DG TRAINING

1. The IGs Office will make available subject matter experts to Employee Development Division for training of staff in the identification and management of Security Threat Groups and/or Disruptive Groups.

2. Department STG/DG training lesson plans shall be reviewed and approved by the IG designee and Employee Development Division.

APPLICABILITY

1. This regulation applies to all employees and inmates of the Department.
2. This regulation requires confidential Manual from the Inspector General's Office.
3. This regulation requires all institutions and facilities to have an Operational Procedure.



Director



Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
446

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IDENTIFICATION OF INMATES AFFILIATED WITH SECURITY
THREAT GROUPS AND DISRUPTIVE GROUPS
(TEMPORARY)

Supersedes: AR 446 (06/17/12) and AR 446 (Temporary, 03/11/13)
Effective date: 03/19/138/21/15

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AUTHORITY: NRS 209.131, NRS 193.168, 28 CFR 23

RESPONSIBILITY

The Inspector General's Office (IG) has primary responsibility for supervising the process for the identification and management, including validation, of Security Threat Groups (STG) and/or Disruptive Groups (DG) and the affiliated inmates.

Supervisory Criminal Investigators in the ~~Inspector General's Office~~ IGs office and assigned Inspector General Investigators are responsible to monitor STG and/or DG activity within the Department.

All Department staff share the responsibility in reporting and identifying STG and/or DG. ~~All staff will accurately document suspected STG and/or DG members and their activities and ensure all validation and supporting information and documentation is sent to the designated staff member within Inspector General's Office via the appropriate and established chain of authority.~~

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446.01 STG AND/OR DG IDENTIFICATION AND MANAGEMENT

1. STG status is to be considered advisory in nature and ordinarily does not require specific actions beyond an increased level of security awareness. All staff will accurately document suspected STG and/or DG members and their activities and ensure all validation and supporting information and documentation is sent to the designated staff member within the IGs office.

2. The Department will establish:

- A. A mechanism to identify, verify, and validate STG and/or DG and the affiliated inmates;
- B. A procedure for STG and/or DG Due Process hearings and appeals.

3. The Office of the Inspector General will develop confidential procedures to identify, verify, validate and provide suggestions for management of the STG and/or DG.

4. The Office of the Inspector General will develop confidential procedures for the ~~online~~ sharing of intelligence relative to STG and/or DG with law enforcement agencies outside the Department of Corrections.

5. Each institution/facility will develop institutional procedures to comply with the Inspector General's guidelines in the identification of STG and/or DG, and affiliated inmates to each specific group.

A. Each institution is responsible for the management of inmates affiliated with a STG and/or DG, based upon the needs of the institution while keeping in mind the variables of housing for each inmate.

B. Expertise and information relative to housing issues of and/or for inmates should be sought from staff members of the Inspector General's office when applicable.

446.02 STG AND/OR DG INVESTIGATION AND VALIDATION

1. When STG/DG activity or affiliation is suspected, the Warden/designee of the affected institution will initiate an inquiry to gather relevant information concerning the activity and any involved inmates. This information should be documented within Nevada Offender Information Tracking System, (NOTIS) and should include as much identifiable information as possible.

~~A. A. When practical the documentation, photographs and/or any other report should be imported into the NOTIS incident report utilizing the document import icon ~~in the appropriate module within NOTIS.~~~~

~~B. Should the institution not have the capability of document import, contact should be made with the Inspector General's Office.~~

B. The STG assessment fields in NOTIS will be updated for all involved inmates, to accurately reflect current STG status and involvement.

C. If documentation in support of the activity and/or identification is not scanned, all relevant information and documentation obtained during the information gathering/investigation process concerning a suspected STG/DG or affiliated inmate, will be forwarded to the Inspector General's Office designee for review.

2. When appropriate, the IG designee will validate the concerned STG/DG or affiliated inmate in accordance with established validation criterion outlined in the IG procedures.

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446.03 STG AND/OR DG DUE PROCESS

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1. The Department will establish processes and procedures by which an inmate can question, review and appeal a STG/DG designation/validation.
2. In accordance with established validation criterion an inmate will be notified of suspected STG/DG affiliation via NDOC Form 1598 STG/DG Notification. The NDOC Form 1598 will provide what information the suspected affiliation is based upon.
3. The inmate will be advised as to the necessary steps to, if desired, remove themselves from affiliation through the formal debriefing process.
4. Should the inmate disagree with the designation, he can, within 10 days of the written notification, request in writing via his caseworker, a STG/DG Due Process Hearing.
5. The involved casework staff member will notify the supervisory Casework staff of the inmate's request for a STG/DG Due Process Hearing.
 - A. The Casework staff member should document the inmate's request for a hearing within the appropriate area of the Offender Management Module of NOTIS.
6. The inmate will be notified in writing with a date and time that the STG/DG Due Process Hearing will occur. The inmate must be given at least 72 hours of preparation time to be able to present evidence if he believes the suspected affiliation is incorrect. The inmate may not call any witnesses.
7. The STG/DG Due Process Hearing panel will consist of the Warden or designee, which can be an Associate Warden or a staff member with sufficient supervisory experience and knowledge, the inmate's caseworker, and one other staff member of the facility. Another assigned staff member, typically from the involved institution, will present the STG/DG information on the inmate. All STG/DG Due Process Hearings will be recorded via tape or digital means.
8. The hearing will begin by informing the inmate why he is suspected of being affiliated with a STG/DG, including presenting the facts about why it is believed the inmate should be validated. All evidence will be presented at that time and this evidence will be attached to the hearing document packet.
9. Confidential information that has been proven reliable will be presented, off tape and outside the presence of the involved inmate, to the hearing panel.

10. Once the evidence and facts have been presented, the inmate will be given the opportunity to present his rebuttal, including being allowed to speak on his behalf. He can present evidence both verbally and documents to support his case. He cannot call witnesses.

11. Once the Due Process hearing panel has heard and reviewed all information and documentation, the recording will be paused or stopped. The inmate and presenting staff member will leave the room and the panel will deliberate. Once the deliberation has ended and the panel has voted whether the inmate should be validated or not, the inmate and the presenting staff member will be allowed back into the room. The tape recorder will be restarted and the inmate will be made aware of the panel's decision by advising him that he is or is not to be validated as affiliated with a STG/DG.

12. Each panel member will indicate on NDOC Form 1598 whether they agree, disagree or need additional information or investigation, with the inmate's suspected affiliation.

13. A copy of the panel's decision will remain with the STG/DG file documentation and a copy of the panel's decision will be placed into the inmate's I file.

A. The original documentation, form 1598 will be sent to the Inspector General's Office, who in turn will upload the document into the STG module for that inmate.

14. The inmate will be provided information explaining to him how he can remove himself from the affiliation through a debriefing process.

15. The inmate will also be afforded the opportunity to appeal the panel's decision should he want to do so. The panel will provide the inmate with information explaining how the appeal process works.

16. After the STG/DG Due Process Hearing has been finalized, the inmate has 10 working days from the hearing date to appeal the panel's decision. The inmate will complete the STG appeal form or an inmate request form after the hearing or the Security Threat Group or Disruptive Group Designation, NDOC form 1598 during the STG Due Process hearing. The Inspector General will forward the form to the appropriate Deputy Director for review. The Deputy Director can agree with the panel, send the matter back for further investigation and review, or overturn the panel's decision for validation of the inmate.

17. Once the Deputy Director has made his determination or recommendation, the information will be returned to the Inspector General's Office, who will notify the involved facility. Casework staff is responsible to notify the involved inmate.

18. A copy of the written results of the Due Process Hearing appeal will be placed with the STG/DG module of NOTIS for the inmate.

19. The inmate's affiliation status with a STG/DG will be reviewed by or through regular case work review at the institution wherein the inmate is housed.

446.04—REVIEW FOR CHANGE AND/OR REMOVAL OF DEBRIEFING FROM A STG/DG DESIGNATION

1. During regular reviews, casework staff will confirm with the inmate any validated STG/DG designation.

2. Inmates who express an interest in debriefing ~~and having the STG/DG, changing their status of designation from active to inactive, or want the designation removed~~ will be referred to must submit a request for any of these processes in writing through the Inspector General's Office, with notification casework staff member to the appropriate Associate Warden for tracking purposes at the institution or facility where the inmate is housed.

3. The Associate Warden will designate an institutional staff member to:

- Generate a Nevada Offender Tracking Information System (NOTIS) report in the Incident Report (IR) module, clearly articulating the specific request by the inmate (Debriefing, Changing Status or Removal of Status);
- Import all documents associated with the inmate's request into the NOTIS Incident report;
- Notify the Associated Warden of the completion of these steps; and
- Refer the generated IR for review by the IGs Office.

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4. All inmate requests for Debriefing from their affiliation with a STG will be addressed through review by the IGs office.

~~The IG designee will review the inmate's classification via Offender Management Division or the classification module in NOTIS.~~

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- ~~4. The IG designee will document the inmate's request within NOTIS and assign the matter for handling and investigation. The investigation and follow up may be assigned to a staff member to an investigator within the institution or to the IG designee. IG's office~~
- The matter will be assigned for review by an Investigator in the Inspector General's Office within 6030 days.
- The processes and procedures associated with official Debriefing are contained within the confidential STG/DG manual.
- Upon completion of the investigation of Debriefing qualification, IG staff will work with Offender Management Division (OMD) staff as well as the institutional administrative staff where the inmate is currently housed to assess best placement for the inmate.

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- Any activity, subsequent to official Debriefing, that is confirmed as associated with a STG will result in immediate removal from a status of Debriefed to include removal from any type of housing and/or programming associated to Debriefing
- At all phases of the Debriefing process, to include any possible removal from a debriefed status, housing and/or programming, the Department will take safety and security needs of the inmate, the institution and staff into account.

5.

~~5. The debriefing interview will be recorded, with the recording, documentation, and report from the staff member to be returned to the IG designee. The assigned staff member will make recommendations and summarize the interview contents in their report. The debriefing investigation will be completed within 180 days of assignment, unless approved by the IG or Supervisory Criminal Investigator.~~

All inmate requests for a review for a Status Change to inactive will be initiated and conducted at the institutional level unless there are special circumstances that would not allow for the review to occur in this manner, following the prescribed format and processes, which include:

The Inspector General's

- ~~6. The IG designee Office will review designee will assign the NOTIS IR an Incident Inquiry (IN) case number to the institution wherein the staff member's recommendation inmate is housed;~~
- The Associate Warden of the institution will designate an institutional staff member to conduct the review for a Status Change;
- The designated staff member will gather facts, information and documentation from NOTIS and other sources of information from the Department or outside law enforcement agencies in order to corroborate or refute inactivity. Some identified sources of information include:
 - NOTIS Incident Reports;
 - NOTIS Disciplinary History reports;
 - NOTIS Grievance log report;
 - NOTIS Inmate Housing History report;
 - Classification records from NOTIS and the inmate's I file;
 - Recorded inmate phone calls;

The designated staff member will conduct an in person recorded interview with the inmate requesting a Status Change;

- The designated staff member will generate a report, including all garnered information, data and evidence and support his/her findings in the report;
- The final report will be submitted to the Associate Warden of the Institution who in turn will submit and confer with the Offender Management Division designee Inspector General's Office (designee) for a determination about the Status Change.

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~~7. The safety of the inmates must be of primary concern if they are to~~

~~6. be reviewed for transfer or a change in custody.~~

Any inmate that has had their STG/DG status changed or removed for whatever reason can be reviewed for any subsequent change of status based upon demonstrated STG/DG activity, association, or documentation.

446.05 STG/DG RECORDS CONFIDENTIALITY

1. ~~Institutional/facility~~ STG/DG ~~procedures and all~~ affiliation status information about an inmate(s) may be disseminated in conjunction with an official request related to the inmate from The Pardons or Parole Board.

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2. STG/DG affiliation status information about an inmate(s), including DOC forms 1597 and 1598, may only be disseminated in conjunction with an official request, related to the inmate(s) from a Law enforcement agency.

A. STG/DG information and documentation ~~and information will~~ determined to be confidential. ~~will be disseminated via official request to the Inspector General's Office.~~

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~~A. STG/DG information and documentation is held on a Need to Know, Right to Know basis, under the federal guidelines of 28 CFR 23 relative to dissemination.~~

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2. Unauthorized dissemination of STG/DG confidential information or documentation is prohibited by any staff member of the department. ~~Only the Director or the Inspector General's Office is authorized to release STG/DG information, whether on a group or an inmate affiliated with a STG/DG.~~ Department.

446.06 STG/DG TRAINING

~~1. The IG designee, with approval of the Inspector General, will identify and designate Department trainers.~~ 1. The IGs Office will make available subject matter experts to Employee Development Division for training of staff in the identification and management of Security Threat Groups and/or Disruptive Groups.

2. Department STG/DG training lesson plans shall be reviewed and approved by the IG designee and Employee Development Division.

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APPLICABILITY

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1. This regulation applies to all employees and inmates of the Department.

2. This regulation requires ~~an~~ OP confidential Manual from the Inspector General's Office.

3. This ~~AR~~regulation requires all institutions and facilities to have an audit~~audit~~Operational Procedure.

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James G. Cox,

Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
493**

**ENERGY CONSERVATION
(TEMPORARY)**

Supersedes: AR 493 (03/18/14)
Effective Date: 8/17/15

AUTHORITY: NRS 701.010

RESPONSIBILITY

1. The Director shall establish the office of Energy Efficiency Program within the umbrella of Plant Operations Division, which shall oversee the Department's energy conservation goals.
2. The Deputy Director of Operations and Wardens shall implement this regulation.

493.01 IMPLEMENTATION

1. For all buildings operated by the Nevada Department of Corrections (NDOC), the Energy Efficiency Program shall direct that the Department's Energy Conservation Plan is implemented at each institution and facility. The Energy Efficiency Manager working in conjunction with the Facility Supervisors will be responsible for the following activities:

- A. Establishing and implementing an energy efficiency operational procedure;
- B. Establishing priorities for the facilities energy conservation and consumption reduction;
- C. Assisting with the planning and expenditures of assigned utility budget(s); and
- D. Promote code and regulatory compliance with respect to energy use.

2. The NDOC Plant Operations Division will manage the energy conservation program. Each Warden shall designate an Energy Conservation Coordinator to lead NDOC's efforts in the conservation of energy use in all its forms. At larger facilities, the Energy Conservation Coordinator shall be the Facility Supervisor III. At camps and smaller facilities, the Energy Conservation Coordinator shall be a camp Sergeant.

3. The NDOC Energy Efficiency Program will conduct the following at each facility:

- A. Characterization Study. This study contains comprehensive information regarding usage data to help identify areas of energy inefficiency, and where conservation can be realized.

B. Energy Audit. Each facility shall complete an energy audit once annually to analyze utility usage and explore opportunities where financial expense and energy reduction can be realized. Department resources such as the maintenance section and the conservation coordinator shall be involved in this review.

C. Energy Consumption Monitoring. The NDOC Energy Efficiency Program shall be provided access for monitoring energy usage throughout all NDOC facilities equipped with Building Automation Systems from the Central office.

4. Energy Conservation Coordinator. The Energy Conservation Coordinator shall periodically evaluate energy usage throughout the calendar year for his or her assigned institutions/facilities in the following ways:

A. Staff Awareness. Facilities should seek ways to share information among staff on the importance of energy reduction. Developing goals and strategies that allow time and opportunity for staff to focus on energy efficiency issues that aid in cost-effective operations of the facility.

B. Inmate Education. Each institution shall implement training for inmates that is designed to encourage the economic use of energy. The Institution shall target practical ways to reduce waste and conserve energy while promoting environmental sustainability.

C. Recycling. Every effort shall be made to work with the local sanitation company to develop a recycling program, if available, for their respective facilities. Each facility shall recycle as is practicable post consumer products such as metal, aluminum, glass, plastics, paper and other products allowed by state and federal law. Recycling items and quantities shall be reported quarterly with the facility report. Proceeds (if any) from NDOC recycling efforts shall be directed to the appropriate funding source.

D. Reporting. The institutional/facility Energy Conservation Coordinator shall complete and submit a quarterly report to the Energy Efficiency Manager. This document shall record and document reasons for increases/decreases in energy consumption over or under the established base-line. The report is reviewed by the Energy Efficiency Manager quarterly. The report shall be tracked with the ability to compare months and years demonstrating improvements with conservation practices. The report shall contain the following elements:

(1) Baseline Consumption of Water, Natural Gas, Electricity, #2 Fuel Oil, Liquid Propane and include production totals for Alternate Energy. i.e.: Solar.

(2) Recycling Quantities (in pounds) for metal, aluminum, plastic, glass, paper, used engine oil, other.

(3) Explanations and narrative for off-baseline performance.

5. Fiscal Services:

A. The Chief of Fiscal or designated accounting staff at NDOC Support Services shall provide that all forms of energy consumption and expenses are posted into the Metrix4 spreadsheet within 30 calendar days of receiving utility bills. The Metrix4 Utility Bill Program is an energy consumption tracking software used by the Department of Corrections.

493.02 ENERGY CONSERVATION

1. Initial Assessment. An energy audit shall be conducted once annually at each facility utilizing the Energy Efficiency Program staff. The following steps shall be followed in completing an energy audit:

- A. Interview maintenance and facility staff to acquire types and amounts of energy usage.
- B. Complete an area walkthrough.
- C. Review the energy usage history of that area.
- D. Develop a plan of action for reducing energy usage.

2. Targeted Utilities. Natural Gas, #2 Fuel Oil, LP Gas, Water and Electricity shall be the primary utilities that shall be targeted for reduction of use. Below are several steps that shall be considered when initiating a reduction plan.

A. #2 Fuel Oil

- (1) Metering of #2 Fuel Oil consumption
- (2) Preventive Maintenance
- (3) Combustion Efficiency testing
- (4) Building Insulation
- (5) Staff/Inmate education of usage amounts
- (6) Cold Water Washing for laundries
- (7) Doors and windows in heated areas shall be closed

B. LP Gas

- (1) Metering of LP Gas consumption
- (2) Preventive Maintenance

- (3) Combustion Efficiency testing
- (4) Building Insulation
- (5) Staff/Inmate education of usage amounts
- (6) Cold Water Washing for laundries
- (7) Doors and windows in heated areas shall be closed

C. Natural Gas

- (1) Sub Metering
- (2) Preventive Maintenance
- (3) Combustion Efficiency testing
- (4) Building Insulation
- (5) Staff/Inmate education of usage amounts
- (6) Cold Water Washing for laundries
- (7) Doors and windows in heated areas shall be closed

D. Water

- (1) Metering at individual building locations
- (2) Reduced flow plumbing fixtures
- (3) Timed showers and faucets
- (4) Water shut off hours
- (5) Preventive leak detection
- (6) High efficiency clothes washers
- (7) Cold Water Washing
- (8) Wardens should make a concerted effort to plant and maintain native and adaptive plants that require very little to no watering as opposed to vegetation which require large amounts of water.

(9) The Addition of Turf areas to any institution/facility after the date of January 1, 2014 is prohibited, except as noted in section 493.03.K below.

E. Electricity

(1) Sub Metering

(2) De-Lamping of lighting fixtures where practicable.

(3) Use of "Daylighting."

(4) Use of "Occupancy Sensors" for lighting where appropriate

(5) High Efficiency motors for all motor replacements

(6) Preventive Maintenance (Reference AR 486)

(7) Doors and windows in heated and refrigerant cooled areas shall be completely closed.

3. Energy Conservation Measures. The following conservation measures shall be implemented and observed by All NDOC staff and personnel in buildings operated by the NDOC.

A. Electrical

(1) Set all air conditioning space temperatures at 78 degrees Fahrenheit (summer cooling) during daytime waking hours and 83 degrees Fahrenheit during nighttime sleeping hours in inmate cells and staff offices and common areas. NRS 444.335/NAC211.320 states that a comfort level of no more than 85 degrees Fahrenheit be maintained in inmate cells. In addition Section 1028 of the State Administrative Manual (SAM) states the following "Building temperature should be kept at a minimum of 78°F in the summer"

(2) Turn off non-essential lights and computers

(3) Turn off copiers and printers that receive low volume usage

(4) Where practicable close blinds and curtains in offices, particularly on the side of the building facing south, or in areas that do not create security risks within the institution and do not violate the applicable Nevada Revised Statutes.

(5) In office environments, turn off all lights, computers and equipment when leaving the work station, office, or after the shift.

(6) The use of individual space heaters and cooling units is prohibited in all NDOC institutions. NRS 701.230.

(7) Turning cell lighting to the “night light function” or off during sleeping hours. Subject to the safety and security of the institution.

B. Natural Gas, #2 Fuel Oil, and Electricity

(1) Set all heating space temperatures at 68 degrees Fahrenheit (winter heating) during daytime waking hours and 66 degrees Fahrenheit during nighttime sleeping hours in inmate cells and staff offices and common areas. NRS 444.335/NAC211.320 states that a comfort level of no less than 65 degrees Fahrenheit be maintained in inmate cells. In addition Section 1028 of the State Administrative Manual (SAM) states the following “Building temperature should be kept at a maximum of 68°F in the winter.”

(2) Reset domestic hot water temperatures to no higher than 120 degrees Fahrenheit, except where required by the Health Code for culinary, dishwashers, etc.

(3) Check outside air dampers to ensure that minimum code-required outside air is entering the building.

C. Cold Water Laundry Washing will be standard operating practice at all NDOC facilities.

D. Operable windows are to remain closed during periods when the facility is in heating or cooling mode and under the control of a central plant computerized monitoring system.

493.03 ENERGY EFFICIENT REPLACEMENT OF EQUIPMENT

1. New and replacement energy using appliances and equipment. The following measures shall be implemented when replacing worn-out or antiquated equipment:

A. Occupancy sensors for lighting will be installed in offices and bathrooms when switches fail.

B. High efficiency motors will be installed when replacing motors in our facilities.

C. Low-flow tamper-proof water fixtures will be installed when replacing or retrofitting fixtures.

D. High efficiency culinary and laundry appliances will be installed when replacing existing equipment.

E. High efficiency water heaters and boilers, or a sustainable water heating solution such as solar thermal will be installed when replacing existing equipment.

F. High efficiency air conditioning equipment will be installed when replacing existing ones.

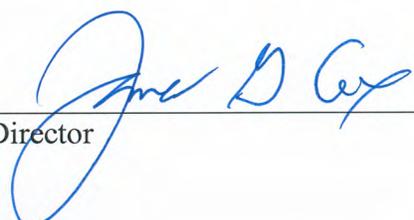
- G. High efficiency furnaces will be installed when replacing existing ones.
- H. Cold water washing detergents and color safe bleaches will be purchased and used in all facilities.
- I. High efficiency light bulbs and ballasts will be installed when replacing or retrofitting fixtures.
- J. The use of native or adapted plants which require little or no watering shall be used to replace Turf lawn areas when new landscaping is being considered. Existing Turf lawn areas are grandfathered in and may remain as such until the purposed use of that area is changed.
- K. The addition of new Turf or lawn areas will not be allowed at any NDOC facilities, with the exception of Farm/Dairy use or Director authorized sporting uses. i.e.: Recreation, Soccer or Ball fields.

493.04 OPERATIONAL PROCEDURE

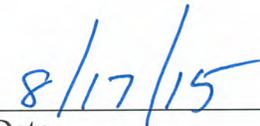
- 1. An Operational Procedure (OP) shall be developed for each facility. The OP shall meet or exceed the energy efficiency standards set forth in NRS 701-Energy Policy. The OP must be submitted by the facility/institution to the Energy Efficiency Manager, and be approved by the Chief of Plant Operations.
- 2. Quarterly Reporting Forms. The Energy Efficiency Manager will provide reporting form templates.

APPLICABILITY

- 1. This regulation applies to all buildings operated by the Nevada Department of Corrections.
 - A. Exception. 1. This regulation does not apply to the room(s) where pharmaceuticals are stored in the Central Pharmacy located Casa Grande Transitional Housing.
 - B. Exception. 2. Server Rooms.
- 2. This regulation requires an operational procedure for all institutions.
- 3. This AR requires an annual audit by the Energy Efficiency Program.



Director



Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
493**

**ENERGY CONSERVATION
(TEMPORARY)**

Supersedes: AR 493 (~~Temporary, 02/2603/18/14~~)
Effective Date: ~~03/18/14~~ 8/17/15

AUTHORITY: NRS 701.010

RESPONSIBILITY

1. The Director shall establish the office of Energy Efficiency Program within the umbrella of Plant Operations Division, which shall oversee the Department's energy conservation goals.
2. The Deputy Director of Operations and Wardens shall implement this regulation.

493.01 IMPLEMENTATION

1. For all buildings operated by the Nevada Department of Corrections (NDOC), the Energy Efficiency Program shall direct that the Department's Energy Conservation Plan is implemented at each institution and facility. The Energy Efficiency Manager working in conjunction with the Facility Supervisors will be responsible for the following activities:
 - A. Establishing and implementing an energy efficiency operational procedure;
 - B. Establishing priorities for the facilities energy conservation and consumption reduction;
 - C. Assisting with the planning and expenditures of assigned utility budget(s); and
 - D. Promote code and regulatory compliance with respect to energy use.
2. The NDOC Plant Operations Division will manage the energy conservation program. Each Warden shall designate an Energy Conservation Coordinator to lead NDOC's efforts in the conservation of energy use in all its forms. At larger facilities, the Energy Conservation Coordinator shall be the Facility Supervisor III. At camps and smaller facilities, the Energy Conservation Coordinator shall be a camp Sergeant.
3. The NDOC Energy Efficiency Program will conduct the following at each facility:
 - A. Characterization Study. This study contains comprehensive information regarding usage data to help identify areas of energy inefficiency, and where conservation can be realized.

B. Energy Audit. Each facility shall complete an energy audit once annually to analyze utility usage and explore opportunities where financial expense and energy reduction can be realized. Department resources such as the maintenance section and the conservation coordinator shall be involved in this review.

C. Energy Consumption Monitoring. The NDOC Energy Efficiency Program shall be provided access for monitoring energy usage throughout all NDOC facilities equipped with Building Automation Systems from the Central office.

4. Energy Conservation Coordinator. The Energy Conservation Coordinator shall periodically evaluate energy usage throughout the calendar year for his or her assigned institutions/facilities in the following ways:

A. Staff Awareness. Facilities should seek ways to share information among staff on the importance of energy reduction. Developing goals and strategies that allow time and opportunity for staff to focus on energy efficiency issues that aid in cost-effective operations of the facility.

B. Inmate Education. Each institution shall implement training for inmates that is designed to encourage the economic use of energy. The Institution shall target practical ways to reduce waste and conserve energy while promoting environmental sustainability.

C. Recycling. Every effort shall be made to work with the local sanitation company to develop a recycling program, if available, for their respective facilities. Each facility shall recycle as is practicable post consumer products such as metal, aluminum, glass, plastics, paper and other products allowed by state and federal law. Recycling items and quantities shall be reported quarterly with the facility report. Proceeds (if any) from NDOC recycling efforts shall be directed to the appropriate funding source.

D. Reporting. The institutional/facility Energy Conservation Coordinator shall complete and submit a quarterly report to the Energy Efficiency Manager. This document shall record and document reasons for increases/decreases in energy consumption over or under the established base-line. The report is reviewed by the Energy Efficiency Manager quarterly. The report shall be tracked with the ability to compare months and years demonstrating improvements with conservation practices. The report shall contain the following elements:

(1) Baseline Consumption of Water, Natural Gas, Electricity, #2 Fuel Oil, Liquid Propane and include production totals for Alternate Energy. i.e.: Solar.

(2) Recycling Quantities (in pounds) for metal, aluminum, plastic, glass, paper, used engine oil, other.

(3) Explanations and narrative for off-baseline performance.

5. Fiscal Services:

A. The Chief of Fiscal or designated accounting staff at NDOC Support Services shall provide that all forms of energy consumption and expenses are posted into the Metrix4 spreadsheet within 30 calendar days of receiving utility bills. The Metrix4 Utility Bill Program is an energy consumption tracking software used by the Department of Corrections.

493.02 ENERGY CONSERVATION

1. Initial Assessment. An energy audit shall be conducted once annually at each facility utilizing the Energy Efficiency Program staff. The following steps shall be followed in completing an energy audit:

- A. Interview maintenance and facility staff to acquire types and amounts of energy usage.
- B. Complete an area walkthrough.
- C. Review the energy usage history of that area.
- D. Develop a plan of action for reducing energy usage.

2. Targeted Utilities. Natural Gas, #2 Fuel Oil, LP Gas, Water and Electricity shall be the primary utilities that shall be targeted for reduction of use. Below are several steps that shall be considered when initiating a reduction plan.

A. #2 Fuel Oil

- (1) Metering of #2 Fuel Oil consumption
- (2) Preventive Maintenance
- (3) Combustion Efficiency testing
- (4) Building Insulation
- (5) Staff/Inmate education of usage amounts
- (6) Cold Water Washing for laundries
- (7) Doors and windows in heated areas shall be closed

B. LP Gas

- (1) Metering of LP Gas consumption
- (2) Preventive Maintenance

- (3) Combustion Efficiency testing
- (4) Building Insulation
- (5) Staff/Inmate education of usage amounts
- (6) Cold Water Washing for laundries
- (7) Doors and windows in heated areas shall be closed

C. Natural Gas

- (1) Sub Metering
- (2) Preventive Maintenance
- (3) Combustion Efficiency testing
- (4) Building Insulation
- (5) Staff/Inmate education of usage amounts
- (6) Cold Water Washing for laundries
- (7) Doors and windows in heated areas shall be closed

D. Water

- (1) Metering at individual building locations
- (2) Reduced flow plumbing fixtures
- (3) Timed showers and faucets
- (4) Water shut off hours
- (5) Preventive leak detection
- (6) High efficiency clothes washers
- (7) Cold Water Washing
- (8) Wardens should make a concerted effort to plant and maintain native and adaptive plants that require very little to no watering as opposed to vegetation which require large amounts of water.

(9) The Addition of Turf areas to any institution/facility after the date of January 1, 2014 is prohibited, except as noted in section 493.03.K below.

E. Electricity

(1) Sub Metering

(2) De-Lamping of lighting fixtures where practicable.

(3) Use of “Daylighting.”

(4) Use of “Occupancy Sensors” for lighting where appropriate

(5) High Efficiency motors for all motor replacements

(6) Preventive Maintenance (Reference AR 486)

(7) Doors and windows in heated and refrigerant cooled areas shall be completely closed.

3. Energy Conservation Measures. The following conservation measures shall be implemented and observed by All NDOC staff and personnel in buildings operated by the NDOC.

A. Electrical

(1) Set all air conditioning space temperatures at 78 degrees Fahrenheit (summer cooling) during daytime waking hours and 83 degrees Fahrenheit during nighttime sleeping hours in inmate cells and staff offices and common areas. NRS 444.335/NAC211.320 states that a comfort level of no more than 85 degrees Fahrenheit be maintained in inmate cells. In addition Section 1028 of the State Administrative Manual (SAM) states the following “Building temperature should be kept at a minimum of 78°F in the summer”

(2) Turn off non-essential lights and computers

(3) Turn off copiers and printers that receive low volume usage

(4) Where practicable close blinds and curtains in offices, particularly on the side of the building facing south, or in areas that do not create security risks within the institution and do not violate the applicable Nevada Revised Statutes.

(5) In office environments, turn off all lights, computers and equipment when leaving the work station, office, or after the shift.

(6) The use of individual space heaters and cooling units is prohibited in all NDOC institutions. NRS 701.230.

(7) Turning cell lighting to the “night light function” or off during sleeping hours. Subject to the safety and security of the institution.

B. Natural Gas, #2 Fuel Oil, and Electricity

(1) Set all heating space temperatures at 68 degrees Fahrenheit (winter heating) during daytime waking hours and 66 degrees Fahrenheit during nighttime sleeping hours in inmate cells and staff offices and common areas. NRS 444.335/NAC211.320 states that a comfort level of no less than 65 degrees Fahrenheit be maintained in inmate cells. In addition Section 1028 of the State Administrative Manual (SAM) states the following “Building temperature should be kept at a maximum of 68°F in the winter.”

(2) Reset domestic hot water temperatures to no higher than 120 degrees Fahrenheit, except where required by the Health Code for culinary, dishwashers, etc.

(3) Check outside air dampers to ensure that minimum code-required outside air is entering the building.

C. Cold Water Laundry Washing will be standard operating practice at all NDOC facilities.

D. Operable windows are to remain closed during periods when the facility is in heating or cooling mode and under the control of a central plant computerized monitoring system.

493.03 ENERGY EFFICIENT REPLACEMENT OF EQUIPMENT

1. New and replacement energy using appliances and equipment. The following measures shall be implemented when replacing worn-out or antiquated equipment:

A. Occupancy sensors for lighting will be installed in offices and bathrooms when switches fail.

B. High efficiency motors will be installed when replacing motors in our facilities.

C. Low-flow tamper-proof water fixtures will be installed when replacing or retrofitting fixtures.

D. High efficiency culinary and laundry appliances will be installed when replacing existing equipment.

E. High efficiency water heaters and boilers, or a sustainable water heating solution such as solar thermal will be installed when replacing existing equipment.

F. High efficiency air conditioning equipment will be installed when replacing existing ones.

G. High efficiency furnaces will be installed when replacing existing ones.

H. Cold water washing detergents and color safe bleaches will be purchased and used in all facilities.

I. High efficiency light bulbs and ballasts will be installed when replacing or retrofitting fixtures.

J. The use of native or adapted plants which require little or no watering shall be used to replace Turf lawn areas when new landscaping is being considered. Existing Turf lawn areas are grandfathered in and may remain as such until the purposed use of that area is changed.

K. The addition of new Turf or lawn areas will not be allowed at any NDOC facilities, with the exception of Farm/Dairy use or Director authorized sporting uses. i.e.: Recreation, Soccer or Ball fields.

493.04 OPERATIONAL PROCEDURE

1. An Operational Procedure (OP) shall be developed for each facility. The OP shall meet or exceed the energy efficiency standards set forth in NRS 701-Energy Policy. The OP must be submitted by the facility/institution to the Energy Efficiency Manager, and be approved by the Chief of Plant Operations.

2. Quarterly Reporting Forms. The Energy Efficiency Manager will provide reporting form templates.

APPLICABILITY

1. This regulation applies to all buildings operated by the Nevada Department of Corrections.

A. Exception. 1. This regulation does not apply to the room(s) where pharmaceuticals are stored in the Central Pharmacy located Casa Grande Transitional Housing.

B. Exception. 2. Server Rooms.

2. This regulation requires an operational procedure for all institutions.

3. This AR requires an annual audit by the Energy Efficiency Program.

Director

Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
571**

**INMATE GENETIC MARKER TESTING
(TEMPORARY)**

Supersedes: AR 571 (08/13/10)
Effective Date: 06/19/15

AUTHORITY:

NRS 176.0918
AB 233

RESPONSIBILITY

The Wardens of each institution/facility will ensure that the Inmate Genetic Marker form is available for use by inmates.

571.01 PROCEDURES

1. Certain inmates convicted of a felony may petition the court for post conviction genetic marker analysis.
2. Inmates meeting the requirements for this testing must submit their petition to the clerk of the district court via certified mail, in the county for which the petitioner was convicted on the attached DOC Form-2083, Genetic Marker Testing. A copy of the petition must also be sent by registered mail to the Office of the Attorney General and the district attorney in the county in which the petitioner was convicted.

APPLICABILITY

1. This Administrative Regulation does not require an operational procedure.
2. This Administrative Regulation does not require an audit.

ATTACHMENTS

DOC Form-2083, Genetic Marker Testing



Director

6/19/15

Date

CASE NO. _____
DEPT. NO. . _____

IN THE _____ JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF _____

Petitioner
vs.
STATE OF NEVADA,
Respondent

**POSTCONVICTION PETITION
REQUESTING A GENETIC MARKER
ANALYSIS OF EVIDENCE WITHIN
THE POSSESSION OR CUSTODY
OF THE STATE OF NEVADA
(NRS 176.0918)**

TO: THE CLERK OF THE COURT FOR _____ COUNTY,
(County Where Petitioner Was Convicted)
STATE OF NEVADA; THE ATTORNEY GENERAL OF THE STATE OF NEVADA,
AND; THE OFFICE OF THE DISTRICT ATTORNEY FOR THE STATE OF
NEVADA, COUNTY OF _____
(County of District Attorney Where Petitioner Was Convicted)

1. I, _____, am the Petitioner in this matter. This
(Name of Petitioner / Convicted Inmate)
Petition requests this Court to issue an Order for a Genetic Marker Analysis of evidence
pursuant to NRS 176.0918.
2. Petitioner is informed and believes, and on the basis of such belief, alleges in good
faith that the State of Nevada, or a political subdivision of the State of Nevada, has
possession and control evidence in the form of Genetic Marker Information relating to the
investigation or prosecution that resulted in Petitioner's Judgment of Conviction.

3. The Petitioner was convicted of committing all of the following Category A or Category B felony / felonies:

Crime's NRS	Title of Crime	Category A or B	Date of Conviction

4. (If applicable) The Petitioner was sentenced to death and the date set for the execution is _____.
(Date of Execution if known)

5. Pursuant to NRS 176.0918(3)(a), the following information identifies the specific evidence either known or believed by the Petitioner to be in the possession or custody of the State of Nevada that can be subject to Genetic Marker Analysis. (Set forth the identity of such evidence here)

6. Pursuant to NRS 176.0918(3)(b), the following is the Petitioner's rationale as to why a reasonable possibility exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through Genetic Marker Analysis of the evidence identified in paragraph 5. (Set forth your rationale here)

7. Pursuant to NRS 176.0918(3)(c), the type of Genetic Marker Analysis the Petitioner is requesting to be conducted on the evidence identified in paragraph 5 is:

8. [If applicable] Pursuant to NRS 176.0918(3)(d), the following are the results of all prior Genetic Marker Analysis performed on the evidence in the trial which resulted in the Petitioner's conviction. (Set forth all of such evidence here)

9. (If applicable) Pursuant to NRS 176.0918(3)(e), the following is a statement of the Petitioner that the type of Genetic Marker Analysis the Petitioner is requesting was not available at the time of trial or, if it was available, that the failure to request Genetic Marker Analysis before the Petitioner was convicted was not a result of a strategic or tactical decision as part of the representation of the Petitioner at the trial. (Set forth the applicable facts here)

PRAYER FOR GRANTING OF PETITION

The petitioner respectfully requests that the Court, pursuant to NRS 176.0918, grant the Petitioner's POSTCONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN THE POSSESSION OR CUSTODY OF THE STATE OF NEVADA and the Petitioner requests this Court to issue an Order for a Genetic Marker Analysis of evidence pursuant to NRS 176.0918 (9).

Dated this _____ day of _____

(Petitioner's Signature Here)

DECLARATION OF PETITIONER

I, _____, declare and attest under penalty of perjury of the laws of the State of Nevada that the information contained in this Petition does not contain any material misrepresentation of fact and that I have a good faith basis for relying on particular facts for the request.

Dated this _____ day of _____

(Petitioner's/Declarant's Signature here)

DOC 2083 (04/10)

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
571**

**INMATE GENETIC MARKER TESTING
(TEMPORARY)**

Supersedes: AR 571 (~~Temporary, 05/0208/13/10~~)
Effective Date: ~~08/13/10~~06/19/15

AUTHORITY:

NRS 176.0918
AB ~~179~~233

RESPONSIBILITY

The Wardens of each institution/facility will ensure that the Inmate Genetic Marker form is available for use by inmates.

571.01 PROCEDURES

1. Certain inmates convicted of a ~~category A or B~~ felony may petition the court for post conviction genetic marker analysis.
2. Inmates meeting the requirements for this testing must submit their petition to the clerk of the district court via certified mail, in the county for which the petitioner was convicted on the attached DOC Form-2083, Genetic Marker Testing. A copy of the petition must also be sent by registered mail to the Office of the Attorney General and the district attorney in the county in which the petitioner was convicted.

APPLICABILITY

1. This Administrative Regulation does not require an operational procedure.
2. This Administrative Regulation does not require an audit.

ATTACHMENTS

DOC Form-2083, Genetic Marker Testing

~~Howard Skolnik,~~

Director

Date

CASE NO. _____
DEPT. NO. . _____

IN THE _____ JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF _____

_____,
Petitioner
vs.
STATE OF NEVADA,
Respondent

**POSTCONVICTION PETITION
REQUESTING A GENETIC MARKER
ANALYSIS OF EVIDENCE WITHIN
THE POSSESSION OR CUSTODY
OF THE STATE OF NEVADA
(NRS 176.0918)**

TO: THE CLERK OF THE COURT FOR _____ COUNTY,
(County Where Petitioner Was Convicted)
STATE OF NEVADA; THE ATTORNEY GENERAL OF THE STATE OF NEVADA,
AND; THE OFFICE OF THE DISTRICT ATTORNEY FOR THE STATE OF
NEVADA, COUNTY OF _____.
(County of District Attorney Where Petitioner Was Convicted)

1. I, _____, am the Petitioner in this matter. This
(Name of Petitioner / Convicted Inmate)
Petition requests this Court to issue an Order for a Genetic Marker Analysis of evidence
pursuant to NRS 176.0918.

2. Petitioner is informed and believes, and on the basis of such belief, alleges in good
faith that the State of Nevada, or a political subdivision of the State of Nevada, has
possession and control evidence in the form of Genetic Marker Information relating to the
investigation or prosecution that resulted in Petitioner's Judgment of Conviction.

3. The Petitioner was convicted of committing all of the following Category A or Category B felony / felonies:

Crime's NRS	Title of Crime	Category A or B	Date of Conviction

4. (If applicable) The Petitioner was sentenced to death and the date set for the execution is _____.
(Date of Execution if known)

5. Pursuant to NRS 176.0918(3)(a), the following information identifies the specific evidence either known or believed by the Petitioner to be in the possession or custody of the State of Nevada that can be subject to Genetic Marker Analysis. (Set forth the identity of such evidence here)

6. Pursuant to NRS 176.0918(3)(b), the following is the Petitioner's rationale as to why a reasonable possibility exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through Genetic Marker Analysis of the evidence identified in paragraph 5. (Set forth your rationale here)

7. Pursuant to NRS 176.0918(3)(c), the type of Genetic Marker Analysis the Petitioner is requesting to be conducted on the evidence identified in paragraph 5 is:

8. [If applicable] Pursuant to NRS 176.0918(3)(d), the following are the results of all prior Genetic Marker Analysis performed on the evidence in the trial which resulted in the Petitioner's conviction. (Set forth all of such evidence here)

9. (If applicable) Pursuant to NRS 176.0918(3)(e), the following is a statement of the Petitioner that the type of Genetic Marker Analysis the Petitioner is requesting was not available at the time of trial or, if it was available, that the failure to request Genetic Marker Analysis before the Petitioner was convicted was not a result of a strategic or tactical decision as part of the representation of the Petitioner at the trial. (Set forth the applicable facts here)

PRAYER FOR GRANTING OF PETITION

The petitioner respectfully requests that the Court, pursuant to NRS 176.0918, grant the Petitioner's POSTCONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN THE POSSESSION OR CUSTODY OF THE STATE OF NEVADA and the Petitioner requests this Court to issue an Order for a Genetic Marker Analysis of evidence pursuant to NRS 176.0918 (9).

Dated this _____ day of _____

(Petitioner's Signature Here)

DECLARATION OF PETITIONER

I, _____, declare and attest under penalty of perjury
(Name of Petitioner / Convicted Inmate)
of the laws of the State of Nevada that the information contained in this Petition does not contain any material misrepresentation of fact and that I have a good faith basis for relying on particular facts for the request.

Dated this _____ day of _____

(Petitioner's/Declarant's Signature here)

DOC 2083 (04/10)

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
604**

**OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS
(TEMPORARY)**

Supersedes: AR 604 (Temporary, 10/12/11) AR 604 06/17/12

Effective date: 8/21/15

AUTHORITY: NRS 209.131; -; OSHA Federal Regulations, Part 1910 of Title 29

RESPONSIBILITY

All Medical Division staff and all Medical Officers are responsible for the compliance with this regulation.

604.01 BLOODBORNE PATHOGEN EXPOSURE CONTROL PLAN

1. The Department's Medical Division will establish a comprehensive exposure to bloodborne pathogens control plan that complies with the State of Nevada Occupational Safety and Health Administration (NOSHA) as well as the federal Occupational Safety and Health Administration (OSHA) regulatory standards. This plan should include:

- A. Compliance statement;
- B. Preparation date;
- C. Exposure determination;
- D. Methods of compliance;
- E. Engineering controls;
- F. Work practice controls;
- G. Personal protective equipment;
- H. Housekeeping procedures;
- I. Hepatitis B vaccine;
- J. Hazard communication;

K. Training; and

L. Record keeping;

604.02 IMPLEMENTATION:

1. The Department's Medical Division, in coordination with the Employee Development staff, will provide annual training to all staff that is designated by job classification to have potential for exposure to blood borne pathogens.
2. Training for all employees within the Department's defined job classifications shall be conducted prior to initial assignment to tasks where occupational exposure may occur.
3. OSHA mandated training will be integrated into the Department's Pre-Service Training Programs (PST and NCB). These programs are:
 - A. Correctional Employee/Officer Basic Training Program (PST); and
 - B. Non-Custody Basic Orientation Training Program (NCB).
4. Inmates who have work assignments in medical areas where routine exposure may occur will also be trained.
5. Documentation will be maintained in the Department's training records.

604.03 AUDIT

1. The Medical Division's Infection Control Committee shall conduct an annual audit to ensure adherence to the Nevada Department of Corrections (NDOC) Exposure Control Plan.
2. The results of the audit will be submitted to the Medical Director.

604.04 ACCESS TO THE EXPOSURE CONTROL PLAN:

1. The Medical Division will provide access to all employees to the NDOC Exposure Control Plan on the Stewart shared drive.

APPLICABILITY

1. This regulation requires a Medical Directive for exposure to blood borne pathogens..
2. This regulation requires an audit.

 Dorinda A. Allen, MD
Medical Director

 8/21/15
Date

 James D. G.
Director

 8/21/15
Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
604**

OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS

Supersedes: AR 604 (Temporary, 10/12/11) AR 604 06/17/12

Effective date: ~~06/17/12~~08/21/15

AUTHORITY: NRS 209.131; ~~NRS 630.272~~; OSHA Federal Regulations, Part 1910 of Title 29

RESPONSIBILITY

All Medical Division staff and all Medical Officers are responsible for the compliance with this regulation.

604.01 BLOODBORNE PATHOGEN EXPOSURE CONTROL PLAN

1. The Department's Medical Division will establish a comprehensive exposure to bloodborne pathogens control plan that complies with the State of Nevada Occupational Safety and Health Administration (NOSHA) as well as the federal Occupational Safety and Health Administration (OSHA) regulatory standards. This plan should include:

- A. Compliance statement;
- B. Preparation date;
- C. Exposure determination;
- D. Methods of compliance;
- E. Engineering controls;
- F. Work practice controls;
- G. Personal protective equipment;
- H. Housekeeping procedures;
- I. Hepatitis B vaccine;
- J. Hazard communication;

K. Training; and

L. Record keeping;

604.02 IMPLEMENTATION:

1. The Department's Medical Division, in coordination with the Employee Development staff, will provide annual training to all staff that is designated by job classification to have potential for exposure to blood borne pathogens.
2. Training for all employees within the Department's defined job classifications shall be conducted prior to initial assignment to tasks where occupational exposure may occur.
3. OSHA mandated training will be integrated into the Department's Pre-Service Training Programs (PST and NCB). These programs are:
 - A. Correctional Employee/Officer Basic Training Program (PST); and
 - B. Non-Custody Basic Orientation Training Program (NCB).
4. Inmates who have work assignments in medical areas where routine exposure may occur will also be trained.
5. Documentation will be maintained in the Department's training records.

604.03 AUDIT

1. The Medical Division's Infection Control Committee shall conduct an annual audit to ensure adherence to the Bloodborne Pathogen-Nevada Department of Corrections (NDOC) Exposure Control Plan.
2. The results of the audit will be submitted to the Medical Director.

604.04 ~~DISTRIBUTION ACCESS TO OF THE EXPOSURE COMPLIANCE CONTROL PLAN:~~

1. The Medical Division will provide access to all employees to the NDOC should distribute the Bloodborne Pathogen-Exposure Control Plan on the Stewart shared drive. Manuals to the Medical Director and all medical institutions.

APPLICABILITY

- 1. This regulation requires a Medical Directive for ~~e~~Exposure to ~~b~~Blood_borne ~~p~~Pathogens..
- 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
658**

HEARING IMPAIRED INMATES

Supersedes: AR 658 (Temporary, 04/13/15) AR 658 05/19/15
Effective Date: 9/15/15

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 from the sending jurisdiction, is the responsibility of custody or medical staff who take note of any perceived hearing impairment.
2. Medical staff will assess inmates who are identified as 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 of that assessment.
3. If the practitioner determines that an identified inmate may have a hearing deficit and require some accommodation, 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.
4. Once the hearing deficit has been confirmed and a course of treatment ordered, Medical staff will inform the ADA coordinator. The inmate will be seen by a committee consisting of the ADA coordinator 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 for that inmate. Copies of the memo will be placed in the inmate's I-file and medical file.

5. 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 when classifying hearing impaired inmates.

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 initial 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 complaints, 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 and will meet safety and security objectives. 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 and/or the request accommodation will have a negative impact on institutional safety or security.
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 if 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 turned into the Department with the request. 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
658**

HEARING IMPAIRED INMATES

Supersedes: AR 658 (Temporary, 04/13/15) AR 658 05/19/15
Effective Date: 9/15/15

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 from the sending jurisdiction, is the responsibility of custody or medical staff who take note of any perceived hearing impairment.

2. Medical staff will assess inmates who are identified as 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 of intake that assessment.

3. If the practitioner determines that an identified inmate qualifies for reasonable ADA ~~may have a hearing deficit and require some~~ 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.

~~3.4.~~ Once the hearing deficit has been confirmed and a course of treatment ordered, Medical staff will inform the ADA coordinator. ~~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 for that inmate. Copies of the memo will be placed in the inmate's I-file and medical file.

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4.5. 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 when classifying hearing impaired inmates.

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 initial 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 complaints, 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 and will meet safety and security objectives. 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 and/or the request accommodation will have a negative impact on institutional safety or security.

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 if 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 turned into the Department with the request. 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
815**

**INMATE MARRIAGES AND DOMESTIC PARTNERSHIPS
(TEMPORARY)**

Supersedes: AR 815 (04/08/11)
Effective Date: 06/15/15

AUTHORITY

NRS 209.131
NRS 122.020

RESPONSIBILITY

1. The Warden/Facility Manager is responsible for ensuring any inmate is allowed to be married in accordance with this regulation.
2. The Chaplains are responsible for reviewing and coordinating all inmates' requests for marriage.
3. All inmates are responsible for complying with this regulation.

815.01 INMATE MARRIAGES

1. All inmates requesting to be married must submit their request in writing to the Chaplain.
2. Both parties must be able to demonstrate they are legally free to marry by producing divorce decrees or death certificates, where applicable.
3. Both parties must meet with the Chaplain or other designated person and be informed of the inmate's crime and the length of sentence.
4. The Chaplain or other designated person shall coordinate the staff necessary to perform the ceremony.
5. The Warden/Facility Manager may take whatever steps are necessary to ensure the security of the institution.
6. All marriages will be performed at the institution/facility in accordance with Nevada Revised Statutes.

- A. A Department Chaplain may perform the marriage at no cost to the inmate or others for this service.
 - B. The marriage must be performed by a person licensed or authorized to perform marriages within the State of Nevada.
 - C. A marriage license must be purchased in advance of the ceremony.
 - D. The inmate shall pay for additional expenses such as special custody coverage or transportation, etc in advance.
 - (1) A brass slip will be signed for the amount, which will be debited against the inmate's account or payment may be received from a third party.
 - (2) Failure to sign a brass slip or receipt of third payment constitutes refusal to marry by the inmate.
7. The inmate involved in the marriage ceremony will be allowed to exchange wedding bands with the other party.
- A. After the ceremony, the wedding band must be registered on the inmate's property card.
 - B. The value of the inmate's wedding band may not exceed fifty dollars (\$50.00).
 - C. The inmate's wedding bands may not contain any stones or jewels.
8. The inmate may have one outside witness who is an approved visitor or one appropriately classified inmate housed at the same institution/facility.
- A. No inmate witnesses are allowed at Ely State Prison.
9. The outside party may have one outside visitor who does not have to be an approved visitor with the approval of the Warden/designee.
10. Marriage under authority of this regulation does not represent automatic approval of visitors for the married parties.
11. If children are present they must be related to one of the parties and verified in advance.
12. Inmates with proper marriage licenses will be allowed to marry other inmates; however, due to safety and security concerns they should not be housed in the same institution.
13. The Department will regulate the time and circumstances under which the marriage ceremony takes place.

14. The Department will charge the inmates or accept from a third party all costs it incurs in facilitating a marriage between inmates.

A. These costs will be calculated in advance.

B. These costs must be paid for in advance.

15. Security concerns may require placing reasonable restrictions on the marriage ceremony.

815.02 DOMESTIC PARTNERSHIPS

1. Incarcerated inmates will not be allowed to enter into domestic partnerships.

2. Persons who have domestic partnerships prior to incarceration will be managed in the same manner as persons who were married prior to incarceration.

3. Domestic Partners should not be housed at the same institution.

APPLICABILITY

1. This regulation requires an Operational Procedure at each institution.

2. This regulation does not require an audit.

REFERENCES

ACA Standards 4th Edition, 4-4500; ACA Standards 2008 Supplement 4-4500-1



Director



Date

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
815**

**INMATE MARRIAGES AND DOMESTIC PARTNERSHIPS
(TEMPORARY)**

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2. The Chaplains are responsible for reviewing and coordinating all inmates' requests for marriage.
3. All inmates are responsible ~~to~~for ~~comply~~ing with this regulation.

815.01 INMATE MARRIAGES

1. All inmates requesting to be married must submit their request in writing to the Chaplain.
2. Both parties must be able to demonstrate they are legally free to marry by producing divorce decrees or death certificates, where applicable.
3. Both parties must meet with the Chaplain or other designated person and be informed of the inmate's crime, and the length of sentence, ~~and the legal ramifications of the marriage.~~
4. The Chaplain or other designated person shall coordinate the staff necessary to perform the ceremony.
5. The Warden/Facility Manager may take whatever steps are necessary to ensure the security of the institution.
6. All marriages will be performed at the institution/facility in accordance with Nevada Revised Statutes.

A. A Department Chaplain may perform the marriage at no cost to the inmate or others for this service.

B. The marriage must be performed by a person licensed or authorized to perform marriages within the State of Nevada.

C. A marriage license must be purchased in advance of the ceremony.

D. The inmate shall pay for additional expenses such as special custody coverage or transportation, etc in advance.

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(2) Failure to sign a brass slip or receipt of third payment constitutes refusal to marry by the inmate.

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A. After the ceremony, the wedding band must be registered on the inmate's property card.

B. The value of the inmate's wedding band ~~will~~ may not exceed fifty dollars (\$50.00).

C. The inmate's wWedding bands ~~will~~ may not contain any stones or jewels.

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A. No inmate witnesses are allowed at Ely State Prison.

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12. Inmates with proper marriage licenses will be allowed to marry other inmates; however, due to safety and security concerns they should not be housed in the same institution.

13. The Department will regulate the time and circumstances under which the marriage ceremony takes place.

14. The Department will charge the inmates or accept from a third party all costs it incurs in facilitating a marriage between inmates.

A. These costs will be calculated in advance.

B. These costs ~~will~~must be paid for in advance.

15. Security concerns may require placing reasonable restrictions on ~~these marriages~~the marriage ceremony.

~~A. These concerns must be specific rather than general. For example, a denial of a marriage request because an inmate is in segregated housing is not sufficient reason to deny a marriage request.~~

815.02 DOMESTIC PARTNERSHIPS

1. Incarcerated inmates will not be allowed to enter into domestic partnerships.

2. Persons who have domestic partnerships prior to incarceration will be managed in the same manner as persons who were married prior to incarceration.

3. Domestic Partners should not be housed at the same institution.

APPLICABILITY

1. This regulation requires an Operational Procedure at each institution.

2. This regulation does not require an audit.

REFERENCES

ACA Standards 4th Edition, 4-4500; ACA Standards 2008 Supplement 4-4500-1

Director

Date