



NEVADA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REGULATION

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**CONDUCT OF OBJECTIVE CLASSIFICATION  
ADMINISTRATIVE REGULATION – 503**

**SUPERSEDES:** AR 503 (12/17/12); AR 503 (Temporary 11/24/14), AR 503 (05/19/15)

**EFFECTIVE DATE:** April 12, 2022, TEMPORARY EDITION

**AUTHORITY:** NRS 209.131, NRS 209.341, NRS 209.351; 34 U.S.C. § 30301, et seq., and Federal Register 28, Code of Federal Regulation (CFR) Part 115

**RESPONSIBILITY**

The Offender Management Administrator (OMA) is responsible for compliance with this regulation.

The Associate Warden/Facility Manager or designee is responsible for compliance with this regulation at the institutional level.

**503.01 CLASSIFICATION HEARING**

1. The Institutional Files (I-File), the Nevada Offender Tracking Information System (NOTIS) information, Offender Sentence Management (OSM) information presented by the offender and other interested parties; any other relevant information obtained and formatted in NOTIS, will be used in the formulation and documentation of a classification decision.
2. In order to determine if the offender case factors warrant a change in custody or housing, a complete review of the objective classification assessment instrument should be conducted at every reclassification hearing.
3. The offender should make a personal appearance before the classification committee and present their point of view or submit documents bearing on the offender classification status. The classification committee should explain the purpose of the meeting and those aspects of the records that might cause a change in classification.
4. An offender may be classified in absentia under certain circumstances.

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- A. This type of hearing should be reserved for occasions when the personal appearance of the offender would present a threat to the security of the institution, or where the offender has refused to appear.
  - B. An in-absentia hearing is also appropriate when the action to be taken represents a minor adjustment to the offender's classification which is not contested, and which does not require an objective classification assessment instrument to be completed.
  - C. If an offender refuses to attend a formal classification hearing, the committee will confirm the refusal and record the refusal in a NOTIS classification case note.
  - D. If the objective classification is requested by the offender, is not contested and/or benefits the offender for custody reduction, consideration from medium to minimum custody, and the offender meets the respective criteria. An Interim Review Date (IRD) should be set for this type of classification so as to maintain the offender's periodic review schedule.
5. An offender should receive prior notice of a scheduled classification hearing. Reasonable prior notice may be satisfied by delivering an appointment slip to the offender 48 hours prior to the scheduled start of the hearing agenda.
  6. Operational Procedures should reflect the process in which an offender can request a classification review of progress and program status.
  7. Formal Classification Committee hearings are not required for job and program changes to which the offender consents unless otherwise indicated. The changes may be documented by an entry in NOTIS and approved by the institutional or facility chairperson.

#### **503.02 DOCUMENTATION**

1. Every classification hearing will be documented in the case notes screen of NOTIS, including documenting regardless of whether the offender was present or not.
2. All work and program assignments, to which an offender is classified, will conform to the process defined by pertinent regulations.

#### **503.03 OBJECTIVE CLASSIFICATION ASSESSMENT**

1. The classification system provides for a regular review of each offender's classification status.
2. All classification assessments are made based on objective criteria as set forth herein, as well as other Administrative Regulations (AR), including but not limited to, AR 521 Custody Categories and Criteria. These objective criteria are also recorded and maintained in NOTIS.

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3. Beginning with an offender's initial classification hearing, staff shall reclassify an offender in a formal in-person hearing at least once every 12 months. All classification actions requiring approval by the Offender Management Division (OMD) and regular reclassification hearings, require an updated reclassification assessment accompanied by a corresponding case note in NOTIS.
    - A. On each classification assessment where the assigned custody is greater than the computed custody, there should be a narrative in the comments section to explain why the computed custody is not recommended.
      - (1) If the circumstances of the override are subject to change, a date for the follow-up classification should be included in the narrative.
      - (2) If the reclassification date is to occur before the next scheduled reclassification, then that date should be entered in the Re-Assessment Date field of the assessment screen in NOTIS.
    - B. On each assessment instrument where the assigned custody is medium, based on exclusions from minimum custody related to release dates or acts of serious violence, there should be a narrative in the comments section to explain when applicable timeframes will be satisfied.
      - (1) The appropriate date for review should be entered in the Re-Assessment Date field if less than 12 months.
      - (2) If the exclusion relates to a hold or detainer, there should be a narrative to indicate the confirmation of such through casework.
  5. The Classification Committee should recommend the offender to the lowest custody where behavior can be controlled to ensure the protection of the community, staff, and other offenders.
  6. The Classification Committee shall not exclude an offender with disabilities from placement at the custody levels for which they are otherwise eligible because of the offender's disabilities (including mental health conditions, medical conditions, mobility impairments, and medical treatment needs), unless such action is necessary to provide them with equally effective aids, benefits, or services, or unless necessary pursuant to a legitimate safety requirement or Direct Threat defined by AR 658.01.8.
    - A. Disabilities including mental health, medical conditions, mobility impairments, and medical treatment needs will not be considered when determining custody.
    - B. Nothing in this section shall be construed as requiring the Nevada Department of Corrections (NDOC and Department) to place offenders with disabilities, who are unable to pass all necessary medical requirements and physical fitness ability, to a conservation camp for purposes of fighting fires as part of a work assignment with

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the Nevada Division of Forestry. Such work may be a Direct Threat as defined in AR 658 Reasonable Accommodation for Offenders with Disabilities (see AR 658.01.8). Any such limitation on this placement, must be based on determination made by the appropriate medical, dental, and mental health provider.

#### **503.04 CLASSIFICATION COMMITTEE PROCESS**

1. The Classification Committee will consist of at least two (2) staff, one of which should be the offender's assigned Correctional Casework Specialist (CCS).
2. Classification actions, which may have a substantial adverse effect on the conditions of confinement for the offender, should include the following procedural safeguards:
  - A. Written notice of the classification hearing detailing the proposed action and reasons for the action, should be provided at least 48 hours prior to the hearing.
  - B. When the classification committee determines that the offender is unable to understand the proposed action or the situation is very complex, assistance may be provided by an offender counsel substitute.
3. All Classification Committee decisions, other than routine job or housing decisions, should be reviewed by supervisory staff, at least at the level of Correctional Casework Specialist III or highest-ranking CCS. Regular (periodic) reviews are to be checked for accuracy of offender information content and staff's recommendation by the noted supervisory staff before approving a review assessment. Deficiencies of a periodic review will be communicated to the committee member for corrective action; and a respective addendum is to be entered on the respective assessment case note. When appropriate, an Interim Review Date (IRD) should be entered for timely action.
4. In the event, the Classification Committee identifies that an offender has a disability that may prevent the offender from being housed at the custody-level placement for which the offender is otherwise eligible, the classification committee will contact medical to confirm any restrictions. After confirming, the committee shall inform the offender and give instructions how they may seek a reevaluation from the health practitioner.
  - A. If the offender requests a reevaluation, the health practitioner must review the offender's medical and mental health files, examine the offender, if necessary, and make an individualized determination as to whether any medical, dental, or mental health issues should preclude the offender from being transferred to a custody-level placement within 30 days of the offender's request for a reevaluation. To the extent possible, the reevaluation must be done by a health practitioner who has been personally involved in the offender's care. The health practitioner shall make a determination as to whether the offender has any restrictions, and whether any identified restrictions preclude the offender from being transferred to the requested custody-level placement.

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- B. The Committee must consider and implement all possible alternatives that do not constitute an undue burden to avoid housing the offender at a higher-custody placement. If there are no such possible alternatives, and therefore, the offender must be placed at a higher-custody level institution than the offender is required to be placed based on the offender's custody level, the Committee must classify the offender to the custody-classification level where the offender is eligible and may house the offender at an institution with a higher-custody level placement so long as the offender is provided with the same privileges and benefits (e.g., opportunities to earn work credits) provided to offenders housed at a lower-custody level placement for which the offender is otherwise eligible.
  - C. If an offender is placed at a higher-custody level pursuant to this section, the offender shall be given priority to transfer to a placement at the custody level for which the offender is eligible, when such placement becomes available.

### **503.05 CONDUCT OF EMERGENCY TRANSFERS**

- 1. During normal business hours (Monday-Friday, 8:00 a.m.-5:00 p.m.) the OMD classification staff shall be contacted prior to an emergency transfer approval. Unscheduled transfers during business hours are prohibited.
- 2. After business hours, approval from the highest-ranking supervisor on duty is required for an unscheduled transfer.
  - A. The sending institution must notify OMD of the emergency transfer by the following business morning.
  - B. Offenders placed in restrictive housing will require a due process classification by the receiving institution within three (3) working days after timely notice has been given to the offender in accordance with AR 507.

### **503.06 CLASSIFICATION COMMITTEE DECISION PROCESS**

- 1. Classification decisions should be reached through a committee discussion and vote. In the event of substantial disagreement, the case should be referred to the Warden or Associate Warden for resolution.
- 2. The Warden or Associate Warden may override the action of the classification committee and the reason for the override will be documented in a NOTIS case note.
- 3. The Classification Committee shall carryout the process of objective classification, with the understanding that objective criteria cannot be the sole basis for classification decisions. Staff judgment, including subjective criteria, is also a critical tool, which can be utilized for classification decisions. Any subjective criteria which was a factor in the classification decision will be included in the case notes.

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4. This AR does not create any liberty, interest, or right to any classification status, employment, or placement.

#### **503.07 ADMINISTRATIVE APPROVALS**

1. The classification actions listed below require review and approval by OMD:
  - 1) Initial Classification;
  - 2) Custody reduction to minimum or community trusty;
  - 3) Transfers between institutions/facilities;
  - 4) Transfers to other jurisdictions;
  - 5) Classification actions requiring overrides;
    - (a) OMD override approval is not required to maintain an offender at medium custody solely due to an elevated Risk Factor Score if no other changes are indicated.
  - 6) Correctional Youth Program (CYP) placement as defined in Departmental regulations.
2. Custody changes, which occur outside the institutional Classification Committee in response to dangerous or urgent circumstances, are considered conditional and are temporary until ratified by the classification committee and OMD if required.
3. Custody assignments, which require administrative approval in accordance with this regulation, will not be implemented until the approval is obtained either verbally or in writing.
4. Approval may be given verbally but must be followed by the proper documentation within one (1) working day.

#### **503.08 OPERATIONAL PROCEDURES**

1. Institutions and facilities shall develop Operational Procedures to implement the classification system at their location. The Operational Procedures should minimally include the following:
  - 1) Identification and assignment of responsible staff;
  - 2) Composition of committees;
  - 3) Description of scheduling practices, including 48-hour notice to offenders; and

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- 4) Filing, record-keeping, and clerical functions.

#### **503.09 SYSTEM AUDITS**

1. The OMA shall develop and implement an audit process to review the conduct of classification activities by institutions and facilities of the Department.
  - A. An audit should be conducted at each institution and facility once every year.
  - B. The results of the audit should be provided in writing to the Warden of the institution or facility, the Deputy Directors, and the Director.
2. Institutions and facilities shall submit a corrective action plan to correct deficiencies noted in audits, and document that fact to the OMA within 30 days of the receipt of the audit.

#### **APPLICABILITY**

1. This Administrative Regulation requires an Operational Procedure for each institution and facility.
2. This Administrative Regulation requires an audit.

**REFERENCES:** ACA Standards 5<sup>th</sup> Edition 5-ACI-5A-04, 5-ACI-5B-01 – 5-ACI-5B-09

  
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Charles Daniels, Director

4-12-22  
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