



NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION

OFFENDER REVIEW OF DEPARTMENTAL RECORDS

ADMINISTRATIVE REGULATION – 568

SUPERSEDES: AR 568 (01/05/12); AR 568 (Temporary 05/06/14); AR 568 (09/16/14)

EFFECTIVE DATE: August 8, 2022, TEMPORARY EDITION

AUTHORITY: NRS 179A.150

RESPONSIBILITY

The Wardens/Facility Managers are responsible for administering and implementing policies consistent with this regulation.

568.01 RECORD REVIEW

1. The Department will allow an offender to review their respective Institutional file (I-File) for the purpose of challenging the accuracy or completeness of certain non-confidential information contained therein.
 - A. Electronic classification case note entries in the Nevada Offender Tracking Information System (NOTIS) are to be considered part of the I-File.
 - B. Classification case notes will be made available by means of a case note printout using NOTIS report NVRCNP (Case Note Printout).
2. Reviews will be limited to information originating with the Department itself or from other criminal justice agencies in the State of Nevada.
3. Refer to the Department's Administrative Regulation 639, Medical Records, regarding the procedures for review of medical records.

568.02 EXCLUSIONS

1. Offenders will not be permitted access to information regardless of origin which, if

disclosed, might:

- A. Endanger the physical, psychological or emotional well-being of the subject or other persons;
 - B. Endanger the security of any institution/facility or that of any facility housing offenders;
 - C. Disclose personal or confidential information pertaining to a person other than the offender; or
 - D. Impede, hinder or compromise an investigation or the outcome of criminal or administrative proceedings engaged in by the Department.
2. Pre-Sentence Investigation (PSI) reports are excluded from reproduction, along with any other confidential documents.

568.03 METHODS

1. Associate Wardens (AW) and institutional/facility Correctional Casework Specialist (CCS) will maintain the appropriate request form, DOC-2022, Request for Review of I-File, to ensure that these forms are accessible to the offender population.
2. Offender requests for record review will be forwarded to the Associate Warden for initial processing.
 - A. Prior to the offender review of records, the AW/designee will ensure that all items deemed restricted and/or confidential from offender viewing are appropriately marked and removed from the I-File.
 - B. The AW/designee will ensure these documents are returned to the I-File upon completion of the review
 - C. A copy of the offender's electronic case notes will be printed from NOTIS. The AW/designee will ensure that all items deemed restricted and/or confidential are redacted before the offender reviews them.
 - D. The printout of the case notes will be destroyed upon completion of the record review.
3. The AW/designee will directly supervise the review of the record by the offender. The staff member will remain with the offender at all times during the review process.
4. Upon completion of the file review the offender and supervising staff witness will sign the record review log form. The log form shall be maintained in the I-File.

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5. The AW/designee will enter a case note when the offender reviewed his/her file to include date and times the offender began and ended the review.

568.04 CHALLENGES OF THE RECORD

1. Challenges to accuracy of documents originated by Department personnel must be addressed through the offender grievance process.
2. Information found via the grievance process to be inaccurate will be expunged from the record or appropriately corrected with a copy of the corrected document provided to the offender at the Department's expense.
3. Challenges to accuracy of information originated by another criminal justice agency will be handled by directing the offender's request to the originating agency.

568.05 REPRODUCTION OF DOCUMENTS

1. Normally, offenders will not be provided with copies of documents maintained by the Department.
 - A. Offenders will not be provided copies of their Pre-Sentence Investigation Reports due to the sensitive information contained in them.
2. If a special circumstance exists, upon approval of the AW/Facility Manager, copies may be provided to the offender in accordance with the Department's Administrative Regulation 722, Offender Legal Access.
3. Cost of copy work will be determined by Fiscal Services.
4. All authorized reproduction of information out of the offender's I-file will be noted in the offender's case notes.

568.06 GENERAL CONSIDERATIONS

1. Offenders will not review Central Files (C-Files) and confidential information excluded from offender access.
2. If there is any question as to the sensitivity or proper safeguarding of original correspondence received by an institution from an outside source or generated from the Department itself, an inquiry will be made to the Correctional Case Records Manager (CCRM) prior to inclusion of the information in the I-File.
3. Under no circumstances will highly sensitive information be reproduced for inclusion in institutional files.
4. An offender will only be permitted to review their I-File records once in a 12-month

period, except under unique and special circumstances such as viewing the record prior to a Pardons Board hearing or judicial hearing.

5. An offender will be allowed to review their I-File if the offender is working on Habeas Corpus proceedings.
 - A. The institution/facility will establish an Operational Procedure (OP) to allow offenders to review their I-Files if working on Habeas Corpus proceedings.

568.07 ATTORNEY REVIEW OF RECORDS

1. Attorneys may be allowed to assist offenders during record reviews pursuant to provisions of this regulation.
2. Except as otherwise provided under AR 568.08, requests by attorneys to view records for any purpose other than contemplated herein will be approved by the Attorney General's Office prior to such a review.

568.08 REQUESTS FOR OFFENDER RECORDS IN *HABEAS CORPUS* PROCEEDINGS WHERE DISCOVERY HAS NOT BEEN ORDERED AND A SUBPOENA FOR DOCUMENTS HAS NOT BEEN ISSUED

1. Applicability of AR 568.08 – This administrative regulation applies only in *habeas corpus* proceedings where discovery has not been ordered by the court, and where a subpoena for documents has not been issued. As well, this administrative regulation applies only to documents that an NDOC offender may ordinarily review upon request under the NDOC administrative regulations, procedures, or directives.
2. Offenders Represented by Counsel – When requests for offender records are received from attorneys representing offenders in *habeas corpus* proceedings, the Department shall produce to that attorney responsive documents from the offender's files, whether from the offender's Medical Record or I-File, subject to applicable confidentiality, redaction, and dissemination restrictions relating to the safety and security of staff, offenders, the public, and prison operations.
 - A. NDOC Officials may condition the production of some or all of such documents on receiving an agreement by the offender and his or her attorney to restrict the offender from possessing confidential or restricted documents on the offender's person or in his cell, for reasons relating to the safety and security of staff, offenders, the public, and prison operations.
3. Offenders Representing Themselves, *Pro Se* - When requests for offender records are received from NDOC offenders who represent themselves, *pro se*, in *habeas corpus* proceedings, the Department shall produce to the court in the particular *habeas corpus* proceeding, responsive documents from the offender's files, whether from the offender's Medical Record or I-File, subject to applicable confidentiality, redaction, and

dissemination restrictions relating to the safety and security of staff, offenders, the public, and prison operations.

A. Where the NDOC administrative regulations, procedures, directives, or other prison policies permit an NDOC offender to review such requested records from his Medical Record or I-File, but not to possess them on his person or in his cell/bunk area, for reasons relating to the safety and security of staff, offenders, the public, and prison operations, NDOC officials shall:

- 1) Permit the offender to review such documents away from his cell under the supervision of an NDOC official;
 - 2) Permit the offender to identify which documents he or she would like forwarded to the court in the particular *habeas corpus* proceeding;
 - 3) Require the appropriate NDOC staff to attach such documents identified by the offender to the legal papers presented by the offender for filing with the court in the particular *habeas corpus* proceeding.
4. Each institution shall establish an Operational Procedure to validate the legitimacy of such requests for documents, so as to promote institutional safety and security relating to the dissemination and production of such confidential documents and information.

APPLICABILITY

1. This AR requires an Operational Procedure.
2. This AR requires an audit.


REFERENCES: ACA Standards 5th Edition 5-ACI-1E-01

ATTACHMENTS

DOC Form 2022



Charles Daniels, Director



Date

NEVADA DEPARTMENT OF CORRECTIONS
REQUEST FOR REVIEW OF INSTITUTIONAL FILE

Name: _____

DOC #: _____

Institution: _____

Certification:

I certify that the name appearing above is my true name. I am requesting access to my institutional file solely to determine the accuracy thereof and for no other purpose. I understand that if I have employed any deception in regard to my true identity or purpose. I will be subject to prosecution (NRS 205.450) and NRS 179A.110.

Signature: _____

Date: _____

If accompanied by an attorney:

I hereby certify that I am duly authorized to practice law in _____ and have been retained by the above-named person to aid and assist in the review and possible challenge of the contents of the institutional file.

Name: _____

Address: _____

By my signature below, I acknowledge that on the date indicated I reviewed my Institutional File (I-File) in the presence of the named staff witness, and with my attorney (if applicable).

Offender signature: _____ Date: _____

Staff witness signature: _____ Date: _____

DOC 2022 (7/22)