

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
507**

ADMINISTRATIVE SEGREGATION

Supersedes: AR 507 (Temporary, 04/10/10)

Effective Date: 05/20/10

AUTHORITY

NRS 209.131

RESPONSIBILITY

An Associate Warden is responsible to ensure that proper procedures are followed in the placement, retention and release of inmates from administrative segregation.

507.01 GENERAL PROCEDURES

1. ADMINISTRATIVE SEGREGATION CLASSIFICATION

A. Where segregation units exist, the supervision of inmates under administrative segregation will be governed by written procedure. **(4-4237)**

B. Inmates will be temporarily placed in administrative segregation to protect the safety of the inmate, other persons, the institution or community or to conduct investigations into violent misconduct or misconduct which threatens escape or a significant disruption of institutional operations.

C. The inmate will be retained in administrative segregation only after a completion of formal classification procedures.

D. Administrative segregation is not to be used for the purpose of punishment.

E. Administrative segregation may also be used:

(1) For inmates seeking or being recommended for protective segregation only in those institutions where conventional protective segregation housing areas do not exist pending transfer to institutions with protective segregation housing areas.

(2) Where an inmate in protective segregation cannot be housed safely with other protective segregation inmates

F. Inmates in administrative segregation may transition to and from disciplinary housing based upon sanctions imposed at a disciplinary hearing.

G. Facility managers are authorized to place inmates in local jail facilities; however, immediate arrangements for transfers to a secure facility will be made.

(1) The initial administrative segregation hearing will be held upon return to a Department institution.

(2) Facility managers will ensure coordination and completion of initial administrative segregation hearings where inmates have been transferred

H. Administrative segregation units are not to be used as a substitute for mental health facilities.

I. The Deputy Director must approve institutions to double bunk inmates in administrative segregation.

J. The Associate Warden/designee will determine appropriate placement in double cells.

2. PLACEMENT IN ADMINISTRATIVE SEGREGATION

A. The Warden, Associate Warden or shift supervisor can order immediate segregation when it is necessary to protect the inmate or others. This action is to be reviewed within seventy- two (72) hours by the appropriate authority.

B. Inmates placed in administrative segregation will be initially housed in a single cell whenever possible.

C. Inmates placed in administrative segregation temporarily will receive an initial administrative segregation hearing within three (3) working days of that temporary placement.

(1) This three (3) day period may be extended by the Warden due to exceptional circumstances.

(2) Any delay in the hearing will be communicated to the inmate in writing within a three (3) day period subsequent to the temporary placement in administrative segregation.

D. Inmates will receive at least forty-eight (48) hours notice prior to the conduct of an initial administrative segregation hearing. The inmate may waive this requirement. **(4-4289)**

(1) Notice of this initial administrative segregation hearing will be provided on Form DOC-2003.

(2) This notification will document the reasons for the possible classification to administrative segregation.

E. The classification committee for the initial administrative segregation hearing or any subsequent regular classification of an administrative segregation inmate will consist of at least three (3) employees.

(1) No person with direct involvement in the incident or circumstances giving rise to the administrative segregation circumstances will be on this committee.

(2) The inmate will be present at all times during the classification meeting except for the decision deliberations, discussion of information from anonymous or confidential sources or if they become disruptive.

(3) The committee may require the attendance of any staff or inmates with information bearing on the decision to place or retain the inmate in administrative segregation.

(4) An inmate subject to this classification may consult with or be represented by an inmate counsel only in those instances where the classification committee determines that the inmate's psychological or emotional state is so impaired as to make him/her incapable of understanding or supporting his/her participation in the classification hearing.

(5) The committee may temporarily adjourn to obtain, clarify or investigate information bearing on the decision.

(6) Confidential information may be used in the decision to place and retain an inmate in administrative segregation with the same provisions regarding the use of confidential information as used in A.R. 707 – Inmate Disciplinary Process, applied to this procedure.

(a) Two-Prong Test for Determining Reliability and Necessity. The record will contain some factual information from which the committee can reasonably conclude that the confidential information is reliable. The reliability of the informant's information can be established by any of the following methods:

i. The oath of the investigating officer appearing before the committee as to the truth of his report that contains confidential information.

ii. Corroborating testimony.

iii. A statement on the record by the chairman of the committee that he had firsthand knowledge of the sources of information and considered them reliable based on the informant's past record.

iv. In camera review of the documentation from which credibility was assessed.

(6) The record of classification hearing will contain corrections employee's affirmative statement that safety considerations prevent the disclosure of the informant's name to the accused.

(7) In order to conduct the test identified in items above, the identity of the confidential source will be made known to the members of the committee, out of the presence of the accused inmate.

(a) The Warden/designee may however, withhold the identity from the committee.

(b) If the committee is not to be informed of the identity of the source, the record of the classification hearing will contain an affirmative statement from the Warden/designee that the test was satisfied.

(c) The statement will minimally reflect that the Warden/designee considered the source of the information, judged the source to be reliable and allowed that the information may be used by the committee. The statement will also reflect that safety considerations prevent the disclosure of the informant's identity to the committee.

F. The committee will reach a decision based upon information presented at the hearing and provide the inmate with a written decision on Form DOC-2020 giving the reason and a summary of the decision.

G. The decision will be based upon credible information.

H. The committee is to document the initial administrative segregation hearing in the manner of a regular reclassification hearing to include the completion of an objective classification assessment in NOTIS.

I. The classification committee will review inmates in administrative segregation every thirty (30) days after the initial hearing.

J. Inmates who refuse to appear for classification will have their cases reviewed based on the committee's review of the inmate's record and any information provided by persons appearing before the committee. The inmate's absence will be documented in the record of the hearing.

3. REINTEGRATION

A. Inmates will be transitioned into disciplinary housing as soon as those disciplinary hearings are completed. If an inmate is found not guilty or the charges dismissed, a special classification hearing will be scheduled to determine the inmate's status.

B. Inmates placed in administrative segregation for transfer to protective segregation will be removed from administrative segregation once they are placed into a protective segregation housing unit.

(1) Every inmate who is otherwise released from administrative segregation will be informed that his/her release and retention in general population or conventional protective segregation is conditional.

(2) The committee that recommends the removal of an inmate from administrative segregation may prescribe an individualized program for the inmate that includes, as appropriate, requirement related to: **(4-4242)**

(a) Program participation

(b) Disciplinary avoidance

(c) Narcotics testing

(d) Mental health treatment compliance; and

(e) Associations

(3) Inmates may remain in administrative segregation for extended periods of time.

C. An Associate Warden/designee will review and determine when retention in administrative segregation is no longer necessary.

4. ADMINISTRATIVE SEGREGATION OPERATIONS

A. Non-disciplinary restrictions of the rights, privileges and amenities available to inmates in administrative segregation may be imposed when such restrictions are necessary to prevent the destruction of property, maintenance of health and/or safety of any person, or otherwise to maintain the security of the institution. Such restrictions will be imposed on the inmate on the basis of substantial information justifying such restrictions.

(1) Unless the immediate restriction of a particular item is necessary, the Associate Warden /designee will approve restrictions in advance.

- (2) Emergency restrictions will be reviewed and approved by the Associate Warden as soon as it is reasonably possible following the imposition of the restriction.
 - (3) A written record will be maintained on all restrictions and reasons therefore.
 - (4) Restrictions will be maintained no longer than it is necessary. The Segregation unit log will state the continuing justification of the unit supervisor's approval for the continuation of such restrictions at least every other day.
 - (5) The Associate Warden will review restrictions imposed on individuals at least every thirty (30) days. This review will be noted in NOTIS.
 - (6) The inmate for whom a significant restriction of basic cell furnishings, personal hygiene implements (except razors), food, bedding, or standard institutional issue of clothing, is imposed, will be referred to the psychologist within twenty four (24) hours of the Associate Warden's approval of such restrictions to determine the medical and/or mental health effects of such restrictions on the inmate.
 - (7) The institution's medical or mental health staff will review this restriction at least twice weekly.
 - (8) To the extent possible, consistent with security, inmates in administrative segregation will be allowed to participate in institutional programs.
 - (a) Inmates classified to administrative segregation may be denied or removed from programs, jobs, activities including hobby craft, canteen privileges and any other activities.
 - (b) Inmates may be afforded the opportunity to work within the administrative segregation unit consistent with their status.
- B. Inmates in administrative segregation will be permitted to possess standard prison issued clothing unless security of the administrative segregation unit indicates otherwise.
- C. Inmates in administrative segregation status will be fed the same meal and ration as provided for other inmates in the general population. If necessary, substitutions may be made by the Associate Warden.
- D. Administrative segregation inmates will have the same correspondence privileges as general population inmates.

E. Administrative segregation inmates will be allowed contact visits unless security of the institution dictates otherwise. The frequency of such visits may be determined by the Warden to allow for the equitable visiting of all inmates assigned to the institution, given the operational resources available for that activity.

F. All inmates will be provided the means to keep themselves clean and groomed.

G. Administrative segregation inmates will be allowed a minimum of seven (7) hours per week outdoor exercise, absent inclement weather or staff shortage.

H. Inmates in administrative segregation will be allowed the same canteen purchase amount as general population inmates. However, certain items may be exempt from purchase for security reasons.

I. Personal phone calls are allowed, but the number of calls per week/month may be limited for those inmates in administrative segregation. Each institution will have procedures regarding phone privileges for inmates in administrative and protective segregation. (4-4259)

J. An Associate Warden is to ensure that law clerks or law library staff visit the administrative segregation unit at least four (4) times per week.

K. Law library assistants will be allowed to consult with administrative segregation inmates in the security setting defined by the Associate Warden. Where library staff is used in place of law library assistants, the law library staff are to transmit information related to legal issues, as well as requests for materials, to the law library assistants.

L. Law library assistants or law library staff will be allowed to provide administrative segregation inmates with legal materials and books.

M. Direct access to the law library by administrative segregation inmates is not required.

N. An Associate Warden will assign a caseworker to the administrative segregation housing unit to be available to provide assistance, direction or information to administrative segregation inmates.

O. When an inmate in administrative segregation complains of or exhibits an apparent dangerous medical, dental or psychological problem at times other than the medical staff member's visit, the officers in charge of the administrative segregation unit will immediately notify the medical staff.

(1) Such notifications will be documented in the unit log.

(2) Routine medical complaints will be made to medical staff when those staff persons make their regular daily tours of the administrative segregation unit.

P. A qualified clinical psychologist or psychiatrist will interview in person and complete a meaningful evaluation on the status of each inmate classified to administrative segregation within thirty (30) days of assignment to that unit.

(1) The Medical Director will define in writing what constitutes a meaningful evaluation.

(2) The evaluation will be completed for the inmate every ninety (90) days.

Q. Visitation by religious personnel to inmates assigned to administrative segregation will be encouraged and allowed per institutional procedures.

R. A systematic record system will be maintained on all inmates assigned to the administrative segregation unit.

(1) A general activity log will be maintained for inmate and activities within such areas.

(2) In addition, a log will be maintained for all personnel entering the unit for inspection and treatment of each inmate. **(4-4238)**

S. The minimum space requirements for outdoor and covered/enclosed exercise areas for segregation units are as follows:

(1) Group yard modules – 15 square feet per inmate expected to use the space at one time, with a minimum ceiling height of 18 feet if covered but not less than 500 square feet of unencumbered space.

(2) Individual yard modules – 180 square feet of unencumbered space with a minimum ceiling height of 12 feet, if covered. **(4-4148)**

APPLICABILITY

1. This administrative regulation requires an Operational Procedure.
2. This administrative regulation requires an audit.

REFERENCES

ACA Standards (4th Edition), 4-4148, 4-4237, 4-4238, 4-4242, 4-4259, and 4-4289



Howard Skolnik, Director

4/30/10

Date

SEGREGATION INFORMATIVE

INSTRUCTION FOR USE OF THIS FORM:

This form is to be completed by the shift supervisor each time an inmate (s) is moved from general population to any type of Lock-Up- housing. The form must be completed before the shift supervisor departs this facility at the end of his/her shift. The completed form will be placed in the daily folder.

INMATE NAME AND NUMBER: _____

TIME AND DATE OF LOCK-UP OR RED TAG: _____

SPECIFIC CAUSE FOR LOCK-UP OR RED AG: _____

PROPERTY INVENTORIED AND SECURED YES () NO ()
HAVE DISCIPLINARY CHARGES BEEN WRITTEN YES () NO ()

SHIFT SUPERVISOR'S SIGNATURE

DATE

DOC 1549 (REV 10/02)

ADMINISTRATIVE SEGREGATION
NOTICE OF CLASSIFICATION HEARING

THIS NOTICE WILL BE GIVEN AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO THE ADMINISTRATIVE SEGREGATION MEETING.

INMATE'S NAME: _____ NUMBER: _____

DATE _____
FACILITY: _____ You have been moved to : _____

You will appear before an Administrative Segregation Classification Committee on:

Date Approximate Time Location

REASON:

The committee may require the attendance of any staff or inmates with information bearing on the decision to place or retain the inmate in administrative segregation. An inmate subject to this classification may consult with, or be represented by an inmate counsel, only in those instances where the classification committee determines that inmate's psychological or emotional state is so impaired as to make him incapable of understanding, or supporting his participation in the classification hearing.

WITNESS REQUESTED: () YES () NO

NAMES: _____

1. In the event that the Committee is concerned with your alleged involvement in an incident for which you could face criminal charges, you have the right to remain silent at the meeting and to know that anything you say at the meeting may be used against you in a criminal prosecution.
2. In addition to the specific reasons for which the meeting is being conducted, the Committee may consider your past and present institutional attitude, adjustment record and criminal record.
3. This Notice is only required at the initial Administrative Segregation Classification Committee Hearing.
4. If the Warden/Designee has reasonable cause to believe that you are an immediate danger to yourself or to others or to the security of the institution, you may place you in Administrative Segregation prior to an Administrative Segregation hearing. In such an event, the meeting will be held within three (3) working days after you are placed in Segregation. This period may be extended by special approval by the Warden. You will be notified, in writing of any such extensions and the reasons.

Warden/Designee Date/Time

Inmates Signature Date/Time

CC; I-File- Original , Inmate-Copy, Custody - Copy
10/02)

DOC 2003 (REVISED

**ADMINISTRATIVE SEGREGATION
CLASSIFICATION RESULTS NOTICE**

TO: _____ DATE: _____

(INMATE'S NAME AND NUMBER)

FROM: CLASSIFICATION COMMITTEE INSTITUTION: _____

Your request to be classified from Administrative Segregation to the General population has been considered with the following results:

1. _____ Your request has been approved.
 - _____ a. Re-integration can take place now.
 - _____ b. Re-integration is subject to 60 day plan. (see reverse side)
2. _____ Your request has been disapproved based upon the following consideration (s).

(see reverse side for protracted goals).

- _____ a. History of repetitive institutional violence, assaults, fights.
- _____ b. Repetitive involvement in controlled substance abuse.
- _____ c. Sexually assaultive behavior.
- _____ d. Escape or recent attempted escape.
- _____ e. Prison gang affiliation.
- _____ f. Other.

Explanation of above
(required) _____

3. _____ Your request has been deferred for _____ days, for the following reasons (s):

Your next review before the Classification Committee
is: _____

ASSOCIATE WARDEN

ASSOCIATE WARDEN

CC: I FILE, C FILE
FRONT

NDOC 2020 (10/02)

ADMINISTRATIVE SEGREGATION

60 DAY RE-INTERGRATION PLAN/ LONG RANGE GOALS

Inmate's Name: _____ Number: _____ Date: _____

I. Your request to be classified from Administrative Segregation to the General Population has been approved. This re-integration is subject to the successful completion of a 60-day plan. The objectives and conditions of the 60-day plan are outlined below. If the 60-day plan is not established, see "Protracted Goals"- Section II below.

1. _____ The 60-day re-integration plan begins on this date:

2. _____ The 60-day re-integration plan ends on this date:

3. _____ If the 60-day plan is successfully completed, you will be classified for General Population on this date: _____

4. _____ To successfully complete the 60-day plan you must meet the following requirements:

a.

b.

c.

d.

e.

5. COMMENTS:

II. PROTRACTED GOALS AND PLANS:

ASSOCIATE WARDEN

ASSOCIATE WARDEN

Cc: I FILE, C FILE

NDOC 2020 (10/02)