NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION

SUMMARY OF CHANGES
AR 507 – RESTRICTIVE HOUSING

Effective: Temporary 10/17/23

Description	Page Number
Remove Administrative Segregation and replace with Restrictive Housing	all
Add definitions for Solitary Confinement, Restrictive Housing, Disciplinary Segregation	2
Inmate to Offender term	all
Single house or Double house decision authority	3
Other minor changes have been made in formatting for improved clarity and consistency.	

James E. Dzurenda, Director

10/17/23
Date

This summary of changes is for training record purposes only. You must also consult the Administrative Regulation and/or Manual for proper instructions.

I, _____, acknowledge receipt of this Summary of Changes and understand it is my responsibility to implement into the course of my duties.

_____
Signature

_____
Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION

RESTRICTIVE HOUSING
ADMINISTRATIVE REGULATION – 507

SUPERSEDES: AR 507 (05/20/10); AR 507 (Temporary 04/10/10)

EFFECTIVE DATE: Temporary 10/17/23

AUTHORITY: NRS 209.131; NRS 209.356; NRS 209.361

RESPONSIBILITY

The Director of the Nevada Department of Corrections (NDOC and Department) is responsible for the implementation of this Administrative Regulation (AR).

The Deputy Director of Operations is responsible for ensuring the administration of restrictive housing policies at all facilities.

The Wardens will ensure that their appropriate assigned subordinate supervisors have read and understand this regulation.

The Associate Wardens will ensure that their appropriate assigned subordinate supervisors have read and understand this regulation.

Supervisors will ensure that their appropriate subordinate staff members have read and understand this regulation.

Designated staff members will know, comply with, and enforce this regulation.

If, and where applicable, offenders will know and comply with this regulation.

507.01 RESTRICTIVE HOUSING DEFINITIONS

1. RESTRICTIVE HOUSING- Housing of an offender in a location where the offender is restricted to a cell for less than 22 hours per day for the purpose of separating the offender from the general population.

2. SOLITARY CONFINEMENT- Housing of an offender in a location where the offender is restricted to a cell for 22 hours or more per day for the purpose of separating the offender from the general population.

3. DISCIPLINARY SEGREGATION- Housing of an offender in a location separating them from the general population after a finding of guilt for a major rule violation to serve an assigned sanction through a formal disciplinary process. Disciplinary Segregation can be served while assigned in either Restrictive Housing or Solitary Confinement

507.02 RESTICTIVE HOUSING CLASSIFICATION)

1. Where restrictive housing units exist, the supervision of offenders under restrictive housing will be governed by written procedure.

2. Offenders will be temporarily placed in restrictive housing to protect the safety of the offender, other persons, the institution, community, or to conduct investigations into violent misconduct or misconduct which threatens escape or a significant disruption of institutional operations.

3. The offender will be retained in restrictive housing only after a completion of formal classification procedures.

4. Restrictive housing is not to be used for the purpose of punishment.

5. Restrictive housing may also be used:

    A. For offenders 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.

    B. Where an offender in protective segregation cannot be housed safely with other protective segregation offenders.

6. Offenders in restrictive housing may transition to and from disciplinary segregation based upon sanctions imposed at a disciplinary hearing.

7. Rural Camps and Transitional Housing managers are authorized to place offenders in local jail facilities; however, immediate arrangements for transfers to a secure institution will be made.

    A. The initial restrictive housing classification hearing will be held upon return to a Department institution.

    B. Facility managers will ensure coordination and completion of initial restrictive housing hearings where offenders have been transferred.

8. Restrictive housing units are not to be used as a substitute for mental health facilities.

9. Assignment of areas to single cell or double cell for restrictive housing or disciplinary segregation within an institution will be authorized by the Director or designee

   Decisions on double-housing in restricted housing shall be determined by a committee as part of unit team management with the approval of the Warden or Associate Warden. A thorough review of the offenders proposed to live together shall be done prior to housing.

507.03 PLACEMENT IN RESTRICTIVE HOUSING

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

2. Offenders placed in restrictive housing will be initially housed in a single cell whenever possible.

3. Offenders placed in restrictive housing temporarily will receive an initial restrictive housing hearing within three (3) working days of that temporary placement.

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

   B. Any delay in the hearing will be communicated to the offender in writing within a three (3) day period subsequent to the temporary placement in restrictive housing.

   C. Placement into restrictive housing will be documented in the Care In Placement screen in the Nevada Offender Tracking Information System (NOTIS).

4. Offenders will receive at least forty-eight (48) hour's notice prior to the conduct of an initial restrictive housing hearing. The offender may waive this requirement.

   A. Notice of this initial restrictive housing hearing will be provided on Notice of Classification Hearing form DOC 2003.

   B. This notification will document the reasons for the possible classification to restrictive housing.

5. The classification committee for the initial restrictive housing hearing or any subsequent regular classification of an restrictive housing offender will consist of at least three (3) employees.

   A. No person with direct involvement in the incident or circumstances giving rise to the restrictive housing circumstances will be on this committee.

B. The offender will be present at all times during the restrictive housing classification meeting except for the decision deliberations, discussion of information from anonymous or confidential sources or if they become disruptive.

C. The committee may require the attendance of any staff or offenders with information bearing on the decision to place or retain the offender in restrictive housing.

D. An offender subject to this classification may consult with or be represented by an offender counsel only in those instances where the classification committee determines that the offender'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.

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

F. Confidential information may be used in the decision to place and retain an offender in restrictive housing with the same provisions regarding the use of confidential information as used in AR 707 Offender Disciplinary Process applied to this procedure.

1) 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:

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

b) Corroborating testimony.

c) A statement on the record by the Chairman of the committee that he/she had firsthand knowledge of the sources of information and considered them reliable based on the informant's past record.

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

G. 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.

H. 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 offender.

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

2) 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.

3) 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.

6. The committee will reach a decision based upon information presented at the hearing and provide the offender with a written decision on Restrictive Housing Classification Results Notice form DOC 2020RH giving the reason and a summary of the decision.

7. The decision will be based upon credible information.

8. The committee is to document the initial restrictive housing hearing in the manner of a regular reclassification hearing to include the completion of an objective classification assessment in NOTIS.

9. The classification committee will review offenders in restrictive housing every thirty (30) days after the initial hearing.

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

507.04 REINTEGRATION

1. Offenders will be transitioned into disciplinary housing as soon as those disciplinary hearings are completed. If an offender is found not guilty or the charges dismissed, a post-disciplinary classification hearing will be scheduled to determine the offender's status.

2. Offenders placed in administrative segregation for protective segregation reasons shall be reviewed for proper placement. For offenders who are identified as needing protective housing, they will be removed from restrictive housing once they are placed into a protective segregation housing unit.

3. Every offender who is otherwise released from restrictive housing will be informed that his/her release and retention in general population or conventional protective segregation is conditional.

    A. The committee that recommends the removal of an offender from restrictive housing may prescribe an individualized program for the offender that includes, as appropriate, requirement to:

        1) Program participation

        2) Disciplinary avoidance

        3) Substance Use Testing

        4) Mental health treatment compliance; and

        5) Associations

    B. Offenders may remain in restrictive housing for extended periods of time.

4. An Associate Warden/designee will review and determine when retention in restrictive housing is no longer necessary.

507.05 RESTRICTIVE HOUSING OPERATIONS

1. Non-disciplinary restrictions of the rights, privileges and amenities available to offenders in restrictive housing may be imposed when such restrictions are necessary to prevent the destruction of property, maintenance of health and/or safety of any period, or otherwise to maintain the security of the institution. Such restrictions will be imposed on the offender on the basis of substantial information justifying such restrictions.

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

    B. Emergency restrictions will be reviewed and approved by the Associate Warden as soon as it is reasonably possible following the imposition of the restriction.

    C. A written record will be maintained on all restrictions and reasons, therefore.

    D. Restrictions will be maintained no longer than it is necessary. The restrictive housing unit log will state the continuing justification of the unit supervisor's approval for the continuation of such restrictions at least every other day.

    E. The Associate Warden will review restrictions imposed on individuals at least every thirty (30) days. This review will be documented in NOTIS.

F. The offender 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 offender.

   1) The institution's medical or mental health staff will review this restriction at least twice weekly.

G. To the extent possible, consistent with security, offenders in restrictive housing will be allowed to participate in institutional programs.

   1) Offenders classified to restrictive housing may be denied or removed from programs, jobs, activities including hobby craft, canteen privileges and any other activities.

   2) Offenders may be afforded the opportunity to work within the restrictive housing unit consistent with their status.

2. Offenders in restrictive housing will be permitted to possess standard prison issued clothing unless security of the restrictive housing unit dictates otherwise.

3. Offenders in restrictive housing status will be fed the same meal and ration as provided for other offenders in the general population. If necessary, substitutions may be made by the Associate Warden.

4. Restrictive housing offenders will have the same correspondence privileges as general population offenders.

5. Restrictive housing offenders 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 offenders assigned to the institution, given the operational resources available for that activity.

6. All offenders will be provided the means to maintain their personal hygiene.

7. Restrictive housing offenders will be allowed a minimum of more than 2 hours per day out of their cell or outdoor exercise, except for inclement weather or staffing shortages.

8. Offenders in restrictive housing will be allowed the same canteen purchase amount as general population offenders. However, certain items may be exempt from purchase for security reasons.

9. Personal phone calls are allowed, but the number of calls per week/month may be limited for those offenders in restrictive housing. Each institution will have procedures regarding phone privileges for offenders in restrictive housing.

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

11. Law library assistances assistants will be allowed to consult with restrictive housing in 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.

12. Law library assistants or law library staff will be allowed to provide restrictive housing offenders with legal materials and books.

13. Direct access to the law library by restrictive housing offenders is not required.

14. An Associate Warden will assign a caseworker to the restrictive housing unit to be available to provide assistance, direction, or information to restrictive housing offenders.

15. When an offender in restrictive housing 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 restrictive housing unit will immediately notify the medical staff.

    A. Such notifications will be documented in the unit log.

    B. Routine medical complaints will be made to medical staff when those staff persons make their regular daily tours of the restrictive housing unit.

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

    A. The Medical Director will define in writing what constitutes a meaningful evaluation.

    B. The evaluation will be completed for the offender every ninety (90) days.

17. Visitation by religious personnel to offenders assigned to restrictive housing will be encouraged and allowed per institutional procedures.

18. A systematic record system will be maintained on all offenders assigned to the restrictive housing unit.

    A. A general activity log will be maintained for offender and activities within such areas.

    B. In addition, a log will be maintained for all personnel entering the unit for inspection and treatment of each offender.

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

    A. Group yard modules – 15 square feet per offender 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.

    B. Individual yard modules – 180 square feet of unencumbered space with a minimum ceiling height of 12 feet, if covered.

APPLICABILITY

1. This administrative regulation requires an Operational Procedure.

2. This regulation requires an audit.

REFERENCES

ACA Standards 5th Edition 5-ACI-3C-12, 5-ACI-3C-17, 5-ACI-4A-13

James E. Dzurenda, Director

10/17/23
Date