NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION

SUMMARY OF CHANGES
AR 513 – SOLITARY CONFINEMENT

Effective: Temporary 10/17/23

Description	Page Number
This is a new Administrative Regulation compliant with the passage of Senate Bill 307 from the 82nd Legislative Session.	1-10

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

SOLITARY CONFINEMENT
ADMINISTRATIVE REGULATION – 513

SUPERSEDES: N/A

EFFECTIVE DATE: Temporary 10/17/23

AUTHORITY: NRS 209.131; 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 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.

513.01 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.

513.02 SOLITARY CONFINEMENT

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

2. Offenders will be temporarily placed in solitary confinement to protect the safety of the offender, 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.

3. The offender will be retained in solitary confinement only after completion of formal classification procedures.

4. Solitary confinement is not to be used for the purpose of punishment.

5. Solitary confinement may also be used:

    A. For offenders seeking or being recommended for protective separation only in those institutions where conventional protective housing areas do not exist pending transfer to institutions with protective housing areas.

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

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

7. Rural Camps and Transitional Housing facility 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 solitary confinement classification hearings will be held upon return to a Department institution.

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

8. Solitary confinement units are not to be used as a substitute for mental health facilities.

    A. An offender with serious mental illness or significant mental impairment, unless ordered by a health care provider for the protection of the offender, staff or any other person should not be housed in solitary confinement.

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

    A. Decisions on double-housing in restricted housing shall be done as 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.

513.03 PLACEMENT IN SOLITARY CONFINEMENT

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 solitary confinement will be initially housed in a single cell whenever possible.

3. Offenders placed in solitary confinement temporarily will receive an initial solitary confinement classification 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 solitary confinement.

    C. Placement into solitary confinement 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) hours' notice prior to the conduct of an initial solitary confinement hearing. The offender may waive this requirement.

    A. Notice of this initial solitary confinement hearing will be provided on Notice of Calssification form DOC 2003.

    B. This notification will document the reasons for the possible classification to solitary confinement.

5. The classification committee for the initial solitary confinement hearing offender will consist of at least three (3) employees.

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

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

    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 solitary confinement.

    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 solitary confinement 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 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 Classification Results Notice form DOC 2020SC 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 solitary confinement hearing in the manner of a regular reclassification hearing to include the completion of an objective classification assessment in NOTIS.

9. 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.

10. No more than every 15 consecutive days a multidisciplinary team will review each offender in solitary confinement for reintegration or continued need to remain in solitary confinement. These findings will be documented on Classification Results Notice DOC 2020SC page1 located in NOTIS. The multidisciplinary team will develop an individualized case plan for the offender prior to being removed from solitary confinement. This case plan will be documented on 15 Day Reintegration Plan formDOC 2020SC page 2 located in NOTIS.
    A. The multidisciplinary team will include an officer assigned to the unit where the offender is assigned, mental health clinician, caseworker, correctional supervisor, and Associate Warden.

11. Offenders remaining in solitary confinement for more than 15 consecutive days will be documented in the Care In Placement screen in NOTIS that will include the reason for the continue need for separation from the general population within 24 hours of the findings of the multidisciplinary team. The caseworker will document in case note updates to the case plan for reintegration of the offender or reasons for continued separation.

513.04 REINTEGRATION

1. Offenders will be transitioned on to disciplinary segregation 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 solitary confinement for protective separation reasons shall be reviewed for proper placement. For offenders who are identified as needing protective housing, they will be removed from solitary confinement once they are placed into a protective housing unit.

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

    A. The multidisciplinary team that recommends the removal of an offender from solitary confinement 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

4. Offenders refusing to be removed from solitary confinement will remain in solitary confinement and updates made to the offender's case plan within every 15 days by the multidisciplinary team. At any time, an offender indicates they will move from solitary confinement, it will be documented by classification in case note and the move completed within 24 hours.

5. Offenders releasing from custody of the department should not be housed in solitary confinement the last 90 days of incarceration. Every effort to move the offender to less restrictive housing should be considered. The use of restrictive housing, special

management or behavior modification units shall be considered. If the offender refuses to move or no safe alternative can be identified, case note updates to the case plan will be documented in NOTIS.

513.05 SOLITARY CONFINEMENT OPERATIONS

1. Non-disciplinary restrictions of the rights, privileges, and amenities available to offenders in solitary confinement 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 is necessary. The solitary confinement 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 15 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 solitary confinement will be allowed to participate in institutional programs.

        1) Offenders classified to solitary confinement 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 solitary confinement unit consistent with their status.

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

3. Offenders in solitary confinement 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. Solitary confinement offenders will have the same correspondence privileges as general population offenders.

5. Solitary confinement 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 with the means to maintain their personal hygiene.

7. Solitary Confinement offenders will be allowed up to 2 hours per day out of cell or outdoor exercise, absent inclement weather, or staff shortage.

8. Offenders in solitary confinement 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 solitary confinement. Each institution will have procedures regarding phone privileges for offenders in solitary confinement.

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

11. Law library assistances assistants will be allowed to consult with solitary confinement 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 solitary confinement offenders with legal materials and books.

13. Direct access to the law library by solitary confinement offenders is not required.

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

15. A health care provider will tour and conduct a health and welfare check for every offender assigned to solitary confinement once each day at the offender's cell. This check will be documented in the shift log of the unit by the officer using the "Health" drop down in NOTIS.

16. When an offender in solitary confinement 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 solitary confinement 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 administrative segregation unit.

17. A qualified mental health clinician, as part of the multidisciplinary team will complete a meaningful evaluation on the status of each offender classified to solitary confinement at each 15 day review conducted by the multidisciplinary team and provide guidance to the team.

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

18. Visitation by religious personnel to offenders assigned to solitary confinement will be encouraged and allowed per institutional procedures.

19. A systematic record system will be maintained on all offenders assigned to the solitary confinement 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.

20. The minimum space requirements for outdoor and covered/enclosed exercise areas for solitary confinement 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