

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
733**

DISCIPLINARY SEGREGATION

Supersedes: AR 733 (Temporary, 03/14/11); 06/17/12
Effective Date: Temporary 03/28/17

AUTHORITY NRS 209.131; NRS 209.356; NRS 209.361

RESPONSIBILITY

The Director is responsible to ensure the establishment of disciplinary segregation policies to promote fairness and ensure staff, inmate and public safety.

The Deputy Director of Operations is responsible to ensure the administration of disciplinary segregation policies at all facilities.

The Warden is responsible to ensure proper implementation and management of inmates in disciplinary segregation.

All staff are responsible to ensure compliance with all segregation regulations.

733.01 DISCIPLINARY SEGREGATION POLICIES

1. Disciplinary segregation may only be assessed through the Administrative Regulation (AR) 707 – Inmate Disciplinary Process.
 - A. Inmate(s) will begin to serve their disciplinary segregation sanctions immediately after the disciplinary process is completed.
 - B. Inmate(s) who grieve the outcome of the disciplinary hearing will begin to serve their segregation disciplinary sanction immediately after the disciplinary process is completed.
 - C. If the Inmate grievance is “Granted,” the inmate will be released from segregation.
 - D. Women who are pregnant, post-partum, recently had a miscarriage, or recently had a terminated pregnancy should not be placed in restrictive housing.
2. Disciplinary segregation may be served only in an area designated as a disciplinary segregation unit by the Warden.

- A. The inmate shall serve their disciplinary segregation in the segregation unit, unless there is no cell capacity in the segregation unit.
- B. If there is no bed capacity available in the segregation unit and the inmate remains housed in general population, the inmate will serve the disciplinary segregation sanction as “Confined to Quarters.”
- C. The time spent in “Confined to Quarters” will be credited to the time that has been assessed during the disciplinary hearing.
- D. If the inmate has been in Disciplinary Segregation for more than 90-days, and has completed the sanction imposed, the inmate will be transitioned back to General Population Housing commensurate with their classification score through a “Behavior Modification Unit” as described in this AR.
- E. Pursuant to AR 707, *Inmate Disciplinary Process*, an inmate in Disciplinary Segregation may petition the Warden through the Inmate Request Form (DOC 301), also referred to as a kite, for release from segregation, after they have completed at least one-half of their sanction, unless the sanction was imposed as a result of a “plea-bargain.”
- F. An inmate shall not be released from Disciplinary Segregation to the community. The inmate will be housed in either “General Population” or a “Behavior Modification Unit” during their last 30-days of their incarceration depending on the inmate’s propensity for misconduct.
- G. An officer shall tour the housing unit every 30-minutes and document any unusual inmate behavior, hygiene or comments made by the inmate.
- H. If any unusual comments or behaviors are observed, which indicate the inmate’s health or mental health may be or are deteriorating, the officer will contact a supervisor immediately. The supervisor will make the appropriate referrals.
- I. A healthcare professional shall make a health and welfare check not less than once each day and document the time, date and their observation of the inmate.
- J. The healthcare professional shall ensure that any issues observed or noticed during the health and welfare check are documented in the inmate’s medical file and that appropriate referrals to medical or mental health are made.
- K. If an inmate is thought to be suicidal, as determined by a healthcare professional, the inmate will be placed on “Suicide Watch.”
- L. A correctional supervisor, with at least at the rank of sergeant, shall make “not less” than one tour of the segregation unit during their shift and document their observations in the unit log and or Nevada Offender Tracking Information System (NOTIS).

3. The Conditions of Confinement during periods of Disciplinary Segregation will be as follows:

- A. Inmates shall be permitted their personal clothing unless security issues dictate otherwise.
- B. All segregated inmates are to be fed the same meal and ration as provided for other inmates in the general population. Inmates may, however, be placed on the Special Detention Diet as outlined in AR 732.
- C. Inmates in disciplinary segregation shall be allowed one non-contact visit with family per week.
- D. Inmates in disciplinary segregation shall be limited to one non-emergency phone call to family per week. The duration of this call shall be no more than 15 minutes. Emergency phone calls may be authorized by the Warden/designee.
- E. Inmates shall not be allowed access to any electronic items (i.e. television, radio, compact disk player, tape player, etc) for at least the first 60-days. After 60-days, the inmate may submit a request for one appliance to the Associate Warden (AW)/designee. After another 60 days, the inmate may submit a request for one more electronic item. Any and all property is subject to confiscation for any rule violation.
- F. Inmates in disciplinary segregation shall not be eligible for any special package or clothing programs offered to the population.
- G. Inmates in disciplinary segregation shall be given all first class mail and legal mail addressed to them.
- H. Inmates in segregation shall not be restricted in their access to the courts. However, inmates are not required to have physical access to the law library. Inmate Law Library assistants will be classified to assist inmate's access to Law Library resources.
- I. All inmates shall be provided the means to keep themselves clean and well groomed, unless such items pose a threat to security.
 - (1) Showers shall be provided at least three (3) times per week, unless there is a threat to the safety and security of the facility. Once the threat ceases, the shower schedule shall be reinstated. Any restriction must be documented.
- J. Disciplinary segregation inmates shall be allowed a minimum of five (5) hours per week of outdoor exercise, absent inclement weather or if there is a threat to the safety and security of the facility.
- K. Inmates in disciplinary segregation shall only be allowed to purchase items from the canteen which are for hygiene maintenance or correspondence related. Indigent inmates shall be provided correspondence materials in accordance with local facility operating procedures.

L. Inmates in disciplinary segregation shall be allowed access to reading materials from the Law Library or religious texts.

a) Recreational reading material may be accessed if available.

M. Inmates shall only be allowed clothing, hygiene and legal work for current and active cases. No other property shall be permitted.

4. At the conclusion of each one (1) month period, if the inmate has not been convicted of a general or major work release violation during that time; one (1) month of credit for good behavior will be granted.

A. Such credits shall be applied toward the completion of the term.

B. Once earned, these sanction reductions become vested and shall not be revoked.

BEHAVIOR MODIFICATION UNITS

Behavior Modification Units (BMU) are designed to transition an inmate from a segregation setting to one that more resembles general population. It is expected that during an inmate's stay in a BMU that an inmate's ability to interact with staff and inmates in a socially acceptable manner will be encouraged.

A. A BMU can be part of cell-block, a tier or wing within a cell-block or several cells in a unit as the need dictates.

B. Inmates shall receive, at a minimum, all of the rights and privileges as inmates in Disciplinary Segregation.

C. Out-of-cell time shall be progressively increased during an inmate's stay in this program as the inmate(s) behavior warrants.

D. Inmate(s) who exhibit positive behavior and improves shall receive contact visits, additional phone privileges and ability to purchase items from the inmate store.

A mental health clinician shall evaluate the inmate during their stay in a BMU to determine the inmate's ability to program successfully into a general population setting and/or the community and to make recommendations for treatment.

APPLICABILITY

1. This regulation requires an Institutional Operational Procedure.

2. This regulation requires an audit.

REFERENCES

ACA Standards, 4th Edition, 4-4249; 4-4266 through 4-4269; 4-4272



James Dzurenda, Director

3/28/17
Date