

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
734**

INMATE DISCIPLINARY DETENTION

Supersedes: AR 734 (Temporary, 12/06/11); 06/17/12;
Effective Date: 08/30/17

AUTHORITY

NRS 209.131; NRS 209.361

PURPOSE

The purpose of inmate disciplinary detention is to ensure the safety, security, and orderly operation of correctional facilities, and the protection of the public, by allowing Nevada Department of Correction staff to impose sanctions on inmates who commit prohibited acts. Sanctions will not be imposed in a capricious or retaliatory manner.

RESPONSIBILITY

The Director has the responsibility for the administration of NDOC Regulations.

The Director of Operations is responsible to ensure all facilities and institutions are in compliance with operational regulations.

The Warden is responsible for the implementation of this regulation at their respective facility.

Mental health professionals under the direction of the supervising psychologists are responsible for ensuring that inmates are evaluated and treated if necessary as required by this regulation.

734.01 DISCIPLINARY DETENTION POLICY

1. Disciplinary detention may be ordered only in a unit designated as a disciplinary detention area by the Warden.
2. An inmate may be placed in disciplinary detention for not more than five (5) days for a general violation.
3. An inmate may be placed in disciplinary detention for not more than fifteen (15) consecutive days for major and/or work release violations.
4. If more than one violation occurs during a single incident, disciplinary detention may only be imposed once and not consecutively to each charge.

5. Under no circumstances will an inmate be confined to disciplinary detention for more than fifteen (15) consecutive days in one thirty (30) day period.
6. If it is determined that the inmate's mental health or medical condition was a substantial cause of the misconduct, discipline, in the form of additional disciplinary detention shall not be imposed.
7. If a major or general violation occurs while the inmate is confined to disciplinary detention, the inmate shall be subjected to a psychological examination before further sanctions are imposed.
 - A. A correctional officer will observe the inmate while the inmate is in the cell every 30 minutes.
 - B. If the sanction imposed is 15 days, a supervisor will review the inmate's status and interview the inmate every 5 days to determine if the inmate should remain in disciplinary detention or if the inmate's sanction should be terminated.
 - C. If the supervisor determines that the sanction should be terminated, the supervisor will make that recommendation to the Associate Warden who will then make the decision to terminate or continue the sanction.
 - D. Each inmate in disciplinary detention will be observed and interviewed by a mental health professional daily to determine if the disciplinary detention is having a negative impact on the inmate's mental health.
 - E. If the mental health professional determines that the inmate's mental health is deteriorating the clinical will report the evaluation to the Associate Warden and the inmate's disciplinary detention will be suspended or terminated pending mental health treatment.

734.02 DISCIPLINARY DETENTION PROCEDURE

1. Inmates will not be permitted to use or possess items of personal property while undergoing disciplinary detention, except those of a health or personal hygiene nature, i.e., soap, toothpaste, toothbrush.
2. Inmates will not be permitted to purchase, use or possess edible or consumable canteen items while undergoing disciplinary detention
3. Inmates will not be permitted to wear or possess personally owned clothing while undergoing disciplinary detention.
 - A. Only state issued clothing and footwear will be permitted.
4. Inmates undergoing disciplinary detention will be fed the same meal and ration as provided for other inmates in the general population.
5. The sending and receiving of first class mail will not be restricted due to the inmate's confinement in disciplinary detention. Delivery of packages, publications, and newspapers (except legal materials), will be withheld during disciplinary detention.

6. Inmates undergoing disciplinary detention will not be limited in their access to the courts.
 - A. Upon request, legal material in an inmate's personal property shall be issued.
 - B. Legal books shall be limited to five (5) at any one time.
7. Inmates undergoing disciplinary detention can receive legal visits and regular visits one day a week..
8. Inmates undergoing disciplinary detention will be provided the means to keep themselves clean and well-groomed. Showers shall be made available at least once every 72 hours.
9. Inmates undergoing disciplinary detention will be permitted state owned or religious texts, first class mail and legal materials.
10. Inmates undergoing disciplinary detention should be permitted a minimum of one (1) hour per day, five (5) days per week, of exercise outside their cells unless security and safety considerations preclude such activity.
11. All other privileges with inmates housed in the secure housing unit will be suspended during disciplinary detention. This includes, but is not limited to, personal non-emergency phone calls, use of recreation equipment, the viewing of television and prison employment.

APPLICABILITY

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

REFERENCES

ACA Standards, 4th Edition, 4-4249; 4-4270; 4-4272, and 4-4249


James Dzurenda, Director

8/30/17
Date