



NEVADA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REGULATION

**SUMMARY OF CHANGES**  
**AR 521 – (CUSTODY CATEGORIES AND CRITERIA)**  
**Effective PENDING**

Description	Page Number
Establishment of High-Risk Potential (HRP) classification designation. Placement, criteria, removal, and special handling	2
Removal of High Minimum custody level.	7
Other minor changes have been made in formatting for improved clarity and consistency.	

\_\_\_\_\_  
James E. Dzurenda, Director

\_\_\_\_\_  
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

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**CUSTODY CATEGORIES AND CRITERIA  
ADMINISTRATIVE REGULATION – 521**

**SUPERSEDES:** AR 521 (10/15/13); AR 521 (Temporary 11/24/14); AR 521 (05/19/15); AR 521 (Temporary 08/08/22); AR 521 (08/30/22)

**EFFECTIVE DATE:** PENDING

**AUTHORITY:** NRS 209.131; NRS 209.341; NRS 209.351; NRS 209.376; NRS 209.425; NRS 209.427; NRS 209.429; NRS 209.481; NRS 209.4889; NRS 484C.110; NRS 484C.400, NRS 484C.410, NRS 484C.430; NRS 484C.440; NRS 488.420; NRS 488.425; and NRS 488.427; 34 U.S.C. § 30301, et seq. and Federal Register 28, Code of Federal Regulation (CFR) Part 115

**RESPONSIBILITY**

The Director of the Nevada Department of Corrections (NDOC and Department) is responsible for the implementation of this Administrative Regulation (AR) through the Deputy Director of Programs who is responsible for the oversight of NDOC's Offender Management system.

The Offender Management Administrator (OMA) is responsible for the operation of NDOC's classification system and for employing the custody categories and criteria contained in this regulation.

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.

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## 521.01 MAXIMUM CUSTODY

1. Maximum custody is a restrictive level of supervision for offenders whose sentence structure, offense or institutional conduct indicates that they represent a potential for violence, escape, or disruption of institutional operations without the controls inherent in maximum custody.
2. Maximum custody classification criteria includes the following:
  - A. Offenders designated as High-Risk Potential (HRP); and
  - B. Offenders under sentence of death.
3. Maximum custody conditions of confinement include the following:
  - A. Assignment to institutions with fenced and armed perimeters;
  - B. Assignment to single occupancy cells;
  - C. Confinement to a cell except for scheduled exercise periods, showers, visits, professional interviews and hearings, or telephone calls;
  - D. Direct supervision when offenders are outside their cells;
  - E. Out-of-cell activities should be limited to separate and secure areas;
  - F. Unclothed body searches on exiting and returning to the housing unit;
  - G. Movement will be in restraint and under escort; and
  - H. Transportation outside the institution will be under restraint, under armed escort, and may include chase vehicles as determined by the Warden. Use of restraints on pregnant offenders will be under the provisions of AR 407 Use of Handcuffs and Restraints.
4. High Risk Potential (HRP) – HRP is a classification designation reserved for those offenders whose institutional conduct indicates that they represent extreme potential for violence, escape, or disruption of institutional operations.
  - A. When the need arises to potentially consider an offender as HRP, the facility will have the offender reviewed by a Full Classification Committee. This designation should only be reserved for the offenders who represent the highest potential for violence, escape, or operational disruptions. The

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committee will consider the following factors when making a recommendation:

- 1) Violent behavior towards staff.
  - 2) Violent behavior towards other offenders involving weapons and/or resulting in substantial injuries.
  - 3) Escape or attempted escape.
  - 4) Repeated incidents of major misconduct or other behaviors that represent a regular disruption of facility operations.
- B. The offender should be notified in writing of the Full Classification Committee meeting to discuss potential HRP placement at least forty-eight (48) hours prior to the meeting.
- C. If the committee believes that an offender's behavior does warrant an HRP designation, they will recommend HRP placement to the facility Warden for review. If the Warden approves the recommendation to identify an offender as HRP, it will become official, and notification must be made to facility staff.
- D. Offenders who have been designated as HRP will have a sign lettered "HRP" in large red letters affixed on the offender's cell door to ensure that staff are notified of the offender's designation.
- E. If an offender has been designated as HRP and is housed in Restrictive Housing, their status as HRP will be reviewed by a Full Classification Committee at least every six (6) months. During the review, the Committee will decide on the offender's status, which will consist of either removing the HRP designation or continued placement.
- F. If an offender has been designated as HRP and is housed in Solitary Confinement, their status will be reviewed by a Multidisciplinary Team at least every fifteen (15) days in accordance with solitary confinement reviews in AR 513 Solitary Confinement. During the review, the Multidisciplinary Team will decide on the offender's status, which will consist of either removing the HRP designation or continued placement.
- G. Criteria for removal of HRP status:
- 1) The Committee/Multidisciplinary Team will review the offender's disciplinary conduct during the previous six (6) months and offenders who continue to participate in major violence, escape attempts, or highly disruptive behavior should not be removed.

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- 2) The offender must present and maintain a positive attitude and positive programming as demonstrated by participation in available programs to address the behavior that led to HRP placement.
  - 3) It is expected that the offender will demonstrate a cooperative attitude with unit staff and receive a positive recommendation from unit staff.
  - 4) The offender is expected to acknowledge responsibility for their misconduct which resulted in HRP placement.
  - 5) Once the Committee/Multidisciplinary Team has met with the offender, they will then vote on the status. If the decision is to remove the offender from HRP status, the recommendation will be forwarded to the facility Warden for their approval.
  - 6) If the Warden approves the request to remove the HRP status, the offender will be placed onto administrative segregation and the HRP sign will be removed. Classification staff will then review the offender for proper housing, including the possibility of participating in a Behavior Modification Unit (BMU).

H. Movement of HRP Offenders. Whenever an HRP offender needs to leave their assigned cell, they must be moved by the following staff wearing special gear that will include a helmet with a face shield, gloves, and the use of a control lead:

- 1) Two current/former CERT officers, or
- 2) Three custody officers.

I. HRP offenders will be escorted utilizing both wrist and leg restraints (no waist restraints) at all times when out of their assigned cells unless approved otherwise by the facility Warden.

J. Special Handling. Due to their potential for violence, escape, or disruption of institutional operations, the following precautions will be made for HRP offenders:

- 1) Staff may conduct frequent cell searches of HRP offenders' assigned cells.
- 2) HRP offenders may be required to regularly move to different cells.

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- 3) All visitation involving HRP offenders will be non-contact (behind glass) visits.
  - 4) Offenders on HRP status will only be allowed State and personal property items in accordance with their designated classification level. Their Canteen privileges may be restricted, and they will not be permitted access to the Package Program.
  - 5) Additional restrictions may be imposed at the discretion of the Warden/designee for the safety and security of the institution

## **521.02 CLOSE CUSTODY**

1. Close custody is a restrictive level of supervision for offenders whose offense or institutional conduct indicates that they represent a potential for violence, escape, or disruption of institutional operations without the controls inherent in close custody.
2. Close custody is the designation for the general population of a maximum-security institution. Close custody classification criteria includes the following:
  - A. Assignment to specialized housing areas of medium security institutions such as administrative or disciplinary segregation, detention, or disruptive group management;
  - B. Offenders with a history of violence, escape, or conspiracy to escape;
  - C. Offenders whose misconduct indicates that their behavior cannot be controlled at lower custody levels; and
  - D. Offenders who have a guilty finding of any of the following offenses in custody within the preceding twelve (12) months – MJ11 (Kidnapping), MJ14 (Manslaughter), MJ15 (Mayhem), MJ16 (Murder), MJ19 (Sexual Assault/Sexual Abuse).
3. Close custody conditions of confinement include the following:
  - A. Assignment to institutions with fenced and armed perimeters;
  - B. Assignment to single cells for administrative or disciplinary segregation or to double cells as authorized by the Director or designee;
    - 1) Decisions on double-housing in restricted housing shall be made as a committee as part of unit team management. A thorough review of the offenders proposed living together shall be done prior to housing.

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- C. Housing is separated from the general population of the institution;
  - D. Direct supervision when outside the housing unit;
  - E. Subject to searches as determined by the Warden;
  - F. Offenders may be restrained during internal movement; and
  - G. Transportation outside the institution will be under restraint, under armed escort, and may include chase vehicles as determined by the Warden. Use of restraints on pregnant offenders will be under the provisions of AR 407 Use of Handcuffs and Restraints.

### **521.03 MEDIUM CUSTODY**

- 1. Medium custody is for those offenders who represent a threat to escape or engage in misconduct without the controls of a fenced perimeter and who are expected to demonstrate positive institutional adjustment in a general population.
- 2. Medium custody classification criteria includes the following:
  - A. Assignment of offenders who do not represent significant behavioral problems or those who would represent a potential for escape outside the perimeter of an institution; and
  - B. Assignment of offenders who cannot be placed at reduced custody levels based upon statutes, regulation and/or policy.
- 3. Medium custody conditions of confinement include the following:
  - A. Institutions with fenced and armed perimeters;
  - B. Direct supervision within the institution;
  - C. Housing in single or double occupancy cells or dormitories;
  - D. The general population of a medium security institution;
  - E. Participation in work and program activities within the perimeter of the institution;
  - F. Searches on a random basis or for cause;
  - G. Movement in general population areas without restraints or escort; and

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- H. Transportation outside the institution will be under restraint and under armed escort. Use of restraints on pregnant offenders will be under the provisions of AR 407 Use of Handcuffs and Restraints.

#### **521.04 MINIMUM CUSTODY**

1. Minimum custody is for offenders who represent a limited potential to misbehave or who represent a low risk to escape without the presence of a secure perimeter.
2. Medical, dental, mental health restrictions or disabilities will not be taken into consideration for custody level classification decisions. Offenders with disabilities shall not be denied minimum custody based on these restrictions or disabilities and when otherwise eligible for minimum custody shall be approved.
  - A. Those offenders with disabilities including medical conditions, mental health, mobility impairments, and medical treatment needs may be otherwise eligible for minimum custody. Some offenders with disabilities may need to be submitted for placement at minimum custody at an institution when it is necessary to provide them with equally effective aids, benefits, services, or pursuant to a legitimate safety requirement or Direct Threat determination defined by AR 658.01.8.
3. Minimum custody classification criteria includes the following:
  - A. Offenders must meet the following criteria to qualify to minimum custody:
    - 1) Have a total risk factor score (RFS) of 13 points or less;
    - 2) Be within forty-eight (48) months of possible release from NDOC custody; and
    - 3) Have performed assigned work, school, and program duties within outlined expectations.
4. The following criteria will disqualify an offender from minimum custody:
  - A. An RFS of 10 points or more in Section A of the reclassification instrument;
  - B. The commission of a serious violent major infraction of AR 707 within the immediately preceding twelve (12) months;
  - C. The commission of any major infraction to include a violent general or work infraction of AR 707 within the immediately preceding 6 months;



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- D. Conviction for a sexual offense that is punishable as a felony. NRS 209.481(d);
  - E. A DOC 2070 form (Notice of Sex Offender Classification) advising of discretionary preclusion from minimum classification consideration;
    - 1) Sexual misconduct in the current offense;
    - 2) Prior conviction with known sexual misconduct; or
    - 3) A prior sexual offense adjudicated as a minor.
    - 4) A felony offense stemming from a prior misdemeanor or gross misdemeanor sexual offense conviction (ex: felony failure to register as a sex offender).
  - F. Conviction for a crime involving the use or threatened use of force or violence against a victim that is punishable as a felony within the immediately preceding twelve (12) months of the date of conviction. NRS 209.481(e);
  - G. Any attempted or actual escape from an NDOC institution. NRS 209.071;
  - H. Felony conviction for the escape or attempted escape from prison, jail or correctional facility classified as minimum custody or below within the immediately preceding sixty (60) months;
  - I. Felony conviction for the escape or attempted escape from a prison or jail classified at medium custody or above;
  - J. Current felony hold or detainer;
  - K. Sentenced to death or life without the possibility of parole; or
  - L. Concurrent or consecutive non-NDOC felony sentences.
5. The following are discretionary exclusions for minimum custody:
- A. Youthful offender;
  - B. Disciplinary record;
  - C. Violent offender;
  - D. Other relevant factors such as discretionary decisions shall be documented in the offender's case notes; and

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E. DUI Exception:

- 1) Offenders serving DUI sentences under NRS 484C.400, 484C.410, 484C.430, 484C.440, 488.420, 488.425 and 488.427 who have no non-DUI offenses as part of their sentence structure are exempt from the forty-eight (48) months to possible release criteria.

6. Minimum custody conditions of confinement include the following:

- A. Assignment to facilities without secure perimeters such as camps and transition centers;
- B. Assignment to double occupancy or dormitory housing;
- C. Access to the interior and exterior portions of institutions and facilities;
- D. Intermittent supervision at least every 20 minutes, or occasional personal or telephonic contact on work assignments from transition centers;
- E. Searches on a random basis, for cause, and upon returning from work assignments outside the facility;
- F. Transportation without restraint and without armed escort in a state or emergency vehicle; and
- G. Work supervision by an employee trained in the supervision of offenders.

**521.05 COMMUNITY TRUSTY**

1. Community Trusty custody is for those offenders who represent a limited potential to misbehave and represent a low risk to escape while assigned to employment within the community. Community Trusty custody offenders are allowed movement for the purpose of a work assignment outside of a secured perimeter without direct supervision.
2. Medical, dental, or mental health restrictions or disabilities will not be taken into consideration for custody level classification decisions. Offenders with disabilities shall not be denied community trusty custody based on these restrictions or disabilities and when otherwise eligible for Community Trusty custody shall be approved.
  - A. Those offenders with disabilities including medical conditions, mental health, mobility impairments, and medical treatment needs may be otherwise eligible for community trusty custody. Some offenders with disabilities may not be placed at community trusty custody facility when it

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is necessary to provide them with equally effective aids, benefits, or services or pursuant to a legitimate safety requirement or Direct Threat determination defined by AR 658.01.8.

3. Community Trusty (CT) classification criteria includes the following:

- A. Candidates for CT must be eligible for minimum custody;
- B. CT offenders must have a RFS of 11 points or less;
- C. No offender may be assigned to CT if they have ever been convicted of any escape;
- D. No offender may be assigned to CT if they have been convicted of any sex offense;
- E. Failure to appear or absconding from parole or probation is not an automatic barrier to CT. Such cases will be evaluated on an individual basis;
- F. Offenders who are assigned to CT must be within twenty-four (24) months of possible release to the community on parole or discharge;
- G. No offenders can be assigned to CT custody if they have a conviction for a felony involving the use or threat of violence within the last three (3) years;
- H. Offenders cannot have a conviction for a violent major infraction of AR 707 within the last five (5) years;
- I. Offenders cannot have been previously convicted of a serious violation of AR 707 in the last six (6) months;
- J. All final CT classification approval considerations will be reviewed and approved or denied by the Offender Management Division classification staff;
- K. No offender sentenced with instant offense violence or any felony offense involving violence or threats of violence toward a victim being served under the same booking number as the instant offense will be considered for CT placement;
- L. Other discretionary factors may be utilized for CT approval/denial consideration. Such discretionary decisions will be documented in the offender's case notes;

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- M. Failure of CT, including Residential Confinement, is an exclusion to future CT eligibility on the active booking; and
  - N. DUI Exception:
    - 1) Offenders serving DUI sentences under NRS 484C.400, 484C.410, 484C.430, 484C.440, 488.420, 488.425 and 488.427 who have no non-DUI offenses as part of their sentence structure may be reviewed for CT at minimum custody facilities on a case-by-case basis when within forty-eight (48) months to possible release.

4. Community Trusty (CT) conditions of confinement include the following:

- A. Offenders assigned to CT may be assigned to facilities without perimeters or towers;
- B. Housing of CT offenders may be in single or double occupancy cells or in dormitory type housing areas;
- C. CT offenders, when authorized may access the interior and exterior portions of any institution or facility of the department;
- D. Staff supervision of CT offenders may be intermittent and on the job site;
- E. The frequency of CT offender supervision by non-NDOC staff may be intermittent and based on the location and type of work in which the offender is engaged;
- F. CT offenders are subject to random searches within the confines of their assigned facility;
- G. Staff and non-NDOC supervisors may require random searches or searches for cause;
  - 1) Searches of offenders will only be conducted by NDOC staff in accordance with applicable Administrative Regulations and Prison Rape Elimination Act (PREA) requirements.
- H. CT offenders should be searched upon return to their facility from work areas outside of the institution;
- I. CT offenders are not required to be restrained during transportation activities outside of their assigned facilities; and

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- J. CT offenders may be transported by any state employee in a state vehicle or by non-state employees in a private vehicle used during the course of authorized work activities.

## **521.06 REQUESTED VARIABLES**

1. When deemed appropriate, a discretionary management variable may be applied to increase or decrease an offender's custody level. Consideration for the use of either variable will be from the recommendation of a Full Classification Committee. The reasons for applying a management variable are to be documented in a reclassification case note within NOTIS. Types of discretionary management variables include:
  - A. Institutional Adjustment Variable: When an offender scores close custody or medium custody but has no violent or serious major disciplinary history in the preceding twelve (12) months, an institutional adjustment variable can be applied, and the offender's custody level decreased. Also, if an offender scores medium custody or lower but has been found guilty of a violent or serious major disciplinary infraction, an institutional adjustment variable may be applied, and the offender's custody increased to close. Offenders who commit murder while incarcerated are never to be considered for an institutional adjustment variable custody reduction from close. Offenders who commit murder while incarcerated are never to be considered for an institutional adjustment variable custody reduction on a guilty MJ16 Murder from close custody.
  - B. Administrative Variable: On a case-by-case basis, the Director or Offender Management Administrator may approve to decrease an offender's custody level if the decrease adheres with Nevada Revised Statutes.

## **APPLICABILITY**

1. This AR requires an Operational Procedure within the Offender Management Division as well as institutions/facilities.
2. This AR requires an audit.

## **REFERENCES**

**ACA Standards 5<sup>th</sup> Edition 5-ACI-4B-31, 5-ACI-5B-07, 5-ACI-5F-03**

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James E. Dzurenda, Director

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Date