Presentation to the Advisory Commission on the Administration of Justice

Senate Bill No. 107
Committee on Judiciary

Nevada Department of Corrections

March 5, 2014

Advisory Commission Administration Justice
Exhibit A pg 1 of 29 Date 3-5-14
Submitted by: Cox/McDaniel

Protective Segregation

- Protective Segregation unit is governed by AR 509
  - if an inmate's classification requires him/her to be separated for his/her own physical safety and well-being.
- There are two types of protective segregation
  - voluntary
  - involuntary.

Protective Segregation

- **Voluntary Protective Segregation**
  - Is requested by inmate and approved by Classification Committee Hearing

- **Involuntary Protective Segregation**
  - Information / evidence that the inmates presence in General Population would be detrimental to their safety or the safety and security of the facility

Administrative Segregation

- **The Warden, Associate Warden or shift supervisor can order immediate segregation when it is necessary to protect the inmate or others. This action is to be reviewed within seventy-two (72) hours by the appropriate authority.**
  - **Inmates placed in Ad/Seg will receive an initial hearing within three (3) working days of placement.**

Release from Administrative Segregation

- **Inmates will be transitioned into disciplinary housing as soon as their disciplinary hearings are completed.**
  - **If an inmate is found not guilty or the charges dismissed, a special classification hearing will be scheduled to determine the inmate's status.**

Disciplinary Segregation

- Placement in Dis/Seg is completed via an assessment through the inmate disciplinary process outlined in AR 707.
  - Dis/Seg can be assessed to an inmate after a due process hearing is conducted for a Notice of Charges
  - Then sanctions established by AR 707 direct the amount of time they must serve for an infraction

- Release from Dis/Seg
  - When the sanction has been completed, the Classification Committee can make recommendations to the Warden to release inmates early and suspend their Dis/Seg time for reasons such as improved behavior or medical or mental health needs.

Disciplinary Detention

- Disciplinary detention may be ordered only in a unit designated as a disciplinary detention area by the Warden.
- An inmate may be placed in disciplinary detention for not more than five (5) days for a general violation.
- An inmate may NOT be placed in disciplinary detention for more than (15) days in a 30 day period for major and/or work release violations.
- The NDOC does not have corrective room restriction or solitary confinement.

Youthful Offenders

- Unit 9 at Lovelock Correctional Center is used to house Youthful Offenders/Inmates as defined by Federal P.R.E.A. guidelines. These are offenders under the age of 18 but have been adjudicated adults by the Court.
- Youthful Offenders/Inmates may be in General Population, Ad/Seg or in Austere Housing.
- In the event Dis/Seg or Protective Segregation they would be placed in one of four specially designated cells.
- LCC does not have disciplinary detention, corrective room restriction, or solitary confinement.

Security Threat Groups

Total In Custody 3398

MJ-10 (Gang Activity)
2010 100
2011 76
2012 46

G-21 (Gang Material)
2010 93
2011 74
2012 46

Aryan Brotherhood	15		MRU	19
ABM	25		MS_13	12
Aryan Warriors	79		Norteno	110
Border Brothers	25		Nevada Trece	119
Gangster Disciple	62		Paisa	132
Bloods	423		Sureno	1001
Bulldogs	5		White Supremist	395
Crips	645		Vice Lords	20
Mexican Maifa	4		Skinheads	93
Folk Nation	3		Maravilla	3
GPK	168		Hells Angels	3
Hoover	19		Vago	1
Latin Kings	16		FAM	1

AR 446 governs the Identification of Inmates Affiliated with Security Threat Groups and Disruptive Groups

Segregation inmates Accesses

- **Mental health services;**
  - Mental health treatment and special attention, through clinical contact by mental health staff, is delivered to any offender 17 years old and younger regardless of need, to insure a continued healthy mental state while being confined. Additionally, all Youthful Offenders placed in Segregation are evaluated by a Psychologist within 30 days of assignment to the unit and at least every 90 days thereafter.

- **Audio and visual media for appropriate mental stimulation;**
  - Mental health and rehabilitation efforts that are offered to the youthful offender population include various media presentations designed to instruct and improve the youthful offender's disposition. These programming approaches include such group topics as emotion management, cognitive thinking errors, stress reduction and decision making.

Segregation inmates Accesses to Daily contact with staff

- The protective segregation unit operates as, and inmates are allowed, the same access as general population inmates as much as practical.
  - Inmates have access to yard, telephones, canteen, visiting rooms and all assigned staff.
- Ad/Seg inmates are typically confined in single cells and have access to unit and institutional staff on a daily basis.
  - These visits from staff are documented utilizing unit logs.
- Access and use of Disciplinary Detention can only be for 1 to 15 days in a 30 day period. All staff access is available.
  - Inmates may have only personal hygiene items, personal clothing, religious, and legal materials. The inmates have access to the incoming and outgoing U.S. mail process to include legal mail.

Segregation inmates Accesses

- **Health care services;**
  - **Health care services are provided to all segregated inmates. Health care staff collects requests for services daily (if requested).**
  - **Medical Staff are in the unit every day performing Pill Call and related services.**
  - **If needed, a Youthful Offender will be escorted to the Infirmary for additional evaluation and/or treatment.**

Segregation inmates Accesses

- **Substance abuse programs and services;**
  - Irrespective of age, the substance abuse programs are designed to address the individual needs of the inmates. These individualized-need areas include:

•Low-intelligence,
•Developmental disabilities,
•Reading and writing limitations
•History of abuse and neglect,
•Language issues
•Physical handicaps
•Mental health issues
•Treatment motivation
•Interpersonal anxiety
•Ethnicity and cultural considerations
•Age (younger or older than the program norm)

  - The programs follow the principles of cognitive-behavioral treatment (CBT). This proven scientific approach to therapeutic strategy is designed to change the cognitions that influence the inmate's maladaptive behavior.

Segregation inmates Accesses

- **Reentry resources and transitional programs and services;**
  - **Direct Re-entry services are provided at SDCC, FMWCC, NNCC,HDSP and WSCC. These facilities have Program Officers assigned to handle re-entry services. These could be assistance with a Birth Certificate, Social Security Card, Parole Plans, Halfway house placement or Indigent Funding.**
  - **We do not offer direct program services such as training, classes or mentoring to inmates classified within the segregation population.**

Segregation inmates Accesses

- **Programs and services for inmates who are veterans;**
  - **Re-entry and the NDOC work very closely with the US Veterans Administration to offer access and services to verified Veterans within our facilities.**
  - **The NDOC works with the Department of Defense (DOD) and receives a weekly listing of Verified Veterans that are incarcerated.**
  - **The NDOC is currently working on a collaborative partnership with the VA to offer "Tele-Health" services for incarcerated Veterans as well as medical services at various VA hospitals and clinics located throughout the state.**

Segregation inmates Accesses

- **Educational programming;**

- **NDOC provides Adult Basic Education (preparation for High School Equivalency Testing and High School Diplomas)**
  - If requested by NDOC, school districts will provide independent studies to inmates (drop off assignments, grade and return).

- **Post Secondary correspondence education courses are paid for by the inmate**
  - If the caseworker approves inmate's college enrollment, courses can be taken in any situation after receiving NDOC staff approval

- **Education services are the primary program available in the Youthful Offender Unit**
  - Of the 11 offenders in the unit one has achieved both his GED and High School Diploma. Ten are currently enrolled and one recent arrival is pending enrollment.

Segregation inmates Accesses

- **Other programs and services that are available to the general population**
  - A large variety of programs and services are available to general population inmates. This includes:
    - religious services and activities
    - educational programs
    - vocational training
    - recreation programs
    - mental health programs and services
    - substance abuse therapeutic community
    - self-help programs
    - re-entry programs
    - The Victim Impact program is currently pending final approval for instruction in the Youthful Offender Unit.

Specialized Training Provided To Staff

NDOC's training curriculum is based on the mandates of Federal Court Laws, Nevada Revised Statutes (NRS) and the Nevada Administrative Code (NAC).

- AR 707 - Inmate Disciplinary Process: 707.1 Inmate Disciplinary Manual Dis/Seg and Austere Housing require Operational Procedures (OPs) specific to requirements of the facility where they are housed. 707.2 Chart of Disciplinary Sanctions This chart sets the standard of Discipline of all Inmates confined with the Nevada Department of Corrections.

- AR 421 -Sexual Assault, Sexual Activity and Sexual Misconduct Prison Rape Elimination Act (PREA), the Training Division began working on target specific training techniques appropriate for the supervision and management of both Youthful Offenders and Female Offenders

- There have been two psychological staff, and one psychiatric nurse (R.N.) assigned to the youthful offenders

Mental Health

- **The number prisoners – including 17 years old and under - confined in any type of segregation, who were referred to mental health professionals and who have a mental health diagnosis;**
  - While all NDOC inmates are reviewed/screened by Mental Health professionals, Offender Management Division (OMD) is unable to provide statistics on this question as that information is not tracked in NOTIS. Mental Health staff may be able to obtain this information but that would require a manual review of each inmates medical/mental health file.
  - During the years reviewed (2010 – 2013), there was a total of 5 inmates 17 and under who had been housed in some sort of segregation and who had mental health classification other than "1-1", which is the classification for "No impairment" and "No restrictions".

Mental Health

- **The number of suicides & suicide attempts during the years of 2010 - 2012 in *Segregation*;**
  - Under the age of 18 = 0
  - Over the age of 18 = 6

- **The number of suicides & suicide attempts during the years of 2010 - 2012 in *General Population*;**
  - Under the age of 18 = 0
  - Over the age of 18 = 5

Placement Reviews

- **The number of reviews conducted by facilities concerning the placement of inmates that resulted in the prisoner being transferred to the general population;**
  - NDOC does not have a report to provide this information and while this information probably can be obtained, it would require substantial time as NDOC staff would have to manually review each inmate's records for the years in question (2010- 2013) and read for each Ad/Seg review, classification and/or due process entry and as well as look at final result to determine the out come.

Placement Reviews

- **The average length of time prisoners were continuously confined in any type of segregation, categorized by age, race, sexual orientation, gender identity or expression and classification of the offense;**
  - NDOC does not currently track sexual orientation and/or gender identity or expression in NOTIS.
  - However, for the current 17 and under inmate population housed at LCC, staff has provided information regarding their inmate's sexual orientation and race.
  - Based upon the time in segregation for these inmates the average time in segregation was 28.81 days.

Placement Reviews inmates 17 & under categorized by race

Minimum Days Served	African American	Caucasian	Hispanic	Grand Total
1-100	4	1	3	8
101-200	1			1
201-300	1		1	2
301-400			1	1
501-600	1			1
601-700			1	1
701-800			1	1
Grand Total	7	1	7	15
Maximum Days Served	**African American**	**Caucasian**	**Hispanic**	**Grand Total**
5-104	2		2	4
105-204	1	1		2
205-304	3			3
305-404			2	2
405-504			1	1
605-704			1	1
705-804	1		1	2
Grand Total	7	1	7	15

Placement Reviews

- **The longest and shortest length of time prisoners were continuously confined in any type of segregation, categorized by age, race, sexual orientation, gender identity or expression and classification of the offense;**
  - NDOC does not currently track sexual orientation and/or gender identity or expression in NOTIS.
  - However, for the current 17 and under inmate population housed at LCC, staff has provided information regarding their inmate's sexual orientation and race indicating:
    - Longest period in segregation is 89 days
    - Shortest is 0 days.

Placement Reviews inmates 17 & under

Days in Program	Days in Seg.	Reason for Segregation	Age	Race	Sexual Orientation	Offense
81	0	N/A	17	Hispanic	Heterosexual	Robbery
202	8	Fighting, Tattooing	17	Black	Heterosexual	Robbery cc battery w/intent to commit crime
179	0	N/A	17	Black	Heterosexual	Consp. to commit violent crime cc robbery cs dwe cc robbery cs dwe
202	5	Fighting	16	Hispanic	Heterosexual	Kidnapping ii, assault w/ a deadly weapon
202	89	Assault, Extortion,Threats	17	Black	Heterosexual	Carry concealed weapon cs poss stolen vehicle
202	79	Assault, Threats, Extortion, Gang Activities	17	Hispanic	Heterosexual	Battery causing sbh
202	57	Investigation, Unauthorized use of Phone, Lying to Staff	16	Hispanic	Heterosexual	Murder 2nd degree cs udwe
189	2	Fight Investigation	16	Caucasian	Heterosexual	Murder 1st degree
67	0	N/A	17	Black	Heterosexual	Assault w/ a deadly weapon
167	6	Organizing Work Stoppage or Demonstration	17	Hispanic	Heterosexual	Battery w/ deadly weapon
202	71	PREA Investigation	17	Caucasian	Heterosexual	Att sexual assault

Recidivism

The rate of recidivism of prisoners who were confined in any type of segregation at any time before release or discharge;

- It appears there have only been 2 inmates, age 17 and under, released far enough back to allow for calculations of recidivism (released and returned to prison within 3 years of release).
- NDOC had to use 2009 data to allow for 3 years for the inmate to return to prison, (2009 – 2012) as the 2013 statistics weren't completed at the time of this request.
- Both of these inmates had been housed in segregation as some point during their time with the NDOC.

Segregation & Discharge

- **The rate of recidivism of prisoners who were never confined in any type of segregation at any time before release or discharge;**
  - **At this time, our recidivism rate doesn't correlate to segregation history. Currently, our recidivism indicators include:**
    - gender,
    - age,
    - if earned merit credits,
    - the offense group,
    - type of release,
    - ethnicity,
    - participation in select programs,
    - and if they earned high school diploma.

Segregation & Discharge

- **The number of prisoners who were confined in any type of segregation immediately before being discharged from detention, including those discharged to parole or mandatory supervision;**
  - To date, only one Youthful Offender has paroled directly from the Youthful Offender Unit. All other Offenders currently in the Unit either have or will reach the age of maturity and be moved to other facilities prior to Paroling or Discharging.

Costs per Day

A calculation of the cost per day of confining a prisoner in any type of segregation;

- The NDOC does not currently have the capabilities of separating and ultimately tracking cost data as it pertains to any type of segregation

- NDOC tracks information pertaining to cost of running a particular institution and can break those costs down by inmate housed by that institution, but again, the Department does not have the technical or resource capabilities of allocating those costs down to a specific function or area within an institution (with the exception of the few non-general funded programs within that institution).