NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
573

PREA SCREENING AND CLASSIFICATION (TEMPORARY)

Supersedes: AR 573 (03/18/14)
Effective date: 12/01/14

AUTHORITY: NRS 209.131; 42 U.S.C. § 15601, *et seq.* and Federal Register 28 CFR Part 115

RESPONSIBILITY

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

2. The Wardens are responsible for the implementation of the classification process at their specific institutions and facilities.

3. The Caseworkers are responsible for adhering to the classification standards and processes.

573.01 PREA SCREENING AND CLASSIFICATION

1. All inmates shall be assessed for their risk of being sexually abused by other inmates or sexually abusive toward other inmates in accordance with Federal PREA standards.

A. Initial screening should take place as soon as possible, but shall be completed within 72 hours of arrival at an institution or facility, excluding holidays. Whenever possible, and consistent with the safety and security needs of the institution or facility, inmates are not to be housed together in two-man cells prior to PREA screening.

B. Within 30 days from the inmate's arrival at the facility, a Correctional Caseworker will reassess the inmate's risk of victimization or potential for abusiveness toward other inmates based upon any additional, relevant information which may have been received since the initial screening.

C. Inmates will be reassessed at each 6 month regular review.

D. Inmates will be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of being sexually victimized or being sexually abusive.

2. The PREA Risk Assessment will be used for all screening and assessments and, pursuant to §115.41 of the federal PREA standards, will include the following factors:

A. Possible Victim Factors:

(1) Whether the inmate has a mental, physical, or developmental disability.

(2) The age of the inmate.

(3) The physical build of the inmate.

(4) Whether the inmate has previously been incarcerated.

(5) Whether the inmate's criminal history is exclusively nonviolent.

(6) Whether the inmate has prior convictions for sex offenses against an adult or child.

(7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender intersex, or gender nonconforming.

(8) Whether the inmate has previously experienced sexual victimization.

(9) The inmate's own perception of vulnerability.

B. Possible Aggressor Factors:

(1) History of institutional violent behavior;

(2) Any history of sexual abuse;

(3) History of convictions for violent offenses or sexual assault offenses;

(4) History of correctional facility sex abuse, which may include violations contained in AR 707 that are of a sexual nature.

C. PREA designations

(1) The results of the NDOC approved PREA Risk Assessment will determine the PREA designations and will be considered in classification and placement decisions.

(2) The PREA designations are as follows:

(a) Known victim
(b) Potential victim
(c) Non-victim
(d) Known aggressor

(e) Potential aggressor
(f) Non-aggressor

D. Overrides from possible victim to non-victim or non-victim to possible victim must be based on documented, specific evidence. The same applies for overrides of possible aggressor or non-aggressor status. In no instance may a known aggressor or known victim designation be overridden. The source of information is to be noted on the Risk Assessment form accordingly (self-reported, Pre Sentence Investigation (PSI), Offense in Custody (OIC), Incident Report (IR), jail report, etc).

E. Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to questions asked during assessments.

3. Completion of the Risk Assessment will be noted in a chronological entry in the Nevada Offender Tracking Information System (NOTIS) along with a reference to an alert when applicable.

573.02 HOUSING AND PLACEMENT BASED ON PREA CLASSIFICATION

1. Staff shall use information from the risk assessment to make informed housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. Staff shall make individualized determinations about how to ensure the safety of each inmate.

2. At no time will a known victim and a known aggressor be housed together in a 2 man cell.

3. A possible victim and a possible aggressor should not be housed together unless necessary.

4. Non-victims and non-aggressors may be housed with any other category, subject to individual case factors.

573.03 SEGREGATION OF INMATES UNDER PREA

1. Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made and it has been determined that there are no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing no more than 24 hours while completing the assessment. This assessment will determine if an immediate institutional bed move will alleviate the issue. If not, the inmate will be given a Notice for Placement in Administrative Segregation and will be seen by the Caseworker within 72 hours to determine the appropriate placement of the inmate. This review will include a reassessment using the PREA Risk Assessment instrument.

2. Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document:

A. The opportunities that have been limited;

B. The duration of the limitation; and

C. The reasons for such limitations.

3. The facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.

4. If an involuntary segregated housing assignment is made, the facility shall clearly document:

A. The basis for the facility's concern for the inmate's safety; and

B. The reason why no alternative means of separation can be arranged.

5. Every 30 days, the facility shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

APPLICABILITY

1. This Administrative Regulation requires an Operational Procedure within the Offender Management Division and at each institution and facility.

2. This Administrative Regulation requires an audit.

Director

12/1/14
Date