

**NEVADA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REGULATION  
708**

**REFERRAL FOR CRIMINAL PROSECUTION**

**Supersedes:** AR 708 (Temporary, 05/16/10)  
**Effective Date:** 08/13/10

**AUTHORITY:**

NRS 209.131  
NRS 228.160

**RESPONSIBILITY**

Referrals for criminal prosecution are the responsibility of the staff at the facility or institution where the alleged violation occurred, regardless of where the inmate is subsequently transferred, and regardless of where the internal disciplinary proceedings are held.

The Referral Coordinator at each institution/facility shall retrieve all pertinent information and ensure that a referral packet is completed and forwarded in a timely manner.

**708.01 REFERRAL FOR CRIMINAL PROSECUTION**

1. The Department will refer incidents involving alleged criminal conduct for review for prosecution.
  - A. All referrals will be sent to the Inspector General's Office for initial review.
    - (1) The original referral document will be forwarded. The Inspector General's Office will make any additional copies upon receipt of the original referral document.
    - (2) A copy of the original referral document will be placed in the inmate's I-file.
  - B. Criminal referrals are not a disciplinary sanction and may not be negotiated as part of any inmate's disciplinary proceeding.
  - C. The initiation of the criminal referral does not require the completion of the inmate's disciplinary process.

2. All referrals for criminal prosecution will be made on the forms attached to this regulation.
3. The Attorney General has primary jurisdiction over all offenses committed by Department inmates, regardless of the site of the crime.
4. A statement from the Referral Coordinator regarding the inmate's release status (parole or discharge) will accompany the referral.
  - A. The statement will provide the inmate's projected parole or discharge date.
  - B. If an inmate pending a referral for criminal prosecution is scheduled for release within 60 days, the Referral Coordinator will immediately inform the Correctional Case Records Manager of the pending criminal referral.
5. The referral for prosecution package shall include, but is not limited to:
  - A. Memorandum from Referral Coordinator summarizing the incident;
  - B. Request for Prosecution using Form DOC-1501;
  - C. Provide a Witness List DOC-1501a;
  - D. Evidence Record and Chain of Evidence must be provided on Form DOC-1501b;
  - E. Copy of Incident folder, including, but not limited to, original photographs, Use of Force Reports, informant information, shift reports, staff written reports, videotapes, tape recordings of statements, etc.
  - F. Pre-sentence Investigations Report(s);
  - G. All written reports;
  - H. Judgment(s) of Conviction(s);
  - I. Initial Classification Summary;
  - J. Most recent Certificate(s) of Board of Parole Commissioners action;
  - K. Copy of fingerprint card;
  - L. Copy of Mug Shot;
  - M. Any other information that may be pertinent to the prosecution such as Departmental Investigators' reports, medical reports, unit logs will also be submitted.

6. The Referral Coordinator will establish a log to track these referrals.

7. Any support by local law enforcement agencies (such as investigations, lab tests, etc.) shall be documented on the referral to the Attorney General and shall be accompanied by any and all police reports, lab tests and interviews.

**APPLICABILITY**

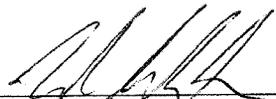
- 1. This regulation requires an operational procedure.
- 2. This regulation does not require an audit.

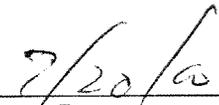
**REFERENCES**

ACA Standard 4-4231

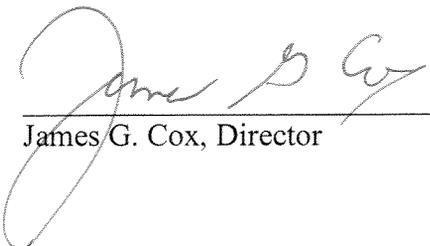
**ATTACHMENTS**

- DOC Form 1501
- DOC Form 1501a
- DOC Form 1501b
- DOC Form 1528

  
\_\_\_\_\_  
Howard Skolnik, Director

  
\_\_\_\_\_  
Date

AR 708, Referral for Criminal Prosecution was reviewed on November 28, 2012. It was determined that no changes are required.

  
\_\_\_\_\_  
James G. Cox, Director

  
\_\_\_\_\_  
Date

**NEVADA DEPARTMENT OF CORRECTIONS**

**REQUEST FOR PROSECUTION**

DOP CASE #: \_\_\_\_\_  
 AG REFERRAL #: \_\_\_\_\_

INSTITUTION: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

SPECIFIC OFFENSE: \_\_\_\_\_

SUSPECT: \_\_\_\_\_ CUSTODY LEVEL: \_\_\_\_\_ PRISON NO: \_\_\_\_\_

SEX: \_\_\_\_\_ RACE: \_\_\_\_\_ DOB: \_\_\_\_\_ ASSIGNMENT: \_\_\_\_\_

DATE OF OFFENSE: \_\_\_\_\_ TIME: \_\_\_\_\_

SPECIFIC LOCATION OF OCCURRENCE: \_\_\_\_\_

DATE REPORTED: \_\_\_\_\_ TIME: \_\_\_\_\_ WHERE AND TO WHOM: \_\_\_\_\_

REPORTED BY: \_\_\_\_\_ ADDRESS: \_\_\_\_\_ BUS. PHONE: \_\_\_\_\_  
 HOME PHONE: \_\_\_\_\_

CRIME SCENE SECURED: ( ) YES ( ) NO DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

BY WHOM: \_\_\_\_\_

<u>CRIME SCENE PHOTOS</u> : OFFICERS: _____	DATE: _____	TIME: _____	<u>ATTACHED?</u> YES ( ) NO ( )
<u>CRIME SCENE SKETCH</u> : OFFICERS: _____	DATE: _____	TIME: _____	YES ( ) NO ( )
<u>CELL INVENTORY</u> : OFFICERS: _____	DATE: _____	TIME: _____	YES ( ) NO ( )
<u>INMATE COUNT</u> : OFFICERS: _____	DATE: _____	TIME: _____	YES ( ) NO ( )
<u>WITNESS SYNOPSIS</u> : PREPARED BY: _____	DATE: _____		YES ( ) NO ( )
<u>EVIDENCE LIST</u> : PREPARED BY: _____	DATE: _____		YES ( ) NO ( )

**STATEMENT BY SUSPECTS** (Oral statements or admissions should be included in Officer's statement)

Suspect Name: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_ Officer: \_\_\_\_\_  
 Miranda Yes ( ) No ( ) Statement attached Yes ( ) No ( )

Suspect Name: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_ Officer: \_\_\_\_\_  
 Miranda Yes ( ) No ( ) Statement attached Yes ( ) No ( )

Victim's Name: \_\_\_\_\_ Address: \_\_\_\_\_  
 Assignment: \_\_\_\_\_ If inmate, Custody: \_\_\_\_\_ Prison Number: \_\_\_\_\_  
 Sex: \_\_\_\_\_ Race: \_\_\_\_\_ DOB: \_\_\_\_\_

Victim's Name: \_\_\_\_\_ Address: \_\_\_\_\_  
 Assignment: \_\_\_\_\_ If inmate, Custody: \_\_\_\_\_ Prison Number: \_\_\_\_\_  
 Sex: \_\_\_\_\_ Race: \_\_\_\_\_ DOB: \_\_\_\_\_

<u>Item #</u>	<u>Agency</u>	<u>LABORATORY ANALYSIS</u> <u>Analyzed By</u>	<u>Analysis Result</u>	<u>Date Returned</u>
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OFFICER SUBMITTING REFERRAL: \_\_\_\_\_ DATE: \_\_\_\_\_

DOC-1501 (3/03)

NEVADA DEPARTMENT OF CORRECTIONS

WITNESS LIST

DOP CASE #: \_\_\_\_\_

AG REFERRAL #: \_\_\_\_\_

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

PHONE NO: \_\_\_\_\_ JOB ASSIGNMENT: \_\_\_\_\_ IF INMATE, PRISON NO: \_\_\_\_\_

CUSTODY LEVEL: \_\_\_\_\_ SEX: \_\_\_\_\_ RACE: \_\_\_\_\_ DOB: \_\_\_\_\_

SYNOPSIS OF STATEMENT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

PHONE NO: \_\_\_\_\_ JOB ASSIGNMENT: \_\_\_\_\_ IF INMATE, PRISON NO: \_\_\_\_\_

CUSTODY LEVEL: \_\_\_\_\_ SEX: \_\_\_\_\_ RACE: \_\_\_\_\_ DOB: \_\_\_\_\_

SYNOPSIS OF STATEMENT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

PHONE NO: \_\_\_\_\_ JOB ASSIGNMENT: \_\_\_\_\_ IF INMATE, PRISON NO: \_\_\_\_\_

CUSTODY LEVEL: \_\_\_\_\_ SEX: \_\_\_\_\_ RACE: \_\_\_\_\_ DOB: \_\_\_\_\_

SYNOPSIS OF STATEMENT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DOP-1501a (3/03)

NEVADA DEPARTMENT OF CORRECTIONS

EVIDENCE RECORD AND CHAIN OF EVIDENCE

DOP CASE #: \_\_\_\_\_

AG REFERRAL #: \_\_\_\_\_

ITEM NO.: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ OFFICER: \_\_\_\_\_

DESCRIPTION: \_\_\_\_\_

LOCATION FOUND: \_\_\_\_\_

OFFICER: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ITEM NO.: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ OFFICER: \_\_\_\_\_

DESCRIPTION: \_\_\_\_\_

LOCATION FOUND: \_\_\_\_\_

OFFICER: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ITEM NO.: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ OFFICER: \_\_\_\_\_

DESCRIPTION: \_\_\_\_\_

LOCATION FOUND: \_\_\_\_\_

OFFICER: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DOP-1501b (3/03)

