

OBJECTIVE CLASSIFICATION

AR's 503, 521 & 523

Learning Objectives

- What is objective classification?
- What is the purpose of objective classification?
- Why is objective classification important?

What is Objective Classification?

- Objective classification is the process used by NDOC to decide where an inmate belongs within the prison system
 - Assigned Custody: Custody given to the inmate by the institution or facility classification committee
 - Computed Custody: Custody level dictated by a numerical score
 - Determined when an inmate falls within a specified score range or when a specific limitation exclusion is entered

What is the purpose of objective classification?

- The purpose of objective classification is to:
 - Protect staff, inmates and the community
 - Provide a system of positive and negative consequences for behavior
 - Provide an “objective” criteria for the determination of placement
 - Inmates should receive reasonable notice of scheduled classification; 24 hours before the start of the classification hearing.

Classification Hearings Classification Committee should use:

- **Institutional files, NCIS
Information, information
presented by the inmate or other
interested parties**

Classification Hearings Classification Committee should use:

- Determine if the inmate's case factors warrant a change in custody or housing by reviewing the objective classification instrument
 - Inmate should make a personal appearance before the committee and present their point of view or submit documents bearing on the proposed committee action

Classification Hearings

- When are they used?
 - Employment
 - Due Process Hearings
 - To dispute STG status
 - Intake Classifications

Why is objective classification important?

- Objective classification has the potential to save lives when done correctly
- Objective classification has the potential to cost lives when done incorrectly

Types of Classification

- Initial Classification**
- Periodic Reclassification**
- Reception Classification**

Initial Classification

- Completed upon entrance into NDOC custody
- All case factors are entered into the NOTIS system such as:
 - Crime
 - Sentence structure
 - Gang affiliation
 - Sex Offender status
 - Medical, Dental & Mental Health Concerns
 - Educational testing
 - Previous criminal history
 - Any additional relevant case factors

Periodic Reclassification

- Completed a minimum of every six months
- Completed when inmate becomes eligible for change in status

Reception Classification

- Completed when inmate arrives at a new institution

AR 521 Custody Categories & Criteria

- **Maximum Custody**

- Ex: Lock-up status at Ely State Prison

- **Close Custody**

- Ex: Protective Segregation at Lovelock Correctional Center

AR 521 Custody Categories & Criteria

■ Medium Custody

- Ex: General Population at Southern Desert Correctional Center

■ Minimum Custody

- Ex: Three Lakes Valley Conservation Camp
- Ex: Casa Grande Transitional Housing

■ Residential Confinement

- Ex: House Arrest

Maximum Custody: Characteristics

- Single cell
- Direct supervision
- Limited time outside cell
- Unclothed searches on exiting and returning to housing unit
- Restrained when moved inside or outside institution

Maximum Custody: Criteria

- Inmates designated as High Risk Potential (HRP)
- Inmates on Death Row (Sentenced to Death)

Close Custody: Characteristics

- Double or single cells in protective segregation
- Single cells for administrative or disciplinary segregation
- Direct supervision

Close Custody: Characteristics

- **Separate housing**
- **May be restrained during internal movement**
- **Will be restrained during external movement**

Close Custody: Criteria

- Assignment to specialized housing areas of medium security institutions such as protective, disciplinary segregation, detention, or disruptive group management
- Close custody is the custody designation for the general population of a maximum security institution (ex: ESP)

Close Custody: Criteria

- Inmates with a history of violence, escape conspiracy to escape
- Inmates whose conduct indicates their behavior cannot be controlled at lower custody levels
- Evaluation and control of inmates for not less than one year with sentence of 20 years or more

Medium Custody: Characteristics

- General population of medium security institution
- Participation in work and program activities within the perimeter of the institution

Medium Custody: Characteristics

- Random searches
- Movement without restraints inside institution
- Movement with restraints outside institution

Medium Custody: Criteria

- Assignment of inmates who do not represent significant behavioral problems or those who would represent a potential for escape outside the perimeter of an institution
- Assignment of inmates who cannot be placed at reduced custody levels due to law or policy

Minimum Custody: Characteristics

- Assignment to facilities without secure perimeters
- Double cell or dormitory housing
- Intermittent supervision
- Random searches
- Transportation without restraints
- Work supervision by state employee
(non NDOC staff trained to supervise inmates)

Minimum Custody: Characteristics

- Disciplinary record
- Felony Hold
- Concurrent or consecutive non-NDOC sentences
- Other relevant factors

Minimum Custody: Criteria

- Total Risk Factor Score (RFS) of 13 points or less
- Be within 36 months of probable release from NDOC custody
- Have performed assigned duties in a faithful or orderly manner

Minimum Custody Criteria

Disqualifying Criteria

- RFS of 10 points or more in Section "A" of the reclassification instrument
- Committed a serious violent major infraction of AR 707 within the immediately preceding 12 months
- Committed any major or work infraction of AR 707 within the immediately preceding 6 months

Minimum Custody Criteria

Disqualifying Criteria

- Having ever been convicted of a sexual offense that is punishable as a felony
- Two or more charges for sexual offenses arising from separate incidents
- Having ever been convicted of a felony crime for any offense involving the intended death of any victim

Minimum Custody Criteria

Disqualifying Criteria

- Been convicted of a felony crime for any offense involving the intended death of any victim
- Been convicted of using or threatened use of force against a victim that is punishable as a felony immediately preceding 12 months
- Escape or attempted escape from an NDOC institution or community supervised program

Minimum Custody Criteria

Disqualifying Criteria

- Convicted of a felony for the escape or attempted escape from any medium custody prison or jail
 - Minimum Custody: immediately preceding 120 months
- Have a current felony detainer lodged against them

Minimum Custody Criteria

Disqualifying Criteria

- Have a death or life without the possibility of parole sentence
- Require protective segregation
- Serving a disciplinary segregation or disciplinary detention sanction

Discretionary Exclusions for Minimum Custody

- Youthful Inmate
- Medical, Dental or Mental health concerns
- Other agency escape charges

Exceptions to Criteria Determining Minimum Custody

- Inmates serving DUI sentences under NRS 484.3792 or 484.3795 who have no non-DUI offenses as part of their sentence restructure
 - Exempt from the 36 months to probable release criteria
- Inmates with a RFS of 14 or more points can be considered for minimum custody on a case by case basis
 - Require an override from the AOMD prior to approval

Considerations: Evaluating Inmates for Minimum Custody

- Should classify a minimum custody inmate after a disciplinary finding for a serious infraction or an infraction that raises the inmate's RFS to 14 points or more
- If determination is to increase the inmate's custody level
 - A verbal override is required from the AOMD or designee

Considerations: Evaluating Inmates for Minimum Custody

- Determination is to increase the inmate's custody level, staff must immediately treat the inmates at the recommended custody level

Considerations: Evaluating Inmates for Minimum Custody

- No inmate with a computed custody level of close should be assigned to minimum custody
- OMD must give approval for minimum level inmates to be anywhere in the community

Transitional Housing: Criteria

- Non-violent offense and within 1 year of probable release
- Inmate is an abuser of alcohol or drugs who is within 24 months of probable release
 - is or will be eligible for phase II; residential confinement

Transitional Housing: Criteria

- Is eligible for minimum custody per AR 521
- Has not committed a serious infraction to the rules or has not performed the duties assigned to him

Transitional Housing: Criteria

- Has not been convicted of a violent felony offense or felony threat of violence within the preceding year
- Inmate cannot ever have been convicted of a sex offense

Transitional Housing: Criteria

- Inmate cannot have escaped or attempted escape
- Instant offense violence must be within 6 months of probable release

Residential Confinement AR 523

- **Three programs**
 - DUI (305)
 - Residential Confinement (317)
 - Re-entry (Drug) Court (184)
 - Compassionate Release (298)

DUI (305)

- **Must have DUI crime**
- **Within one year of probable parole or release**
- **Eligible for minimum**

DUI (305)

- Reasonable prospect of employment and residence
- No violent offense, no felony conviction involving the use or threat of force within the preceding 3 years

Residential Confinement (317)

- Criteria

- No felony conviction involving use or threat of violence within the 3 preceding years**
- No instant offense violence**
- No current or prior conviction for a category A or B Felony**

Residential Confinement (317) - Criteria

- Have no more than one prior felony conviction
- Concurrent sentences are considered to be separate felonies if they arise out of separate criminal incidents
- Must be on last sentence

Residential Confinement (317) Criteria

- Must provide a work and residential program in a Nevada community approved by P&P
- Must be able to pay the costs of supervision to P&P
- Must be eligible for minimum custody per AR 521

Residential Confinement (317) Criteria

- Must be within 2 years of probable release on parole or discharge
- Candidates for Residential Confinement must be approved by P&P

Re-entry (drug) Court (194) Criteria

- Program of residence and employment
- Pay all costs
- Within 2 years of probable release

Re-entry (drug) Court (194) Criteria

- No felony convictions involving the use or threat of violence in the past 1 year
- No instant offense violence
- Eligible for Minimum Custody per AR 521

Compassionate Release (298) - Criteria

- Physically handicapped to the degree no threat to public safety is posed
- Expected to die within 12 months
- No life without or death sentences

Compassionate Release (298) - Criteria

- Not sentenced to death or has not previously been sentenced to death
- Medical staff should identify eligible candidates
- OMA will review the medical recommendation and certified letters then prepare a recommendation for the director

Compassionate Release: With Director's Approval

- **Inmate must authorize the release of his/her medical information to the victims crime**
- **Victim's services officer will notify the victims of the approved compassionate release**

Compassionate Release: With Director's Approval

- OMA will notify the County Commissioners and P&P
- OMA may coordinate the release of the inmate to P&P effective 45 days after notice has been provided

Compassionate Release: With Director's Approval

- If approved, inmate will be released to P&P
- Department is NOT responsible for Medical Costs incurred by the inmate on Compassionate Release

Conclusion

- Objective classification is a critical part of maintaining the safety and security of staff, inmates and the community
- Activity
- Questions