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 7 *And Michael Stolk*

8
 9 **UNITED STATES DISTRICT COURT**
 10 **DISTRICT OF NEVADA**

11 MICHAEL GLASS,
 12
 Plaintiff,
 13 v.
 14 FEATHERLY,
 15
 Defendant.

Case No. 3:22-cv-00280-CLB
**MOTION FOR SUMMARY
 JUDGMENT**

17 Defendants, Daniel Featherly, Stelyn Mauro, and Michael Stolk by and through
 18 counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Janet E. Traut,
 19 Deputy Attorney General, submit their Motion for Summary Judgment pursuant to Fed.
 20 R. Civ. P. 56.

21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 **I. Nature of Motion**

23 This is a *pro se* prisoner civil rights action brought by Michael Glass (Glass)
 24 asserting claims under 42 U.S.C. §1983. Pursuant to this Court’s Screening Order, Glass
 25 was allowed to proceed on one (1) Eighth Amendment use of force claim against
 26 Defendant Featherly (Featherly). ECF No. 4 at 5:13-14. Glass filed his First Amended
 27 Civil Rights Complaint (FAC) on May 3, 2023. ECF No. 27. The FAC added a Fourteenth
 28 Amendment due process claim against Defendants Stolk and Mauro. ECF No. 27 at 5.

1 The FAC also adds an Eighth Amendment failure to protect claim against Defendant
2 Featherly. ECF No. 27 at 6. The FAC was not screened.

3 Glass sues for events that took place while incarcerated at Ely State Prison (ESP).
4 ECF No. 27 at 1. The FAC does not include any claim for relief. *Id.*

5 Glass' allegations do not rise to the level of constitutional violations. Therefore,
6 Defendants are entitled to judgment as a matter of law.

7 **II. Statement of the Case**

8 On August 19, 2022, this Court screened and filed the initial complaint. ECF No. 4
9 and 5. An Inmate Early Mediation Conference was held without settlement. ECF No. 7
10 and 13.

11 Thereafter, Defendant Featherly filed his Answer on May 2, 2023, ECF No. 23, and
12 provided initial disclosures to Glass on May 23, 2023.

13 Service was accepted on behalf of Defendants Mauro and Stolk on May 23, 2023.
14 ECF No. 33. Defendants' Answer to the FAC was filed on July 5, 2023. ECF No. 38.

15 The time for discovery has passed. Defendants now submit their Motion for
16 Summary Judgment.

17 **III. Statement of Facts Pursuant to Local Rule 56-1**

18 **A. The Incident**

19 On or about January 4, 2022, an inmate-on-inmate assault occurred in Unit 6, A
20 wing at ESP. Exhibit A at 1; Exhibit C at 1.

21 Glass' cellmate had permission to leave the cell to take a shower.¹ *Id.* at 8.

22 Defendant Featherly opened the cell door, and Glass got "in-between the door to
23 prevent it from closing all the way." *Id.*; Exhibit B at 12:51:43. Glass exited his cell
24 without permission. *Id.*

25 As the battery commenced on his cellmate, Glass ran across the upper level of the
26 tier. Ex. B at 12:52:10.

27
28 ¹ Featherly notes in an April 25, 2022 amendment to the Unit Senior Officer report that his initial report misidentified Glass and his cellmate. The actions of the redacted inmate are actually Glass. Ex. A at 9.

1 Defendant Featherly ordered all the involved inmates on the tier to get down on
2 the ground. Ex. A at 8, Ex. C at 1. The inmates ignored the order. *Id.*

3 Defendant Featherly picked up the 40mm rubber bullet launcher and issued
4 warnings. *Id.*

5 Defendant Featherly fired the 40mm, striking Glass “in the lower extremities” with
6 an HV (rubber bullet) round. *Id.*

7 Despite being hit by a rubber bullet, Glass and his cellmate continued to advance
8 on the original attacker. *Id.*

9 Defendant Featherly continued to issue verbal orders to the inmates to get on the
10 ground, and fired an additional 40mm round. *Id.*

11 Glass and his cellmate continued to ignore the verbal orders. *Id.*

12 Glass ducks and moves to his left, moving into the line of fire. *Id.*; Ex. B, 12:53:03.
13 Glass touches the rear of his head. *Id.* at 12:53:04. *See also* ECF No. 27 at 4:4.

14 On medical examination, Glass was noted to have “a large approximately 2–3 inch
15 laceration . . . on the right posterior side of his head,” and an abrasion to his left groin
16 area. Ex. A at 1. He was transported to the local emergency room via ambulance after
17 application of a pressure dressing to his head. *Id.* at 1-2.

18 **B. The Disciplinary Hearing**

19 Defendant Stolk was the disciplinary hearing officer when Glass pleaded guilty to
20 Disobedience, a general violation, in relation to the incident on January 4, 2022. Exhibit
21 D.

22 Glass was sentenced to Loss of Canteen Privilege for 10 days. *Id.* Restitution was
23 not a sanction for the guilty finding on Disobedience. *Id.*

24 **C. The Restitution Charge**

25 Glass was charged \$23,815.74 in restitution as a result of the altercation on or
26 about January 4, 2022. ECF No. 27 at 5; Exhibit E.

27 Glass submitted a request for an accounting inquiry. *Id.*

28 Glass was referred to his caseworker. *Id.*

1 **D. Glass' Classification Records**

2 Glass was classified on May 3, 2018. Exhibit F at 2. He was noted to have no gang
3 affiliation (STG) and no enemies (CMS). *Id.*

4 Classification on May 7, 2018 also noted no STG. *Id.* at 3.

5 Classification on September 27, 2019 noted "No CMS/STG/Escapes." *Id.* at 4.

6 Re-Classification on March 18, 2020 and September 14, 2020 indicated no CMS and no
7 STG. *Id.*

8 Re-Classification on March 16, 2021 showed no STG, but changed to show CMS at
9 NNCC. *Id.* at 5.

10 A Classification/Due Process entry on April 14, 2021 addressed Glass being
11 charged with having a prison-made weapon in his cell while at Warm Springs
12 Correctional Center (WSCC). *Id.* at 5-6.

13 Administrative Segregation notes dated May 17, 2021 and June 15, 2021 discuss
14 adding more enemies. *Id.* at 6.

15 Re-Classification on July 6, 2021 for transfer to ESP indicates CMS, but still no
16 STG. *Id.*

17 On reception at ESP, July 16, 2021, notes include updated CMS at WSCC and
18 NNCC, and affirm no STG. *Id.* at 7.

19 On November 30, 2021, Glass had a Due Process hearing due to a STG
20 investigation. *Id.* Glass did not request protected status until after the incident on
21 January 4, 2022. *Id.*

22 **IV. Argument**

23 **A. Summary Judgment Standard**

24 Summary judgment allows courts to avoid unnecessary trials when there is no
25 dispute as to the facts before the court. *Northwest Motorcycle Ass'n v. United States Dep't*
26 *of Agric.*, 18 F.3d 1468, 1472 (9th Cir. 1994). The purpose of summary judgment is to
27 isolate and then terminate claims that are factually unsupported. *Celotex Corp. v.*
28 *Catrett*, 477 U.S. 317, 323-24 (1986). A moving party is not required to disprove the non-

1 moving party's claims. *Id.* Instead the moving party is simply required to point out the
2 absence of evidence supporting the non-moving party's claims. *Id.* The non-moving party
3 is then required to come forward with some evidence supporting his claim. *Anderson v.*
4 *Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986). Mere allegations or denials in the pleadings
5 are not sufficient to show a genuine issue for trial. *Id.* at 248. "Where the only evidence
6 presented is 'uncorroborated and self-serving' testimony" a genuine issue of fact cannot be
7 established. *Villiarimo v. Aloha Island Air, Inc.*, 281 F.3d 1054, 1061 (9th Cir. 2002).
8 "No valid interest is served by withholding summary judgment on a complaint that wraps
9 nonactionable conduct in a jacket woven of legal conclusions and hyperbole." *Vigliotto v.*
10 *Terry*, 873 F.2d 1201, 1203 (9th Cir. 1989). "When opposing parties tell two different
11 stories, one of which is blatantly contradicted by the record, so that no reasonable jury
12 could believe it, a court should not adopt that version of the facts for purposes of ruling on
13 a motion for summary judgment." *Scott v. Harris*, 550 U.S. 372, 380, 127 S.Ct. 1769,
14 1776 (2007).

15 Material facts are facts that might affect the outcome of the case. *Anderson*, 477
16 U.S. at 248. The court should not consider disputes concerning irrelevant or unnecessary
17 facts. *Id.* Where there is a complete failure of proof on an essential element of the case
18 for the non-moving party, all other facts become immaterial and the moving party is
19 entitled to judgment as a matter of law. *Celotex, supra*.

20 Although inmate non-moving parties may still be entitled to have the facts
21 reviewed "in a light most favorable" this favorable review is tempered, "in light of the
22 deference that courts must show to [the] prison officials." *Beard v. Banks*, 548 U.S. 521,
23 126 S.Ct. 2572, 2578 (2006). *See also, Overton v. Bazzetta*, 539 U.S. 126, 132, 123 S. Ct.
24 2162, 2167, 156 L. Ed. 2d 162 (2003) ("We must accord substantial deference to the
25 professional judgment of prison administrators, who bear a significant responsibility for
26 defining the legitimate goals of a corrections system and for determining the most
27 appropriate means to accomplish them.")

28 //

1 **B. Eighth Amendment Use of Force**

2 An inmate claiming to have been the victim of excessive force that violated his
3 Eighth Amendment right to be free of cruel and unusual punishment bears the burden of
4 showing both an objective and subjective component. “Thus, courts considering a
5 prisoner’s claim must ask both if ‘the officials acted with a sufficiently culpable state of
6 mind’ and if the alleged wrongdoing was objectively ‘harmful enough’ to establish a
7 constitutional violation.” *Hudson v. McMillian*, 503 U.S. 1, 8 (1992).

8 The Court in *Hudson* stated:

9 [W]henever prison officials stand accused of using excessive
10 physical force in violation of the Cruel and Unusual
11 Punishments Clause, the core of judicial inquiry is that set out
12 in *Whitley [v. Albers]*, 475 U.S. 312 (1986): whether force was
 applied in a good-faith effort to maintain or restore discipline, or
 maliciously and sadistically to cause harm.

13 *Hudson v. McMillian*, 503 U.S. 1, 7 (1992).

14 Excessive force claims by inmates are properly analyzed under the Eighth and not
15 the Fourteenth Amendment. *Whitley v. Albers*, 475 U.S. 312, 328 (1986). The burden that
16 the plaintiff must meet is not an easy one, because, “[a]fter incarceration, only ‘the
17 unnecessary and wanton infliction of pain’ constitutes cruel and unusual punishment
18 forbidden by the Eighth Amendment.” *Id.* at 319. The standard that must be met “is
19 obduracy and wantonness, not inadvertence or error in good faith . . .” *Id.*

20 Consequently, “whether the measure taken inflicted unnecessary and wanton pain
21 and suffering ultimately turns on ‘whether force was applied in a good faith effort to
22 maintain or restore discipline or maliciously and sadistically for the very purpose of
23 causing harm.’” *Whitley* at 320-321. The factors to be considered in determining whether
24 force was applied in good faith include the need for the application of force, the
25 relationship between the need and the amount of force used, and the extent of the injury
26 inflicted. *Id.* at 321. Equally important factors in determining whether there was a
27 wanton infliction of pain are the extent of the threat to the safety of staff and inmates as
28 reasonably perceived by the responsible officials on the basis of the facts known to them

1 and any efforts made to temper the severity of a forceful response. *Id.* If force is applied
2 in a good faith effort to maintain or restore discipline, then there is no cruel and unusual
3 punishment. *Id.*

4 Finally, the Court in *Whitley* stated:

5
6 When the “ever-present potential for violent confrontation and
7 conflagration,” (citation omitted), ripens into actual unrest and
8 conflict, the admonition that “a prison’s internal security is
9 peculiarly a matter normally left to the discretion of prison
10 administrators”, (citation omitted), carries special weight.
11 “Prison administrators . . . should be accorded wide-ranging
12 deference in the adoption and execution of policies and practices
13 that in their judgment are needed to preserve internal order and
14 discipline and maintain institutional security” (citations
15 omitted). That deference extends to a prison security measure
16 taken in response to an actual confrontation with riotous inmate,
17 just as it does to prophylactic or preventive measures intended
18 to reduce the incidence of these or any other breaches of prison
discipline. It does not insulate from review actions taken in bad
faith and for no legitimate purpose, but it requires that neither
judge nor jury freely substitute their judgment for that of
officials who have made a considered choice. Accordingly, in
ruling on a motion for a directed verdict in a case such as this,
*courts must determine whether the evidence goes beyond a mere
dispute over the reasonableness of a particular use of force or the
existence of arguably superior alternatives. Unless it appears that
the evidence, viewed in the light most favorable to the plaintiff,
will support a reliable inference of wantonness in the infliction of
pain under the standard we have described, the case should not
go to the jury.*

19 *Whitley v. Albers*, 475 U.S. 312, 321-322 (1986). (Emphasis added.)

20 The NDOC has addressed uses of force in its Administrative Regulation (AR) 405.
21 Exhibit G. The general provisions for use of force “define[s] staff responsibilities and
22 limitations concerning the use of force while still allowing discretion in the appropriate
23 application of force.” Ex. G, 405.01. The NDOC authorizes force “to subdue an attacker,
24 overcome resistance, affect custody, or to gain compliance with a lawful order.” *Id.* All
25 staff are trained in applications of force and appropriate use of authorized equipment. *Id.*
26 at 405.02. Training includes de-escalation and Continuum of Force. *Id.*

27 AR 405 guides when force may be used. Ex. G, 405.03. “A staff member may use
28 force to protect himself or any other individual from physical harm by an inmate.” *Id.* at

1 405.03(1). “To compel an inmate’s compliance with orders, force may be used if no
2 alternative method of persuasion is effective or where the circumstances require
3 urgency.” *Id.* at 405.03(6). “To prevent of quell a disturbance, disperse or apprehend
4 inmates whose conduct is creating a risk of death or serious physical injury to others.” *Id.*
5 at 405.03(7). “Less-Lethal Projectile Launchers (40mm) are authorized to compel
6 compliance from noncompliant inmates.” *Id.* at 405.05(2)(E).

7 Glass alleges Defendant Featherly “shot me in the back of the head at close range
8 using a rubber round.” FAC, p. 2. And the round “split my head open.” *Id.* However, the
9 video of the incident shows Glass squeezing out of his cell as the cell door closes. Ex. B.
10 Glass runs across the tier and down the stairs to engage the attacker. *Id.* Glass
11 repeatedly ignores Defendant Featherly’s commands to get down on the floor. *Id.* Glass is
12 shot in the groin area with a rubber round, but he continues to ignore Defendant
13 Featherly’s orders. *Id.* Defendant Featherly continues to use the 40mm launcher to
14 attempt to gain compliance and restore order and discipline to the tier. *Id.* He aims and
15 misses. Ex. A, p 8. Glass continues to ignore orders, causing Featherly to launch another
16 round, which Glass moves in front of, being struck in the head. *Id.* Once all the inmates
17 have complied and gotten down on the ground, Defendant Featherly stopped firing
18 rounds. Ex. B.

19 Glass received medical care, first being examined by NDOC medical staff. Ex. A, 1-
20 2. He was noted to have a laceration on the side of his head and an abrasion in his groin
21 area. *Id.* Although Glass was sent to the local emergency room, his injuries were not life
22 threatening. *Id.*

23 The video in this matter is illustrative, showing less than 7 minutes from the time
24 Glass squeezed out of his cell, through the inmate-on-inmate assault with prison-made
25 weapons, until order was restored, ending the need for force. Ex. B. The need for the
26 application of force was apparent, with an inmate-on-inmate assault taking place with
27 the use of deadly weapons. *Whitley, supra* at 321. No force would have been needed
28 against Glass if he had stayed in his cell and if he had followed orders. The assault that

1 was taking place on the tier involved the use of deadly weapons, and under AR 405,
2 deadly force would have been available to match the force. Ex. G, 405.06. But Defendant
3 Featherly was able to use a lower level of force, non-lethal force, to gain control over the
4 fighting inmates and restore order and discipline. Ex. B. The extent of the injury inflicted
5 on Glass was a laceration and an abrasion. The abrasion came earlier in the incident, and
6 was not enough to make Glass comply. The more serious laceration to Glass' scalp was
7 caused by a round not intended for Glass; Glass ran into the line of fire. Ex. A, p. 8. The
8 extent of the threat to the safety of staff and inmates was evident in the injuries to the
9 other inmates including stab wounds and difficulty breathing. Ex. A, pp. 1-2; Ex. B. The
10 efforts made to temper the severity of a forceful response are also shown in the video,
11 with measured verbal commands followed by firing a limited number of less-lethal
12 rounds. As soon as the inmates complied with order, the use of force concluded. Ex. B.
13 Each of the Whitley factors shows the use of force was applied in a good faith effort to
14 maintain or restore discipline. Glass cannot show any malicious or sadistic conduct on
15 behalf of Defendant Featherly, or direct intent to cause him harm. At best, the record
16 shows inadvertence or error, which does not support a claim of cruel and unusual
17 punishment. The Court should grant summary judgment on the use of force allegation.

18 C. Fourteenth Amendment Due Process

19 The Fourteenth Amendment to the United States Constitution states in relevant
20 part no state may "deprive any person of life, liberty or property, without due process of
21 law." "There is no question that an inmate's interest in the funds in his prison account is
22 a protected property interest." *Scott v. Angelone*, 771 F. Supp. 1064, 1067 (D. Nev. 1991),
23 *aff'd*, 980 F.2d 738 (9th Cir. 1992). What process is due is a question of law suitable for
24 decision by the Court on summary judgment. *Id.* Notice that an action will take place
25 pursuant to a regulation or statute is sufficient to fulfill due process. *Id.* Moreover, the
26 Nevada Department of Corrections' (NDOC) accounting inquiry and inmate grievance
27 procedures provide adequate postdeprivation due process. *Id.* at 1068.

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1 The Director of the NDOC is required to “establish by regulation criteria for a
2 reasonable deduction from money credited to the account of an offender to ...[r]epay the
3 cost of medical examination, diagnosis or treatment for injuries: (1) [i]nfllicted by the
4 offender upon himself or herself or other offenders.” NRS 209.246(1)(b). NDOC
5 Administrative Regulation (AR) 245 addresses inmate medical charges. Exhibit H.
6 “Inmates will be charged for the cost for medical examination, diagnosis, or treatment for
7 injuries which result from altercations, recreational injuries, or self-inflicted injuries.” *Id.*
8 at 3:245.02(1). Charges include those for services within the NDOC, and for outside
9 services including ambulance, hospitalization, and surgery. *Id.* The NDOC also has an
10 Operational Procedure (OP) for Support Services addressing Inmate Health Care
11 Charges, SS-0041. Exhibit I. “Inmates will be charged 100% of the examination, diagnosis
12 or treatment for injuries, which result from altercations and recreational or self-inflicted
13 injuries.” *Id.* at 8:V. Section V includes details of charges and the grievance process. *Id.*

14 The combination of NRS 209.246, AR 245, and OP SS-0041 gives clear notice that
15 medical charges will be paid by inmates involved in altercations, an adequate
16 predeprivation protection. *See Angelone, supra.* Glass was able to use the Accounting
17 Inquiry process, Ex. E, and the grievance process. ECF No. 27 at 5, so in addition to the
18 predeprivation notice, he received adequate postdeprivation due process. *Id.* This Court
19 can find due process was provided as a matter of law.

20 Glass alleges he was assessed restitution of \$23,815.74 improperly by Defendant
21 Stolk, who was the hearing officer when Glass pleaded guilty to Disobedience related to
22 the incident. ECF No. 27 at 5; Ex. D. Additionally, he alleges Defendant Mauro refused to
23 reverse the restitution or give any money back. *Id.* These allegations have no impact on
24 the question of law before the Court.

25 Additionally, as Defendant Stolk did not order the restitution, he was not
26 personally involved and should be dismissed from the instant case. *See May v. Enomoto,*
27 633 F.2d 164, 167 (9th Cir. 1980). Similarly, Defendant Mauro did not order the

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1 restitution, and simply affirmed the restitution was ordered pursuant to statute,
2 regulation, and procedures. Defendant Mauro should be dismissed as well. *Id.*

3 **D. Eighth Amendment Failure to Protect**

4 Under the Eighth Amendment, prison conditions should not “involve the wanton
5 and unnecessary infliction of pain” or be “grossly disproportionate to the severity of the
6 crime warranting imprisonment.” *Rhodes v. Chapman*, 452 U.S. 337, 347 (1981).

7 Although prison conditions may be, and often are, restrictive and harsh, prison officials
8 “must ensure that inmates receive adequate food, clothing, shelter, and medical care, and
9 must ‘take reasonable measures to guarantee the safety of the inmates.’” *Farmer v.*
10 *Brennan*, 511 U.S. 825, 832 (1994) (quoting *Hudson v. Palmer*, 486 U.S. 517, 526-27
11 (1984)).

12 The Eighth Amendment imposes a duty on prison officials to protect inmates from
13 violence by other inmates. *Hearns v. Terhune*, 413 F.3d 1036, 1040 (9th Cir. 2005). “The
14 failure of prison officials to protect inmates from attacks by other inmates may rise to the
15 level of an Eighth Amendment violation when: (1) the deprivation alleged is ‘objectively,
16 sufficiently serious’ and (2) the prison officials had a ‘sufficiently culpable state of mind,’
17 acting with deliberate indifference.” *Id.*, quoting *Farmer v. Brennan*, 511 U.S. 825, 834
18 (1994).

19 To establish a violation of this duty, the prisoner must establish that prison
20 officials were “deliberately indifferent” to serious threats to the inmate’s safety. *Farmer*,
21 511 U.S. at 834; see also *Labatad v. Corrections Corp. of America*, 714 F.3d 1155, 1160
22 (9th Cir. 2013) (citing *Gibson v. County of Washoe*, 290 F.3d 1175, 1187 (9th Cir. 2002)).

23 Under the deliberate indifference standard, a violation of the Eighth Amendment is only
24 found when an objective and subjective component are met. See *Farmer*, 511 U.S. at 834;
25 *Labatad*, 714F.3d at 1160.

26 First, the deprivation must be, objectively, sufficiently serious. *Id.* When a plaintiff
27 claims prison officials failed to take reasonable steps to protect, the plaintiff must show
28 that “he is incarcerated under conditions posing a substantial risk of serious harm.” *Id.*

1 Second, the inmate must satisfy the subjective element. This means that the prison
2 official must “know of and disregard an excessive risk to inmate health or safety; the
3 official must both be aware of facts from which the inference could be drawn that a
4 substantial risk of serious harm exists, and he must also draw the inference.” *Id.* at 837.
5 “Mere negligence is not sufficient to establish liability.” *Frost v. Agnos*, 152 F.3d 1124,
6 1128 (9th Cir. 1998). “Liability may only follow if a prison official ‘knows that inmates
7 face a substantial risk of serious harm and disregard that risk by failing to take
8 reasonable measures to abate it.’” *Labatad v. Corrections Corp. of America*, 714 F.3d
9 1155, 1160 (9th Cir. 2013) (*citing Gibson v. County of Washoe*, 290 F.3d 1175, 1187 (9th
10 Cir. 2002)).

11 Here, Glass alleges Defendant Featherly “opened two documented enemies [sic]
12 doors at the same time.” ECF No. 27 at 6. Glass further alleges Featherly opened his cell
13 door “while a rival gang/race was on the tier.” *Id.* But Glass cannot show he was at
14 substantial risk of serious harm. Glass’ classification records do not include that he had
15 any enemies at ESP. *See* Ex. F. And while Glass had been given notice on November 30,
16 2021, that he was being investigated for STG affiliation, he had not been validated. *See*
17 Exhibit J. Glass cannot show that Defendant Featherly knew, or could have known, Glass
18 had an enemy in the housing unit, or that Glass considered himself to be a gang member
19 with rivals in the housing unit. *See* ECF NO. 27 at 6. Moreover, Defendant Featherly
20 could not have known that when he opened the cell door for Glass’ cellmate to come out
21 for a shower, that Glass would exit the cell without permission, choosing to leave the
22 safety of his cell, exposing himself to danger, and participating in an altercation. *See* Ex.
23 B.

24 **E. Qualified Immunity**

25 The Defendants were, at all relevant times, government officials performing
26 discretionary functions. As such, they are shielded from liability for civil damages here
27 pursuant to 42 U.S.C. § 1983, because there is nothing on the face of the Complaint to
28 suggest that they violated clearly established statutory or constitutional rights of which a

1 reasonable person would have known. *Anderson v. Creighton*, 483 U.S. 635, 638-9, 107 S.
2 Ct. 3034, 3038 (1987); *Harlow v. Fitzgerald*, 457 U.S. 800, 818, 102 S. Ct. 2727, 2738
3 (1982); *Way v. County of Ventura*, 445 F.3d 1157, 1159 (9th Cir. 2006). The doctrine of
4 qualified immunity protects “all but the plainly incompetent or those who knowingly
5 violate the law.” *Anderson v. Creighton*, *supra*, at 638.

6 The doctrine of qualified immunity is immunity from suit rather than a mere
7 defense to liability and is effectively lost if a case is erroneously permitted to go to trial.
8 *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). The defense of qualified immunity protects
9 "government officials performing discretionary functions . . . from liability for civil
10 damages insofar as their conduct does not violate clearly established statutory or
11 constitutional rights of which a reasonable person would have known." *Harlow v.*
12 *Fitzgerald*, 457 U.S. 800, 818 (1982). Therefore, regardless of whether a constitutional
13 violation occurred, the Defendants should prevail if the right asserted by the Plaintiff was
14 not "clearly established" or the Defendants could have reasonably believed that their
15 particular conduct was lawful. *Romero v. Kitsap County*, 931 F.2d 624 (9th Cir. 1991).
16 The Plaintiff bears the burden of proof that the right allegedly violated was clearly
17 established at the time of the alleged misconduct. *Baker v. Racanscy*, 887 F.2d 183, 186
18 (9th Cir. 1989). Only if Plaintiff carries this burden are the Defendants required to show
19 that their conduct was reasonable even though it might have violated constitutional
20 standards. *Benigni v. City of Hemet*, 879 F.2d 473, 479-480 (9th Cir. 1988).

21 The relevant inquiry then would be an objective fact-specific test. The test is
22 "whether a reasonable government official could have believed that his conduct was
23 lawful, in light of clearly established law and the information he possessed. *Thorsted v.*
24 *Kelly*, 858 F.2d 571, 573 (9th Cir. 1988). A reasonable but mistaken belief one's actions
25 are lawful, based on facts or legal authority, entitles a defendant to qualified good faith
26 immunity from damages. *Floyd v. Laws*, 929 F.2d 1390 (9th Cir. 1991). As noted by the
27 United States Supreme Court in *Malley v. Briggs*, 475 U.S. 335, 341 (1986), "as the

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1 qualified immunity defense has evolved, it provides ample protection to all but the plainly
2 incompetent or those who knowingly violate the law."

3 Defendant Featherly is entitled to qualified immunity on both of the Eighth
4 Amendment claims in the instant case. Featherly's actions complied with AR 405 Use of
5 Force and the record shows Glass identified no threats by enemies or gang affiliation to
6 the NDOC staff which should have put Featherly on notice he needed protection.

7 **V. Conclusion**

8 Defendants are entitled to summary judgment in their favor as Glass cannot
9 support his claims of Eighth Amendment excessive use of force or failure to protect. Glass
10 received due process through notice by statute and regulation, and through adequate
11 postdeprivation procedures, and the Defendants are entitled to judgment as a matter of
12 law on the Fourteenth Amendment claim. Defendants are also entitled to qualified
13 immunity.

14 DATED this 10th day of January 2024.

15
16 AARON D. FORD
Attorney General

17
18 By:



JANET E. TRAUT, Bar No. 8695
Deputy Attorney General

19
20 *Attorneys for Defendants*

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23 **INDEX OF EXHIBITS**

- 24 Exhibit A NDOC Incident Report IR-20220ESP-000025
- 25 Exhibit B Video of Incident 1-4-2022- Manually Filed
- 26 Exhibit C Glass' Inmate Disciplinary History – Redacted
- 27 Exhibit D Glass' Disciplinary Form II – Offense in Custody # 504263
- 28 Exhibit E NDOC Accounting Inquiry


- 1 Exhibit F Glass' Offender Information Summary – Redacted
- 2 Exhibit G NDOC AR 405 – Use of Force, effective 11-15-2016
- 3 Exhibit H NDOC AR 245 – Inmate Medical Charges, effective 6-18-2018
- 4 Exhibit I NDOC OP SS-0041, Inmate Health Care Charges, revised 5-18-2018
- 5 Exhibit J NDOC AR 446 – Identification of Inmates Affiliated with Security
- 6 Threat Groups and Disruptive Groups, effective 1-14-2014

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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada and that on January 10, 2024, I electronically filed the foregoing, **MOTION FOR SUMMARY JUDGMENT**, via this Court’s electronic filing system. Parties that are registered with this Court’s electronic filing system will be served electronically. For those parties not registered, service was made by depositing a copy for mailing in the United States Mail, first-class postage prepaid, at Carson City, Nevada, addressed to the following:

Michael Glass, #1196925
High Desert State Prison
P. O. Box 650
Indian Springs, NV 89070



An employee of the
Office of the Attorney General

EXHIBIT A

NDOC Incident Report IR-20220ESP-000025

EXHIBIT A



State of Nevada Department of Corrections

Investigation Detail Report
For: AG Office

Investigation

Investigator:	IR Number: IR-2022-ESP-000025
Assigned Date:	Occurrence Date: 01/04/2022
Report Due Date:	IA Number: IA-
Disposition Date:	Institution: ESP

Referral

Referred By: [REDACTED]
Referred Date: 01/07/2022 10:48
Referral Detail: This is being referred due the possibility of policy violations by staff and due to one of the inmates being struck with a 40mm projectile in the head. ...[REDACTED, 01/28/2022 08:27:07] Emailed AW [REDACTED] for a specific reason that this is excessive force on January 12, 2022. No response. Issue is timed out. Not accepted.

Narrative

On January 4, 2022 an Inmate on Inmate assault ocured on the unit 6 A wing tier. Inmate [REDACTED] used an Inmate made weapon to assault Inmate [REDACTED]. Inmate Michael Glass NDOC # 1196925 failed to follow orders from the Officer's in the unit control room and was struck with a 40 mm projectile. ...[REDACTED, 03/03/2022 17:34:09] Received grievance 2006-31-34802 from I/M Glass alleging excessive force. IG's office notified.

Offender Involvement

NDOC ID	Offender Name	Participation
[REDACTED]	[REDACTED]	Suspect
Comments:		
1196925	GLASS, MICHAEL	Participant
Comments:		
[REDACTED]	[REDACTED]	Victim
Comments:		

Staff Involvement

Staff Name	Participation
[REDACTED]	Reporting

Comment: Medical

● Reports

Report Type Report Detail

INC028 On January 4, 2022 at approximately 1 P.M. medical staff was called to Unit 6 for an altercation involving multiple inmates. Inmate [REDACTED] was observed to have a laceration on his forehead and middle of his eyebrow. A laceration on his left cheek, left side of his top lip. There was also a caceration above his right elbow, Lacerations to his right calf, and right outer thigh. Puncture wond to the tip of his right thigh. Lacerations to left pectorial area and left chest. Inamate [REDACTED] well also complained of pain with breathing. Inmate [REDACTED] was transported to the local ER via ambulance. Inmate Glass, Michael NDOC # 1196925 was examing in the Unit 5 and 6's hallway. A large approximately 2-3 inch laceration was observed on the right posterior side of his head Abrasion from rubber bullet was observed in the left groin



State of Nevada Department of Corrections

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Investigation

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Staff Involvement

● Reports

Report Type **Report Detail**

area. Pressure dressing was applied to his head. Inmate Glass was transported to the local ER via ambulance. Inmate [REDACTED] was observed in the Unit 5 and 6's hallway and in visiting holding. An abrasion from a rubber bullet was observed on his left lower quadrant to mid. line abdomen under the umbilicus. No further action was required at that time. Inmates [REDACTED] and [REDACTED] were examined due to being on the tier when the incident occurred, but were not involved in the incident. No injuries were stated or observed at that time. END OF REPORT

Staff Name	Participation
[REDACTED]	Reporting

Comment: Responding CERT

● Reports

Report Type **Report Detail**

USEOF On January 4th, 2022, I Correctional Officer [REDACTED] was working my assigned post on the Correctional Emergency Response Team (CERT) at Ely State Prison (ESP). At approximately 12:52pm, I responded to a radio call for an Inmate on Inmate assault on the U6 A-Wing. When I arrived to the U6 A-Wing Sallyport, I observed Inmate [REDACTED], Inmate GLASS #1196925, and Inmate [REDACTED] approaching each other on the tier with weapons. I then began to give multiple verbal commands to the Inmate?s to lay face down on the ground. Inmates were refusing to comply with orders and chemical agents were applied. I notified Shift Command that weapons were involved and chemical agents were applied. I then observed that there was a total of five Inmates on the tier, and I notified Shift Command of that as well. Once all of the Inmate?s followed orders to lay face down on the ground, CERT instructed Inmate?s to come to the sallyport one at a time to be restrained. I assisted with completing pat down searches in the sallyport before moving Inmate?s into the hallway to be assessed by medical. After completing a pat down search on Inmate [REDACTED], I was instructed to escort the Inmate to visiting holding. The Inmate was assessed by medical before being escorted to visiting holding. Upon arrival to visiting holding, I heard Inmate [REDACTED] tell Inmate [REDACTED], located in the first dry cell, ?I got that skinhead.? I proceeded to place the Inmate into a visiting holding cell. I proceeded to get transport vehicles ready at the B-Dock. I then assisted with escorting Inmate [REDACTED] onto the ambulance. I proceeded to stay with Inmate [REDACTED] as he was transported to William Bee Ririe Hospital (WBRH), where he was sent out via Life Flight. End of report.

Staff Name	Participation
[REDACTED]	Reporting

Comment: Responding Sergeant

●



State of Nevada Department of Corrections

Investigation Detail Report
For: AG Office

Investigation

Investigator:	IR Number: IR-2022-ESP-000025
Assigned Date:	Occurrence Date: 01/04/2022
Report Due Date:	IA Number: IA-
Disposition Date:	Institution: ESP

Staff Involvement

● Reports

Report Type **Report Detail**

USEOF On January 4, 2022 at approximately 1252, I, Correctional Sergeant [REDACTED] was working my assigned post as Housing Sergeant at Ely State Prison. I received a radio call of level 2 response on the 6A tier. I responded and entered the unit control room to assist. I grabbed the Mk 46 chemical agent dispenser to provide coverage on the tier. As the other inmates were being removed from the tier, I observed Inmate [REDACTED], housed in cell 6A3, jump up in an aggressive manner. I ordered [REDACTED] to get back down on the ground. [REDACTED] did not comply with my order so I deployed an approximately one second burst of chemical agent that fell short did not strike [REDACTED]. [REDACTED] then complied and got back down on the ground.

Staff Name	Participation
[REDACTED]	Reporting
<i>Comment:</i> Unit staff	

● Reports

Report Type **Report Detail**

USEOF On January 4, 2022 at approximately 12:50 I Correctional Officer [REDACTED] had just come back into the control room of Unit 6 from feeding the B side. As soon as I had sat down Senior Officer [REDACTED] ran to the A side window, and said fight call it in .I made the radio call, turned off the water to the A wing and told the porters on the B wing to return to their cell. I then grabbed a can of the Gas .Looking out onto the tier I saw Inmate [REDACTED] 6 A 36 standing in front of 6 A 17 bleeding. I then saw Inmate Glass #1196925 6 A 36 advancing on Inmate [REDACTED] 6 A 3. Inmate [REDACTED] was laying on the ground in front of 6 A 4 at this time he was being compliant Senior [REDACTED] fired the 40 mm at Glass striking him, he still continued to advance so I fired a burst of gas at him striking him in back of the head. He refused to get on the ground even after being told to do so many times. He started to advance again so I fired another blast of gas, he then stopped. Once Glass stopped Inmate [REDACTED] started to get up, even after I told him to stay down he refused so I fired the gas at him as well. After that enough officer arrived and the situation was under control.

Staff Name	Participation
[REDACTED]	Reporting
<i>Comment:</i> Responding supervisor	

● Reports

Report Type **Report Detail**



State of Nevada Department of Corrections

Investigation Detail Report
For: AG Office

Investigation

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Assigned Date:	Occurrence Date: 01/04/2022
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Disposition Date:	Institution: ESP

Staff Involvement

● Reports

Report Type Report Detail

INC028 On January 4, 2022 at approximately 1250 I responded to unit 6 for a multiple inmate fight on the tier. Upon my arrival the fighting had stopped and inmates were being pulled from the tier. I assisted with over all supervision of the incident and went to the property room with inmate GLASS 1196925 who was transported to WBR ER via ambulance with no incident.

Staff Name	Participation
[REDACTED]	Reporting

Comment: Responding CERT

● Reports

Report Type Report Detail

INC028 On January 4, 2021 at approximately 1250 I Correctional Emergency Response Team (CERT) Officer [REDACTED] was working my assigned post at Ely State Prison when a Red Cow 2 was called over the radio for the unit 6A tier.

I arrived in the sally port a short time after the radio call and I could see three inmates standing up on the tier in a fighting stance. One inmate was standing in front of cells 5 and 6. I could positively identify this Inmate as [REDACTED] from working knowledge and having just used him as my unit porter roughly four minutes prior. The other two inmates were almost right in front of the sally port door and I could positively identify them as Inmates Glass #1196925 and Inmate [REDACTED]. Due to working this unit frequently I could also positively identify these inmates. Inmate [REDACTED] had a large amount of blood on his face and a lot of blood coming from the upper left side of his upper torso. The 40mm less lethal launch was utilized and [REDACTED] and Glass retreated and laid down in front of cell 17. At this time the order was given to start removing the inmates from the tier. I was ordered to have the inmates come to the sally port one at a time and submit to restraints. From my original assessment of the incident I determined that Inmate [REDACTED] seemed to have the most threatening injuries and I signaled for him to come to the sally port first to be restrained. Once he was restrained he was moved into the sally port and into the hallway. Glass was the next Inmate off the tier. He was also restrained and cycled through the sally port. [REDACTED] was the next person to the sally port and was restrained and cycled from the tier and into the hallway. There was two other inmates that were left on the tier and it was determined that they were not involved in the incident. The order was given at this time to make entry onto the tier and restrain these inmates. They were restrained and then escorted to the shower where unclothed body searches were performed and no weapons were found. While escorting them to the shower I could see two weapons laying on the ground in front of cell 17. I moved the weapons from the front of the cell using my foot and had officer [REDACTED] maintain control of the weapons until they could be photographed and moved to evidence. At this time I was advised that Glass and [REDACTED] were going to be taken to WBRH via ambulance. I prepared [REDACTED] for transport and he was taken to WBRH.



State of Nevada Department of Corrections

Investigation Detail Report
For: AG Office

Investigation

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Staff Involvement

● Reports

Report Type Report Detail

Once the doctor evaluated ██████████ it was determined that he had a punctured lung from a stab wound. He received medical attention and was determined that his injuries would need a higher level of medical care and that he would need to be taken by life flight to Las Vegas. End Report. I downloaded video and logged it into evidence.

Staff Name	Participation
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██████████	Reporting
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Comment: Responding supervisor

● Reports

Report Type Report Detail

INC019 On January 4th 2022 @ approximately 12:52 on the Unit 6 A tier Inmate ██████████ attacked Inmate ██████████ with an inmate made weapon. Inmate GLASS then ran to assist ██████████. Senior Officer ██████████ deployed the 40 mm projectile launcher striking ██████████. ██████████ retreated to the far side of the tier. ██████████ and GLASS moved to attack ██████████ from multiple angles. Officer ██████████ applied two bursts of chemical agent at GLASS. Officer ██████████ deployed the 40 mm projectile launcher striking GLASS. GLASS retreated near the center tables and squatted. ██████████ retreated behind the tables near cell 6-A-4 and laid down on the ground. ██████████ retreated to near cell 6-A-17 and laid on the ground. GLASS then began moving to flank around the far wall as though attempting to reengage ██████████. Officer ██████████ deployed the 40 mm projectile launcher striking GLASS. GLASS retreated to near cell 6-A-17 and laid on the ground. ██████████ started to get up and Officer ██████████ deployed chemical agent towards ██████████. Response staff arrived and began removing injured inmates off the tier. ██████████ jumped up in an aggressive manner. Sergeant ██████████ applied chemical agent in the direction of ██████████. Inmates ██████████ and GLASS were both sent to W.B.R.H, ██████████ was a treat and return and GLASS was life flighted.

Staff Name	Participation
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██████████	Reporting
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Comment: Responding Sergeant

● Reports

Report Type Report Detail

INC028 On Tuesday January 4, 2022 at approximately 12:50 pm while I Sergeant ██████████ was working my assigned post as the culinary Sergeant at Ely State Prison. A red cow 2 was called over the radio for an inmate on inmate assault occurring on the unit 6 a-wing tier. All culinary inmates were secured in the chow hall and I then responded, upon reaching the unit inmate



State of Nevada Department of Corrections

Investigation Detail Report
For: AG Office

Investigation

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Staff Involvement

● Reports

Report Type Report Detail

██████████ who was the victim in the assault was being escorted off of the tier and into the sally port. After coming out into the hallway I then took over the escort of inmate ██████████ and he was escorted to the medical room in the hallway. After being assessed by medical it was determined that inmate ██████████ needed to be transported to the local hospital by ambulance, therefore I assisted with placing him on the medical gurney and escorting him to property to be prepared for transport. After arriving to property I then gathered inmate ██████████ clothing from him and placed it into evidence bags, it was then brought to the evidence room and logged into locker #217. End of report

Staff Name	Participation
██████████	Reporting

Comment: CERT Sergeant

● Reports

Report Type Report Detail

INC028 On January 4, 2022 at approximately 12:50 hours I, Correctional Emergency Response Team (CERT) Sergeant ██████████ was working my assigned duties at Ely State Prison. At approximately 12:50 hours a red cow 2 (emergency) came over the radio in unit 6A. When I arrived I noticed an inmate on inmate assault occurred on the unit 6 A wing tier. I assumed the role of Security Sergeant while my CERT team took inmates off the tier one by one starting with the most critical victims first. Inmate ██████████ was first and taken to the hallway to get medical attention. Then Inmate Michael Glass NDOC # 1196925 was also placed into the hallway to see medical. Inmate ██████████ came off next and was seen by medical and then secured into visiting holding by CERT Officers. I then entered the tier with officers to secure the last 2 inmates that were not involved and officer?s pat searched and placed them into the lower showers for an unclothed body search. Neither inmate was involved so they were escorted back to their cell with no force being used. I instructed Senior Officer ██████████ to take pictures of 2 inmate made weapons that were recovered where inmates ██████████ and Glass were laying down that had blood on them. Officer ██████████ secured both weapons and secured them in the evidence vault. I then responded to the hospital to check the status on both inmates. Inmate Glass was seen by WBRH medical staff and then released. Inmate ██████████ was seen by WBRH medical staff and then transferred to UMC Hospital in Las Vegas for his injuries. End of report.

INC028 While at William Bee Ririe Hospital with victims Michael Glass NDOC # 1196925 and ██████████ ██████████ spontaneously uttered that ██████████ was supposed to shake the hand of inmate ██████████ in truths for ██████████. Inmate Glass said that both groups have been talking to each other and they thought everything was ok until ██████████ pulled a knife out. Inmate ██████████ has been using ?Money Gang?



State of Nevada Department of Corrections

Investigation Detail Report
For: AG Office

Investigation

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Disposition Date:	Institution: ESP

Staff Involvement

● Reports

Report Type **Report Detail**

(unverified STG with NDOC) terms and structure during each of his previous assaults. This is a clear retaliation for [REDACTED] by inmate [REDACTED]. This is an ongoing investigation to complete the Security Threat Assessment on this group known as Money Gang.

Staff Name	Participation
[REDACTED]	Reporting
<i>Comment: Responding Officer</i>	

● Reports

Report Type **Report Detail**

INC028 On January 4, 2022, I correctional officer [REDACTED], was working my assigned post search and escort at Ely state prison. There was a call on the handheld radio, "fight in unit 6?". I responded to unit 6, and when I arrived, I was instructed to stay with I/M (inmate) Glass #1196925. After medical was finished evaluating i/m Glass, I was told to escort him to the property room to be prepped for the ambulance. Once I arrived to the property room, I provided watch of inmate Glass until the CERT guards relieved me. EOR

Staff Name	Participation
[REDACTED]	Reporting
<i>Comment: CERT Senior</i>	

● Reports

Report Type **Report Detail**

INC028 On January 1, 2022, I Senior Correctional Officer [REDACTED] was working my assigned post on the Correctional Emergency Response Team (CERT) at Ely State Prison (ESP). At approximately 1250 I responded to a radio call for an Inmate on Inmate assault on the U6 A-Wing. When I arrived to the U6 A-Wing Sallyport, I observed Inmate [REDACTED], Inmate GLASS #1196925, and Inmate [REDACTED] approaching each other on the tier. I then began to give multiple verbal commands to the Inmates to get down on the ground. Inmates were refusing to comply with orders and chemical agents were applied. Shift Command was notified that weapons were involved and chemical agents were deployed. I then observed that there was a total of five Inmates on the tier. Once all of the Inmates followed orders to lay face down on the ground, CERT instructed Inmates to come to the sallyport one at a time to be restrained. All Inmates were assessed by medical. Transport vehicles were moved B-Dock. I then assisted with escorting Inmate GLASS into the ambulance. I proceeded to stay with Inmate GLASS as he was transported to William Bee Ririe Hospital (WBRH), End of report.

Staff Name	Participation
[REDACTED]	Reporting



State of Nevada Department of Corrections

Investigation Detail Report
For: AG Office

Investigation

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Staff Involvement

Comment: Responding staff

● Reports

Report Type Report Detail

INC028 On January 4th, 2022 I Senior Correctional Officer ██████ responded in a multiple inmate on inmate fight with weapons on 6A tier. I had taken control of two Inmate made weapons at approximately 1307 hrs. I had photographed and placed weapons in evidence boxes and secured them in evidence vault locker number 221 at approximately 1354 hrs. Weapons stayed in my control the entire time..

End Of Report

Staff Name	Participation
████████████████████	Reporting

Comment: Unit Senior Officer

● Reports

Report Type Report Detail

USEOF On January 4, 2022 I Senior Correctional Officer ██████ was working my assigned post as the Unit 6 Senior bubble officer. We had just finished feeding the 6A tier and had begun picking up trays with the unit porters ██████ out of cell 6A 19 and ██████ of cell 6A3. At approximately 12:50 the unit porter Glass (1196925) from cell 6A36 asked if he could take a shower. After opening cell 6A36 I did not see ██████ Glasses cellmate get in-between the door to prevent it from closing all the way. Glass then made his way across the top tier towards 6A48 and began heading down the stairs, at approximately the 3rd step from the bottom I observed ██████ physically attacking Glass with what I believed to be an inmate made weapon. I then observed ██████ running across the top tier and heading toward Glass and ██████. I immediately grabbed the 40mm and went to the middle bubble window on the 6A tier. I began giving loud and clear verbal warnings for all inmates on the tier to get on the ground, ██████ and ██████ got face down in front of cell 6A24. With the other three inmates ignoring my verbal order I then fired one round with the 40mm striking ██████ in the lower extremities which caused him to run to the other side of the tier in front of cell 6A3 and 4. Glass and ██████ both began to advance on ██████ as I continued to give verbal orders to get on the ground, both ██████ and Glass again ignored my orders and I fired another HV round from the 40mm aiming at lower extremities but missed both inmates. They continued to advance towards ██████ who still had an inmate weapon in his hand, so I again gave a verbal order for all inmates to get on the ground and again the inmates ignored my command so I fired another HV round towards ██████ aiming at his lower extremities. However Glass stepped in the way and the HV round struck him in the back of the head, after the round struck him both Glass and ██████ retreated back towards cell 6A16 and 17 and ██████ laid face down in between cells 6A3 and 4. ██████ then laid face down in



State of Nevada Department of Corrections

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Staff Involvement

- **Reports**

<u>Report Type</u>	<u>Report Detail</u>				
<p>front of cell 6A17 but Glass still refused to remain on the ground. I gave another verbal command for Glass to get on the ground but again he ignored my order so I fired another HV round aiming at and striking him in the lower extremities at which time he complied and got face down in front of cell 6A17. At this time CERT and Shift Command were in my 6A sallyport and began giving verbal commands to the inmates on the tier to come to the sallyport. Verbal commands were given from the sallyport to [REDACTED] Glass and [REDACTED] to one at time stand and walk towards the sallyport where they were restrained and taken into the hallway where medical was waiting to examine them for injuries. Medical then determined that an ambulance was needed for both Glass and [REDACTED] while [REDACTED] was taken to visiting holding. [REDACTED] and [REDACTED] who still remained on the tier face down next to cell 6A24 were given verbal orders to remain on the tier until the officers in the sallyport were able to enter the tier restrain them and place them in the bottom tier showers, where they remained until it was determined that they were not involved and taken back to their cell 6A19. I was then given an IR number and instructed to begin my report of the incident. ...[REDACTED], 04/25/2022 12:02:15] Upon further review of the cameras for the incident accuring on January 4, 2022 inmate Glass #1196925 was originally misidentified as inmate [REDACTED] and Inmate [REDACTED] misidentified as inmate Glass #1196925.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Staff Name</th> <th style="text-align: left; border-bottom: 1px solid black;">Participation</th> </tr> </thead> <tbody> <tr> <td style="border-bottom: 1px solid black;">[REDACTED]</td> <td style="border-bottom: 1px solid black;">Reporting</td> </tr> </tbody> </table> <p>Comment: Evidence</p>	Staff Name	Participation	[REDACTED]	Reporting
Staff Name	Participation				
[REDACTED]	Reporting				
- **Reports**

<u>Report Type</u>	<u>Report Detail</u>
<p>INC028</p>	<p>On January 04, 2022 I, Correctional Assistant [REDACTED] was working my assigned post at Ely State Prison (ESP) in Investigations. I was made aware of an inmate on inmate fight on the Unit 6- A tier. Senior Correctional Officer (SC/O) [REDACTED] did come to the Investigations Office with two inmate made weapons within two weapons evidence boxes. I did witness Inspector General (IG) [REDACTED] take still photos of these two inmate made weapons in the presence of SC/O [REDACTED] I did then download these ten (10) still photos and placed them onto two (2) CD/DVD's and labeled them. One of these DVD's I gave to Sergeant (Sgt.) [REDACTED] for the incident file. The second CD/DVD I did seal in a CD/DVD sleeve with evidence tape and signed across. I then placed this CD/ DVD it into the DVD evidence box within the ESP evidence vault at Ely State Prison on January 04, 2022 at 4:30pm. End of Report.</p>

Staff Name	Participation
[REDACTED]	Reporting

Comment: Responding staff



State of Nevada Department of Corrections

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Investigation	
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Staff Involvement

- **Reports**

<u>Report Type</u>	<u>Report Detail</u>
INC028	On January 4th, 2022, I Senior Correctional Officer [REDACTED] was working my assigned post in unit 7 at Ely State Prison (ESP). At approximately 12:52 pm, I responded to a radio call for an Inmate on Inmate assault on the U6 A-Wing. When I arrived, the inmates that was apart of the incident, later identified as inmates [REDACTED], Inmate GLASS #1196925, and Inmate [REDACTED] was taken off the tier. I was instructed to go on tier and secure the 2 inmates that weren't involved in the incident. Once the inmates were secure they was placed back into their correct housing location and I was instructed to look for any potential evidence left on the tier. End of report.

Staff Name	Participation
[REDACTED]	Reporting

Comment: Responding CERT
- **Reports**

<u>Report Type</u>	<u>Report Detail</u>
USEOF	On January 4th, 2022, I Correctional Officer [REDACTED] was working my assigned post on the Correctional Emergency Response Team (CERT) at Ely State Prison (ESP). At approximately 12:52pm, I responded to a radio call for an Inmate on Inmate assault on the U6 A-Wing. When I arrived to the U6 A-Wing Sally port, I observed Inmate GLASS #1196925, and Inmate [REDACTED] approaching [REDACTED] on the tier all Inmate sheathing weapons. I gave a command to the Inmates to get on the ground. Inmates were refusing to comply and were beginning to close the distance towards each other. I applied Chemical Agents (MK09) in the vicinity of Inmate GLASS and the 40MM was also deployed from the Unit Control Room. All 3 Inmate involved dispersed out on the tier and were now laying on their stomachs. CERT pointed out 1 Inmate at a time, victims first to the outside of the Sally port to be restrained. Orders were given to Inmate [REDACTED] to stand up and come to the Sally port where he was cycled through and patted down before going to the Unit Hallway to be assessed by Medical. Inmate GLASS was pulled off the tier next patted down and escorted in the Hallway where he was evaluated by Medical. I ordered Inmate [REDACTED] to the sally port where he was restrained. Once in the sally port he was patted down and I was ordered to remain with Inmate [REDACTED] and assist escorting him to Hallway. I escorted Inmate [REDACTED] on the far side of the Hallway away from the other Inmates. Inmate [REDACTED] refused medical and we were instructed to place Inmate [REDACTED] to a Visiting Holding Cell. While in Visiting holding Inmate [REDACTED] was talking to another Inmate [REDACTED] and was saying ?I got me a skinhead, I got me an ONS (Outlaw Nazi Skinhead).? To him. Inmate [REDACTED] was yelling out the door, but I couldn't understand what he was saying back. I secured Inmate [REDACTED] in a cell and left to Main Control to grab keys for a state vehicle for transportation on Inmates [REDACTED] and GLASS to William Bee Rire



State of Nevada Department of Corrections

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Staff Involvement

● Reports

Report Type **Report Detail**

Hospital. Inmate GLASS was treated and returned back to ESP, Inmate [REDACTED] had to be life flighted to a Hospital out in Las Vegas. End of Report

Staff Name	Participation
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[REDACTED]	Reporting
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.....
Comment: Responding staff

● Reports

Report Type **Report Detail**

INC028 On January 4th, 2022 at Ely State Prison, I Correctional Officer [REDACTED] was working my assigned post (for that moment) in unit 2, as floor officer. At approximately 12:50PM, I was picking up food trays and I heard an emergency call over the radio frequency about an incident in unit 6. As I approached unit 6 hallway I was informed by LT. [REDACTED] to assist with inmate [REDACTED] so myself and SGT. [REDACTED] took him to be evaluated by medical. I then assisted SGT. [REDACTED] with putting inmate [REDACTED] on the emergency stretcher, once the inmate was secured on the stretcher, myself, SGT. [REDACTED] and the medical staff escorting inmate [REDACTED] to property. End of report.

Staff Name	Participation
------------	---------------

[REDACTED]	Reporting
------------	-----------

.....
Comment: Responding Officer

EXHIBIT B

Video of Incident 1-4-2022

EXHIBIT B



EXHIBIT C

Glass' Inmate Disciplinary History – Redacted

EXHIBIT C



State of Nevada Department of Corrections

Inmate Disciplinary History Report

NDOC ID: 1196925	Name: GLASS, MICHAEL	Cur. Loc: HDSP
OIC Date: 04/13/2022	OIC Loc: ESP - Unit 5	IR #: IR-2022-ESP-000746
		OIC #: 507322
<p>IR: On April 13, 2022 unit 5 staff reported they had 6 inmates refusing to lock down at the completion of that groups tier time. Supervisors and CERT responded and all inmates were secured and returned to their cells with no incident.</p> <p>NOC: On April 13, 2022 while working my assigned post in unit 5 control at Ely State Prison I Senior [REDACTED] was watching the 5B tier. At approximately 9:10 am I informed inmate [REDACTED] that he was not needed to work in the culinary for the day. [REDACTED] responded ?Fuck that call a Sergeant I?m not locking down.? I told [REDACTED] to lock down immediately, inmate [REDACTED] continued to refuse several orders. At approximately 9:15 am while [REDACTED] was still refusing to lock down, that?s when inmate [REDACTED] came back from a transport from William Bee Ririe Hospital and asked if he could have tier time. I instructed [REDACTED] that he missed his tier time and that he would have to lock down. Inmate [REDACTED] immediately responded ?Fuck that I?m not fucking locking down.? I immediately ordered the rest of the tier that was out cells 36-48 to lock down. I gave both inmates ample opportunities to lock down and they continued to refuse orders to lock down. At approximately 9:20 am inmate [REDACTED] did finally lock down but not before he and Inmate [REDACTED] incited other inmates (Glass BK# 1196925, [REDACTED], [REDACTED], [REDACTED] and inmate [REDACTED] to stay on tier and to refuse to lock down. I immediately called shift command and notified them that I had a captured tier on 5B.</p>		
Resulting Offense	Finding	Sanction
G18: Delaying, Hindering, Inter W/ Staff	Guilty	Loss Of Phone Privilege
		Duration
		0-mths / 15-days
		Effect Dt.
		04/28/2022
OIC Date: 01/04/2022	OIC Loc: ESP - Unit 6	IR #: IR-2022-ESP-000025
		OIC #: 504263
<p>IR: On January 4, 2022 an Inmate on Inmate assault occured on the unit 6 A wing tier. Inmate [REDACTED] used an Inmate made weapon to assault Inmate [REDACTED]. Inmate Michael Glass</p> <p>NOC: NDOC # 1196925 failed to follow orders from the Officer's in the unit contr...<TRUNCATED></p> <p>On January 4, 2022 I Senior Correctional Officer [REDACTED] was working my assigned post as the Unit 6 Senior bubble officer. We had just finished feeding the 6A tier and had begun picking up trays with the unit porters [REDACTED] out of cell 6A 19 and [REDACTED] of cell 6A3. At approximately 12:50 the unit porter Glass (1196925) from cell 6A36 asked if he could take a shower. After opening cell 6A36 I did not see [REDACTED] Glasses cellmate get in-between the door to prevent it from closing all the way. Glass then made his way across the top tier towards 6A48 and began heading down the stairs, at approximately the 3rd step from the bottom I observed [REDACTED] physically attacking Glass with what I believed to be an inmate made weapon. I then observed [REDACTED] running across the top tier and heading toward Glass and [REDACTED]. I immediately grabbed the 40mm and went to the middle bubble window on the 6A tier. I began giving loud and clear verbal warnings for all inmates on the tier to get on the ground, [REDACTED] and [REDACTED] got face down in front of cell 6A24. With the other three inmates ignoring my verbal order I then fired one round with the 40mm striking [REDACTED] in the lower extremities which caused him to run to the other side of the tier in front of cell 6A3 and 4. Glass and [REDACTED] both began to advance on [REDACTED] as I continued to give verbal orders to get on the ground, both [REDACTED] and Glass again ignored my orders and I fired another HV round from the 40mm aiming at lower extremities but missed both inmates. They continued to advance towards [REDACTED] who still had an inmate weapon in his hand, so I again gave a verbal order for all inmates to get on the ground and again the inmates ignored my command so I fired another HV round towards [REDACTED] aiming at his lower extremities. However Glass stepped in the way and the HV round struck him in the back of the head, after the round struck him both Glass and [REDACTED] retreated back towards cell 6A16 and 17 and [REDACTED] laid face down in between cells 6A3 and 4. [REDACTED] then laid face down in front of cell 6A17 but Glass still refused to remain on the ground. I gave another verbal command for Glass to get on the ground but again he ignored my order so I fired another HV round aiming at and striking him in the lower extremities at which time he complied and got face down in front of cell 6A17. At this time CERT and Shift Command were in my 6A sallyport and began giving verbal commands to the inmates on the tier to come to the sallyport. Verbal commands were given from the sallyport to [REDACTED] Glass and [REDACTED] to one at time stand and walk towards the sallyport where they were restrained and taken into the hallway where medical was waiting to examine them for injuries. Medical then determined that an ambulance was needed for both Glass and [REDACTED] while [REDACTED] was taken to visiting holding. [REDACTED] and [REDACTED] who still remained on the tier face down next to cell 6A24 were given verbal orders to remain on the tier until the officers in the sallyport were able to enter the tier restrain them and place them in the bottom tier showers, where they remained until it was determined that they were not involved and taken back to their cell 6A19. I was then given an IR number and instructed to begin my report of the incident.</p>		
Resulting Offense	Finding	Sanction
		Duration
		Effect Dt.

Report Name: NVRDHR

Run Date: OCT-17-22 03:57 PM

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Ordered by OIC #, Offense Date, Effective Date

NDOC EX. C: 00001



State of Nevada Department of Corrections

Inmate Disciplinary History Report

NDOC ID: 1196925		Name: GLASS, MICHAEL		Cur. Loc: HDSP	
OIC Date: 01/04/2022		OIC Loc: ESP - Unit 6		IR #: IR-2022-ESP-000025	
				OIC #: 504263	
Resulting Offense		Finding		Sanction	
G1: Disobedience		Guilty		Loss Of Canteen Privilege	
				Duration	
				0-mths / 10-days	
				Effect Dt.	
				03/07/2022	
OIC Date: 07/15/2021		OIC Loc: WSCC - Not Defined		IR #: IR-2021-WSCC-001221	
				OIC #: 497888	
<p>IR: On July 15th at approximately 10:35pm Officer █████ assigned to Unit 4B Rover reported a fire coming from cell 18 where inmates Glass # 1196925 and inmate █████ are housed. Officer █████ deployed the fire extinguisher and put out the fire. Search and Escort immediately arrived on scene and...<TRUNCATED></p> <p>NOC:</p> <p>On July 15th 2021, I Correctional Officer █████ was working my assigned post at Warm Springs Correction Center as the unit 4B Rover. When I came on shift, inmate Glass #1196925 started yelling and kicking his door and saying he was going to start some ?shit?. I moved his property from the middle of the tier in to the activities room to get it out of the way. I had to inform shift command that Inmate Glass had been kicking his door and threatening to start something. Inmate Glass kept yelling ? █████ a Bitch? as I was collecting phone kites and misc. kites Inmate Glass was complaining about not getting a bed roll. Approximately 10:30 p.m. Inmate Glass #1196925 and Inmate █████ started throwing toilet paper out of the side of his cell which I used the broom to sweep away from the side of the cell. Inmate Glass stated he had more toilet paper and proceeded to push that outside of his cell. At approximately 10:35 p.m. inmate Glass and inmate █████ started a fire outside of his cell. I had to grab the fire extinguisher to put out the fire, in doing so it went in to cells 18 and cell 17. The fire started back up and I had to use the extinguisher again to put it out. Exterior doors had to be opened to allow air flow. Inmate Glass then started covering his window to block the view in to his cell. They were making more threats of causing a problem on the tier if inmate Glass didn?t get what he wanted. S&E had talked inmate Glass and Inmate █████ in to hooking up to allow bio-porters to clean the cell. While they were being escorted to the showers, inmate Glass was still yelling about not getting what he wanted. At approximately 11:10 p.m. medical showed up to evaluate them. At approximately 1140 p.m. Inmates from cell 17 & 18 were put back in their cells and secured. E.O.R</p>					
Resulting Offense		Finding		Sanction	
G14: Failure to Follow Rules and Regs		Guilty		Restitution	
				Duration	
				0-mths / 0-days	
				Effect Dt.	
				10/21/2021	
OIC Date: 06/28/2021		OIC Loc: WSCC - Unit 4		IR #: IR-2021-WSCC-001104	
				OIC #: 497218	
<p>IR: C/O Bell reports finding Prison made alcohol in Cell 19.</p> <p>NOC: On June 28, 2021 I, Correctional Officer █████ was performing my assigned duties as Unit 4B Rover at Warm Springs Correctional Center. At approximately 8:00 AM, Officer █████ and I conducted a cell search for cause on cell 4B-18 housing inmate █████ and inmate Glass #1196925. During the search a pink container was found underneath the bottom bunk containing unauthorized fruit that was fermenting, commonly known as Pruno (Prison made alcohol). Inmate Glass # 1196925 claimed ownership of the contents of the container due to the container being underneath his bed. Photos of the contents taken. End Of Report.</p>					
Resulting Offense		Finding		Sanction	
G14: Failure to Follow Rules and Regs		Guilty		Loss Of Phone Privilege	
				Duration	
				0-mths / 10-days	
				Effect Dt.	
				07/02/2021	
Resulting Offense		Finding		Sanction	
G14: Failure to Follow Rules and Regs		Guilty		Loss Of Visiting Privilege	
				Duration	
				0-mths / 5-days	
				Effect Dt.	
				07/02/2021	
OIC Date: 04/14/2021		OIC Loc: WSCC - Unit 4		IR #: IR-2021-WSCC-000588	
				OIC #: 494052	
<p>IR: During a cell search in 4-B-75 housing Inmates Glass, M. #1196925 and █████ contraband items were found.</p> <p>NOC: On April 14th 2021, I Correctional Officer █████, was assigned to Institutional Investigator at Warm Springs Correctional Center (WSCC). At Approximately 11:50AM During a search for cause in WSCC-U4-B-75 which houses inmate Glass, Michael #119692, multiple items deemed as contraband were found. These items included (1) approximately 5inch piece of metal sharpened to a point "prison made weapon" (4) "AA" batteries taped to together to create a battery pack used to</p>					

Report Name: NVRDHR

Run Date: OCT-17-22 03:57 PM

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Ordered by OIC #, Offense Date, Effective Date

NDOC EX. C: 00002



State of Nevada Department of Corrections

Inmate Disciplinary History Report

NDOC ID: 1196925		Name: GLASS, MICHAEL		Cur. Loc: HDSP	
OIC Date: 04/14/2021		OIC Loc: WSCC - Unit 4		IR #: IR-2021-WSCC-000588	
				OIC #: 494052	
<p>ignite paper. This was a direct violation of AR 707.02.03 through 6. All offenses listed in AR 707.02.03 through 6, shall also include an attempt or conspiracy to commit that violation. Inmate Glass will be charged with a MJ26.</p> <p>End of report.</p>					
Resulting Offense	Finding	Sanction	Duration	Effect Dt.	
MJ26: Possession of contraband	Guilty	Loss Of Canteen Privilege	0-mths / 90-days	05/26/2021	
MJ26: Possession of contraband	Guilty	Stat Loss Referral	0-mths / 60-days	05/26/2021	
MJ26: Possession of contraband	Guilty	Disciplinary Segregation	0-mths / 30-days	05/26/2021	
MJ26: Possession of contraband	Guilty	Restitution	0-mths / 0-days	05/26/2021	
MJ26: Possession of contraband	Guilty	Loss Of Phone Privilege	0-mths / 90-days	05/26/2021	
OIC Date: 02/11/2021		OIC Loc: WSCC - Unit 4		IR #: IR-2021-WSCC-000227	
				OIC #: 491616	
<p>IR: At approximately 5:30 pm, the unit 4B control officer [REDACTED] notified Segregation Sergeant [REDACTED] of inmate Glass #1196925 possibly passing something to cell 4B 64 which housed inmates [REDACTED] and [REDACTED].</p> <p>NOC: Inmate Glass resides in 4B 75 with inmate [REDACTED]. He also he...<TRUNCATED></p> <p>I, Sergeant [REDACTED], was assigned to the 4B Rover position at WSCC on Thursday February 11, 2021 from 2 p.m. to 10 p.m.</p> <p>At approximately 5:30 pm, while listening to the 4B 64 intercom, the unit 4B Control officer (C/O [REDACTED]) notified me of inmate Glass (4B 75) at the cell door giving instructions as to how to smoke spice and stated that it appeared as if he passed something into the cell.</p> <p>After restraining all occupants of cells 64 and 75 and placing them into empty cells, a cell search for cause was conducted in each cell. Several items of contraband were found in 4B 75, which included several items related to the drug spice. Inmate Glass #1196925 took responsibility for these items and photos were taken. After completing the search, inmate Glass was returned to his cell without incident. Nothing further at this time.</p>					
Resulting Offense	Finding	Sanction	Duration	Effect Dt.	
MJ54: Use of Intoxicants	Guilty	Disciplinary Segregation	0-mths / 30-days	03/17/2021	
OIC Date: 01/08/2021		OIC Loc: WSCC - Unit 4		IR #: IR-2021-WSCC-000041	
				OIC #: 490286	
<p>IR: At approximately 8:00 pm, C/O [REDACTED] (4B Rover) reported that information was passed on to him by C/O [REDACTED] that inmate Glass #1196925 had a fresh tattoo. After confirming this, inmate Glass was sent to medical for tattoo protocol.</p> <p>NOC: Notice of charges statement will be written.</p> <p>I Correctional Officer [REDACTED] was working as the 4B rover at Warm Springs Correctional Center on January 8th 2021. At approximately 5:00pm I was notified by the day shift officer that inmate Glass 1196925 might have a new tattoo on his foot. I told the officer that I would check it out at the 8:30 pm Wealth and Wellness check. At approximately 8:00 pm I told Glass to come to my office so I can talk to him. He immediately told me that he knows why he's in my office and showed me the fresh tattoo on his lower left leg. He told me that he has the barrel and needle of the tattoo instrument in his cell and he would turn it over to me. I called shift command and advised him of the situation. Let it be known that inmate Glass was very respectful and cooperative during the entire time talking to me.</p> <p>End of report</p>					
Resulting Offense	Finding	Sanction	Duration	Effect Dt.	
MJ56: Tattooing or Poss Tat Device	Guilty	Restitution	0-mths / 0-days	03/17/2021	

Report Name: NVRDHR
Run Date: OCT-17-22 03:57 PM

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Ordered by OIC #, Offense Date, Effective Date

NDOC EX. C: 00003



State of Nevada Department of Corrections

Inmate Disciplinary History Report

NDOC ID: 1196925		Name: GLASS, MICHAEL		Cur. Loc: HDSP	
OIC Date: 08/17/2020		OIC Loc: WSCC - Unit 4		IR #: IR-2020-WSCC-000764	
OIC #: 484828					
IR: C/O Suwe reports finding Glass #1196925 4A5 various contraband and fermented apples.					
NOC: August 17, 2020 I, Correctional Officer [REDACTED] assumed the post as the Search and Escort Officer at Warm Springs Correctional Center. At approximately 18:15 while conducting monthly random cell searches, excess fruit and bottles were found inside cell (WSCC-U4-A-5). Inmate Glass #1196925 who resides in the cell admitted to the contraband being his. Pictures were taken, all items were disposed of.					
End of report					
Resulting Offense		Finding	Sanction	Duration	Effect Dt.
MJ53: Poss. / Sale of Intoxicants		Guilty	Stat Loss Referral	0-mths / 60-days	12/11/2020
MJ53: Poss. / Sale of Intoxicants		Guilty	Loss Of Canteen Privilege	0-mths / 60-days	12/11/2020
OIC Date: 05/22/2020		OIC Loc: WSCC - Unit 4		IR #: IR-2020-WSCC-000490	
OIC #: 481292					
IR: On May 22, 2020 at approximately 1400 a target cell searches were conducted in unit 4B/4A. Correctional Officers reported finding numerous items of contraband during the course of the search in the following inmates cells: inmate					
NOC: [REDACTED] cell U4-B-63A., Inmate [REDACTED] U4-...<TRUNCATED>					
On May, 22, 2020 I, Officer [REDACTED] was stationed at Warm Springs Correctional Center as search and escort, at approximately 9:10 P.M. While conducting a cell search in 4A-10 for an institutional compliance check, I found a television and a fan in the property of inmate Glass #1196925 that didn't belong to either occupant of that cell. Items were removed from the cell and secured in the 4A-Rover office.					
End of report.					
Resulting Offense		Finding	Sanction	Duration	Effect Dt.
MJ26: Possession of contraband		Dismissed		0-mths / 0-days	
OIC Date: 11/19/2019		OIC Loc: WSCC - Unit 1		IR #: IR-2019-WSCC-000993	
OIC #: 472004					
IR: Positive UA's for Marijuana					
NOC: On November 25, 2019 I, C/O [REDACTED] assigned as the Institutional Investigator at the Warm Springs Correctional Center. At approx. 6:00 a.m. I received a positive for cause urinalysis from Redwood Toxicology Laboratory. The results for Inmate Glass, M #1196925 tested positive for Amphetamines (303 ng/mL) with a cut off at 250 ng/mL & Marijuana (37 ng/mL) with a cut off at 5ng/mL. This was an unadulterated sample with a creatine level at 108.6 mg/dL. Inmate glass UA sample was collected on 11/09/2019 Analytical testing has been performed in accordance to all Redwood Toxicology Laboratory standard operating procedures and final results have been reviewed by laboratory certifying scientists.					
Resulting Offense		Finding	Sanction	Duration	Effect Dt.
MJ54: Use of Intoxicants		Guilty	Loss Of Canteen Privilege	0-mths / 60-days	01/02/2020
MJ54: Use of Intoxicants		Guilty	Restitution	0-mths / 0-days	01/02/2020
OIC Date: 08/05/2018		OIC Loc: NNCC - HOUSING UNIT 7		IR #: IR-2018-NNCC-001584	
OIC #: 447515					
IR: Unit 7B reports I/M Glass, Michael #1196925 (7B82B) broke one of the Unit portable phones.					
NOC: On August 5, 2018 I Officer [REDACTED] was assigned to Unit 7b. At 8 o'clock I went to go begin passing out the phones but found out there were only 3 out of the 4 phone that are assigned to the unit. After checking the phone log, camera footage and making an announcement on the tier inmate Glass 1196925 in cell #82 informed 7b control that he had the phone. I went to cell #82 and asked inmate Glass how he acquired the phone and he informed me SC/O [REDACTED] gave it to him at 12 pm. SC/O [REDACTED] does not report to 7b until 1pm. I picked up the phone from inmate Glass and upon inspection I noticed that the back of the phone where the battery is located to be broken. The cover to the battery is					

Report Name: NVRDHR
Run Date: OCT-17-22 03:57 PM

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Ordered by OIC #, Offense Date, Effective Date

NDOC EX. C: 00004



State of Nevada Department of Corrections

Inmate Disciplinary History Report

NDOC ID: 1196925	Name: GLASS, MICHAEL	Cur. Loc: HDSP
OIC Date: 08/05/2018	OIC Loc: NNCC - HOUSING UNIT 7	IR #: IR-2018-NNCC-001584
OIC #: 447515		
<p>super glued together to prevent tampering to the phone. I removed the cover which was broken and noticed the battery which is also super glued down was now free and broken away. I informed inmate glass that he would be charged restitution for the phone being damaged. He admitted to removing the battery and informing me that he had no issue being charged for the phone. The phone was returned to 7b control and was red tagged.</p>		
End of Report		
Resulting Offense	Finding	Sanction
G4: Property Damage Less Than \$50	Guilty	Verbal Reprimand
G4: Property Damage Less Than \$50	Guilty	Restitution
Duration	Effect Dt.	
0-mths / 0-days	08/25/2018	
0-mths / 0-days	08/25/2018	
Offender 1196925	Incident Count:	11

Incidents on this report:

11

EXHIBIT D

Glass' Disciplinary Form II – Offense in Custody # 504263

EXHIBIT D



**State of Nevada
Department of Corrections**

**DISCIPLINARY FORM II
SUMMARY OF HEARING OFFICER'S INQUIRY AND DISPOSITION**

INMATE INFORMATION		HEARING INFORMATION	
INMATE NAME: GLASS, MICHAEL 1196925	DATE OF HEARING: 03/03/2022	TIME OF HEARING: 08:21 am	
CURRENT LOCATION: HDSP-U4-D-11-A; ;NC	NAME OF HEARING OFFICER: STOLK, MICHAEL		
OIC#: 504263 IR#: IR 2022-ESP-000025	DATE OF SERVICE OF NOTICE OF CHARGES: 02/09/2022		
WAIVE PREPARATION: N	WAIVE HEARING: N	REFUSE TO SIGN: N	

IF LATE, PROVIDE EXPLANATION OF EXCEPTIONAL CIRCUMSTANCE
 COVID/Staffing

CHARGES		
Chrg	Description	Plea
G1	Disobedience	Guilty

PRELIMINARY STATEMENT OF OFFENDER
 None at this time.

PRELIMINARY INSTITUTION PRESENTATION
 Staff reports that named inmate was disobediant to orders.

PRELIMINARY HEARING OFFICER ACTION				
Chrg	Description	RChrg	Description	Finding
G1	Disobedience	G1	Disobedience	Guilty

RESULTS OF INFORMAL SUMMARY HEARING								
Line	Description	Mths	Days	Eff. Date	End Date	SSL	Rest. Act	Penalty Comment
1	Loss Of Canteen Privilege		10	03/07/2022	03/17/2022			

EVIDENCE RELIED ON FOR PRELIMINARY HEARING		
Date	UserName	Statement
03/03/2022	Stolk	Staff Report.

ADVISEMENT TO DISCIPLINARY COMMITTEE
 Counsel Substitute Requested: Name of Counsel Substitute:

WITNESS INFORMATION
 Witness Decision Justification: Inmate was asked and declined at this time.

Name	NDOC/ID#	Decision	Reason	Table
------	----------	----------	--------	-------

SIGNATURES AND RECEIPT	DISTRIBUTION
DATE OF SERVICE: _____ TIME OF SERVICE: _____	
PRINTED NAME OF HEARING OFFICER _____	Primary Hearing Officer (Original)
SIGNATURE OF HEARING OFFICER _____	Charging employee (Copy)
SIGNATURE OF INMATE _____ (Signature indicates receipt only. It is not a plea; refusal to sign should be noted)	Inmate (Copy)

EXHIBIT E

NDOC Accounting Inquiry

EXHIBIT E

ACCOUNTING INQUIRY
INMATE SERVICES - CENTRAL ADMINISTRATION

Institution/Facility ESP Inmate Name Michael Glass B. (Last, First, Middle Initial)
Inmate Number 1196925
Date Concern Occurred: 6/15/22 / 6/30/22 (Per AR 201, incidents older than 90 days will
not be acted upon) Dollar Amount Involved \$ 23,815.74

Posting (other than deposit or payroll)

Trust Acct. _____ Trust 2 _____ Dept. Charges X Dept. _____ Savings Acct. _____

Deposit

Deposit Receipt Date _____ Sender _____

Payroll

Pay Period in Question _____ Institution/Facility _____

Check to outside party

Brass Slip # _____ Payee _____ Ck # _____
(if known)

Other (see AR 201)

Briefly describe the concern and attach any information, which will properly identify the situation.
Use additional sheets if necessary.

SO I PUT a Grievance in about Damages I owe
& They told me to do this. Reference #S IR2022ESPO00025
& IR2022ESPO00025 I WAS NEVER ORDERED to PAY any
of this after my write-up was done. Can you
Please fix this & Give BACK the money I payed
towards it already \$6.73 Thank you.

Inmate Signature and Number Michael Glass 1196925 Date 8/15/22

Caseworker or Other Authorized Signature [Signature] Date 8/16/22
(Inquiry will be returned if not signed by caseworker or other authorized person.)

Response From Inmate Services - Central Administration

You were found Guilty of IR2022ESPO00035. Please contact your
Caseworker

Date 8/29/22

EXHIBIT F

Glass' Offender Information Summary – Redacted

EXHIBIT F



State of Nevada
Department of Corrections
 OFFENDER INFORMATION SUMMARY

NDOC ID:1196925

NAME: GLASS, MICHAEL

BOOKING NO: 2018-091715

- OFFENSE IN CUSTODY HISTORY -

OFFENSE DATE / TIME	CHARGED OFFENSE	RESULT OFFENSE
08/05/2018 / 09:00	G4: Property Damage Less Than \$50	G4: Property Damage Less Than \$50
11/19/2019 / 07:53	MJ54: Use of Intoxicants	MJ54: Use of Intoxicants
05/22/2020 / 14:00	MJ26: Possession of contraband	MJ26: Possession of contraband
08/17/2020 / 18:20	MJ53: Poss. / Sale of Intoxicants	MJ53: Poss. / Sale of Intoxicants
01/08/2021 / 20:00	MJ56: Tattooing or Poss Tat Device	MJ56: Tattooing or Poss Tat Device
02/11/2021 / 17:30	MJ26: Possession of contraband	MJ54: Use of Intoxicants
04/14/2021 / 13:00	MJ26: Possession of contraband	MJ26: Possession of contraband
06/28/2021 / 08:00	MJ54: Use of Intoxicants	G14: Failure to Follow Rules and Regs
07/15/2021 / 22:35	MJ1: Arson	G14: Failure to Follow Rules and Regs
01/04/2022 / 12:50	G1: Disobedience	G1: Disobedience
04/13/2022 / 09:20	G18: Delaying, Hindering, Inter W/ Staff	G18: Delaying, Hindering, Inter W/ Staff

- EXTERNAL MOVEMENT HISTORY -

MOVE - DATE / TIME	FROM LOC	TO LOC	MOVE TYPE	MOVE REASON
09/25/2022 / 02:25	ESP	HDSP	New Commitment - Re-Commitment	Incoming Transfer
07/16/2021 / 12:34	WSCC	ESP	New Commitment - Re-Commitment	Incoming Transfer
10/11/2019 / 13:41	NNCC	WSCC	New Commitment - Re-Commitment	Incoming Transfer
09/16/2019 / 09:29	OSC	NNCC	New Commitment - Re-Commitment	Incoming Transfer
10/18/2018 / 15:47	NNCC	OSC	New Commitment - Re-Commitment	Incoming Transfer
04/25/2018 / 11:44	OUT	NNCC	New Commitment - Re-Commitment	Admission

FELONY CASES

CASE #	SENT DATE	RETRO DATE	OFFENSE DESCRIPTION	CNT	SQ	CS	MIN	MAX	LIFE	STS	PED	PEXD
CR17-1970		07/06/2021	BURGLARY	1	3	1	0Y 36M	0D0Y 120M	0D	A	05-JUL-24	26-JUL-26
CR17-2006		07/06/2017	TRAFFICKING CON SUB, SCH 1, GT 27 GR	1	1		0Y 48M	0D0Y 180M	0D	PTC	05-JUL-21	18-JUL-25
CR17-2006		07/06/2017	BURGLARY	2	2		0Y 36M	0D0Y 120M	0D	DP	05-JUL-20	10-JAN-23

PAROLE ACTIONS HISTORY

SQ	HEARING DATE	CASE #	CNT	OFFENSE DESCRIPTION	ACTION	NEXT DATE
1	04/07/2021	CR17-2006	1	TRAFFICKING CON SUB, SCH 1, GT 27 GR	RPG: Grant Parole	07/05/2021

- PRIOR FELONY CONVICTIONS / HOLDS & DETAINERS - ALL BOOKINGS

ORDER DT	CASE TYPE	ORDER TYPE / SUB	COMMENT	OFFENSE CODE / DESCRIPTION	OFFENSE DT
12/15/2014	PRI_FEL	OJD / OTH_JD	CA	3493 Poss sch I, II, III, IV c/s, (1st/2nd)	03/06/2014
09/11/2015	PRI_FEL	OJD / OTH_JD	CA	3513 Poss to sell, sch III, IV, V c/s, (1st/2nd)	08/27/2015
07/14/2021	HLD_DTN	NOT / WEX	Notify P&P NV		
06/18/2014	PRI_FEL	OJD / OTH_JD	CA / Resist Peace Officer Causing Death/SBH	2161 Resist pub off, w/firearm	04/12/2014

Report Name: OAOIS

Run Date:OCT-17-22 04:11 PM

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NDOC EX. F: 00001



State of Nevada
Department of Corrections
OFFENDER INFORMATION SUMMARY

NDOC ID:1196925		NAME: GLASS, MICHAEL		BOOKING NO: 2018-091715	
05/01/2018	HLD_DTN	CSS / WEX	San Joaquin County Jail (CA)		
04/26/2018	HLD_DTN	FEL / WEX	WCSO		
02/29/2016	PRI_FEL	OJD / OTH_JD	CA	299 Burglary, (1st)	02/05/2016
02/29/2016	PRI_FEL	OJD / OTH_JD	CA	299 Burglary, (1st)	02/05/2016

- CASE NOTES -

04/25/2018 - 12:23 [PREA / PREA Education]: PREA Intake Education completed. Inmate acknowledged understanding of how to report PREA

04/25/2018 - 12:23 [PREA / PREA Intake Assessment]: PREA Intake Assessment completed.

04/25/2018 - 12:23 [General Case Notes / Reception Review]: NNCC: Inmate received as Washoe County New Commit. Inmate claims no CMS, no STG. No emergent medical needs. Inmate cleared for cellmate and intake process.

04/26/2018 - 01:45 [Program / Program Risk Assessment]: K4/25/18: [REDACTED]; administered the NRAS(PIT) Prison Intake Tool with IM MICHAEL GLASS # 1196925

Final Risk Level:16 MODERATE

Age (0 = 24+); (1 = 18-23):1

Criminal History: 5 MED

Education, Employment & Financial Situation:5 MED

Family & Social Support: 3 MED

[REDACTED]
Criminal Attitudes & Behavioral Patterns: 2 LOW

04/26/2018 - 02:16 [Holds and Detainers / Holds and Detainers]: Rec'vd and posted (F) hold from Washoe County SO (NV) for case #17SCR01135A (Burglary X2, Consp Burglary) Detainer indicates Sparks Justice court date on 05/28/2018 @ 1530. Contact is Wendy Bloom at 775-328-2940.

05/01/2018 - 11:24 [Holds and Detainers / Holds and Detainers]: Rec'vd and did not post hold from Sacramento Co SO (CA) for OCA #17FE014552 Warrant #SA03284779 (Burglary). Document rec'vd is a tele type, and indicates (CA) pickup only. Contact is at 916-874-5467

05/01/2018 - 02:32 [Holds and Detainers / Holds and Detainers]: Rec'vd and posted (F) hold from Stockton PD (CA) for Case #CR-2017-0007610 (Murder, Felon in Poss of a Firearm). No Bail.

Document rec'vd is a warrant. Confirmed with warrants, they will extradite on completion of the NDOC sentence. Contact is 209-937-8245

...[REDACTED] updated the case note on 06/15/2018 06:59:09] Initiated IAD process to include forwarding IAD Forms I, II, III and IV to CCSI Moses , HDC/ NNCC, for the inmate's review and signature.

DO NOT TRANSFER THE INMATE UNTIL THE IAD PROCESS IS COMPLETED.

...[REDACTED] updated the case note on 09/10/2019 11:00:43]

Amended to:

(CS) hold from San Joaquin County Jail (CA) for Case #CR-2017-0007610, CR-2018-13310 after receiving Abstract Judgment indicating sentenced 05/28/2019 to a total of 7 years 8 months consecutive to NV sentence. Contact is (209) 468-0578

05/03/2018 - 10:04 [PREA / PREA 30-day Follow-up Assessment]: PREA 30 day follow up complete

05/03/2018 - 11:06 [Classification / Initial]: NNCC 23 year old 1st term Washoe County New Commit. Serving 48 to 180 months for Trafficking C/S (B) CTS 286 CC to 36 to 120 months for Burglary (B) CTS 286 CS to 36 to 120 months for Burglary (B) CTS 0. PED 07/05/21. EXP 03/12/25. Not eligible MIN/CT/184 TFR, (F) Holds and Casework needed on Case #CR20140005911. Police report needed to determine if there was an IDV. No 317 # of felonies. No STG/CMS/ESC. Holds, (F) hold from Washoe County SO (NV) for Case #17SCR01135A (Burglary X2, Consp Burglary) Detainer indicates Sparks Justice court date on 05/28/2018 @ 1530 and (F) hold from Stockton PD (CA) for Case #CR-2017-0007610 (Murder, Felon in Poss of a Firearm). No Bail. Document received is a warrant. Confirmed with warrants, they will extradite on completion of the NDOC sentence. T Alert in Place. [REDACTED]

Education 12th. Religion Christian. Drug of choice Meth. Has No ID in file. CMTE rec NNCC/CLOSE/AD SEG due to T Alert and High RFS .. [REDACTED] updated the case note on 05/07/2018 09:37:50] Agree with recommendation. AWP [REDACTED], CCSII [REDACTED]

... [REDACTED] updated the case note on 05/10/2018 09:54:25] Approved Close/NNCC/RFS. Active T alert noted. No Minimum/CT/184



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Department of Corrections
OFFENDER INFORMATION SUMMARY

NDOC ID:1196925

NAME: GLASS, MICHAEL

BOOKING NO: 2018-091715

- CASE NOTES -

- Felony holds and T/F release. No 317 # of fcls.

05/07/2018 - 09:41 [Classification / Due Process]: AdSeg Due Process. Inmate seen for his administrative segregation due process hearing. I/M waived 24 hour notice. I/M placed in administrative segregation post intake as the inmate might have conflict with housing GP at NNCC until his transfer to another institution/facility. STG- None. I/M placed in Ad-Seg due to high RFS. I/M did not request counsel or staff assistance. I/M did not present any witnesses or written statements pertaining to his case. Inmate is advised that he will be in administrative segregation pending reclassification for other housing location. He was advised that he would be receiving monthly adseg reviews at which time his status would be updated. CMTE █████ CCSII, C/O █████ ... █████ updated the case note on 05/08/2018 14:18:55] agree with RX NNCC/Close High RFS

05/18/2018 - 03:07 [General Case Notes / General Case Note]: Received kites from both 1196925 Glass and █████ requesting to be cellmates. Approved.

06/11/2018 - 12:05 [Holds and Detainers / Holds and Detainers]: Inactivated (F) hold from Washoe County SO (NV) for case #17SCR01135A after receiving drop hold request from WCSO indicating case dismissed.

07/26/2018 - 08:51 [Holds and Detainers / Holds and Detainers]: Rec'vd signed IAD forms I and II, also rec'vd forms III and IV from CCSII Hicks-Moses for San Joaquin County (CA). Forwarded forms II,III and IV to:
Trina Gibson Carson City AG's office
Victoria Verber DA's office San Joaquin County (CA) - Sent Certified Receipt.
Superior Court Clerk, San Joaquin County (CA) - Sent Certified Receipt.

08/03/2018 - 02:58 [Holds and Detainers / Holds and Detainers]: Rec'vd signed IAD certified receipt from Victoria Verber DA's office San Joaquin County (CA), dated 07/30/2018

Rec'vd signed IAD certified receipt from Superior Court Clerk, San Joaquin County (CA), dated 07/30/2018

08/06/2018 - 08:34 [General Case Notes / General Case Note]: Received signed kite from inmates 1196925 Glass and █████ requesting to be cellmates. Approved

08/29/2018 - 08:27 [General Case Notes / General Case Note]: Received signed kite from inmates 1196925 Glass and █████ requesting to be cellmates. Approved

10/12/2018 - 07:21 [Holds and Detainers / Holds and Detainers]: Rec'vd IAD Forms VI & VII from San Joaquin County DA's Office (CA) for inmate pickup on 10/17/2018. Pickup will be by Investigator Kari Locaso contact 209 684-2886 and Alex Kalinin contact at 209 406-1327. All documents are in order. All notifications completed. Proposed and scheduled inmate movement from NNCC to OSC for 10/17/2018 between 1200 and 1400. The following documents were faxed to
CCSII █████ HDC/NNCC, CCSII █████ and CCSII █████ Pre-Release/NNCC

IAD Form VI

IAD Form VII

IAD Release Notification

IAD Detainer to the Jail - DO NOT RELEASE NDOC INMATE.

... █████ updated the case note on 10/17/2018 08:07:15]

Pick Up rescheduled for 10/18/2018

10/12/2018 - 02:13 [General Case Notes / Exit Review]: NNCC: Exit Packet completed for IAD Transfer to San Joaquin County DA's Office (CA) for inmate pickup on 10/17/2018. Do not release memo, photocopies of fingerprints, JOC, PSI enclosed in packet. Pickup will be by Investigator Kari Locaso contact 209 684-2886 and Alex Kalinin contact at 209 406-1327.

03/19/2019 - 09:21 [General Case Notes / General Case Note]: Status check on Nevada OSC Inmate currently housed in the San Joaquin County Jail CA. Under the name Aysonglass, Michael Brandon Booking #18-20005.

09/10/2019 - 11:02 [Holds and Detainers / Holds and Detainers]: Inmate Glass is scheduled to be returned from his IAD from San Joaquin County (CA) on September 16, 2019 between 0900 -1000 to NNCC by Investigators Gary Castillo (cell #: 209-395-9368) and Larry Fluty (cell #: 209-395-9364). Inmate was picked up on 10/18/2018

and has been gone over 90 days, will have to be Re-Intaked.

09/16/2019 - 12:44 [General Case Notes / Reception Review]: NNCC-I/m received as return from IAD from San Joaquin County Jail. I/m states time was sentenced CC. CCS II █████

09/16/2019 - 01:57 [PREA / PREA Education]: PREA Intake Education completed. Inmate acknowledged understanding of how to report PREA and provided PREA brochure.

09/16/2019 - 01:57 [PREA / PREA Transfer Assessment]: PREA Transfer Assessment completed. Inmate notified how to report PREA at NNCC.



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NDOC ID:1196925

NAME: GLASS, MICHAEL

BOOKING NO: 2018-091715

- CASE NOTES -

09/26/2019 - 11:41 [PREA / PREA 30-day Follow-up Assessment]: PREA 30-day follow-up completed, DOC 209-6 Comprehensive Education acknowledged and signed.

09/27/2019 - 10:01 [Classification / Initial]: NNCC 25 year old 1st Termer IAD Return. Serving 48 to 180 months for Trafficking Controlled Substance (B), with 286 cts. CC to 36 to 120 months for Burglary (B), with 286 cts. CS to 36 to 120 months for Burglary (B), with 0 cts. PED 7-5-21. EXP 6-3-25. Not Eligible for Minimum/CT/184/317 due to Time Frame Release and (F) hold. Disposition from IAD (F) hold from Stockton PD (CA) for Case #CR-2017-0007610 (Murder, Felon in Poss of a Firearm) has not been sent to NDOC. No CMS/STG/Escapes. [REDACTED]. Education 12th Grade. Religion Christian. No military history. Drug of choice is . No identification in I-file. CMTE Recommends WSCC/Med/GP. ... [REDACTED] updated the case note on 09/30/2019 10:48:54] agree with Rx WSCC/Med. No Min due to pending JOC from California. Original Charge was Murder. Comte CCS III [REDACTED] CCS II [REDACTED] PO [REDACTED] ... [REDACTED] updated the case note on 10/08/2019 09:08:13] Approved Medium/WSCC/GP. No Minimum/184: T/F release, has CS CA case, and needs casework for resulting charge in CA (F) case (arresting charge murder, but only has a 7 year CS sentence - might be a lessor offense). No 317: # felony convictions.

10/11/2019 - 01:56 [General Case Notes / Reception Review]: WSCC: IM received from NNCC for GP. IM claims no issues with any other IMs or staff at WSCC no enemies to declare nothing preventing GP. CMS=none [REDACTED] STG=none Religion=Christian Mil hx=none Edu=11th grade per PSI ID=none in file. IM received WSCC caseworker orientation sheet, law library orientation sheet and orientation handbook. IM has no questions or concerns at this time. Assigned to Education. Ok for GP. Cmte: CCSI [REDACTED] SC/O [REDACTED], C/O [REDACTED]

10/11/2019 - 01:59 [PREA / PREA Intake Assessment]: WSCC: PREA Risk Assessment (DOC 2097) Transfer complete. No PREA alert needs to be entered. IM watched a comprehensive 15-minute PREA educational video, signed (DOC 2096-2) placed in I-file, and was given a PREA Education and Information Sheet.

11/01/2019 - 08:26 [PREA / PREA 30-day Follow-up Assessment]: WSCC: Inmate reported no changes to the Initial (transfer) assessment per PREA standard 115.41.

12/27/2019 - 12:54 [Vital Statistics / Birth Cert VR note]: WSCC: Inmate signed and ACCEPTED NDOC help in obtaining a BC/app sent to inmate - signed acceptance acknowledgment placed in I-file.

01/06/2020 - 08:31 [General Case Notes / Interdisciplinary]: WSCC: L2 for 60 days per DH 1/2/20

02/24/2020 - 10:24 [Vital Statistics / SSN VR note]: WSCC: IM received SSC app

03/18/2020 - 09:21 [Classification / Re-Classification (Per)]: WSCC: Re-class(Per)/IM was present. RFS=24. No minimum, CA (F) Hold. Serving 48-180 months for Trafficking Con Sub cc 36-120 months for Burglary cs 36-120 months for Burglary. PED: 7/5/21 MPR: cs pending PEXD: 5/25/25 NOK: [REDACTED] Edu: GED

OIC: last 11/19/19 MJ54 Holds: CA (F) Hold No: CMS/ESC/STG/Military/Foster Care/Diet. [REDACTED] Alerts:none Assign: unassigned Programs: GED [REDACTED] US Citizen: yes Faith: Christian ID: none in I-file. Status of ID is correct under personal information. Selective service required as inmate is under the age of 26. JOC compared to sentence structure. NOTIS photo matches. Inmate expressed no concerns.

Currently med/WSCC. Rx=No Change

... [REDACTED] updated the case note on 03/18/2020 16:24:28] Agree with Rx. No change. No minimum due to Felony hold out of CA for consecutive sentence.

05/12/2020 - 08:29 [Grievance / Grievance]: Returned and signed GR: 20063100268, informal. I/m agrees. J4 forwarded to WSCC grievance coord.

07/14/2020 - 01:15 [Grievance / Grievance]: Returned and signed GR: 20063104449, informal, improper. I/m agrees.

CCS offered additional GR forms as needed.

J4 forwarded to WSCC grievance coord.

09/14/2020 - 07:30 [Classification / Re-Classification (Per)]: WSCC: Periodic/present. RFS=21. No Min=RFS, TFR and (F) Hold. Req OR to remain Medium. Serving 48-180 months for Trafficking Cont Subst; CC 36-120 months for Burglary; CS pending of 36-120 months for Burglary. PED-7/5/21, PEXD-6/19/25. Last guilty OIC 11/19/19 MJ54, has pending MJ 24. Holds-CA (F). No CMS, ESC, STG noted. [REDACTED] Edu-claims GED. Assign-None. Programs-GED. ID-None in I-file. Sentence structure verified. I/m verified NOK contact info is current and had no concerns. Housed WSCC/med/level 1. Rx: No change.

... [REDACTED] updated the case note on 09/15/2020 15:44:27] Agree with Rx. No change. No minimum due hold for felony consecutive CA sentence.

12/30/2020 - 03:26 [Sentence Management / Sentence Management]: Recv'd and posted Stat loss WSCC, OIC 484828, 08/17/20, 30



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NDOC ID:1196925

NAME: GLASS, MICHAEL

BOOKING NO: 2018-091715

- CASE NOTES -

total
PEXD was 01/02/2023 and now is 01/17/2023 with case CR17-2006 cnt 2
PEXD was 07/10/2025 and now is 07/25/2025 with case CR17-2006 cnt 1

02/25/2021 - 10:25 [Parole Progress Report / Inmate Statement About Offense]: Glass is a 26 year old 1st termer Washoe County new commit serving 48 to 180 months for Trafficking Controlled Substance concurrent 36 to 120 months for Burglary consecutive sentence pending 36 to 120 months for Burglary, appearing before the Parole Board Commissioners for a Parole Eligibility Date of 07/05/2021. Per the PSI, his criminal history began in March 2014 which includes arrest/convictions for multiple poss cont sub, manufacture leaded billy, resist peace officer r/SBH, disorderly conduct, theft, receive stolen property and multiple burglaries. In addition to the instant offenses, he has been convicted of eight misdemeanors, five felonies and no Parole or Probation Revocation.

02/25/2021 - 10:25 [Parole Progress Report / Institutional Adjustment]: WSCC: Inmate Glass is Medium Custody at Warm Springs Correctional Center and is not eligible for Minimum Custody due to the provisions of AR 521; California (F) Hold, sentenced to 7years 8 months consecutive to NDOC. He has not completed any programs addressing behaviors that contributed to his incarceration. He has three guilty oic within the past year, two major oic unresolved at time of report and has not spent any time in segregation.

02/25/2021 - 10:26 [Parole Progress Report / Work and/or Education Performance]: WSCC: Per the PSI, Inmate Glass dropped out of the 12th grade and did not graduate from high school. He was employed 8 months prior to the instant offense. He earned his GED at WSCC through CAHS January 2020. He is currently unassigned and not earning work credits. He has past work experience as a plumber and carpenter. If parole is granted, he will parole to his consecutive NDOC sentence.

02/25/2021 - 10:26 [Parole Progress Report / Community Supervision Needs]: WSCC: Per the PSI, Inmate Glass reported daily use of marijuana and methamphetamine prior to the instant offense. Per NOTIS Health Classification and Restrictions; he does not have any mental health restrictions [REDACTED]. He was placed in a 90 day outpatient program in California however he did not complete it. If parole is granted, he will parole to his consecutive NDOC sentence.

02/25/2021 - 10:27 [Parole Progress Report / Additional Comments]: WSCC: Inmate Glass will reserve additional comments for when he sees the board.

03/16/2021 - 02:32 [Classification / Re-Classification (Per)]: WSCC: Re-class(Per)/IM not present due to COVID. RFS=23. No minimum due to RFS, TFR & (F) Hold. Request 7pt OR to remain Medium Custody. Serving 48 to 180 months for Trafficking Con Sub cc 36 to 120 months for Burglary cs 36 to 120 months for Burglary. PED:7/5/21 PEXD:8/4/25 NOK [REDACTED] Edu:GED No: ESC/STG/Military/Foster Care/Diet/Alerts/Holds. CMS:NNCC
OIC:last 8/17/20 MJ53 (has 2 major oic pending) Det:(F) Hold San Joaquin Co. CA [REDACTED] [REDACTED]
Assign:porter Programs:none [REDACTED] US Citizen:yes Faith:Christian ID:none in I-file. IM advised to kite caseworker with any questions or concerns.
Currently med/WSCC. Rx=No Change
...[REDACTED] updated the case note on 03/16/2021 15:02:33] Agree with Rx. No change. No minimum due to Time frame release and Risk factor score.

03/25/2021 - 10:57 [Parole / Parole Board Notification]: WSCC: IM signed notice of hearing to appear before the Parole Board on April 7th, 2021 beginning at 1:00 pm.

04/05/2021 - 07:34 [General Case Notes / Administrative Segregation Review]: WSCC: Ad-seg review: I/m seen at the door. Inmate has DS until 4/16/2021 for a MJ54. Inmate is pending no OIC at this time. Inmate is time cut eligible due to no OIC. Inmate has not been a management problem since placed in ad seg. Inmate can house GP, talked to CCS 2 [REDACTED] and he agrees time cut should be granted. Inmate states that he will be fine to go back to GP and there will be no issues. He sees board soon and wants to do this time and stay out of trouble. Inmate will be placed in GP once there is an available bed.

Rx: WSCC/MED/GP

CMTE: CCS [REDACTED], SC/O [REDACTED] ...[REDACTED] updated the case note on 04/05/2021 11:32:58] Agree with Rx.

04/07/2021 - 01:21 [Parole / Parole Board Hearing]: WSCC: IM seen by Parole Board Commissioner [REDACTED] and [REDACTED] on this date. Results to follow in 2-3 weeks. 0 supporters present.

04/14/2021 - 02:38 [Classification / Due Process]: WSCC: On 4/14/2021 Inmate signed Notice of Classification Hearing form DOC 2003. Inmate placed into Administrative Segregation pending investigation and pending MJ26. Hearing is scheduled for 04/19/20, time to be determined. ... [REDACTED] updated the case note on 04/19/2021 09:13:32] WSCC: AdSeg Due Process. Inmate signed Notice of Classification Hearing form DOC 2003. Inmate seen for his administrative segregation due process hearing. Inmate did not request counsel or staff assistance. Inmate did not present any witnesses or written statements pertaining to his case. Inmate was placed in segregated housing pending investigation and pending MJ26. Inmate was read Miranda waiver and signed acknowledgment. Inmate was told that anything he says during his hearing can be used in the disciplinary process. When asked what was found in his cell



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- CASE NOTES -

inmate Glass stated, "a shank, a prison made weapon." I asked him if it was his and where it was located. Glass said, "Yes it's mine and it was in my jean pocket on the hooks in the cell." I asked him why he had it. Glass stated, for protection this yard has changed, I am no good in Stockton due to testifying and there are lot of new people coming in from Stockton that may know me and what I did so I have to protect myself. It wasn't meant for anyone but just for protection. Inmate will remain in administrative segregation pending the outcome of an investigation. He was advised that he would be receiving monthly segregation reviews at which time his status would be updated.

Rx: CLS/WSCC/AD SEG

Committee: CCS [REDACTED], SC/O [REDACTED], C/O [REDACTED], ... [REDACTED] updated the case note on 04/19/2021 09:15:02] WSCC: Miranda Waiver acknowledgment will be placed in his I-File. ... [REDACTED] updated the case note on 04/21/2021 12:23:45] Agree with Rx.

04/28/2021 - 10:10 [Parole / Parole Board Result]: WSCC: I/M given his Parole Board results:
 Order of the Board GRANTING Parole.

Applies to: CR19-2006;1; TRAFFICKING CON SUB, SCH 1,GT 27 GR
 CR17-2006;2;BURGLARY

05/17/2021 - 09:17 [General Case Notes / Administrative Segregation Review]: WSCC: Ad-seg review: I/m seen in 4B caseworkers office. Inmate is pending OIC for MJ26: poss of contraband. Inmate had a prison made weapon in his property. Inmate also gave me a couple CMS to add due to owing spice to inmates or borrowing money for spice. Inmate states he wants to be able to go to NNCC but upon review inmate has a CMS at NNCC. Inmate CMS will be submitted for review. Inmate states he can also go to LCC. Inmate had no other question or concerns. Inmate will remain in ad seg pending OIC completion then will be classified to an appropriate facility if CMS are approved.

RX: remian ad seg

CMTE: CCS [REDACTED], C/O [REDACTED], ... [REDACTED] updated the case note on 05/17/2021 10:10:02] Agree with Rx.

06/14/2021 - 12:41 [Grievance / Grievance]: Returned and signed GR: 20063122394,improper. I/m disagrees.

GR: 20063121945,improper. I/m disagrees.
 CCS offered additional GR forms as needed.

J4 forwarded to WSCC grievance coord.

06/15/2021 - 04:18 [General Case Notes / Administrative Segregation Review]: WSCC: Ad-seg review: I/m seen in 4B caseworkers office. Inmate serving DS until 6/25/21. Inmate has multiple CMS at WSCC. Inmate will be classified to appropriate facility once DS is complete. Inmate states he doesn't want to go GP. Inmate advised he will not go GP due to CMS at WSCC. Inmate has no other questions or concerns. Inmate has no pending OIC.

RX: WSCC/CLS/DS

CMTE: CCS [REDACTED], C/O [REDACTED], SC/O [REDACTED], ... [REDACTED] updated the case note on 06/16/2021 08:25:48] Agree with Rx.

07/06/2021 - 03:12 [Classification / Re-Classification (Change)]: WSCC: Change. Review SDCC. RFS:26. Inmate has CMS at WSCC and NNCC. Inmate RFS is elevated, Review SDCC, once RFS is lowered inmate can be placed into GP at SDCC. Serving 48 to 180 months for Trafficking Con Sub cc 36 to 120 months for Burglary cs 36 to 120 months for Burglary. PED: 07/05/21. MPR: CS Pending. PEXD: 8/14/2025. CMS: 3xWSCC, NNCC. OIC: Last 6/28/2021 G14 Guilty. DET: San Joaquin County Jail. NO: STG, ESC, diets. [REDACTED] Faith: None. ID: none in File. NOK: none.

Rx Tx: CLS/SDCC/AD SEG

... [REDACTED] updated the case note on 07/12/2021 11:38:59] Approved Close/ESP/GP due to RFS. Review for Medium yard when RFS lowers.

07/07/2021 - 09:59 [Grievance / Grievance]: Returned and signed GR: 20063122824,IF. I/m disagrees..

CCS offered additional GR forms as needed.
 J4 forwarded to WSCC grievance coord.

07/14/2021 - 01:37 [Holds and Detainers / Holds and Detainers]: Rec'vd and posted Notify from NV P&P for case #CR17-2006 - Notify has an expiration date of 07/20/2025.

07/14/2021 - 03:10 [General Case Notes / General Case Note]: WSCC: Inmate signed parole docs for CR17-2006 CTII: BURGLARY. CTI TRAFFICKING CON CUB SCH1, GT 27 GR



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NDOC ID:1196925

NAME: GLASS, MICHAEL

BOOKING NO: 2018-091715

- CASE NOTES -

07/16/2021 - 02:17 [General Case Notes / Reception Review]: ESP/Reception. I/M arrived from WSCC on 7/16/21 for high RFS. Inmate is to be placed in GP/level II and expressed no issues or concerns. Alerts=None. CMS=2@WSCC & 1@NNCC. Special Diet=None. LOIC=G14 6/28/21 (one Pending). [REDACTED] Serving: 36-120 mnths for Burglary. PED:7/5/24 MPR:1/15/26 . PEXD: 7/18/26 KOPs: None. Viewed 3 minute PREA video and given 15 minute video transcript. Given handbook and signed handbook acknowledgment. No other issues or concerns. I/M interviewed by classification, medical, and mental health staff.

...[REDACTED] updated the case note on 07/16/2021 14:28:31] ESP-No STG

07/16/2021 - 02:58 [PREA / PREA Intake Assessment]: ESP-NDOC PREA risk transfer assessment was completed on this date. This screening for risk of victimization and abusiveness assessment meets the requirements per PREA standard 115.41. Inmate was shown a 3 minute PREA video and he was given PREA information regarding PREA (Q & A PREA transfer assessment completed and PREA acknowledgment sheet placed in I-file.)

07/16/2021 - 02:59 [PREA / PREA Education]: ESP- Inmate has been given information regarding PREA regulations, how to report PREA incidents at this facility and was mandated to watch a comprehensive PREA educational video (15 minutes) or read the video transcript arrival

07/21/2021 - 03:52 [PREA / PREA 30-day Follow-up Assessment]: ESP - PREA-30 day follow up assessment completed.

07/28/2021 - 03:11 [Sentence Management / Sentence Management]: Recv'd and did not post Stat loss WSCC, OIC 494052, 04/16/21, 30 total

Due to Inmate starting final case CR17-1970 before stat forfeiture was submitted. Not enough time.

08/24/2021 - 11:11 [Classification / Due Process]: ESP - Due Process Hearing - RFS = 26. Inmate was served a Notice of Classification Hearing on 08/18/2021 for a hearing on 08/23/2021. Inmate seen at cell front to discuss due process. Inmate advised this was his due process hearing for cell mate's pending MJ3 OIC. Due process needed for custody change from CLS to MLU/AS. Inmate advised of right to remain silent and if a statement was made, it could be used in a disciplinary process or any criminal prosecution. I/M stated he understands this right and had no questions. Inmate will remain MLU-AS/Red-Tagged status until OIC is complete or an Ad Seg bed becomes available.

CCSI [REDACTED], Unit Staff.

...[REDACTED] updated the case note on 10/18/2021 14:52:25] I/M was moved in with an I/M that isn't red tagged. His situation is different than the original due process as he is pending an MJ1 now, however, due to the age of the OIC, he is now cleared CLS GP.

09/29/2021 - 03:39 [General Case Notes / Administrative Segregation Review]: ESP - Monthly Ad Seg Rvw - Inmate seen at door. Inmate is currently MLU-AD SEG/Red tag due to Cell Mate's pending MJ2 OIC. Discussed PREA-no changes/issues. Inmate had no other questions or concerns. Remain MLU Ad-Seg, no change at this time, rvw in 30 days.

CCSI [REDACTED] and Unit Staff.

...[REDACTED] updated the case note on 09/29/2021 15:42:18] correction, Cell Mate's MJ3 OIC.

11/04/2021 - 03:38 [General Case Notes / Job Check]: ESP - I/M assigned to position #703 Porter. I/M meets minimum education requirements for position and was instructed on job description/requirements. I/M told that if he is approved, any misconduct could result in his removal from the job position and Level reduction. CCSI [REDACTED], Unit Staff. ... [REDACTED] updated the case note on 11/30/2021 13:58:32] Inmate unassigned from job due to pending investigation. ... [REDACTED] updated the case note on 12/16/2021 11:05:38] Inmate reappointed to Job#703 ... [REDACTED] updated the case note on 01/05/2022 15:37:10] Inmate unassigned from Job #703 due to a pending MJ OIC.

11/30/2021 - 02:00 [Classification / Due Process]: ESP Int Ad Seg due process hearing- Assessment- 26. Inmate seen and advised this was his due process due to his custody level being changed from CLS to MLU-AS (Red Tag) pending an STG Investigation on 11/23/21. No Counsel substitute or witness requested per DOC 2003. Inmate advised of right to remain silent and if a statement is made it could be used in a disciplinary process or a criminal prosecution. Inmate stated he understands this right and made no statement and called no witnesses. Inmate advised will remain on MLU-AS/Red Tag custody until the completion of the disciplinary process at which time he may be reviewed for a lesser custody level. Inmate was asked if he was given PREA Education and Information sheet when inmate was placed in segregation. Inmate confirmed he was given PREA Education and Information sheet. Reason at ESP: Inmate came from WSCC for high RFS. Alerts=S (Security ? Red Tag). STG=None. CMS=2@WSCC, 1@SDCC. Special Diet=None. LOIC= G14 07/15/21. [REDACTED] Serving: 36 - 120 months for Burglary.

PED=07/05/24 MPR=02/04/26 PEXD: 08/07/26 .

No other issues or concerns.
 CCWS II [REDACTED], Unit Staff



State of Nevada
Department of Corrections
OFFENDER INFORMATION SUMMARY

NDOC ID:1196925

NAME: GLASS, MICHAEL

BOOKING NO: 2018-091715

- CASE NOTES -

...[REDACTED] updated the case note on 12/08/2021 16:10:16] Tier has been changed to a BMU and since there is no longer a security issue due to the change in the tier, the red tag has been removed. OK CLS BMU

01/10/2022 - 07:04 [Classification / Due Process]: ESP-Due Process Hearing- RFS=22. Inmate was served a Notice of Classification Hearing on 1/5/22 for a hearing on 1/10/22. Inmate seen at cell front to discuss his Due Process and told he would remain Red Tagged. Inmate Red Tagged due to pending MJ26. Inmate will remain MLU-AS/Red-Tagged status until OIC is complete or an Ad Seg bed becomes available.
CCSII [REDACTED], Unit Staff

...[REDACTED] updated the case note on 01/12/2022 17:41:50] OK ESP MLU-AS

01/19/2022 - 11:38 [General Case Notes / Full Class Review]: ESP- I/M was seen and spoken to today about possibly PS placement. I/M Glass stated that he did not feel safe to go back into GP after the incident that occurred on 1/4/22 at ESP. He stated that he wanted to just do the rest of the time he had left and not have to be pressured into doing any gang related things. It was then explained to the inmate that if he received a PS alert his ability to go to certain yards would be taken away as they do not house PS inmate on those yards. The I/M stated that he understood and still felt it would be best if he had a PS alert and that he would be okay to house around other PS inmates. It was decided that a PS alert would be added to the inmate.

CCSIII [REDACTED], CCSII [REDACTED], Unit Staff

03/25/2022 - 11:11 [General Case Notes / Job Check]: ESP-I/M seen to discuss placement as Culinary Worker (#CUL30). I/M meets minimum education requirements for position and was instructed of job description/requirements. I/M told that if he is approved, any misconduct could result in his removal from the job position ... [REDACTED] updated the case note on 06/28/2022 10:52:42] Unassign due to jobs being reassigned to ESP/LVL 1/ GP

07/13/2022 - 09:54 [Classification / Re-Classification (Per)]: ESP Periodic Rev- RFS=Section A/6 Overall/22 Custody level=CLS/PS/LVL 2. Reason at ESP= WSCC on 7/16/2021 for High RFS
PREA= N Alerts= S-PS D [REDACTED] SSC=N Birth Cert= N NOK=[REDACTED]
Holds/Det= CR-2017-0007610-WEX- San Joaquin CJ, CR17-2006-WEX- NOT. P&P
STG= N CMS=1@NNCC, 1@WSCC, 1@HDSP, 1@ESP Diet=N. Escape HX=N. Last OIC= G18-04/13/2022
I/M stated that he knows how to make a PREA report and had nothing to report during this review. JOC matches NOTIS/OSM records.
Sentence= Burglary (36-120mo)
PEXD=07/11/2026 PED=07/05/2024 MPR=01/08/2026
Rx Remain ESP/CLS/PS/LVL 2 due to High RFS

...[REDACTED] updated the case note on 07/19/2022 13:42:50] OK ESP/CLS/PS/LVL 2

08/26/2022 - 01:26 [Classification / Re-Classification (Change)]: Assessment: 22/CLS
Alerts= S-PS [REDACTED] Holds/Det= CR-2017-0007610-WEX- San Joaquin CJ, CR17-2006-WEX- NOT. P&P
STG= N CMS=1@NNCC, 1@WSCC, 1@HDSP, 1@ESP Diet=N. Escape HX=N. Last OIC= G18-04/13/2022
Sentence= Burglary (36-120mo)
PEXD=07/11/2026 PED=07/05/2024 MPR=01/08/2026
Inmate is being submitted for ESP protective housing depop / HDSP swap.
RX HDSP/CLS/Protective Housing
CCSIII [REDACTED] CCSI [REDACTED]

...[REDACTED] updated the case note on 08/30/2022 13:12:17] Approved Medium/HDSP/PH. RFS is elevated due to (F) hold.

09/14/2022 - 08:57 [Sentence Management / Sentence Management]: All records (written and electronic) regarding this inmate must be retained, please suspend normal document destruction procedures until further notice. Please insert Litigation Hold notices into I-File, Medical File, Grievance File, Property File and Visiting File.
Notified ESP & WSCC by email 09/14/22
Case No. 3:22-cv-00280-ART-CLB

09/26/2022 - 12:05 [PREA / PREA Intake Assessment]: PREA Intake (transfer) risk assessment completed in NOTIS on this date. This screening for risk of victimization and abusiveness meets the requirements per PREA standard 115.41. PREA Orientation Acknowledgment form (DOC 2096-1) signed this date and given to records to place in I-File.

09/26/2022 - 12:06 [PREA / PREA Education]: ? Inmate signed DOC 2096 Prison Rape Elimination Act (PREA) Orientation and Comprehensive Education indicating he viewed a video or transcript of same as well as receiving information regarding regulations and reporting instructions.



State of Nevada
Department of Corrections
OFFENDER INFORMATION SUMMARY

NDOC ID:1196925

NAME: GLASS, MICHAEL

BOOKING NO: 2018-091715

- CASE NOTES -

09/26/2022 - 12:06 [General Case Notes / Reception Review]: HDSP Reception Review: Inmate received on 09/24/2022 from ESP. Reason: protective housing depop / ESP swap. Inmate states that he has no immediate medical/mental/dental concerns and is not suicidal or homicidal. Inmate states he has no enemy concerns and no issues being housed HDSP/MED/PH.

EXHIBIT G

NDOC AR 405 – Use of Force, effective 11-15-2016

EXHIBIT G

ADMINISTRATIVE REGULATION

405

USE OF FORCE

Supersedes: AR 405 (Temporary 6/23/11) AR 405 (Temporary, 03/03/16)
AR 405 (Temporary 5/25/16) AR 405 8/16/16,
AR 405 (Temporary 11/3/16)

Effective Date: 11/16/16

AUTHORITY: NRS 209.131, 209.161, 212.090 and 212.190

RESPONSIBILITY

1. The Warden/Division Head is responsible for the overall execution of this regulation. Direct supervision of this regulation is the responsibility of the Shift Supervisor (institutions/facilities) and/or the Transportation Lieutenant/Sergeant in regards to Central Transportation Division. The Inspector General in regards to the Inspector General's Office.
2. The Warden at each institution, Central Transportation Lieutenant, the Inspector General; shall ensure that all assigned staff is trained and have signed an acknowledgement statement that they have read, know and understand this regulation. A copy of their acknowledgement shall be maintained in each staff member's training file.
3. It is the responsibility of all employees who may be required to use force as part of their duties to understand and comply with the Use of Force policy, related procedures, use of equipment and attend and understand relevant use of force training.

DEFINITIONS

Authorized Personnel – A person who has received the prescribed NDOC training in the application of Use of Force equipment or tactics, and whose qualifications are up-to-date. Any person who volunteers, is contracted by or is employed by the NDOC is authorized to defend themselves or others from attack. A Correctional Officer Trainee or Correctional Officer who has not completed the Basic Academy and has not passed the Peace Officers Standards and Training (POST) certification exam are authorized to defend themselves and others from attack. Only certified Peace Officers who are current on their qualifications shall be authorized to utilize force tactics, tools, devices, weapons or other methods authorized by the Department Director.

Lethal Force –

Any force which carries a substantial risk that may result in death or serious or great bodily injury.

Excessive Force – The use of more force than an objective trained and competent correctional peace officer faced with similar facts and circumstances would use to subdue an attacker, overcome resistance, affect custody or gain compliance with a lawful order.

Force – Any violence, compulsion, or constraint physically exerted by any means upon or against a person.

Less Lethal Force – any force that is neither intended nor likely to cause death or serious or great bodily injury (NRS 0.060).

Passive Compliance Measures (De-escalation) – Techniques/strategies used by staff to gain compliance/control of an inmate without forcible physical contact.

Planned Use of Force – The Use of Force when time and circumstances allow the opportunity for planning and consultation and approval of the Warden or Administrator On Duty (AOD)

Physical Force – The use of hands, other parts of the body, objects, instruments, chemical devices, firearms, or other physical methods for the purpose of overcoming the resistance to lawful authority.

Reasonable Force – That force which is objectively reasonable based on the totality of the circumstances and the facts known to the officer at the time to subdue an attacker, overcome resistance, affect custody, or gain compliance with a lawful order.

Show of Force – Movement of additional staff and/or equipment/weapon to an incident site for the purpose of convincing an inmate that adequate staff and measures are available and may be used to successfully resolve the situation.

Spontaneous Use of Force – Force used in an immediate situation or in response to a threat or emergency situation to dissuade or quell a course of action by an inmate(s).

Use of Force – The application of progressive levels of force to gain control of an inmate up to and including lethal force. This does not include those situations in which security restraints are used in a standard manner for arrest, escort or transport. (Use of Force shall be limited to the minimal amount of force necessary to control the situation.)

Serious Bodily Injury - Serious bodily injury means but is not limited to a serious impairment of a physical condition such as loss of consciousness, concussion, bone fracture, loss of a function of any bodily member or organ, a wound requiring extensive suturing or a disfigurement.

Great Bodily Injury - Great bodily injury is any bodily injury that creates a substantial risk of death, such as but not limited to, stab wounds that cause substantial bleeding strike vital organs or repeated blows to the head with kicks or with a blunt instrument.

405.01 USE OF FORCE GENERAL PROVISIONS

The NDOC shall operate under this use of force policy that defines staff responsibilities and limitations concerning the use of force while still allowing discretion in the appropriate application of force. The policy provides staff with the appropriate guidance on the permissible Use of Force. It ensures discipline is imposed for violations of the Use of Force policy, procedures or training.

It is the policy of the NDOC to authorize the use of physical force when and only to the extent that is reasonably believed to be necessary as specified in these rules. Staff is authorized to use that amount of force that is objectively reasonable to overcome a threat thereby minimizing the risk of injury to the officer, the threat and the public.

At no time are staff permitted to use force for punishment, retaliation, or discipline.

Force shall be used only when reasonably necessary to subdue an attacker, overcome resistance, affect custody, or to gain compliance with a lawful order. It is the policy of the NDOC to accomplish the educational, treatment and supervision functions with minimal reliance on the use of force. Staff may use reasonable force as required in the performance of their duties, but unnecessary or excessive force shall not be used. If staff, at any point, determines the situation can be resolved without any further use of force, staff shall terminate the use of force.

All the facility Operational Procedures must conform to the provisions in this Administrative Regulation.

405.02 STAFF TRAINING INVOLVING USE OF FORCE

1. All personnel shall receive training and be qualified prior to being assigned to a position involving possible Use of Force and being authorized to use any force related equipment such as physical restraints, firearms, projectile launchers, chemical agents (CS/OC), taser or similar technology or batons. A staff member employed in positions that are authorized to use force-related equipment shall receive annual refresher and semi-annual firearms qualification training in the correct use of all equipment to maintain their established proficiency levels.
2. The application of force when using any authorized equipment must be consistent with training. For example; intentional strikes to the head or neck are not consistent with training for the side handle baton. Shots to the head with 40 mm launcher are not consistent with training. The use of carotid or choke holds is not authorized.
3. Training shall include:

- A. Techniques/strategies known as Passive Compliance Measures (De-escalation) used by staff to gain compliance/control of an inmate without forcible physical contact such as: communications, videotaping of inmate(s), show of force.
- B. Staff is expected to know the Continuum of Force and be able to apply the proper level and type of force needed to control an inmate's behavior. Minimum harm to staff, the public and inmates is the goal, but the overall objective is to gain compliance, control, and facility order. Force shall be limited to the minimum amount necessary to control the situation. Force shall not be used to punish, harass, or abuse inmates.

405.03 WHEN FORCE MAY BE USED

1. A staff member may use force to protect himself or any other individual from physical harm by an inmate. Alternative methods of persuasion such as communications, videotaping of inmate(s), and/or show of force shall be utilized prior to using force whenever possible.
2. Force shall be proportionate to the threat exhibited by the inmate, and the force shall decrease as the threat is lessened. Any staff witnessing a Use of Force that is either excessive or unnecessary is required to immediately report their observations to the shift supervisor both verbally, and subsequent to the incident, in a written report.
4. To prevent the escape of an inmate, staff may use reasonable force to prevent the escape if no alternative method of persuasion is effective.
5. To prevent destruction of state property.
 - A. Staff may use force to prevent state property from substantial damage by an inmate if no alternative method of persuasion is effective.
 - B. Nevada Revised Statute (NRS) 212.190 states that damaging prison property is at least a gross misdemeanor.
6. To compel an inmate's compliance with orders, force may be used if no alternative method of persuasion is effective or where the circumstances require urgency.
7. To prevent or quell a disturbance, disperse or apprehend inmates whose conduct is creating a risk of death or serious physical injury to others.
8. To stop inmate self-injurious behavior when time does not permit the arrival of a supervisor or the assembly of a planned use of force team and sufficient back-up is available.
9. Use of Force Options in the Use of Force Continuum:

- Physical Force – includes the use of physical strength and holds (strikes i.e. Hand, elbow, knee and locks i.e. Wrist locks) except that choke holds and other types of physical holds that prevent the person from breathing, swallowing or cutting off blood supply to the brain are not authorized.
- Chemical Agents – use of departmentally authorized chemical agents
- Hand-held Batons – departmentally approved batons.
- Less-lethal weapons – departmentally approved projectile launchers that are not likely to cause death.
- Lethal weapons – firearms capable of firing lethal rounds/projectiles.

10. Levels of Force:

- A. Planned use of force can be used at any level in the use of force continuum. Planned use of force incidents must be videotaped as outlined in this AR. Healthcare staff shall be consulted to determine if there are any contra-indicating factors such as but not limited to the use of O/C for asthmatics or tasers on inmates with other health problems or heart pacemakers prior to the planned use of force and documented. Staff involved in these incidents shall utilize protective equipment. An example of planned use of force is a cell extraction. Staff are to be reminded to use universal precautions equipment such as latex gloves in addition to their other equipment.
 - a. In a planned use of force, the Incident Commander in charge shall assign a staff member to be in charge of recording the entire planned use of force. If time permits and a second camera is available, one staff member shall video-record the inmate at the cell front during staff's attempts to gain the inmate's compliance through verbal persuasion efforts and the other video-recording is taping the planned use of force team introductions and plan by the incident commander.
 - b. The staff member assigned to recording shall ensure, prior to the start of the use of force, that the recording equipment has sufficient batteries and sufficient blank recording space, such that technical issues with recording shall be minimized once recording begins. The recorder shall begin all video recording stating his/her name, date, time, location and inmate name.
 - The incident commander shall describe the nature of the incident that requires the planned use of force and the attempts to resolve the issue without the use of force.
 - Prior to the use of force, healthcare staff shall be contacted to determine if there are is medical or mental health condition that would preclude the use of any chemical agent or taser. Record on video the comments by healthcare staff, stating his/her name. If unavailable for video, Incident Commander shall identify name of healthcare staff and the comment made by the healthcare staff member on the recording.

- Each staff member shall identify themselves by name, rank and state their responsibility such as the shield person, right side, left side or what type of equipment they shall employ such as handcuffs or leg restraints.
 - c. The staff member assigned to recording shall not be expected to participate in the use of force and shall not do so, such that they may dedicate their full attention to recording. The recording staff member shall refrain from engaging in verbal comments during the recording, as staff comments may obscure the sounds being recorded.
 - d. The recording staff member must record in such a manner that the inmate is in focus as much as possible, and adjust their positions should a staff member's body position be obscuring a visual of the inmate. Prior to the planned use of force the recording staff member must record the notice given to the inmate giving him/her a last chance warning or chemical agent shall be utilized.
 - e. For any breaks in recording, the recording staff member must sign back on with his/her name, the date, time and reason for the break in recording.
 - f. All recordings of a planned use of force shall be kept in a manner and location that is easily retrievable in the event review is needed. The recording must be maintained for no less than three years from the date force was used.
- B. Spontaneous use of force may be used by staff to respond to an emergency or immediate threat when there is not time to formulate a plan or notify an immediate supervisor, and the situation constitutes a serious threat to the safety of staff, public, inmates and/or institutional security. Immediate use of force shall be employed in a manner that poses the least risk to staff, the public and inmates.
- a. Where force was used spontaneously, regardless of injuries reported contemporaneous with the event, the area supervisor/incident commander shall immediately review, if available, any unit video surveillance that may have captured the use of force.
 - b. If the use of force was captured on video, from any angle on any camera, the area supervisor/incident commander shall be responsible for preserving that recording in a manner and location that is easily retrievable in the event review is needed. The video must be maintained for no less than three years from the date force was used.
 - c. If no cameras were operational in that unit or no cameras captured the use of force, the area supervisor/incident commander shall make a notice of same in the Use of Force Incident Report.

d. In addition to and apart from any surveillance footage from stationary cameras that may exist, video footage shall also be recorded via a hand-held camera, as follows:

- As soon as the shift supervisor becomes aware that force is being used or has been used, a staff member shall be directed to immediately obtain a handheld video camera and shall be ordered to the scene where force has been used.
- Immediately upon arrival to the scene, the staff video recorder shall begin recording, noting the time and date the recording begins and identify himself/herself as video recorder. The staff video recorder shall continue to take footage until the area supervisor/incident commander decides the incident is over and instructs the staff video recorder to cease recording.
- For any breaks in recording, the recording staff member must sign back on with the date, time and reason for the break in recording.

If the Use of Force is still occurring when the staff video recorder arrives, the incidents shall be recorded to capture the unfolding events while waiting for a response team, even if through windows, fences, bars, or even if far away, etc. Staff shall not place themselves in any danger to capture the events.

C. The Warden/Division head shall ensure that Use of Force Operational Procedures are specific on the process for the recording of Use of Force incidents and storage of the video recordings.

405.04 AUTHORIZATION FOR THE USE OF LESS LETHAL FORCE

“Less lethal force” may be used in the following situations:

1. Self-defense;
2. Defense of others;
3. Prevention of self-injurious behavior;
4. Maintaining order and control in a facility, including prevention of damage to state property;
5. Prevention of escape from any security level;
6. Prevention of the commission of a felony by an inmate;

405.05 LESS LETHAL FORCE

1. The use of less lethal force projectile launchers may be used but not limited to stopping or preventing serious or great bodily injury to staff, inmates or the public which includes visitors. This is also listed under the use of lethal force.
2. Where situations allow, a loud and clear verbal warning and instructions shall be given before any less lethal force is used and before each less lethal munition is discharged. Verbal warnings and instructions shall continue to be given throughout the use of less lethal force. The following approved less lethal tools are authorized for use in Nevada Department of Corrections facilities/institutions:
 - A. Physical Force (Hands On) – Physical force may be used to subdue or control unruly inmates, to separate inmates fighting, and in defense of self or others. It may also be employed to move inmates who fail to comply with lawful orders. Includes certain self-defense and inmate control techniques or strikes to areas of the body unlikely to result in serious physical injury.
 - B. Chemical / Inflammatory agents may be deployed only by trained and qualified Authorized Personnel. Chemical agents items such as listed below are designed to temporarily immobilize or incapacitate the inmate through temporary discomfort caused by a chemical action.
 - CS - Ortho-chlorobenzalmalononitrile – commonly known as tear gas or mace
 - OC - Oleoresin Capsicum – commonly known as pepper spray
 - C. Electronic Control Weapon (ECW) to include items such as a Taser, Remote Access Custody Control (RACC) Belt or Vest, or (NOVA) electronic shield, are designated to temporarily immobilize or incapacitate an inmate by delivering a non-lethal electronic charge. An ECW may only be deployed by trained and qualified Authorized Personnel. ECW's are not authorized at women's facilities.
 - D. Specialty Impact Devices (SID) Expandable Baton (ASP) or similar equipment designed to temporarily incapacitate an inmate by striking or applying a controlled take down of the inmate. These SID's may only be used by trained and qualified Authorized Personnel.
 - E. Less-Lethal Projectile Launchers (40mm) are authorized to compel compliance from noncompliant inmates. Less-lethal launchers shall also be stored in the "operations" area of each institution so that should a response to an area where no coverage is available (housing units with no coverage, chapel, education, gymnasium) these launchers are available for quick deployment.

- F. Pepperball or FN 303 less lethal launcher using compressed air to launch direct impact or chemical agents to temporarily incapacitate a threat. These Launchers may only be deployed by trained and qualified Authorized Personnel.

Decontamination - If chemical agents are utilized in a planned use of force or spontaneous use of force, the inmate shall be decontaminated as soon as the inmate is in restraints and the decontamination can be conducted in a safe manner. Inmate(s) affected shall also be seen by medical personnel as soon as practicable upon containment of incident. The decontamination and medical evaluation shall be documented in the Incident Report by Supervisor handling the planned use of force.

Choke or carotid holds is not authorized use of force techniques. A head lock is not considered a choke or carotid hold.

3. **Wardens shall ensure through Operational Procedures where and how these tools shall be utilized throughout the institution.**

A loud and clear verbal warning or order shall be given. Verbal warnings shall be issued before and repeated while less lethal munitions or chemical agents are being deployed.

If the verbal warnings or orders fail to stop the prohibited activity, the Officer may then deploy less lethal force tools to prevent further harm of another person or property. Verbal warnings shall be repeated continuously while less lethal munitions or chemical agents are being deployed. Force shall cease immediately upon gaining compliance.

The use of less than lethal force are never to be used to stop verbal abuse or other non-threatening behavior

405.06 AUTHORIZATION FOR USE OF LETHAL FORCE

Staff has the obligation and responsibility to exercise discipline, caution, restraint and good judgment when using potentially lethal force. Lethal force may be used upon the reasonable belief that staff life or safety, or the life or safety of another, is in imminent jeopardy of death or substantial bodily harm given the totality of the circumstances known to the officer at the time of his/her action. Staff must keep in mind that the use of potentially lethal force presents a danger to the subject and to innocent parties. Only trained and qualified staff are authorized to use lethal force, and only as a last resort. Officers shall consider other reasonable means of control before resorting to the use of deadly force as time and circumstances safely permit.

Lethal force is any force which carries a substantial risk that it may result in death or serious or great bodily injury. Lethal force may be used only when imminent jeopardy exists regarding the following situations:

1. To prevent death or serious physical injury to self, other staff, inmates, or other persons who are threatened;
2. To prevent the taking of hostages;
3. To prevent the escape of any prisoner who is actively attempting to flee custody from a medium or maximum security correctional institution including while being transported or being housed in the community;
4. To prevent destruction or injury to property or person(s), major damage during a disturbance within a correctional institution, if it is reasonably believed that the damage may cause death or serious physical injury to any person.
5. To prevent inmates from unlocking other inmates (seizure of keys or door controls).
6. If lethal force is to be used, staff shall take reasonable actions under the following guideline - Time permitting a clear, verbal warning order, **“Stop or I will shoot,”** shall be given before each shot is discharged.
7. When the use of lethal force is warranted, if time and circumstances permit, a warning shot shall be discharged.
 - A. In any life-threatening situation where the inmate does possess a deadly weapon or serious physical injury and/or death is imminent, the policy shall be to “shoot to stop” by **shooting center mass** of the target presented.
 - B. Every effort shall be made to direct the round into the aggressor and not the victim.
 - C. If doubt exists in the officer’s mind as to whether he/she should discharge the firearm under the circumstances that have been outlined above, the officer shall conclude that he/she SHALL NOT discharge the firearm.

405.07 LETHAL FORCE

1. Mini 14 .223 caliber rifle loaded with 55grain soft point rounds. May only be used by trained and qualified Authorized Personnel.
2. .40 caliber Glock semi-automatic hand gun loaded with hollow point 165 to 180 grain round – approved through FBI protocols/specifications. May only be used by trained and qualified Authorized Personnel.
3. Specialized weapons may be authorized for emergency situations with approval from the Director/designee. May only be used by trained and qualified Authorized Personnel.

405.08 EMERGENCY RESPONSE

The Nevada Department of Correction shall utilize a "plain English" notification system. This statewide universal approach shall initiate first responders. Followed by the secondary responders, based on initial reports. Some examples for each level are as following:

1. Level 1, mutual combat between two inmates, isolated and contained physical plant failure or compromise, or a single disruptive inmate
2. Level 2, multiple inmate fight, weapons present, staff assault, evidence of escape, or larger scale physical plant failure or compromise
3. Level 3, Escape, homicide, officer-involved lethal force or complete physical plant failure or compromise.

The Warden at each institution shall ensure the development of an Operational Procedure that shall identify responders/position, the systematic lockdown, and equipment deployed for each level. This Operational Procedure shall also include response to rural camps and Transitional Housing facilities.

405.09 ESCAPE FROM SECURED PERIMETER

1. If possible, prior to using firearms, an alert to the institution shall be broadcast by radio, attempts shall be made to apprehend or physically restrain an escapee or an attempted escapee.
2. If an officer observes an inmate located within the "No Man's Land," an immediate alarm shall be sounded to initiate a response then the following command in a loud and firm voice, shall be given, "Stop or I will shoot." A second alert to the institution shall be broadcast by radio, time permitting, to alert responding staff of the possible discharge of the weapon. If the inmate fails to stop and no other means of stopping the inmate is available, then the officer may fire a warning shot as outlined in this procedure.
3. If the inmate continues toward the inner perimeter fence, after verbal warnings and a warning shot has been discharged, additional warning shots may be discharged near the escaping inmate in an effort to gain compliance. The officer must exercise care to prevent a possible ricochet of the warning shots. (Wardens shall designate in operational procedures where warning shots will be discharged.)
4. Once an inmate has begun going over, under, or through the inner perimeter fence, (that is, feet have left the ground or crawling under or through), the following shall be done:

- A. The officer, after firing a warning shot, shall “shoot to stop.”
 - B. The officer shall choose to use a firearm based on distance and conditions surrounding the incident. The perimeter towers have .223 Mini-14 rifles designed for greater distance and accuracy.
 - Effective range:
 - .223 caliber round - up to 1000 yards
 - C. In the event the Institution does not have perimeter towers, or perimeter towers are shut down, at a minimum, one armed Perimeter Officer is required. (More armed perimeter officers may be placed at larger institutions or as needed for security) This position shall be armed with both lethal and less lethal tools such as the 40 caliber Glock semi-automatic hand gun, chemical agent, and/or baton. The perimeter position shall be assigned a perimeter vehicle to assist with patrolling the perimeter and responding to threats.
5. Should the situation arise in which the inmate attempting to escape is not noticed until after clearing the inner perimeter fence, the officer shall fire one (1) warning shot if, in their opinion, there is still sufficient time to be able to “shoot to stop” before the inmate could clear the outer perimeter fence. If there is not enough time for a warning shot after the inmate has cleared the inner fence, then shots may be discharged directly at the escaping inmates to shoot to stop.
 6. If the officer chooses not to shoot, the officer shall continue to report the direction of the inmate, description of escapee, and any relevant information relevant to the incident.

405.10 USE OF FORCE IN THE COMMUNITY

1. There are numerous situations that call for Department personnel to provide escort and security functions in the community. Inmates may be transported to outside medical facilities, between institutions/facilities, into courtrooms for judicial proceedings or to a variety of other locations. Use of Force in the community calls for exercising extreme caution and for making careful judgments. The level of force utilized in any particular situation MUST be based largely on, the threat, physical surroundings and the proximity of civilians.
2. The physical surroundings and proximity to civilians MUST be considered when an inmate is escaping during transport in an outside setting and if lethal force is necessary to prevent the inmate from escaping. If, in the best judgment of the transporting officer(s), it is deemed necessary to fire shots at the inmate escaping into the community, all shots shall be directed at the inmates’ torso with the intent to completely stop the escape. If the use of firearms becomes necessary in a confined

area, such as within a building, it would be inappropriate to use warning shots. Verbal commands shall be substituted.

3. Transportation Officers shall be armed with both lethal and less lethal tools in the event of the physical surroundings and the proximity of civilians would prevent the use of lethal tools.
4. Officers are required to cooperate with local law enforcement officials in any unusual or emergency situation involving inmates under the custody of the Department of Corrections.

405.11 MEDICAL CARE AFTER USE OF FORCE

1. Medical care which includes medical treatment and examinations shall be conducted by institutional medical staff when a Use of Force incident has occurred. When order has been restored, the inmate(s) who has been subjected to any Use of Force shall be examined by medical staff and provided medical care proportionate to the individual's injuries sustained. This examination shall be documented utilizing the Unusual Occurrence Report form DOC 2514. Inmates cannot refuse to be assessed, but can refuse treatment of any injuries sustained. All refusals of medical treatment shall be documented and included in the Use of Force incident files utilizing the Refusal of Medical Treatment form DOC 2523. Decontamination from chemical agents shall also be completed as soon as practical after the use of force. Refusal for decontamination shall be documented on NDOC form 2523 – Refusal of Medical Treatment. Photographs of the Inmate shall be completed on all Inmates who had force used upon them regardless of injuries. Copies of these photos shall be uploaded into NOTIS and placed in the Use of Force Incident File.
2. Any staff member involved in the Use of Force sustaining injuries shall be examined by NDOC medical staff and shall provide emergency medical care proportionate to the individual's injuries prior to transport to an appropriate healthcare facility. This examination shall be documented utilizing the Unusual Occurrence Report form DOC 2514.

405.12 REPORTING OF USE OF FORCE

In all cases the reporting of Uses of Force MUST be accomplished as soon as practical after the incident and before leaving the institution or going off duty. Any Use of Force shall be reported to the shift supervisors who shall ensure, once order has been restored and the involved inmate(s) are placed in secure housing, that written reports from all staff involved are completed. This includes custody officers, institutional staff, medical staff, volunteers or any persons that witnessed the Use of Force.

1. These reports shall be entered into the Nevada Offender Tracking Information System (NOTIS) for review by the appropriate supervisors.

- A. All relevant and supporting documentation and information associated with the Use of Force shall be contained within the NOTIS Incident Report (IR).
- B. All relevant incident questions, inmate involvement questions, and staff involvement questions shall be completed within NOTIS.
2. Verbal notification of the Use of Force shall be made via the chain of command to the Warden. The Warden shall notify the Deputy Director of Operations (DDO).
3. An email shall be generated by the shift supervisor, notifying institutional/facility administration, the Deputy Director of Operations, and the Inspector General of the IR number and Use of Force for instances that involved, (the below referenced list includes but is not limited to the following uses of force that must be reported):
 - A. Discharge of a firearm for any reason other than training;
 - B. Any Use of Force that results in an injury to staff or an inmate;
 - C. Any Use of Force that results in an allegation or grievance claiming an injury;
 - D. Any complaint, grievance or indication of an unnecessary or excessive Use of Force; or
 - E. Planned Use of Force that results in any of the above.

405.13 USE OF FORCE INCIDENT REVIEWS

1. Any Use of Force suspected to be excessive or unnecessary shall be immediately referred to and assigned to the Inspector General for investigation. In these circumstances the Use of Force Incident Review will not be completed.
2. Any use of less lethal force shall result in a Use of Force Review panel convening within ten (10) days from the Use of Force. To ensure a fair and impartial review, the review panel shall be comprised of staff not directly involved in the incident to ensure a fair and impartial review.
3. At a minimum the review panel shall consist of:
 - A. An Associate Warden from the institution involved.
 - B. An institutional Command Staff at the level of authority of a Correctional Lieutenant or above, from the institution involved.
4. The review panel shall review all information, reports, all video footage, and any other pertinent information or document that is or shall become available.

5. The review panel shall review the actions of all staff members and inmate(s) involved in the Use of Force incident, including those actions leading up to the Use of Force, taking into account any NOTIS incident reports surrounding the time frame of the Use of Force, especially involving the staff member that used the force and the inmate that had the force used upon their person.
6. The review panel shall conduct in person, recorded interviews of all staff and inmate(s) involved in the Use of Force. Should the panel, as part of the review, desire to question/interview an employee involved in the use of force, the panel shall conduct all interviews in accordance with department procedures, as well as relevant provisions of NRS chapter 284 and 289. The panel does not have the authority to recommend discipline.
7. The review panel shall evaluate the Use of Force incident and prepare a written report on its evaluation and determination to the Warden, the Deputy Director of Operations and Inspector General within ten (10) days from commencement of the Use of Force review, to include:
 - A. Was the Use of Force justified;
 - B. Was the Use of Force within policy, procedures and training of the Department;
 - C. Could the Use of Force have been prevented;
 - D. Could this type of Use of Force be prevented in the future;
 - E. Any referral for investigation for possible disciplinary action for staff member(s) involved in the Use of Force.
 - F. Any recommended corrective action for staff member(s) involved in the use of force.
 - G. Any recommendation for any staff member that acted with distinction in the Use of Force; and
 - H. Any recommended changes or enhancements to policy, procedure, or training related to this Use of Force.
 - I. Any recommended changes or enhancements to the physical structure of the area related to this use of force

405.13 SERIOUS USE OF FORCE INCIDENT REVIEWS

1. Any Use of Force suspected to be excessive or unnecessary shall be immediately referred to and assigned to the Inspector General for investigation. In these circumstances the Use of Force Incident Review will not be completed.

2. Any use of deadly force or less lethal force causing serious physical injury shall result in convening a Serious Incident Review Panel within fifteen (15) days from the Use of Force. The review panel shall be comprised of staff not directly involved in the incident to ensure a fair and impartial review.
3. At a minimum the review panel shall consist of:
 - A. A Warden and/or an Associate Warden from an institution where the Use of Force did not occur;
 - B. An Investigator or Supervisory Investigator from the Inspector General's Office;
 - C. An institutional Command Staff at a level of authority of a Correctional Lieutenant or above, from an institution where the Use of Force did not occur.
4. The review panel shall review all information, reports, all video footage, and any other pertinent information or document that is or shall become available.
5. The review panel shall review the actions of all staff members and inmate(s) involved in the Use of Force incident, to include those actions leading up to the use of force. The panel shall also take into account any NOTIS incident reports surrounding the time frame of the Use of Force, especially involving the staff member that used the force and the inmate that had the force used upon their person.
6. The review panel shall conduct in person, recorded interviews of all staff and inmate(s) involved in the Use of Force. When the panel, questions/interviews a staff member involved in the Use of Force the panel shall conduct all interviews in accordance with department procedures, as well as relevant provisions of NRS chapter 284 and 289. The panel does not have the authority to recommend discipline.
 - A. The written notice shall provide the names of the assigned staff members to the review panel;
 - B. The written notice shall identify the NOTIS Incident Number for the Use of Force incident;
 - C. The written notice shall identify the date, time and location of the interview;
 - D. The review panel shall ask questions and gather information related to the specific Use of Force, the inmate(s) involvement and any historical information related to the interaction between the involved staff member and the involved inmate(s);
 - E. The written notice shall provide the Notice of Confidentiality applied to the Use of Force Review.

7. The review panel shall evaluate the Use of Force incident and prepare a written report on its evaluation and determination to the Director and the Deputy Director of Operations within thirty (30) days from commencement of the Use of Force review, to include:
 - A. Was the Use of Force justified;
 - B. Was the Use of Force within policy, procedures and training of the Department;
 - C. Could the Use of Force have been prevented;
 - D. Could this type of Use of Force be prevented in the future;
 - E. Any referral for investigation for possible disciplinary action for staff member(s) involved in the Use of Force.
 - F. Any referral for investigation for possible corrective action for staff member(s) involved in the Use of Force.
 - G. Any recommendation for any staff member that acted with distinction in the Use of Force; and
 - H. Any recommended changes or enhancements to policy, procedure, or training related to this Use of Force.
 - I. Any recommended changes or enhancements to the physical structure of the area related to this use of force.
8. Any recommended corrective action being applied to a staff member shall be reported to the appointing authority via a memorandum that outlines the reason for the corrective action. A corrective action is not deemed a discipline.
9. Any findings that recommend disciplinary action be taken against a staff member shall be referred to the Inspector General and Director for their review and appropriate response; response may include, but not be limited to official assignment for Administrative Investigation.
10. Any findings that recommend a change or enhancement to a policy, procedure, or training shall be sent to the Director and Deputy Director of Operations.
11. Any findings that identifies that a staff member acted with distinction in the Use of Force shall be sent to the Director and Deputy Director of Operations.
12. The review panel report and its contents are confidential and not subject to dissemination except by order of the Director, Inspector General, or lawful court order.

13. The Inspector General's Office shall track all Use of Force reviews to insure timely completeness. The Inspector General's Office shall prepare and submit to the Director's executive team, an annual report that details the number of Uses of Force that were reviewed and the total of the outcomes for each of the categories reviewed

405.14 OFFICER INVOLVED SHOOTING INVESTIGATIONS

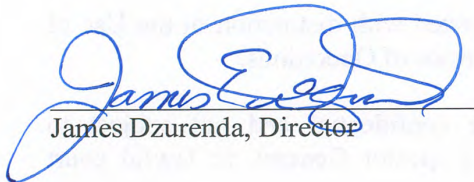
1. All uses of force that involve the discharge of a firearm, excluding blank rounds, shall result in an Officer Involved Shooting (OIS) investigation being done by an investigator(s) of the Inspector General's Office (IG) unless;
 - A. A death occurs as the result of the discharged round, at which time an outside law enforcement investigating body shall be called in for response and investigation;
 - B. Director or Inspector General determines that the matter is or may be a conflict of interest to the Department.
2. The processes, procedures and format used in conjunction with an OIS investigation and the subsequent report are contained within the confidential I.G. manual.
3. All OIS investigations are confidential and not subject to dissemination without the authorization of the Director, Inspector General, and Board of Prison Commissioner's or in conjunction with lawfully issued court order.
4. The OIS report shall be e-mailed to the Director, Deputy Director of Operations and the Inspector General/designee. Once approved, this report shall be made available to the Use of Force Review Panels.

APPLICABILITY

1. An Operational Procedure is required within thirty (30) days of this regulation's effective date.
2. This AR requires an audit.

REFERENCES

ACA Standards: 4-4206, 4-4204, 4-4203, 4-4202, 4-4201, and 4-4191.


James Dzurenda, Director

11/16/16
Date

EXHIBIT H

NDOC AR 245 – Inmate Medical Charges,
effective 6-18-2018

EXHIBIT H

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
245**

INMATE MEDICAL CHARGES

Supersedes: AR 245 (06/17/12); (08/11/14, Temporary); 09/16/14; (05/18/18, Temporary)
Effective Date: 06/18/18, Temporary
AUTHORITY: NRS 209.131; 209.221; 209.246; 209.247; 209.463; and NRS 428.015.

PURPOSE

To ensure any charge to any inmate account for medical is consistent with all federal and state regulations. The criteria for eligibility of use for the Inmate Welfare Account for inmate medical charges or deductions from an inmate's savings or trust accounts for medical charges is specific to Administrative Regulation 245, and should not be transferred or applied to other regulations.

RESPONSIBILITY

The Director is responsible for the administration of all regulations.

The Deputy Director of Support Services is responsible to ensure the implementation of this regulation.

The Medical Director is responsible for the compliance with federal, state and administrative regulations.

DEFINITIONS

Non-exempt examinations or treatments – Those medical appointments (either in the institution or with an outside medical provider) that are not listed as being exempt either in *Support Services (SS) – 0041* or in operational procedures at the institutions based on medical necessity.

Insufficient Income – A measure of income issued as set forth annually by the Department of Health and Human Services (HHS), defined as income that is at or below 138% FPL for the Medicaid childless adult population.

Insufficient Resources – Resources are defined as those assets, both real and personal, which an individual owns and can apply, either directly or by sale, to meet basic needs of food, clothing, shelter, and medical costs. Insufficient resources for inmate medical charges is \$2,000 which follows the resource limits for home based waivers and institutional groups in the State of Nevada, Department of Health and Human Services, Division of Welfare and Supportive Services, *Medical Assistance Manual*.

245.01 CHARGES FOR MEDICAL SERVICES

1. Inmates will be charged a fee for each visit to a medical provider for all non-exempt examinations or treatments. Voluntarily missed appointments will still incur a charge.
 - A. Upon arrival at the facility, all inmates are informed about how to access health services and the grievance system. This information is communicated orally and in writing.
 - B. All inmates are advised, in writing, at the time of admission to the facility of the guidelines of the copayment program.
 - C. Inmates will be charged 100% in advance, and shall have the funds available in the Trust Accounts of their individual Prisoners' Personal Property Fund (PPF), for the cost of any approved elective procedure and related costs that are not considered medically necessary by the Department medical staff.
2. Inmates will be charged a fee for each medically necessary prosthetic device or appliance received. A fee will also be charged to offset any repair costs. If the prosthetic device/appliance is lost, stolen, or abused, the inmate may be responsible for 100% of the replacement cost.
 - A. Inmates will be charged 100% in advance, and shall have the funds available in the Trust Accounts of their individual PPF, for the cost of any prosthetic device/appliance, which is not medically required, subject to the appropriate approvals.
3. Inmates will be charged a fee for copies of their own medical records.
4. Inmates will be charged a fee for each case review, whenever a Department provider is involved in the review process.
5. Inmates who are in the custody of the Department from sending states under the Interstate Corrections Compact (ICC) shall be subject to any medical charges as provided for under Nevada statutory requirements concerning health care, unless superseded by a specific contract. NDOC inmates who are in the custody of another state (receiving state) under the provisions of the ICC shall be subject to medical charges as provided for under the receiving state's statutory requirements concerning health care, unless superseded by a specific contract.
6. No inmate will be refused medical services for lack of financial resources to pay for medical examinations or treatments.

245.02 CHARGES FOR ALTERCATIONS, RECREATIONAL INJURIES OR SELF-INFLICTED INJURIES

1. Inmates will be charged for the cost for medical examination, diagnosis, or treatment for injuries which result from altercations, recreational injuries, or self-inflicted injuries.
2. Fees will be charged for all injury-related care provided inside the institution, including but not limited to, nurse visits, doctor visits, pharmaceuticals, infirmary time, and mental health unit time, not related to injuries related to a mental health condition.
3. Inmates will be charged for the cost of all other injury related expenses incurred by the Department outside the institution/facility such as, but not limited to, ambulance service, hospitalization, pharmaceuticals, diagnostic, and surgical procedures. If the costs related to hospitalization are covered by Medicaid, the inmate would be responsible to pay for the portion payable by the Department.

245.03 CHARGES FOR MEDICAL CARE BY OUTSIDE MEDICAL PROVIDERS AND ENTITIES

1. When a fiscal year financial shortfall is identified prior to the close of the fiscal year accounting, inmates will be charged a portion of the cost as defined in the Medical Operation Procedure of their own medical appointments with outside providers for medical or dental care, to include expenses for prescribed medicine and supplies to defray a portion of the costs when a financial shortfall in the Medical Division's budget occurs. The portion of the cost charged to the inmate must be a percentage equal to the percentage of the budget shortfall.

245.04 REIMBURSEMENT OF MEDICAL EXPENSES

1. The inmate's Trust Accounts of his or her individual PPF, through the Inmate Banking Section, will reimburse the Medical Division for all authorized inmate medical expenses pursuant to sections 245.01 and 245.02 in this regulation.
 - A. If an inmate has insufficient resources in his or her Trust Accounts at the time the medical costs are posted by the Inmate Banking Section, the costs will be posted as department charges.
 - a. The inmate shall sign a statement under penalty of perjury concerning his or her financial situation; and
 - b. The costs will be posted as department charges.
 - B. The Medical Division will be reimbursed for these department charges by the Inmate Welfare Account after it has been determined by the Inmate Banking Section sufficient funds are available for the reimbursement taking into consideration prior debts, such as legislatively mandated expenses, and contractual obligations.

- C. Reimbursement will be made to the Inmate Welfare Account, through the Inmate Banking Section, from the inmate's PPF in accordance with AR 258.
2. The inmate's Trust Accounts of his or her individual PPF, through the Inmate Banking Section, will reimburse the Medical Division for authorized inmate medical expenses pursuant to section 245.03 of this regulation when the inmate has sufficient income and sufficient resources, subject to NRS 209.246. For the purpose of NRS 209.221(5) and 209.246(2), an inmate shall be deemed to have insufficient money in the Inmate's Trust Account of his or her individual PPF and no money may be determined to be available in such account so long as the inmate has insufficient income and insufficient resources.
- A. If an inmate has insufficient money in his or her Trust Accounts at the time the medical costs are posted by the Inmate Banking Section, the costs will not be posted as department charges.
 - B. If an inmate has sufficient income, but has insufficient resources in his or her Trust Accounts at the time the medical costs are posted by the Inmate Banking Section, the costs will be posted as department charges.
 - C. The Medical Division will be reimbursed for these department charges from the Inmate Welfare Account after it has been determined by Inmate Banking Section sufficient funds are available for the reimbursement taking into consideration prior debts, such as legislatively mandated expenses, and contractual obligations.
 - D. If an inmate has sufficient income or sufficient resources, reimbursement will be made to the Inmate Welfare Account. Reimbursement will be made to the Inmate Welfare Account, through the Inmate Banking Section, from the inmate's PPF in accordance with AR 258.

APPLICABILITY

- 1. This regulation requires an Operational Procedure for the Support Services Division and the Medical Division.
- 2. This regulation requires an audit.

REFERENCES

ACA Standard 4th Edition: 4-4344 and 4-4345; and the State of Nevada Medicaid Eligibility Manual


James Dzurenda, Director

6/18/18
Date

EXHIBIT I

NDOC OP SS-0041, Inmate Health Care
Charges, revised 5-18-2018

EXHIBIT I

**STATE OF NEVADA
DEPARTMENT OF CORRECTIONS
OFFICE OF THE DIRECTOR
OPERATIONAL PROCEDURE**

INMATE HEALTH CARE CHARGES

File Number: SS – 0041

Effective Date: 02/01/2007

Revised Date: 05/18/2018

Reviewed By: Robin Hager *RH*

Approved By: John Borrowman *J. Borrowman*

Section: SUPPORT SERVICES

I. PURPOSE

The purpose of this procedure is to delineate the charges for inmate health care services authorized by AR 245 – INMATE MEDICAL CHARGES

II. POLICY

It is the policy of NDOC to defray the cost of inmate health care by charging inmates co-pay for routine medical care, the entire cost of health care related to altercations, self-inflicted injuries and recreational injuries, and a portion of the cost for medical and dental services with outside providers. The Director will set the cost of any co-pays or fees.

III. DEFINITIONS

AIDS TO IMPAIRMENT include, but are not limited to, eyeglasses, canes, crutches, and wheelchairs.

BASE CHARGE – The standard charge assessed for medical services, aids to impairment, or devices when applicable. The current Base Charge is \$8.

BRASS SLIP – The Inmate Account Transaction Request Form, DOC-509, by which inmates can access their individual trust account in the Prisoners Personal Property Fund (PPF).

CHRONIC DISEASE CLINIC – A clinic provided for an inmate with a qualifying medical condition.

NRS 209.246 CHARGES (AB389) – Inmates required to pay 100% of the costs for examination, diagnosis or treatment for injuries which result from altercations, recreational, or self-inflicted injuries per NRS 209.246 also know as AB389.

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ORTHOSES – Specialized mechanical devices, such as braces, foot inserts, shoes, or hand splints, used to support or supplement weakened or abnormal joints or limbs.

PILL CALL – Administration of prescribed medications by licensed medical staff to inmates.

PRISONER'S PERSONAL PROPERTY FUND ACCOUNT (PPF) – The PPF account is a trust fund created for the deposit of all monies received by the inmates during incarceration. The individual inmate's account within the PPF is divided into three parts: (a) Trust Account, (b) Trust2 (Trus2) Account, and (c) Savings Account.

PROTHESES – Artificial devices to replace missing body parts such as limbs, eyes, teeth, or heart valves.

PROVIDER – Medical professionals including, but not limited to physicians, mid-level practitioners, registered nurses, dentists, and psychologists.

TRUST ACCOUNT – This account is the inmate's spending account. Monies in this account consist primarily of deposits and payrolls. Charges incurred by the inmate may be deducted from this account if the inmate has sufficient funds to cover the charge.

UTILIZATION REVIEW_PANEL (U.R. panel) – This panel is comprised of institutional practitioners, the Medical Director, and the Quality Assurance Specialist IV. This panel reviews requests to utilize outside medical providers for medical care.

IV. CHARGES FOR HEALTH CARE SERVICES

A. Health Care Visits

1. Inmates will be assessed a co-pay equal to the Base Charge for each inmate requested visit to a medical or dental provider for an examination or treatment.
 - See Section V for charges relating to recreational injuries, self-inflicted injuries or altercations.

Exemptions to this charge include but are not limited to:

- Intake physical;
- Periodic physical (including optometric eye exam)
- 1 pair of eyeglasses every two years
- Full set of dentures or partial plates required for mastication
- Pill call;
- Prenatal care;
- Routine chart, lab, x-ray and/or routine medical record review and sign offs;
- Visits for mandated immunization and testing for public health purposes such as PPD (TB), HIV, STD's, pre-release blood tests, intake tests, hepatitis tests,

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etc., and includes any follow-up x-rays or tests resulting from a positive indicator;

- Prophylactic treatment for TB in accordance with Department guidelines;
- Body louse treatments;
- Psychiatric and/or psychological treatment for mental health disorders; and
- Planned counseling programs (e.g. anger management, sexual offender treatment, substance abuse treatment, etc.)
- Prison directed care, unless that care is supported by an incident report related to Section V.

2. If an inmate voluntarily fails to keep a scheduled appointment, the inmate will be charged the Base Charge for the missed appointment.

- If inmates fail to keep the appointment for reasons beyond their control they will not be charged for that appointment.

B. Aids to impairment, Orthoses and Prostheses

1. Inmates will be charged the Base Charge for each medically necessary Aid to Impairment, Orthoses and Prostheses.

- The aid to impairment, orthoses and prostheses must be at the order of a Departmental provider and have prior approval from the Utilization Review Panel and Warden.
- The inmate will be assessed the Base Charge for each repair of any aid to impairment, orthoses or prostheses.
- If an aid to impairment, orthoses or prostheses has been determined to have been abused, the inmate will be charged the full replacement cost and this charge will be processed as AB389 Self-Inflicted (see number 4).
- Exemptions from these charges are:
 - Full set of dentures or partial plates medically necessary for mastication. (See item 2)
 - Eye glasses (See item 3)

2. Dental prostheses must be approved and ordered by the Institutional Dentist or his/her designee.

- A full set of dentures or partial plates medically necessary for mastication will be supplied free of charge and are expected to have a useful life of at least 5 years.

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- The inmate will be assessed a co-pay equal to the Base Charge for each of the three dental visits (initial assessment, impression, and delivery) for partial dental plates (deemed not medically necessary for mastication) fabricated in the DOC Dental Prosthetics Lab.
 - The inmate will be assessed a co-pay equal to the Base Charge for each of the three dental visits (initial assessment, impression, and delivery) for replacement of any dental partial plates lost, damaged or stolen within 5 years of initial partial plate fabrication. Second replacement within 5 years of initial partial plate fabrication will be charged at full cost and processed as an AB389 – Self Inflicted see item 4.
 - The inmate will be assessed the Base Charge for each repair to existing partial dental plates.
 - The inmate will be assessed a co-pay equal to the Base Charge for each of the three dental visits (initial assessment, impression, and delivery) and an additional Base Charge for replacement of dentures within 5 years of initial issue. Second replacement within 5 years of initial partial plate fabrication will be charged at full cost and processed as an (AB389) – Self Inflicted see section 4.
 - The inmate will be assessed four (4) Base Charges for each repair to existing dentures.
3. Eyeglass prescriptions must be approved and ordered by the Institutional Optometrist or his/her designee.
- Inmate will be supplied one (1) pair of eyeglasses free of charge every two (2) years.
 - The inmate will be assessed the Base Charge for replacement glasses that have been lost, stolen or accidentally broken within his/her 2 year renewal period. Alterations to eyeglasses will constitute abuse.
 - Abuse will apply for any alterations to eyeglasses or if a third or more pair of eyeglasses is required for lost, stolen, or broken glasses within the two year replacement period. Inmate will be charged the full cost of replacement and charges will be processed as AB389-Self Inflicted (see Item 4).
 - The inmate will be assessed a co-pay equal to the Base Charge for each additional requested eye clinic visit within the two year renewal period. If the visit is deemed necessary and a new prescription is written during the visit, inmate will only be charged the co-pay. If a new prescription is not required, the co-pay still applies.

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- Inmates with chronic diseases that affect vision will not be charged the Base Charge for new glasses as a result of changes to their prescriptions that fall within the two year replacement period.
4. AB389-Self Inflicted Injury charges will apply for any abuse, alterations, or third or more set of dental plates, dentures, or eyeglasses or repairs required due to an altercation, recreational or self-inflicted injury.
- When an Inmate is to be charged the full cost of replacement, a DOC-2514 Unusual Occurrence Report shall be completed with no less than the information listed in the example below and submitted to the Management Analyst I for processing.

➤ *EXAMPLE*

	<i>DATE</i>	<i>COST</i>
<i>Two Year exam conducted:</i>	<i>05/01/09</i>	<i>\$0.00</i>
<i>Received Pair #1 eyeglasses:</i>	<i>05/31/09</i>	<i>\$0.00</i>
<i>Reason for replacement #2 "lost on yard"</i>		
<i>Date #2 eyeglasses ordered from vendor and charged to inmate:</i>	<i>10/15/09</i>	<i>\$8.00</i>
<i>Date Inmate received Pair #2 eyeglasses:</i>	<i>11/15/09</i>	
<i>Reason for replacement #3 "dropped on floor and broke"</i>		
<i>Replacement cost of eyeglasses - see attached Quote from PRIDE and order date:</i>	_____	<i>\$29.55</i>
 <i>AB389 Charge to Inmate:</i>	 <i>\$29.55+\$8.00</i>	

5. Aids to impairment, orthoses and prostheses purchased by the inmate are considered their personal property and will be placed on their property card and transferred with them whenever possible.
- If an item is too large to transfer, the inmate will return the item to the infirmary and receive written authorization for shipment to the receiving institution (See the Department's Administrative Regulations 711 and 750).
 - Approval from the receiving warden must be obtained before the item can be shipped.
 - The inmate may be required to pay for the cost of the shipping to the receiving institution.

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- If the inmate fails to present the written authorization at the receiving institution to request the return of the item, the inmate may be required to pay the replacement cost.
6. Aid to impairment, orthoses, and prostheses transported with the inmate must be listed on the face sheet of the intra-Institutional Transfer Form that accompanies the medical records.
- The item may be removed from the inmate during the actual transportation (i.e. a cane which can be returned upon the completion of the trip).
7. If the aid to impairment, orthoses, or prostheses is altered or used in any manner to present a security risk, the item will be deemed as contraband and confiscated.
- If the aid to impairment, orthoses, or prostheses is lost, stolen, or abused, the inmate may be held responsible for 100% of the replacement cost.
 - If the aid to impairment, orthoses, or prostheses has been damaged by department staff, the inmate may file a property claim pursuant to the Department's Administrative Regulation 740.
8. No inmate will be refused medically necessary health care services for lack of financial resources to pay for examinations, treatments, or prosthetic devices (including eyeglasses).
- If insufficient funds exist in the inmate's trust account, the charge will be posted to the inmate's Department charge account and payment transferred from the appropriate fund to the Medical Division until such time as the funds to repay the expense become available from the inmate's trust account.
 - Unpaid health care expenses incurred by the inmate will be added to department charges and be due and payable to the department upon release.

C. Medical Records

1. Copies of medical records will be available as directed by AR 639 and Medical Directive 707. Inmates will be charged as outlined by NRS 629.061 (1) (b).
- The Health Information Director/designee must approve the request for copies and the charge.
 - The inmate must submit an approved brass slip to pay for these copies.

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2. The inmate will be charged 100% for the cost to copy x-rays and other medical records that require a more elaborate duplication process.
 - The inmate must submit an approved brass slip to pay for these copies.
3. An inmate who lacks sufficient funds will not be denied copies of their medical records if they can show that the copies are necessary for a legal action and that action concerns their medical condition during their confinement.
 - The inmate must submit a brass slip to allow the posting to their Department charge account.
 - The brass slip must indicate the copies are for a legal matter and must include the case number.
- D. Substance abuse testing and body cavity searches.
 1. The institutional disciplinary committees pursuant to the Code of Penal Discipline will determine the assessment of health care charges as a result of these issues.
- E. Inter-State Compact
 1. Inmates who are in the custody of the department from sending states under the Inter-State Compact (ICC) shall be subject to any health care charges as provided for under statutory requirements concerning health care, unless superseded by a specific contract.
 2. NDOC inmates who are in the custody of another state (receiving state) under the provisions of the Inter-State Compact shall be subject to the receiving state's health care charges as provided for under statutory requirements concerning health care.
- F. Requests for Exemptions/Reversals of Health Care Charges
 1. The inmate will utilize Form DOC-2578 for all requests for reversal of health care charges (except as outlined in Section V, B).
 - The inmate is to complete the form and attach documentation such as the inmate account statement from the date of the original posting and submit the form and attachments to the Director of Nursing Services for recommendation of approval or denial.
 - All requests must be submitted within the time frames specified in the department's Administrative Regulation 258. Any request that is determined to be stale dated will not be acted upon.

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- The form will be reviewed by the Medical Administrator/designee for final determination regarding the approval/denial of the reversal.
- If approved, Form DOC-2578 will be forwarded with applicable documentation to Inmate Services for reversal.
- If the request is denied, the Medical Administrator/designee will send notification to the Director of Nursing Services who will inform the inmate of the decision.
- The inmate can proceed through the grievance process if the reversal of medical fees is denied.

**V. CHARGES FOR ALTERCATIONS, AND RECREATIONAL OR SELF-
INFLICTED INJURIES**

- A. Inmates will be charged 100% of the examination, diagnosis or treatment for injuries, which result from altercations and recreational or self-inflicted injuries.
1. These charges may include, but are not limited to: diagnostic testing, medical or dental procedures, physical manipulations, therapies, or pharmaceuticals necessary for the treatment of the injuries.
 2. Inmates will be assessed medical charges for health care received in the institution/facility for altercations and recreational or self-inflicted injuries as follows:
 - \$25.00 for each treatment involving nursing staff only;
 - \$50.00 for each treatment involving a physician, dentist or mid-level practitioner (the assessment for assisting nursing staff will not apply);
 - \$150 Blood and body fluid protocol to cover evaluation and all laboratory testing necessary to rule out infectious disease. Any treatment required would be subject to additional charges;
 - The prevailing daily rate at the Regional Medical Facility for inmates/boarders/outside contractors will be charged for all altercation and injury related infirmary time; and
 - The prevailing daily rate at the Regional Medical Facility for inmates/boarders/outside contractors will be charged for the initial evaluation in the Mental Health Unit if treatment is not appropriate.
 3. Inmates will be charged 100% of all other related expenses incurred outside the institution/facility such as, but not limited to, ambulance service, hospitalization, pharmaceuticals, diagnostic, and surgical procedures.

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4. Recreational injury charges will be posted to the appropriate inmate account if a determination has been made on the DOC-2514 Unusual Occurrence Report Form that the injury was a result of being a participant in a recreational activity.

- Participating in a recreational activity may include being a part of the team while not actively participating at the time of injury, such as sitting on the bench during a game.
- An inmate may be liable for recreational injury charges while participating in a recreational activity while a member of a voluntary program
- A spectator or passerby would not be considered a participant in the recreational activity.
- A notice of charges is not required to assess these charges.

B. Grievance of charges for altercations and recreational or self-inflicted injuries.

1. Inmates may file a grievance pursuant to the department's Administrative Regulation 740 regarding these medical charges if they have received a denial of a request to reverse the charges.

2. The informal grievance responder will be the Correctional Caseworker Specialist.

3. The level one grievance responder will be the institutional health authority.

- If the recommendation at informal or level one is to recommend a reversal of medical charges not specified in this regulation, the reason for the recommendation for the reversal must be documented and forwarded to the inmate to proceed to level two via the normal process routing.
- The inmate will attach the documentation to the level two grievance and submit the grievance to the grievance coordinator who will then forward the grievance to the Medical Administrator

4. The Medical Administrator will make the final determination on the grievance at level two.

VI. REIMBURSEMENTS OF HEALTH CARE EXPENSES

A. Inmate Services will reimburse the Medical Division for all authorized inmate health care expenses pursuant to AR 245. Inmate Services will be responsible for seeking reimbursement from the individual inmates when applicable.

B. The Medical Administrator /designee will determine the total cost of health care using the Medical Division incident reports and other health care expense reports.

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- C. A monthly report will be prepared by the Medical Division which details such items as the inmate and related health care cost and will be submitted to Inmate Services for review and verification.
- D. For self-inflicted and altercation type injuries Inmate Services will ascertain if an inmate was found guilty by reviewing the disciplinary report and other documentation.
 1. If more than one inmate is involved, such as in an altercation, the health care costs may be split among the inmates found to be responsible for the incident if they were found guilty through the disciplinary process. Allocation of the charges will be based on the responsibility of the causal action when possible.
- E. Abuse of aids to impairment, orthoses, and prostheses as outlined in section IV, B. shall be considered self-inflicted in accordance with NRS 209.246 (AB389).
- F. If a disciplinary report is not provided, Inmate Banking Services will contact the Warden and Deputy Director of Operations monthly to ascertain the reason for the lack of the report.
- G. Inmate Banking Services will work with the Medical Division to reconcile the monthly billings and reimbursements and resolve any discrepancies on a monthly basis.
- H. The Medical Division will submit a billing to Inmate Services to request reimbursement for the incurred health care costs on a monthly basis after the report has been reconciled.
 1. Any previously reimbursed health care costs later found to be incorrect will be refunded back to Inmate Services from the Medical Division and the appropriate inmate account corrected to reflect the adjustment.
- I. Reimbursements will be made directly from the Inmate Welfare Fund as appropriate.
- J. An inmate must be sanctioned restitution in order for Inmate Banking Services to process a debit transaction to the inmate's account. Inmate Banking Services will post the medical costs to the appropriate inmate account and reimbursement will be made to the Inmate Welfare Fund when funds become available in the inmate's trust account

VII. OTHER HEALTH CARE COST REIMBURSEMENTS

- A. Medical costs incurred by the Medical Division relating to medical examinations, diagnosis or treatment for an injury to an inmate will be transferred from the appropriate fund of Inmate Services to the Medical budget to repay or defray those costs if:
 - The Director or designee has reason to believe that an inmate caused the injury.

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- The identity of the inmate is unknown or cannot be determined by the Director with reasonable certainty.
- B. If the identity of the inmate is determined after the transfer of funds the inmate's account will be charged and the appropriate fund of Inmate Services will be reimbursed from the inmate's trust account in the PPF, as money becomes available.

EXHIBIT J

NDOC AR 446 – Identification of Inmates Affiliated
with Security Threat Groups and Disruptive
Groups, effective 1-14-2014

EXHIBIT J

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
446**

**IDENTIFICATION OF INMATES AFFILIATED WITH SECURITY
THREAT GROUPS AND DISRUPTIVE GROUPS**

Supersedes: AR 446 03/19/13; AR 446 (Temporary 8/21/15)
Effective date: 1/14/16

AUTHORITY: NRS 209.131, NRS 193.168, 28 CFR 23

RESPONSIBILITY

The Inspector General's Office (IG) has primary responsibility for supervising the process for the identification and management, including validation, of Security Threat Groups (STG) and/or Disruptive Groups (DG) and the affiliated inmates.

Supervisory Criminal Investigators in the IGs office and assigned Inspector General Investigators are responsible to monitor STG and/or DG activity within the Department.

All Department staff share the responsibility in reporting and identifying STG and/or DG.

446.01 STG AND/OR DG IDENTIFICATION AND MANAGEMENT

1. STG status is to be considered advisory in nature and ordinarily does not require specific actions beyond an increased level of security awareness. All staff will accurately document suspected STG and/or DG members and their activities and ensure all validation and supporting information and documentation is sent to the designated staff member within the IGs office.
2. The Department will establish:
 - A. A mechanism to identify, verify, and validate STG and/or DG and the affiliated inmates;
 - B. A procedure for STG and/or DG Due Process hearings and appeals.
3. The Office of the Inspector General will develop confidential procedures to identify, verify, validate and provide suggestions for management of the STG and/or DG.
4. The Office of the Inspector General will develop confidential procedures for the sharing of intelligence relative to STG and/or DG with law enforcement agencies outside the Department of Corrections.

5. Each institution/facility will develop institutional procedures to comply with the Inspector General's guidelines in the identification of STG and/or DG, and affiliated inmates to each specific group.

A. Each institution is responsible for the management of inmates affiliated with a STG and/or DG, based upon the needs of the institution while keeping in mind the variables of housing for each inmate.

B. Expertise and information relative to housing issues of and/or for inmates should be sought from staff members of the Inspector General's office when applicable.

446.02 STG AND/OR DG INVESTIGATION AND VALIDATION

1. When STG/DG activity or affiliation is suspected, the Warden/designee of the affected institution will initiate an inquiry to gather relevant information concerning the activity and any involved inmates. This information should be documented within Nevada Offender Information Tracking System, (NOTIS) and should include as much identifiable information as possible.

A. When practical the documentation, photographs and/or any other report should be imported into the NOTIS incident report utilizing the document import icon.

B. The STG assessment fields in NOTIS will be updated for all involved inmates, to accurately reflect current STG status and involvement.

C. If documentation in support of the activity and/or identification is not scanned, all relevant information and documentation obtained during the information gathering/investigation process concerning a suspected STG/DG or affiliated inmate, will be forwarded to the Inspector General's Office designee for review.

2. When appropriate, the IG designee will validate the concerned STG/DG or affiliated inmate in accordance with established validation criterion outlined in the IG procedures.

446.03 STG AND/OR DG DUE PROCESS

1. The Department will establish processes and procedures by which an inmate can question, review and appeal a STG/DG designation/validation.

2. In accordance with established validation criterion an inmate will be notified of suspected STG/DG affiliation via NDOC Form 1598 STG/DG Notification. The NDOC Form 1598 will provide what information the suspected affiliation is based upon.

3. The inmate will be advised as to the necessary steps to, if desired, remove themselves from affiliation through the formal debriefing process.

4. Should the inmate disagree with the designation, he can, within 10 days of the written notification, request in writing via his caseworker, a STG/DG Due Process Hearing.
5. The involved casework staff member will notify the supervisory Casework staff of the inmate's request for a STG/DG Due Process Hearing.
 - A. The Casework staff member should document the inmate's request for a hearing within the appropriate area of the Offender Management Module of NOTIS.
6. The inmate will be notified in writing with a date and time that the STG/DG Due Process Hearing will occur. The inmate must be given at least 72 hours of preparation time to be able to present evidence if he believes the suspected affiliation is incorrect. The inmate may not call any witnesses.
7. The STG/DG Due Process Hearing panel will consist of the Warden or designee, which can be an Associate Warden or a staff member with sufficient supervisory experience and knowledge, the inmate's caseworker, and one other staff member of the facility. Another assigned staff member, typically from the involved institution, will present the STG/DG information on the inmate. All STG/DG Due Process Hearings will be recorded via tape or digital means.
8. The hearing will begin by informing the inmate why he is suspected of being affiliated with a STG/DG, including presenting the facts about why it is believed the inmate should be validated. All evidence will be presented at that time and this evidence will be attached to the hearing document packet.
9. Confidential information that has been proven reliable will be presented, off tape and outside the presence of the involved inmate, to the hearing panel.
10. Once the evidence and facts have been presented, the inmate will be given the opportunity to present his rebuttal, including being allowed to speak on his behalf. He can present evidence both verbally and documents to support his case. He cannot call witnesses.
11. Once the Due Process hearing panel has heard and reviewed all information and documentation, the recording will be paused or stopped. The inmate and presenting staff member will leave the room and the panel will deliberate. Once the deliberation has ended and the panel has voted whether the inmate should be validated or not, the inmate and the presenting staff member will be allowed back into the room. The tape recorder will be restarted and the inmate will be made aware of the panel's decision by advising him that he is or is not to be validated as affiliated with a STG/DG.
12. Each panel member will indicate on NDOC Form 1598 whether they agree, disagree or need additional information or investigation, with the inmate's suspected affiliation.

13. A copy of the panel's decision will remain with the STG/DG file documentation and a copy of the panel's decision will be placed into the inmate's I file.

A. The original documentation, form 1598 will be sent to the Inspector General's Office, who in turn will upload the document into the STG module for that inmate.

14. The inmate will be provided information explaining to him how he can remove himself from the affiliation through a debriefing process.

15. The inmate will also be afforded the opportunity to appeal the panel's decision should he want to do so. The panel will provide the inmate with information explaining how the appeal process works.

16. After the STG/DG Due Process Hearing has been finalized, the inmate has 10 working days from the hearing date to appeal the panel's decision. The inmate will complete the STG appeal form or an inmate request form after the hearing or the Security Threat Group or Disruptive Group Designation, NDOC form 1598 during the STG Due Process hearing. The Inspector General will forward the form to the appropriate Deputy Director for review. The Deputy Director can agree with the panel, send the matter back for further investigation and review, or overturn the panel's decision for validation of the inmate.

17. Once the Deputy Director has made his determination or recommendation, the information will be returned to the Inspector General's Office, who will notify the involved facility. Casework staff is responsible to notify the involved inmate.

18. A copy of the written results of the Due Process Hearing appeal will be placed with the STG/DG module of NOTIS for the inmate.

19. The inmate's affiliation status with a STG/DG will be reviewed by or through regular case work review at the institution wherein the inmate is housed.

446.04 REVIEW FOR CHANGE AND/OR DEBRIEFING FROM A STG/DG DESIGNATION

1. During regular reviews, casework staff will confirm with the inmate any validated STG/DG designation.

2. Inmates who express an interest in debriefing, changing their status of designation from active to inactive, or want the designation removed must submit a request for any of these processes in writing through the casework staff member to the Associate Warden at the institution or facility where the inmate is housed.

3. The Associate Warden will designate an institutional staff member to:

- Generate a Nevada Offender Tracking Information System (NOTIS) report in the Incident Report (IR) module, clearly articulating the specific request by the inmate (Debriefing, Changing Status or Removal of Status);
- Import all documents associated with the inmate's request into the NOTIS Incident report;
- Notify the Associated Warden of the completion of these steps; and
- Refer the generated IR for review by the IGs Office.

4. All inmate requests for Debriefing from their affiliation with a STG will be addressed through review by the IGs office.

- The IG designee will review the inmate's request within NOTIS and assign the matter for handling and investigation to an investigator within the IG's office
- The matter will be assigned for review by an Investigator in the Inspector General's Office within 30 days.
- The processes and procedures associated with official Debriefing are contained within the confidential STG/DG manual.
- Upon completion of the investigation of Debriefing qualification, IG staff will work with Offender Management Division (OMD) staff as well as the institutional administrative staff where the inmate is currently housed to assess best placement for the inmate.
- Any activity, subsequent to official Debriefing, that is confirmed as associated with a STG will result in immediate removal from a status of Debriefed to include removal from any type of housing and/or programming associated to Debriefing
- At all phases of the Debriefing process, to include any possible removal from a debriefed status, housing and/or programming, the Department will take safety and security needs of the inmate, the institution and staff into account.

5. All inmate requests for a review for a Status Change to inactive will be initiated and conducted at the institutional level unless there are special circumstances that would not allow for the review to occur in this manner, following the prescribed format and processes, which include:

- The Inspector General's Office designee will assign the NOTIS IR an Incident Inquiry (IN) case number to the institution wherein the inmate is housed;
- The Associate Warden of the institution will designate an institutional staff member to conduct the review for a Status Change;
- The designated staff member will gather facts, information and documentation from NOTIS and other sources of information from the Department or outside law enforcement agencies in order to corroborate or refute inactivity. Some identified sources of information include;
 - NOTIS Incident Reports;
 - NOTIS Disciplinary History reports;
 - NOTIS Grievance log report;
 - NOTIS Inmate Housing History report;

- o Classification records from NOTIS and the inmate's I file;
- o Recorded inmate phone calls;

The designated staff member will conduct an in person recorded interview with the inmate requesting a Status Change;

- o The designated staff member will generate a report, including all garnered information, data and evidence and support his/her findings in the report;
- o The final report will be submitted to the Associate Warden of the Institution who in turn will submit and confer with the Inspector General's Office (designee) for a determination about the Status Change.

6. Any inmate that has had their STG/DG status changed or removed for whatever reason can be reviewed for any subsequent change of status based upon demonstrated STG/DG activity, association, or documentation.

446.05 STG/DG RECORDS CONFIDENTIALITY

1. STG/DG affiliation status information about an inmate(s) may be disseminated in conjunction with an official request related to the inmate from The Pardons or Parole Board.

2. STG/DG affiliation status information about an inmate(s), including DOC forms 1597 and 1598, may only be disseminated in conjunction with an official request, related to the inmate(s) from a Law enforcement agency.

A. STG/DG information and documentation determined to be confidential will be disseminated via official request to the Inspector General's Office.

3. Unauthorized dissemination of STG/DG confidential information or documentation is prohibited by any staff member of the Department.

446.06 STG/DG TRAINING

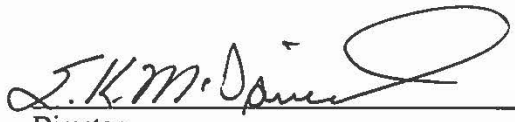
1. The IGs Office will make available subject matter experts to Employee Development Division for training of staff in the identification and management of Security Threat Groups and/or Disruptive Groups.

2. Department STG/DG training lesson plans shall be reviewed and approved by the IG designee and Employee Development Division.

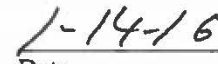
APPLICABILITY

1. This regulation applies to all employees and inmates of the Department.

2. This regulation requires confidential Manual from the Inspector General's Office.
3. This regulation requires all institutions and facilities to have an Operational Procedure.



Director



Date