

FACILITY HANDBOOK



March 2018



NORTH DAKOTA
Department of Corrections
& Rehabilitation

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This handbook is a reference guide to rules and other important information that you need to know. Please keep in mind that all information in this handbook is subject to change. The North Dakota Department of Corrections and Rehabilitation will publish memorandums of any changes and post on bulletin boards around the facility.

If there are any questions about information in this handbook please ask your assigned case manager for more information.

Sincerely,

Leann K. Bertsch
Director

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INTRODUCTION

This handbook applies to all individuals sentenced to the custody of the North Dakota Department of Corrections and Rehabilitation ("DOCR"). The DOCR includes the North Dakota State Penitentiary ("NDSP"), James River Correctional Center ("JRCC"), and Missouri River Correctional Center ("MRCC"). You will be given an addendum to this handbook if you are housed at the James River Correctional Center or Missouri River Correctional Center for additional rules applicable to those facilities.

STATUTORY RESPONSIBILITIES AND FUNCTION

The authority for the rules and regulations in the handbook is in North Dakota Century Code ("N.D.C.C.") chapters 12-47, 12-48, 12-48.1, 12-54.1 and 54-23.3 unless otherwise indicated.

MISSION STATEMENT

The mission of the North Dakota Department of Corrections and Rehabilitation is to enhance public safety, to reduce the risk of future criminal behavior by holding adult and juvenile individuals accountable, and to provide opportunities for change.

ORIENTATION PROGRAM

You will complete an orientation program upon arrival. The major purpose of this orientation program is to instruct you in the operation of the facility and alleviate fears, apprehension, and confusion that many new arrivals may have. The orientation program includes psychological testing, explanation of facility rules, visiting and correspondence policies, and availability of work, education, and treatment programs. Most importantly, it is a time for you to reflect on the behaviors that brought you to prison and to begin to set goals to change those behaviors. You are to plan your course of action for your incarceration during orientation.

This is your issued copy of the Facility Handbook, which describes the rules and infractions of the facility. Additional rules or rule changes to the handbook will be posted on the bulletin boards in the living quarters. It is your responsibility to familiarize yourself with all the rules of the facility and keep the handbook in your possession until you are discharged.

Upon completion of orientation, the classification committee will see you for determination of your custody level and housing.

W9

Federal law requires you to complete a W9 federal form for tax purposes. Failure to complete a W9 will make you non-compliant with your job or education program and subject you to disciplinary action.

UNIT PLAN

If you are transferred to another facility or a specialized unit, you will receive the necessary information about the new unit or facility.

CHAIN OF COMMAND

It is important that you follow the appropriate procedures to make requests, file complaints, or grievances. Chain of command requires that you deal with the staff at the most immediate level of contact capable of resolving the issue. As an example of following the chain of command, there may be a problem with the air temperature in your cell. Instead of writing a complaint to the warden, Director of Corrections and Rehabilitation, or Governor, you should first:

1. Contact an officer working in your housing unit: if no resolution;
2. Contact your case manager: if no resolution;
3. Contact the unit manager: if no resolution;
4. Feel free to follow the grievance procedure discussed in a later chapter of this handbook.

CLASSIFICATION

Your initial classification assignment follows your completion of orientation. The Inmate Classification Committee (ICC) will assign you a custody level. You may appeal the committee's custody level decision to the director of transitional planning services within 48 hours of your classification hearing. If you believe a custody level appeal is warranted, you may request a classification appeal form from staff in your housing unit. You may not appeal programming or housing assignment or parole related decisions. If you have concerns with your current program or housing assignment, you may address your concerns to your case manager.

Individuals of all custody levels may be housed at NDSP or JRCC, but generally, NDSP houses maximum security individuals, JRCC houses individuals with custody levels of medium or lower, and individuals with minimum custody may be housed at the MRCC or other designated transition facility. After your initial review, the Unit Classification Team (Team) will review your custody level on an annual basis if you have 48 months or more to a release date or are already in minimum custody housing. You will be reviewed every six months if you have less than 48 months to a release date and are classified medium or maximum custody and housed in a medium or maximum security facility. The custody levels may increase or decrease after the review. The Team will also review individuals' custody levels upon a change in your status, which includes federal and state detainers, disciplinary violations, or the commission of a criminal offense.

Housing, programs, and work assignments are made at the discretion of the administration. You do not have the right to be housed in any particular unit or to be assigned to any particular program or work assignment, regardless of your custody classification, and you do not have the right to a particular classification. You are subject to transfer from any unit, program, or work assignment to another unit, program, or work assignment that may be more or less restrictive as the result of a disciplinary action or if the change is in the best interest of the DOCR.

The Initial Classification Committee or unit management staff makes recommendations to the warden of transitional facilities for minimum-security placement. You shall meet the minimum security housing criteria before you may request minimum security placement.

PROCESS TO OBTAIN MINIMUM SECURITY HOUSING

1. Visit with your case manager to see if you qualify for minimum security housing. Factors used to determine minimum security housing include:
 - a. You must have less than 42 months remaining to serve.
 - b. Your criminal record.
 - c. Facility conduct.
 - d. Compliance with treatment, work and education recommendations.
 - e. Felony detainees.
2. Your case manager will complete minimum custody transfer paperwork and have your case screened by the classification director or unit management staff.
3. The paperwork will then be forwarded for final approval by the warden of transitional facilities.

PREFERRED HOUSING AT NDSP

1. You must fill out a preferred housing application and turn it into your current case manager and meet the following conditions:
 - a. Your application must include a note of support from your current case manager.
 - b. You have met with your case manager each month for the past three months.
 - c. You have received a positive behavior report or housing unit staff recognize you for your appropriate behaviors.
 - d. You must have 90 days incarceration in general housing and must be in compliance with work, education, and treatment recommendations.
 - e. You cannot have been found guilty of a Level II incident report with disciplinary detention sanctions or any Level III report in the last six months in order to be eligible for preferred housing.
2. If you are currently living in preferred housing and are not in compliance with work, education, or treatment recommendations or have been found guilty of a Level II incident report with disciplinary detention sanctions or any Level III report you will be removed from preferred housing for a minimum of six months.

UNIT MANAGEMENT

Unit management utilizes a multi-disciplinary team to manage programs, housing, and day to day facility living while you are incarcerated to assist you to prepare for your transition back to the community. When you are assigned to a housing unit, a case manager will be assigned to you and will assist you in following your case plan. Your case plan will be reviewed with you periodically to ensure that appropriate goals and strategies are completed to reduce the risk to re-offend.

PRISON RAPE ELIMINATION ACT (PREA)

The DOCR maintains zero tolerance of all forms of sexual abuse and sexual harassment of inmates by other inmates, staff, contractors or volunteers. The DOCR has a policy explaining the agency's approach to preventing, detecting, and responding to such conduct. Listed below are the definitions of sexual abuse or sexual harassment.

1. Sexual Abuse of an Inmate by another. Includes the commission of a sexual act under the following circumstances: if the victim does not consent to the sexual act; if the victim is coerced into a sexual act by overt or implied threats of violence or is unable to consent or refuse to consent to a sexual act because of coercion, persuasion, inducement, enticement or forcible compulsion; subjecting another person to a sexual act who is incapable of giving consent by reason of custodial status; subjecting another person to a sexual act who is incapable of consent by reason of being physically helpless, physically restrained, or mentally incapacitated; or by prostituting or otherwise sexually exploiting another person. A sexual act includes:
 - a. Contact between the penis and vulva or the penis and anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument; or
 - d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
2. Sexual Abuse of an Inmate by a Staff Member, Contractor, or Volunteer. Includes any of the following acts, with or without the consent of the inmate:
 - a. Contact between the penis and vulva or the penis and anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva, or anus;
 - c. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - d. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - e. Any other intentional touching, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks that is unrelated to official duties or when the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - f. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate.
 - g. Any attempt, threat or request by a staff member, contractor, or volunteer to engage in an act described in subsections a. - f. of this section; or
 - h. Voyeurism by a staff member, contractor, or volunteer.
3. Sexual Harassment: Includes:
 - a. Sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a sexual nature by one inmate directed toward another person, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
 - b. Sexual advances, requests for sexual favors, verbal comments, gestures, or actions of a sexual nature to an inmate, by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

You have the right to be free from sexual harassment, sexual abuse, and retaliation by other inmates, employees, contractors or volunteers.

Upon intake at NDSP you will be provided with information regarding the Prison Rape Elimination Act (PREA). In addition, within 30 days of arrival you will receive comprehensive PREA training from DOCR staff. This training will be available to you regardless of disability or limited English proficiency. Information regarding PREA is posted throughout the facilities and is available in your Inmate Handbook. In addition, PREA material will be provided to you at each DOCR facility.

You may report incidents of sexual harassment or sexual abuse by any inmate, staff, contractor or volunteer to any DOCR staff verbally, in writing, anonymously, through third party reporting or to an outside agency such as Just Detention International at the following address:

Just Detention International
3325 Wilshire Blvd., Suite 340
Los Angeles, CA 90010

Or by contacting the National Sexual Assault Hotline - Dial 1 for English, 1 for collect followed by the inmate pin, then 7777.

Subsection (b) of Section 115.51 of 28 C.F.R. Part 115 requires the DOCR to provide a means for inmates to report sexual abuse or harassment to another entity that is not a part of the DOCR and is able to receive and immediately forward reports of sexual abuse and harassment to DOCR officials and provide anonymity to the inmate if requested by the inmate. The DOCR has entered into a Memorandum of Understanding with the North Dakota Highway Patrol to receive these reports. All reports will be reviewed by the North Dakota Highway Patrol and forwarded to the DOCR for appropriate action. Please complete the Notice of Prison Rape Elimination Act Allegation form found in your housing unit. After completing this form it should be forwarded to the following address:

Administrative Services Division
North Dakota Highway Patrol
600 East Boulevard Avenue - Dept. 504
Bismarck, ND 58505-0240

If you allege sexual harassment or sexual abuse you will be free from retaliation by inmates, employees, contractors or volunteers.

You will be notified of the results of all investigations pertaining to substantiated or unsubstantiated allegations of sexual abuse or sexual harassment that either you have made or that have been made on your behalf.

You will be subject to disciplinary sanctions for false allegations of sexual harassment and sexual abuse by inmates, employees, contractors or volunteers.

SECTION 1 - RULES AND REGULATIONS OF THE FACILITY

GENERAL RULES OF HOUSING UNITS

The following rules will be enforced throughout the entire population. If you have any questions concerning a certain area, please contact your housing supervisor.

1. You are subject to assignment to a multiple occupancy cell or dorm. Assignment will be based on several factors including classification, special security concerns and needs. Individuals housed in multiple occupancy cells or dorms will equally share space, privileges, and responsibilities and may be held equally accountable for rule violations involving their cell or dorm.
2. You may not go into another individual's living quarters, another housing unit, tier, tier landing, or dormitory unless authorized by staff. If you are found in any one of these areas, you are in an unauthorized area and disciplinary action may be taken.
3. When housing units are opened for meals, recreation, or on an officer's orders, you shall leave the living quarters promptly and in an orderly manner. When returning to the housing unit, you shall go directly to your living quarters. Loitering on the tiers is prohibited.
4. You are not allowed to leave your assigned housing unit without permission from staff.
5. When assigned to your living quarters or housing unit, you will be responsible for checking for damage and contraband upon placement and reporting any concerns with the unit officer within 24 hours. You will be responsible for your living quarter's condition and anything found in your living quarters after your placement.
6. You must use the chain of command within your housing unit to resolve problems.
7. You shall wear headphones at all times when using televisions, radios, or other electronic games or devices. A second party should not be able to hear the sound coming from your appliance or headphones. If you use your television, radio, electronic game, or device without headphones, you may be subject to disciplinary action.
8. Lights and appliances must be unplugged or turned off when you are not in your living quarters. Homemade lamps, speakers, electrical devices and alterations of extension cords or splices on electrical equipment are prohibited. Light fixtures shall not be altered in any manner.
9. No items are allowed to be attached or hung on the cell bars or doors except your state-issued name tag. If you lose your state-issued name tag, you shall request a new one.
10. Homemade shelves, clothes lines, desks, or tables are prohibited in living quarters. The standard living quarter's arrangement will be posted in the housing unit plans. All personal property must be stored as directed. All drawers must be facing out so officers can fully open them. Towels are not allowed to be used as shelf liners or dust covers for appliances or desks.
11. In your living quarters an area is designated to hang posters and pictures. This is the only area in which you are allowed to hang these items.
12. You shall keep your living quarters clean at all times. Beds must be made before you leave your living quarters.
13. Communication within the facility must be in English language only. The warden may grant an exception to this rule if you have been identified through orientation or assessments after orientation as having only limited English proficiency (LEP). Limited English proficiency means English is not your primary language and you only have

limited ability to read, write, speak, or understand English. For the safety and security of staff and the facility, staff may require inmates to speak only English when they are present. Verbal and written communication entering or leaving the facility is to be in the English Language only. Exceptions will be made on an as needed basis.

14. You shall wear shirts, pants (or appropriate shorts), socks, and shoes whenever you are not in your living quarters. An exception to wearing shirts may be made when you are participating in outdoor recreation, but once you are back inside, you shall wear your shirt. You may only purchase or wear clothing in your actual size. If you have personal clothing larger than the appropriate pant (waist and length) or shirt size as determined by staff, you may be required to send the clothing out of the facility at your own expense.
15. The type of clothing and the manner in which it is worn may be dictated by individual division rules based upon health, safety or other reasons determined necessary.
16. You must follow staff directives.
17. You are only allowed to use your personal media device in housing units and recreation areas unless authorized by the warden.
18. Undergarments are to be worn at all times, to include while sleeping. You are expected to be fully clothed for appointments, work, visiting, classes, special events, and in all areas of the facility. Clothing must be worn in the manner designed and cannot be altered.
19. You are not allowed to transfer property to another individual.

SEARCHES

Your person, property, and living quarters are subject to search at any time.

INMATE DINING ROOM (IDR)

1. Meal times and procedures will be posted in your housing unit.
2. You must be properly and fully dressed (including shoes or boots and socks) for all meals.
3. You will have twenty minutes to finish your meal.
4. You are not allowed to take any item to or from the food service area unless specifically authorized by staff.

CONTRABAND

Contraband means any item or article not authorized by the warden, including items or articles:

1. That has not been issued to you by the facility.
2. That have not been purchased from commissary or allowed through authorized facility procedures.
3. That have been altered.
4. That are prohibited in this handbook
5. That are in violation of state or federal law

Possession of another individual's property is prohibited. Property in your possession that belongs to another individual is contraband. Items authorized for retention in some areas of the facility are contraband if they are found in unauthorized areas of the facility.

Contraband will be confiscated and may be held by the facility or turned over to law enforcement if it is in violation of state or federal law. Otherwise, you may be allowed to send it out at your expense.

IDENTIFICATION CARDS

The following rules apply to identification cards:

1. You will be issued one identification card ("ID card"). You shall have your ID card on your person when you leave your assigned living quarters. If you lose your ID card, you may be restricted to your unit until a new ID card is issued. You are required to produce your ID card upon staff request and are prohibited from altering your ID card.
2. Any change in your appearance will require a new picture and ID card to be issued and paid for by you. ID cards damaged through normal wear and tear will be replaced at no cost.
3. You are not permitted to keep your ID card. You will be charged a fee if you lose your card and need a replacement. You shall turn in your ID card to staff when you are discharged from the facility. Your discharge time may be delayed if you do not have your ID card.

LEVEL I INFRACTIONS

When staff observe or suspect you have committed a rule violation, a staff member will meet with you to confront the behavior and discuss the infraction. If not resolved verbally, the employee may issue a Level I incident report. The report will be given to a staff member in the unit who will meet with you generally within 24 hours and if you are found guilty, the staff member will assign sanctions available for Level I infractions appropriate for the seriousness of the offense.

1. Staff will issue reports as soon as possible after the infraction occurs.
2. Sanctions applied will start immediately.
3. Level I sanctions may not be appealed.
4. A copy of the written report will be issued to you and the resolution officer shall send the report to your assigned case manager for review (review does not mean appeal).
5. Sanctions for violations of Level I infractions may not be suspended.
6. Sanctions do not run concurrent with disciplinary detention ("DD") time unless specified.

ENHANCED INFRACTIONS

In the event you committed an infraction in a way that displays a chronic failure to follow rules, creates a serious risk to the security or orderly running of the facility, or endangers any person or property, the reporting officer may request the imposition of sanctions available for Level II or Level III infractions. The unit case manager will determine if the sanctions may be enhanced to Level II and the chief of security will determine if the sanctions may be enhanced to Level III.

If Level II or Level III sanctions are appropriate, the infraction will be handled in accordance with procedures applicable to Level II or Level III infractions.

When the request for enhanced sanctions is not approved, the report will be heard as a Level I infraction.

LEVEL I INFRACTIONS

Conspire with, aid, solicit, command, accomplice to, or induce any individual to engage in, commit, or cause conduct which constitutes a Level I offense or offenses, or the attempt to commit a Level I offense or offenses, is the same as a violation of the substantive offense and is a level I infraction.

101. "Disorderly conduct" means any minor infraction, including nuisance, breach of the peace, offensive or immoral conduct, or arguments or altercations with other inmates, visitors, or an employee, officer, or official of the ND DOCR.
102. "Disobeying a verbal or written order from staff" means failure to comply with a lawful command from an employee, officer, or official of the ND DOCR.
103. "False testimony to staff" includes making false statements to any employee, officer or official of the ND DOCR when the inmate makes a written or verbal statement when the inmate knows the statement is not true.
104. "Misuse of medication" includes wrong or improper use of medication, misapplication of medication, concealing without ingesting, or delivery of medication to another inmate.
105. "Concealing or attempting to conceal an item from a staff member" includes taking food from the Inmate Dining Room ("IDR"), taking property from work or any part of the facility, or taking property from another inmate, employee, officer, or official of the ND DOCR, and concealing the property to avoid detection.
106. "Destruction, alteration, or misuse of State or Private Property" includes: causing damage, defacing, or destruction to any part of the facility; causing damage, defacing, or destruction of another inmate's property; inmate identification; causing damage, defacing, or destruction of the property of an employee, officer or official of the ND DOCR; the unauthorized modification of any property; or any improper, incorrect use or misapplication of any property, regardless as to who is the owner of the property.
107. "Loaning, borrowing, or being in possession property of another" includes giving, taking, receiving, or being in possession of property from another inmate, even if the other inmate has been discharged from the facility, or giving, taking, receiving, or being in possession of property from a visitor, employee, business or organization.
108. "Possession of contraband" means possession of any item or property in violation of facility rules.
109. "Interference with taking count" including not being in an assigned cell or bunk or not being present in assigned housing unit when count is announced.
110. "Attendance in an unauthorized area" includes being in a cell, dorm, or housing area other than the one in which an inmate has been assigned, or being in any other room or area of the facility in which the inmate is not authorized to be present.
111. "Unauthorized absence from assignment" includes being late for work or other assignment, not reporting for work or other assignment, or leaving work or an assignment without authorization.
112. "Participation in an unauthorized meeting or gathering" includes attendance or involvement in activity involving two or more inmates when the activity has not been authorized.

113. "Possession or manufacture of gambling paraphernalia" includes any item or property used for gambling and includes documents or records that show monies or property is owed by, or has been collected from, another inmate.
114. "Theft of property or services" includes taking any property or services from any person, business or organization, or unlawfully obtaining services available only for compensation, including theft of cable television.
115. "Writing money transfers with non-sufficient funds" means authorizing the transfer of any funds from an inmate account when there are not sufficient funds in the account to cover the transfer.
116. "Failure to comply with safety or sanitation rules" includes failure to follow proper hygiene, failure to keep a cell, dorm, or living area clean, and accumulation of property in a cell, dorm, including accumulation of magazines, newspapers, and legal documents.
117. "Failure to perform assigned duties" includes not going to work or not completing job assignments when directed by an employee, officer, or official of the ND DOCR.
118. "Failure to wear or display properly the inmate identification card" means failure to wear an assigned inmate identification card or to wear the inmate identification card in a way that is not authorized or is not visible to an employee, officer, or official of the ND DOCR.
119. "Violation of mail, telephone, or visiting regulations" means any violation of the facility's mail, telephone, or visiting regulations.
120. "Unauthorized contact with the public" includes any form of contact with a person, business, or agency when the contact is prohibited by court order, state or federal law, or facility rule.
121. "Use of obscene or profane language" includes offensive, disgusting, vulgar, or repulsive language.
122. "Dress code violation" includes wearing improper clothing for an assigned area or for work, not tucking in a shirt, wearing sweat pants to work assignments, wearing clothing of improper size, wearing clothes that are not authorized, or any violation of the facility's dress code policy.

LEVEL I SANCTIONS

If you have been found guilty of a Level I infraction, you may be subject to one or more of the following sanctions:

When multiple codes exist on a single report, you may receive a total of up to, but not more than, double the listed sanctions.

1. Warning or written reprimand.
2. Restriction to quarters up to five days.
3. Extra duty up to five hours. Extra duty means performing assigned tasks without pay.
4. Work without pay in your current job for up to three days.
5. Loss of the use of any or all personal or state property for up to five days.
6. Loss of privileges for up to five days including:
 - a. Loss of Commissary purchases or services
 - b. Commissary spending limits

- c. Reduced hours or total loss of afternoon or evening recreation
- d. Restriction from recreation areas including weight room, handball court, and gymnasium.
- e. Loss of telephone privileges (except legal)
- f. Loss of visiting hours, contact visits, including hours and days of visiting.
- g. Loss of cell hobby privileges
- h. Loss of use of personal property
- i. Loss of cable television service

RESTRICTION TO QUARTERS

It is your responsibility to remain in your cell during restriction to quarters.

1. While on cell restriction, you are permitted to:
 - a. Leave your quarters for scheduled daily meals (unless otherwise directed by staff).
 - b. Participate in work.
 - b. Attend one religious service of your choice per week.
 - c. Attend scheduled treatment group meetings.
 - d. Attend scheduled education programming.
 - e. A visit after completion of every 10 consecutive days.
 - f. A five-minute social phone call every 15 days.
 - g. One shower per day as designated by unit staff.
 - h. Use of the law library kiosk in your housing unit or word processor in the library if you have a pending legal case and verifiable reason to use the kiosk or word processor. You are responsible to verify your need with your case manager 24 hours prior to the day you wish to use the law library kiosk or word processor.
2. While on cell restriction, you are prohibited from:
 - a. Entering or using any recreation area.
 - b. Using a telephone without permission.
 - c. Using the electronic media kiosk. (J-Pay)

LEVEL II INFRACTIONS

When you have been charged with a Level II infraction and a report for a Level II infraction is written, it will be submitted to the case manager or designee of the unit to which you are assigned. When necessary, an investigation will be completed without unreasonable delay. After the investigation has been completed, the case manager will schedule a meeting. You will be provided a copy of the report at least 24 hours prior to the meeting. Witnesses are not allowed at the meeting unless the case manager determines it is necessary to interview witnesses to assist in resolution of the charge.

1. The case manager will discuss the report with you at the meeting and assign appropriate Level II sanctions. In addition to Level II sanctions the case manager may apply any sanction available for a Level I infraction.
2. Failure to follow procedural rules or policies applicable to offender discipline may not be the basis for any relief from a Level II infraction proceeding.

The case manager will consider providing staff assistance to you using the same guidelines listed for Level III infractions.

If the case manager was personally involved in the incident, the case manager will arrange for resolution by a different case manager.

If the case manager assigns disciplinary detention time as part of the sanctions, the detention will not go into effect and you will not be placed on disciplinary detention status until after a review by a unit manager or designee. All other sanctions will go into effect upon the decision of the case manager.

Level II sanctions may not be appealed.

Sanctions do not run concurrent with disciplinary detention time unless specified in the sanctions.

ENHANCED INFRACTIONS

When a Level II infraction has been committed that may seriously endanger any person or property or create a threat to the security or orderly running of the facility, the reviewing officer may request to upgrade the infraction to a Level III infraction. The report will be forwarded to the chief of security or designee for review and investigation. The chief of security may increase the infraction to a Level III infraction at which time it will be handled using Level III procedures. If the chief of security determines the infraction should remain a Level II, the report will be returned to the case manager for resolution as a Level II infraction.

LEVEL II INFRACTIONS

Conspire with, aid, solicit, command, accomplice to, or induce any individual to engage in, commit, or cause conduct which constitutes a Level II offense or offenses, or the attempt to commit a Level II offense or offenses, is the same as a violation of the substantive offense and is a Level II infraction.

201. "Trafficking smuggling in contraband" includes selling, trading, bartering, delivering, or manufacturing or possessing with intent to deliver, any item prohibited under facility rules or under state and federal law, including alcohol, tobacco, controlled substances, weapons or incendiary devices of any type, and wireless electronic communications devices, including any component of a wireless electronic communication device.
202. "Commit, conspire with, solicit, command, accomplice to, or induce any individual to engage in, commit, or cause conduct which constitutes a criminal offense or offenses under state or federal law" includes the commission or attempt to commit, or conspiracy, solicitation, or facilitation to commit, or command or inducement to commit, a violation of a state or federal criminal law.
203. "Use, manufacture or possession of alcohol or alcoholic beverages, controlled substances, other intoxicants or inhalants, drug paraphernalia, or unauthorized prescription medication" includes the possession, ingestion, or manufacture of alcohol or alcoholic beverages, including use of any fermentation processes or possession of

- paraphernalia to make alcohol or alcoholic beverages, the possession, manufacture, or ingestion of inhalants or possession of paraphernalia to make inhalants, the possession, use or manufacture of controlled substances, the possession, use or manufacture of drug paraphernalia, and the unauthorized possession or use of prescription medication.
204. "Misuse of medication" includes wrong or improper use of medication, misapplication of medication, cheeking medication (conceal in the mouth without ingesting), or delivery of medication to another inmate.
 205. "Locking device tampering" includes making a lock of any type inoperable.
 206. "Extortion, blackmail" includes obtaining money or property or an item of value by the abuse of authority or by threats, including threats of personal injury, criminal activity or of defamation or the threat of disclosure of highly personal information, regardless whether the information is accurate.
 207. "Actions, activities, or possession of material hateful toward or demeaning any individual or groups" includes stating derogatory remarks about a group of people of a certain race, color, religion, culture, sexual orientation, or criminal history.
 208. "Interference with taking count" including not being in an assigned cell or bunk or not being present in assigned housing unit when count is announced.
 209. "Fighting" includes punching, kicking, striking or wrestling with another person in an aggressive manner.
 210. "Threat to another person (verbal or physical)" includes communication of intention or determination to inflict personal injury, for example, a threat to hurt, punch, harm, or kill another person, or the treat of extortion or blackmail.
 211. "Setting a fire or tampering with a fire alarm" includes setting paper products, clothing, personal property or facility property on fire, the use of any incendiary items, or setting off a fire alarm without cause or disabling a fire alarm.
 212. "Sexual harassment" includes sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward any person, and includes demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
 213. "Sexual contact" includes touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person to arouse or gratify the sexual desire of any person.
 214. "Bribery, solicitation or manipulation of any person" includes asking another offender, visitor, employee, officer, or official of the ND DOCR for contraband or to violate a rule in exchange for property, money, protection from others, or other favors.
 215. "Possession of any gang-related paraphernalia or participation in gang related activities" includes being in possession of gang-related items, drawings of any type of gang symbols, photos of people with gang signing, or communication in any form that advocates or supports gangs or gang activity.
 216. "False testimony to staff" includes making false statements to any employee, officer or official of the ND DOCR when the inmate makes a written or verbal statement when the inmate knows the statement is not true.
 217. "Failure to comply with disciplinary procedures" includes failure to perform or complete sanctions earned from disciplinary reports.

218. "Unauthorized absence from assignment" includes being late for work or other assignment, not reporting for work or other assignment, or leaving work or an assignment without authorization.
219. "Tattooing, self-mutilation, self-destruction or failure to comply with medical directives" includes having a tattoo that is not recorded in the offender information system, causing injury to self, not following medical directives for physical activity, or not using medical devices as instructed (for example, not using a cane, splint, crutches, brace, or other prescribed or medically recommended support or assistive device).
220. "Indecent exposure" includes intentionally exposing one's genitalia, breast, or buttocks, or anus for the purpose of annoying or harassing another person, for sexual arousal, or for sexual gratification.
221. "Insolence to a staff member" includes showing contempt, rude or impertinent behavior or speech, or calling staff names.
222. "Failure to comply with safety or sanitation rules" includes failure to follow proper hygiene, failure to keep a cell, dorm, or living area clean, and accumulation of property in a cell, dorm, including accumulation of magazines, newspapers, and legal documents.
223. "Theft of property or services" includes taking any property or services from any person, business or organization, or unlawfully obtaining services available only for compensation, including theft of cable television.
224. "Loaning, borrowing or being in possession of unauthorized or stolen property" includes giving, taking, receiving, or being in possession of property from another inmate, even if the other inmate has been discharged from the facility, or giving, taking, receiving, or being in possession of property from a visitor, employee, business or organization.
225. "Manufacture, counterfeiting, or possession of negotiable instruments, cash, checks or check blanks, credit cards, or the manufacture, counterfeiting, or unauthorized possession of government documents, records or official papers or punch cards or token" includes: the possession, counterfeit production or alteration of negotiable instruments, bonds, or securities, checks, check blanks, or money orders; counterfeiting or possession of currency, including coins; the possession, counterfeit production or alteration of credit or debit cards or gift cards; debit or credit card account numbers, savings or checking account numbers, or personal identification numbers ("PIN"); the manufacture, counterfeit production or alteration of, government documents, records or official papers; and the manufacture, counterfeiting or alteration, or possession of commissary tickets and tokens.
226. "Engaging in an activity for profit or financial gain without administrative authorization" includes buying and re-selling commissary or personal property; selling services; and any form of blackmail or extortion.
227. "Possession or use of tobacco products or incendiary devices" includes possession of any tobacco product or devices of any type that are capable of causing fire or explosion.
228. "Possession or manufacture of gambling paraphernalia" includes possession of any item or property used for gambling and includes documents or records that show monies or property is owed by, or has been collected from, another inmate.

229. "Disorderly conduct" means any minor infraction, including nuisance, breach of the peace, offensive or immoral conduct, or arguments or altercations with other inmates, visitors, or an employee, officer, or official of the ND DOCR.
230. "Disobeying a verbal or written order from staff" means failure to comply with a lawful command from an employee, officer, or official of the ND DOCR.
231. "Attendance or presence in an unauthorized area" includes being in a cell, dorm, or housing area other than the area in which an inmate has been assigned, or being in any other room or area of the facility in which the inmate is not authorized to be present.
232. "Unauthorized contact with the public" includes any form of contact with a person, business, or agency when the contact is prohibited by court order, state or federal law, or facility rule.
233. "Creating an unsafe condition" includes intentionally completing an action that may cause harm to another person or another person's property or to the facility.
234. "Manufacture or possession of contraband that could pose a serious threat to the safety or security of the facility" includes: unauthorized wireless communication devices, digital cameras, unauthorized recording devices; and any electronic item adapted or modified to work as a wireless communication or recording device.
235. "Damage or destruction of property" includes: causing damage, defacing, or destruction to any part of the facility; causing damage, defacing, or destruction of another inmate's property; causing damage, defacing, or destruction of the property of an employee, officer or official of the ND DOCR; the unauthorized modification of any property; or any improper, incorrect use or misapplication of any property, regardless as to who is the owner of the property.
236. "Communication in code of any form" includes using symbols or words to represent assigned or secret meanings.
237. "Violation of mail, telephone, or visiting regulations".

LEVEL II SANCTIONS

The case manager or designee may apply any of the following sanctions, up to the maximum of the range indicated, and suspend any portion of the sanction. The suspension of any sanctions does not dismiss the report or finding of guilt.

When multiple codes exist on a single report you may receive a total of up to, but not more than, double the listed sanctions.

1. Disciplinary detention up to five days per infraction.
2. Work without pay in your current job for up to five days.
3. Loss or re-assignment of job.
4. Loss of use of personal property up to 30 days.
5. Direct any or all personal property be sent out at offender's expense.
6. Loss of one or more privileges up to 30 days.
7. Restriction to quarters up to 15 days.
8. Extra duty up to 40 hours.
9. Any sanctions that may be applied to Level I infractions.

LEVEL III INFRACTIONS

When there are reasonable grounds to believe you have committed a Level III infraction, an investigation will be conducted. Upon completion of the investigation, the DOOCR employee will determine whether or not an infraction was committed and will write a disciplinary report.

You will receive written notice of the charges at least 24 hours before a scheduled hearing. This written notice will include the location, date and approximate time of the scheduled hearing. The hearing will be held no later than seven days, excluding weekends and holidays, after you receive the report, but the time period may be extended for good cause. Failure to meet any of the time limits in these rules shall not be grounds for automatic dismissal of a disciplinary proceeding. However, failure to meet a time limit may, at the discretion of the hearing officer or facility director, be grounds for dismissing a proceeding.

You will be asked to acknowledge receipt of notice of the disciplinary proceedings by signing a receipt for the notice of hearing at the time of delivery of the notice and the disciplinary report.

You may meet with the investigator before a hearing. The investigator will inform you of the charges, provide you copies of relevant documents, or summaries of relevant documents when a copy of the document cannot be provided, related to the charge, and inform you of your due process rights.

WITNESSES

If you are going to request witnesses to testify at the hearing, you must submit your request for witnesses in writing, including the names of your proposed witnesses, to the investigator at least 24 hours, excluding weekends and holidays, prior to the scheduled hearing. If you refuse to meet with the investigator prior to the hearing or if you fail to provide the investigator with a written request for witnesses, including the names of your proposed witnesses, you may appear before the committee at the scheduled hearing, but you will be deemed to have waived the right to call witnesses.

INFORMAL RESOLUTION

You may request an informal resolution meeting prior to the hearing or a resolution officer may request to meet informally with you in an attempt to resolve the issues without a hearing. A scheduled hearing may be postponed to allow an informal resolution meeting. The purpose of informal resolution is to allow you the opportunity to accept responsibility for the infraction and negotiate sanctions you feel are fair. The resolution officer may accept your admission of guilt to any or all pending charges and may also dismiss any or all charges. When a settlement is reached, the resolution officer shall prepare a report that discloses the agreed to sanctions, relevant terms of the agreement and summarizes the facts of the charges to which you pled guilty, if the facts are not otherwise clearly stated in other documents attached to or referenced in the official's report.

The settlement will be forwarded to the warden who may accept the informal resolution or deny it and have a formal hearing of the charges scheduled.

Any offer of settlement made by the facility during unsuccessful attempts at informal resolution is not binding in any way on a hearing officer in a formal hearing on the charges. Admissions made by you during informal resolution discussions are not admissible in a formal hearing on the charges.

STAFF REPRESENTATION

You may be eligible to have a staff member represent you at the hearing. When an investigator or disciplinary committee chair person determines that you are unable to represent yourself at a disciplinary hearing, a staff representative will be assigned to assist you. When represented by staff, the investigator shall:

1. Appoint the representative and direct the representative to assist you in preparing a response to the charges.
2. Ensure that the representative has an opportunity to discuss the case with you privately.

You are not allowed to have an attorney be present or represent you at the hearing.

If the infraction is serious the report may be referred to the state's attorney. The investigator shall read you the Miranda warnings and have you sign and date the Statement of Rights form in the investigator's presence. If you waive the Miranda rights and agree to make a statement, the investigator shall have you sign and date the Miranda waiver certification line.

Law enforcement may be requested to investigate, or to assist in the investigation, of serious offenses. If you have committed an offense that is a violation of a criminal law of North Dakota or the United States, the warden may refer the matter to federal, state, or county officials for prosecution.

If staff has determined you are unable to remain in the general population following a suspected rule violation, the shift supervisor may authorize your placement in administrative segregation. You will not be placed on disciplinary detention status until after the hearing with the disciplinary committee. If placed in administrative segregation you should receive written notification of the reason for the placement within 24 hours of being moved to the more secure housing unit.

LEVEL III INFRACTIONS

Conspire with, aid, solicit, command, accomplice to, or induce any individual to engage in, commit, or cause conduct which constitutes a Level III offense or offenses, or the attempt to commit a Level III offense or offenses, is the same as a violation of the substantive offense and is a Level III infraction.

301. "Homicide" includes intentionally or knowingly causing the death of another human being or causing the death of another human being during the commission of another Level III violation.

302. "Escape" includes any form of removal of self from confinement, restraint or official detention or the failure to return to confinement, restraint or official detention after temporary release.
303. "Taking hostages" includes taking or holding a person as a pledge or security for the fulfillment of certain terms, conditions or promises.
304. "Assault and battery on staff" includes an attack upon a volunteer, employee, officer, or official of the ND DOCR, and includes sexual assault, causing mental or bodily injury, or causing offensive contact.
305. "Assault and battery" includes an attack upon any other person and includes causing mental or bodily injury, or causing offensive contact.
306. "Setting a fire or tampering with a fire alarm" includes setting any paper products, clothing, personal property or facility property on fire, the use of any incendiary items, or setting off a fire alarm without cause or disabling a fire alarm.
307. "Inciting or participation in riots, work strikes, or disturbances" includes a disturbance in the facility involving two or more inmates that creates a risk of an outbreak of violence and harm to any person in the facility or to property, and also includes any offender-initiated work stoppage.
308. "Trafficking smuggling in contraband - trafficking" includes selling, trading, bartering, delivering, or manufacturing or possessing with intent to deliver, any item prohibited under facility rules or under state and federal law, including alcohol, tobacco, controlled substances, weapons or incendiary devices of any type, and wireless electronic communications devices, including any component of a wireless electronic communication device.
309. "Commit, conspire with, solicit, command, accomplice to or induce any individual to engage in, commit, or cause conduct which constitutes a criminal offense or offenses under state or federal law" includes the commission or attempt to commit, or conspiracy, solicitation, or facilitation to commit, or command or inducement to commit, a violation of a state or federal criminal law.
310. "Use, manufacture or possession of alcohol or alcoholic beverages, controlled substances, intoxicants or inhalants, drug paraphernalia, or unauthorized prescription medication" includes the possession, ingestion, or manufacture of alcohol or alcoholic beverages; the possession, manufacture, or ingestion of a controlled substance; the possession, manufacture, or ingestion of inhalants or possession of paraphernalia to make inhalants; the possession, use or manufacture of drug paraphernalia; and the unauthorized possession or use of prescription medication.
311. "Misuse of medication" includes wrong or improper use of medication, misapplication of medication, concealing in the mouth without ingesting, or delivery of medication to another inmate.
312. "Refusal to submit to testing for alcohol, drugs, or other intoxicants or tampering with the testing process" includes refusal to submit to a random or scheduled test to detect the presence of a chemical substance, controlled substance, or alcohol, and includes the possession or use of a device, or the use of real or artificial urine, to alter the results of a test for the detection of the presence of a chemical substance, controlled substance, or alcohol.
313. "Manufacture or possession of explosives, ammunition, firearm, knife, unauthorized sharpened instrument, other weapon" includes the manufacture or possession of: a

knife of any length; a sharpened object of any length or material; a firearm or weapon capable of firing a projectile, including a slingshot; a bomb, pipe bomb, explosive device or chemicals prepared for explosion; or any object containing or capable of producing or emitting a noxious gas or liquid.

314. "Manufacture or possession of contraband that could pose a serious threat to the safety or security of the facility" includes: unauthorized wireless communication devices, digital cameras, unauthorized recording devices; and any electronic item adapted or modified to work as a wireless communication or recording device.
315. "Theft of property or services" includes taking any property or services from any person, business or organization, or unlawfully obtaining services available only for compensation, including theft of cable television.
316. "Damage or destruction of property" includes: causing damage, defacing, or destruction to any part of the facility; causing damage, defacing, or destruction of another inmate's property; causing damage, defacing, or destruction of the property of an employee, officer or official of the ND DOCR; the unauthorized modification of any property; or any improper, incorrect use or misapplication of any property, regardless as to who is the owner of the property.
317. "Loaning, borrowing or being in possession of unauthorized or stolen property" includes giving, taking, receiving, or being in possession of property from another inmate, even if the other inmate has been discharged from the facility, or giving, taking, receiving, or being in possession of property from a visitor, employee, business or organization.
318. "Manufacture, counterfeiting, or possession of negotiable instruments, cash, checks or check blanks, credit cards, or the manufacture, counterfeiting, or unauthorized possession of government documents, records or official papers or punch cards or tokens" includes: the possession, counterfeit production or alteration of negotiable instruments, bonds, or securities, checks, check blanks, or money orders; counterfeiting or possession of currency, including coins; the possession, counterfeit production or alteration of credit or debit cards or gift cards; debit or credit card account numbers, savings or checking account numbers, or personal identification numbers ("PIN"); the manufacture, counterfeit production or alteration of, government documents, records or official papers; and the manufacture, counterfeiting or alteration, or possession of commissary tickets and tokens.
319. "Engaging in an activity for profit or financial gain without administrative authorization" includes buying and re-selling punch cards, tokens, or items; selling services; and any form of blackmail or extortion.
320. "Failure to comply with rehabilitative programming" includes failure to perform or complete work assignments or failure to attend, participate in, and complete court ordered and ND DOCR staff recommended education or treatment programs.
321. "Sexual Contact" includes touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person to arouse or gratify the sexual desire of any person.
322. "Sexual Abuse" includes the commission of a sexual act under the following circumstances: if the victim does not consent to the sexual act; if the victim is coerced into a sexual act by overt or implied threats of violence or is unable to consent or refuse to consent to a sexual act because of coercion, persuasion, inducement, enticement or

forcible compulsion; subjecting another person to a sexual act who is incapable of giving consent by reason of custodial status; subjecting another person to a sexual act who is incapable of consent by reason of being physically helpless, physically restrained, or mentally incapacitated; or by prostituting or otherwise sexually exploiting another person. A sexual act includes:

1. Contact between the penis and vulva or the penis and anus, including penetration, however slight;
 2. Contact between the mouth and the penis, vulva, or anus;
 3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument; or
 4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
323. "Violation of civil process" includes not following the rules of procedure of the North Dakota courts or the United States courts applicable to service of civil process.
324. "Use or possession of an unauthorized electronic communication device."

LEVEL III SANCTIONS

The disciplinary committee may impose any of the following sanctions, or any combination of the following sanctions, for a Level III offense:

1. Performance Based Sentence Reduction (good time) may be stopped.
2. Loss of PBSR already earned.
3. Disciplinary detention up to 90 days.
4. Restriction to Quarters up to 30 days.
5. Financial sanctions, including fees, fines, restitution, and forfeiture of monies.
6. Loss of property up to expiration of sentence.
7. Loss of privileges up to expiration of sentence.
8. Removal from a program or transfer to more secure housing.
9. Any sanctions listed for Level I and II infractions.

When multiple codes exist on a single report, you may receive a total of up to, but not more than, double the above listed sanctions.

In the event that the disciplinary committee chooses to reduce a Level III infraction report to a Level II or I infraction report, the committee may only apply any combination of those sanctions applicable to Level II or I infractions. If there is a reduction in sanctions from Level III to Level II or Level I, you cannot appeal to the warden.

The disciplinary committee has the authority to apply any sanction up to the maximum of the range indicated and suspend any portion thereof. The suspension of any sanctions by the disciplinary committee does not result in the dismissal of the infraction report.

DISCIPLINARY COMMITTEE

The committee meets as needed to review pending disciplinary charges. A chairperson will preside over disciplinary committee meetings and ensure compliance with all applicable procedural requirements.

The committee may recommend:

1. Dismissal of charges.
2. Suspend the execution of any sanction it imposes.

The disciplinary committee shall prepare a record of the hearing. You will be provided a summary of testimony; a summary of the evidence the committee relied upon in making its decision, the committee's decision, the sanction or sanctions imposed, and the committee's rationale for the sanctions. Information may not be included in the summary record you receive if inclusion might jeopardize your safety, the safety of the public, the safety of others, or adversely affect the security and orderly running of the facility.

The warden or designee will review all Level III disciplinary committee hearing reports and informal resolutions. The warden may approve the committee recommendation, modify the committee recommendation, dismiss the report, or order a new hearing.

All sanctions will be effective immediately upon the approval from the warden.

APPEALS

You may submit an appeal for Level III reports to the warden. The appeal must be submitted within 15 days from receipt of the disciplinary committee decision, including weekends or holidays. The warden will issue a decision on your appeal within a reasonable time.

An appeal form can be obtained from the housing unit staff. The form must be filled out completely and returned to the housing unit staff. Staff will sign the completed form and will give you a copy. You should keep the copy of the appeal until all actions or charges have been completed. The copy you are given is your written verification that an appeal was submitted within the required time.

Only due process concerns, sanctions involving the loss of good time, the assessment of fines and restitution, and forfeiture of monies may be appealed to the Director of the Department of Corrections and Rehabilitation. An appeal must be submitted to the director on the proper form through inside mail within 48 hours, including weekends and holidays, from receipt of the warden's decision. All appeals must be submitted in person to your housing unit supervisor. The Director of the Department of Corrections and Rehabilitation will render a decision on an appeal.

BEHAVIORAL INTERVENTION UNIT

1. Behavior Intervention Unit means a unit within the facility used to separate individuals from the general population when no other reasonable options are available.
 - a. Placement in the behavior intervention unit may occur when:
 - (1) You have displayed behavior that constitutes a serious threat to the security or orderly running of the facility.
 - (2) You may be a danger to yourself or others.
2. Investigative Segregation means short term separation from the general population to allow staff to investigate an incident and make decisions on your future placement.

Investigation segregation status normally can last from a few hours to days. When placed on investigative segregation status, your privileges will be determined by the shift supervisor based on behavior, security needs, and your anticipated time you will remain on this status.

3. Disciplinary Segregation (DS) means separation from the general population for individuals who have violated rules of the facility. You may be placed in DS after a disciplinary hearing.
 - a. Before entering DS, you will be subject to an unclothed search including a visual body cavity inspection. All of your clothing will be bagged, tagged, inventoried, and stored. You will then be dressed in blue state issued pants, underwear, socks, placed in a cell and provided with the unit plan.
 - b. Upon notification of DS placement, you will be responsible to secure your personal valuables. No valuables or personal property may be taken to DS.
 - c. Personal Effects: Hygiene items will be supplied by the facility
 - d. Commissary: Your commissary purchases will be restricted while you are in DS.
 - e. Prescribed medication and access to medical staff will be available on a daily basis.
 - f. Attorney Visits: The unit manager or shift supervisor must approve attorney visits.

SECTION 2 – INMATE RIGHTS AND RESPONSIBILITIES

RIGHTS AND RESPONSIBILITIES

1. You are entitled to be treated respectfully, impartially, and fairly by all personnel. You have the responsibility to treat others, both staff and inmates, in the same manner.
2. You are entitled to be informed of the rules and procedures concerning the operation of the facility. You have the responsibility to know and abide by the rules and procedures. Any questions should be directed to your housing officer.
3. You are entitled to freedom of religious affiliation and worship. You have the responsibility to recognize and respect the religious rights of others.
4. You are entitled to medically necessary health care, to adequate meals, bedding, and clothing, and to provide for your personal hygiene, cleanliness, and exercise. It is your responsibility to not waste food, to maintain your clothing, to keep neat and clean living quarters, and to maintain your personal health and hygiene.
5. You are entitled to reasonable and confidential access to the courts and your attorney relating to the legality of your conviction, pending criminal cases in which you are a defendant, and to conditions of your confinement. You have the responsibility to present honestly and fairly your petitions, questions, and problems to the court.

ACCESS TO COURTS, LAWYERS, and LEGAL MATERIALS

1. As used in this document, the following definitions shall apply:
 - a. Legal Assistant: Includes a trained paralegal employed by an attorney who is representing an inmate.
 - b. Law Library: An area set aside for legal research, and includes kiosks. This area offers space for legal material review. Word processors will be made available for preparing legal documents.

- c. Attorney Visitation Area: An area in which an inmate may confidentially discuss legal matters with an attorney or authorized legal assistant. A facility officer may visually observe inmate-attorney meetings throughout their duration, but may not listen to or audio record those meetings.
2. The facility shall offer space that allows:
 - a. Access to telephone conversations with licensed attorneys or their legal assistants and mail services with licensed attorneys or their legal assistants, and the courts, for the conducting of legal matters. Telephone conversations with attorneys or authorized legal assistants may not be audio-monitored or recorded.
 - b. Use of law library or kiosks with legal research materials.
 - c. Access to word processors to prepare legal documents.
 - d. An area for confidential attorney visitation.
3. You will not be allowed to attend a criminal or civil court hearing outside the facility unless there is an order from the judge requiring your presence and the judge orders your transport to the hearing. If you are acting pro se in a criminal proceeding, you may only be transported to court pursuant to an order for transport from a court having jurisdiction over you.
4. You are entitled to attorney visitation at reasonable times. The warden may limit or restrict attorney visitation, but only after an investigation indicates that the attorney visitation presents a threat to the security of the facility. Attorney visitation includes visitation with retained counsel, court-appointed counsel, or legal assistants for retained or appointed counsel. Attorney visitation may include visitation with an attorney or legal assistant from a legal advocacy group.
6. Visiting hours for attorneys shall generally be Monday through Friday for any period of time during regular business hours. The captain on duty may approve special visiting hours. Attorneys or their legal assistants must be included on your visiting list prior to being allowed the visit. You may add attorneys' names to your visiting list through facility procedures.
7. The facility will assist you in making arrangements for translation services if you are unable to speak or read the English language.
8. Fax services will not be provided to you.
9. You are prohibited from possessing any forms or types of electronic storage devices, including CD, DVD, and thumb drives, but the warden may allow you to view legal materials stored on electronic devices with your legal counsel
10. The law library access is available on a daily basis through the kiosk or a daily schedule will be posted for the facility law library.
 - a. Inmates may be assigned to work in the law library. These inmates are not attorneys. The law library clerks may not do your legal work for you but they may assist you in finding the research material that you need. The law library clerks are prohibited from charging you for their assistance. If you cannot read or write, you may receive help from the law library clerks. Law library clerks may not prepare or sign legal documents for you.
11. General Rules of Law Library:
 - a. Any additional rules will be posted at each facility.

- b. All legal work, such as reading or typing, must be done in the designated work area. All computer components must remain on the provided counters or stands at all times.
 - c. The law library clerk will provide authorized supplies to do legal work if appropriate.
 - d. You shall not loiter, visit, talk loudly, read non-legal materials, do school work, or write or type non-legal correspondence in the library.
 - e. You are prohibited from performing legal work for other inmates.
- Food and beverages are not allowed in the library.

PHOTOCOPYING SERVICE

Photocopying is available at a cost of 20 cents per page. Material you wish to have copied should be turned in to administrative services with a transfer voucher and a request slip stating the number of copies of each page and a signed transfer voucher. The copies will normally be returned to you that week. Plan your work in advance to ensure you have your copies when you need them. Administrative services will complete the total charge on the transfer voucher and return a copy to you along with your photocopies. A copy of the transfer voucher will be sent to the business office to be charged to your account.

- 1. You will be charged for photocopying of legal materials.
- 2. If you qualify for indigent status, you may be given up to a \$4.00 credit, per month, to be used for legal copies, legal postage and regular or personal postage. See section on indigent status. If you can verify an "exceptional" circumstance, you may request to have more legal copies or postage for the month by asking permission from the warden.

SERVICE OF CIVIL PROCESS

- 1. No employee of the Department of Corrections and Rehabilitation or any of its divisions is authorized to accept service of process on behalf of any person under the custody, supervision, or management of the Department of Corrections and Rehabilitation or any of its divisions, nor on behalf of any contract provider or volunteer.
- 2. Civil process includes a summons, complaint, applications for writs, motions, pleadings, discovery requests, subpoenas, orders, judgments, and notices of appeal.
- 3. You may only effect service of civil process in accordance with the rules of procedure of the North Dakota courts or the United States courts applicable to service of civil process and subject to the following provisions:
 - a. You may not personally serve civil process on any other person present on the grounds or within any facility or building belonging to or under the control of the Department of Corrections and Rehabilitation or any of its divisions.
 - b. You may not request another inmate, volunteer, contract provider, or employee of the Department of Corrections and Rehabilitation or an employee of any of its divisions to personally serve civil process on any other person present on the grounds or within any facility or building belonging to or under the control of the Department of Corrections and Rehabilitation or any of its divisions.
 - c. You may not use inmate grievance and appeal procedures to effect or attempt to effect service of civil process on any inmate or on any employee of the

Department of Corrections and Rehabilitation or an employee of any of its divisions.

4. A violation of any of these provisions constitutes a Level III infraction.
5. The warden may designate a DOCR staff member to serve civil process on an inmate.
6. You may use the Burleigh County Sheriff's Department for service of civil process at the North Dakota State Penitentiary and the Missouri River Correctional Center. You may use the Stutsman County Sheriff's Department for service of civil process at the James River Correctional Center. The sheriff's departments usually charge for service of civil process. If you request sheriff's service civil process, you will be responsible for any service of process fees. You may use certified mail for civil process, although it does not constitute valid service when actual delivery is required. You should refer to the North Dakota Rules of Civil Procedure to review the requirements for service of civil process. The Federal Rules of Civil Procedure allow a plaintiff to save costs of service of process by notifying each defendant of the commencement of a lawsuit filed in federal court and requesting the defendant to waive service of the summons. You should refer to the Federal Rules of Civil Procedure to review the requirements for waiver of service in federal court. Necessary notice and waiver forms are available from the office of the Clerk of the United States District Court.

LEGAL RECORDS

The scope of work starts when a person is sentenced and admitted to the DOCR for incarceration, and ends when the parole and probation cases are entered for people transitioning from prison to a community supervision status. This includes processing information relating to an person's criminal history, including criminal judgments, court orders, warrants and detainers, police reports, NCIC/III inquiry, CWIS, state and federal court records, BCI criminal history, sex offender/offender against children registration, concealed weapons licenses, parole board orders, parole board agreements, pardon board orders, protection orders and associated database entry.

Sentence computations are completed on each criminal offense for which there is a sentence to a period of incarceration.

1. Credit for time served: The DOCR may only calculate credit for time spent in custody based upon days awarded by the court in the criminal judgment. Any corrections for the awarding of credit for time spent in custody MUST be contained in a criminal judgment issued by the court.
 - a. If you disagree with the credit for time spent in custody as stated in the criminal judgment, you must contact your attorney or the court to have a correction issued. The DOCR will not initiate corrections to the judgments.
2. Performance Based Sentence Reduction credit ("Good time credit") means sentence reduction credit authorized under North Dakota Century Code 12-54.1-01).
 - a. You may earn up to five days of performance based sentence reduction credit per month.
 - b. You may be eligible for sentence reduction credit for time spent in custody prior to sentencing ("jail time"). Your criminal judgment must state whether you are

- entitled to sentence reduction credit for time spent in custody prior to sentencing.
- c. You are not entitled to sentence reduction credit for time spent on probation under the supervision and management of the DOCR.
- 3. Eighty-five percent (Truth-In-Sentencing).
 - a. Murder, Manslaughter, Felony C Aggravated Assault (Prior to August 1, 2015) & Felony B Aggravated Assault, Kidnapping, Robbery, Gross Sexual Imposition with force or weapon and Burglary-force, menacing, weapon.
 - (1) The 85% rule applies to attempt offenses, but does not apply in conspiracy cases.
 - (2) Release date is longest good time release date or 85% release date.
- 4. Basic Good Time Release Date Calculation = Total term (days) - suspended term - jail time - good time.
- 5. Basic 85% Truth-In-Sentencing Date Calculation = total term (days) - suspended term x .85 - jail time.

Sentence computation sheets will be provided to you at your initial classification hearing along with copies of your criminal judgment(s). Subsequently, Legal Records will send you updated computation sheets and judgments for any additional sentences processed by the DOCR or changes to any sentence computations during the course of your incarceration. Examples include: loss of good time, corrections to credit for jail time, computation error corrections.

- 1. Legal records will not respond to any requests for sentence computation sheets. Please keep your computation sheets and criminal judgments. (Also keep a copy of all other legal records such as Orders Granting or Denying Parole, Revocation of Parole, Criminal Judgments).

Warrants and detainers are important for the DOCR to manage. At a minimum, a national (NCIC) and in-state (CWIS) warrants and detainers check will be conducted within the first five business days of an individual's arrival at the DOCR.

- 1. You will be notified of any outstanding warrants that the DOCR obtains through the warrants and detainers checks at your initial classification hearing.
 - a. The DOCR will provide you written notification of warrants or detainers that the DOCR has knowledge or notice of during the course of your incarceration and your right to request a final disposition of an in-state untried indictment, complaint, or information.
 - b. At a minimum, the DOCR will conduct a NCIC and CWIS warrants and detainers check during the middle of the month prior to your anticipated release from prison.
 - (1) This usually occurs about 2-6 weeks prior to release of your projected release.
 - c. The DOCR will not respond to requests for warrants or detainer checks.
 - d. The Uniform Mandatory Disposition of Detainers Act (North Dakota Century Code Chapter 29-33) applies to in-state (North Dakota) untried indictments, complaints, or criminal information. The Uniform Mandatory Disposition of Detainers Act is sometimes referred to as "Filing Fast and Speedy" paperwork.

- (1) The prosecuting official has 90 days to bring the individual's indictment, information, or complaint to trial from the date of receipt via certified mail of the individual's request for disposition of the detainer, unless the court grants a continuance. Only applies to untried criminal charges.
 - (2) If you want to request disposition of an untried North Dakota indictment, complaint, or criminal information, send a written request to Central Office Legal Records that you wish to proceed with making a request to invoke the Uniform Mandatory Disposition of Detainers Act.
- e. The Interstate Agreement on Detainers (North Dakota Century Code Chapter 29-34 (IAD)) applies when an another state or the United States Government has filed a detainer with the DOCR for an untried indictment, information, or complaint:
- (1) The Agency that filed the detainer has 180 days to bring the individual's indictment, information, or complaint to trial from the date of receipt via certified mail of the individual's request for disposition of the detainer, unless the court grants a continuance. The IAD only applies to untried criminal charges.
 - (2) If you want to request disposition of an untried North Dakota indictment, complaint, or criminal information, send a written request to Central Office Legal Records that you wish to proceed with making a request to invoke the Interstate Agreement on Detainers.
 - (3) If another jurisdiction has filed a detainer with the DOCR, a prosecuting official from that jurisdiction may also submit a request for temporary custody and request for disposition of the untried complaint, information, or indictment.

Communication with Legal Records can be done through information requests (Kites). Legal Records will try to respond in a within 5-7 days of your request. Please be clear and concise so we can accurately and efficiently respond. Send qualifying requests to Central Office Legal Records.

1. You may wish to discuss your question with your case manager. Your case manager may be able to assist you with questions and avoid unnecessary delays.
2. Legal Records will respond to requests relating to:
 - a. Mandatory Disposition of Detainers (in-state) and Interstate Agreement on Detainers (out-of-state and federal).
 - b. Reasonable disagreements or questions regarding sentence computations or sentence related issues.
2. Legal Records will not respond to requests relating to:
 - a. Questions that involve providing legal advice. The DOCR may not provide you legal advice. You must seek an attorney for legal advice.
 - b. Sentence Computation Sheets or copies.
 - c. Corrections to credit for time spent in custody not contained in the judgment.
 - d. Requests for warrants and detainers checks.
 - e. Criminal history records.

- (1) The DOCR cannot provide you with your criminal history record information. Any other state criminal histories must be obtained through that state's designated criminal history record keeper.
 - (a) Criminal Records Section
ND Bureau of Criminal Investigation
PO Box 1054
Bismarck, ND 58502-1054

GRIEVANCE PROCEDURE

1. A grievance is a written, individual complaint filed by you concerning the matters that personally affect you, including:
 - a. Policies, rules, and procedures enforced within the facility;
 - b. Reprisals or retaliatory actions against you for filing a grievance under the inmate grievance procedure, or for participation in an inmate grievance proceeding;
 - c. A lack of a policy, regulation, rule or procedure that affects your living conditions within the facility;
 - d. Actions of inmates or staff that directly affect you and are not covered by #3 below.
2. Grievances for sexual abuse to you by another inmate, staff, contractor or volunteer (PREA related incidents). The DOCR has established the following rules in accordance with PREA Standard 115.52 relating to sexual abuse.
 - a. The DOCR has no time limit on when you may submit a grievance regarding an allegation of sexual abuse. However, the DOCR shall apply otherwise applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.
 - b. The DOCR does not require you to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
 - c. The DOCR shall ensure that if you allege sexual abuse you may submit a grievance without submitting it to a staff member who is the subject of the complaint, and such grievance is not referred to a staff member who is the subject of the complaint.
 - d. The DOCR shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance and computation of the 90-day time period shall not include time consumed by inmates in preparing any administrative appeal.
 - e. The DOCR may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify you in writing of any such extension and provide a date by which a decision will be made.
 - f. At any level of the administrative process, including the final level, if you do not receive a response within the time allotted for reply, including any properly noticed extension, you may consider the absence of a response to be a denial at that level.
 - g. Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist you in filing

requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on your behalf.

- h. If a third party files such a request on your behalf, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on your behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
 - i. If you decline to have the request processed on your behalf, the agency shall document your decision.
 - j. In the event you believe you are in substantial risk imminent of sexual abuse by another inmate, staff, contractor or volunteer, you may file an emergency grievance. After receiving an emergency grievance alleging you are subject to a substantial risk of imminent sexual abuse, the DOCR staff shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to the shift supervisor for possible immediate corrective action. The shift supervisor shall provide an initial response within 48 hours, and shall issue a final decision on behalf of the DOCR within five calendar days. The initial response and final agency decision shall document the agency's determination whether you are in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.
 - k. The agency may discipline you for filing a grievance related to alleged sexual abuse only where the agency demonstrates that you filed the grievance in bad faith or in violation of facility disciplinary rules.
3. Issues that are not grievable under ND DOCR grievance procedures include:
- a. Any process with an established, formalized appeal or review process, including:
 - (1) Disciplinary proceedings
 - (2) Classification proceedings
 - (3) Administrative Segregation placement
 - (4) Financial obligations hearing decisions (including medical co-pay)
 - (5) Mail rejection
 - (6) Medical decisions by a DOCR primary care provider, dentist, or psychologist.
 - (7) Removed property
 - b. Actions of persons or entities outside the jurisdiction of the facility, including:
 - (1) The enactment of State or Federal laws, treaties, or administrative rules and regulations.
 - (2) Court decisions
 - (3) Parole Board decisions
 - (4) Pardon Advisory Board recommendations and Governor's decisions.
 - (5) Medical decisions by outside providers.
4. Before you may file a Step 1 Grievance, you are required to attempt to resolve your complaint informally.
- a. You are required to work with unit staff to attempt to resolve the grievance through informal resolution. This step must be documented on the Informal Resolution/Step 1 Inmate Grievance form and signed by you and the staff attempting the informal resolution.

- b. You must clearly and legibly document the issue you are grieving and your resolution to the issue in the space provided on the Informal Resolution/Step 1 Inmate Grievance form. You may obtain assistance from staff to complete the form, but you must sign the form on the signature line and record the date.
 - c. The informal resolution/Step 1 Inmate Grievance request must be submitted within 15 days of the alleged incident or it will result in dismissal of the grievance.
 - d. You may not submit a grievance referencing an issue that has been previously addressed through the grievance process.
5. If you are not satisfied with the results of your attempt at informal resolution, you may file a Step 1 grievance with your case manager by signing the form and checking the box "disagree" on the attempted informal resolution. Your case manager or designee will discuss the grievance with you, conduct an investigation if necessary and make a recommendation as to the formal resolution of the grievance, which will be discussed with you. If you agree with their recommendation you are required to sign the signature line under the step one grievance area, date and check the box that you agree. If you disagree with the step one formal resolution recommendation you must sign, date and check the "disagree" box in order to proceed to a step two grievance. Only one issue may be addressed per grievance form and you must write it legibly in the space provided, you are not allowed to attach additional pages. If you exceed the space provided your grievance will be returned unanswered and you will have to resubmit your grievance following the correct format.
 6. Step 2 Grievance: You may, within 5 days of the receipt of the Step 1 response, elect to file a Step 2 grievance with your case manager. No additional facts, variations of the original issue stated in the original grievance, or new issues may be raised. The case manager will forward the completed Step 2 form to the warden's office. The warden will determine whether additional investigation is required. The warden may conduct the investigation or appoint a staff member to conduct it and report findings.
 7. Grievance Appeal: If you are dissatisfied with the warden's response, you may file an appeal to the Director of Corrections and Rehabilitation within five days of receipt of the Step 2 response.
 8. If your grievance is of a sensitive nature and you fear possible adverse effects within the facility, you may file your grievance directly with the director of corrections and rehabilitation through the mail. You must clearly explain your issue and why you fear adverse effects if you do not follow the grievance procedure. If the DOCR Director determines the grievance is not of a sensitive nature, the grievance will be returned to you to file through the usual grievance procedures.
 9. If the warden or the DOCR Director determines you are abusing the grievance procedure through the submission of grievances that are frivolous, harassing, repetitive, or include false or defamatory statements about DOCR employees, officers, and officials, the warden or the DOCR Director may place restrictions on your ability to file grievances or decline to respond to the grievance.

INMATE ACCESS TO THE NEWS MEDIA

1. A new media representative who wishes to conduct an interview with an inmate must make a written request to the warden. The warden shall determine if an inmate, or

inmates, may be interviewed and shall determine which inmate, or inmates, may be interviewed. News media interviews with specific individual inmates are not permitted.

- a. If you agree to be interviewed and the warden approves, the news media representative will coordinate arrangements with the warden.
 - b. You may not be employed or act as a reporter or publish under a by-line.
 - c. You may not receive compensation or anything of value for interviews.
 - d. You must complete the Media Consent form prior to the interview.
 - e. You have full discretion for photographs, answering questions, or being recorded by the media representative.
2. You may contact the news media through written correspondence and electronic mail. Your correspondence to and from the media will be screened as general correspondence.
 3. Interviews may be denied under the following conditions:
 - a. The news media representative asks to interview a specific individual.
 - b. The new media wants to speak to you about another inmate who is currently or has been in the custody of or under the supervision and management of the department, or wants to speak to you about an individual who is, or has been, an officer or employee of the department.
 - c. You are physically or mentally unable to participate.
 - d. Your written consent is not completed.
 - e. The interview may endanger the health or safety of the staff, you, other inmates, the public, or may adversely affect the order and operations of the institution.
 - f. The interview may have an adverse effect on the victim or the victim's family.
 - g. You are involved in a pending court action and the court having jurisdiction has issued an order prohibiting media interviews.
 - h. You are a transferee from another state or the federal government and have not been authorized to participate in interviews with media representative.
 4. The time, location, and duration of the interview must be approved by the warden.
 5. Media interviews must be supervised by staff, designated by the warden.

SECTION 3 - COMMUNICATION, MAIL, AND VISITING

ACCESS TO TELEPHONE

1. Definition: As used in this document, the following definition shall apply:
 - a. Legal Representatives: Attorneys, legal aid officers, or assistants to the inmate's attorney of record.
2. Emergency Telephone Calls:
If we receive an incoming call of an emergency nature, the telephone number and name of the calling party will be obtained, and after verification by staff, you may be permitted to call pertaining to the emergency.
3. **With the exception of attorney calls, all inmate telephone calls are subject to monitoring and recording.**
4. Telephone Calls:
All calls from inmate phones are collect calls unless you purchase prepaid phone minutes from the commissary. There are no refunds for pre-paid minutes.

5. Attorney Calls:
If you wish to place an unmonitored call to an attorney other than listed in this directory, you must send the attorney's business telephone number on an inmate request slip to the inmate phone service representative. After proper verification, the number will be added to the "Do Not Monitor" list. Legal calls must be made using the inmate phone system.
6. Social Calls:
 - a. Phone calls are limited to 15 minutes.
 - b. You can only make telephone calls to people that you have registered on your telephone call list. The phone list will be explained to you in orientation. You are not allowed to make telephone calls for another inmate, or to use another inmate's pin number.
 - c. You are allowed a maximum of 20 active social telephone numbers on your calling list. Attorney and clergy (of record) telephone numbers are not limited or included on the list of 20 social telephone numbers. If you attempt to exceed more than 20 active telephone numbers on your social telephone number list, existing numbers may be deleted. New telephone number requests may be approved after a completed telephone application is received from a family member or friend and verified by staff. You will be allowed to change your personal telephone list or add new telephone numbers every 90 days from the date of your last request.
7. Unauthorized Calls:
 - a. You are prohibited from calling the Governor, judges, clerks of court, parole office, medical agencies, department of corrections and rehabilitation staff, state agencies, officials and employees, businesses, media, and law enforcement agencies. You may communicate to the above through written correspondence.
 - b. No credit card, debit card, three-way calls, conference calls, 1-800, or 1-900 calls are allowed. Call forwarding is prohibited.
8. Telephone Applications:
All telephone numbers on your social calling list must have an approved telephone application. All the personal information provided on each telephone application must be verified by DOCR staff prior to activation. You and your family or friend must read all the instructions and complete all the fields on the Telephone Application form (SFN 50076) and sign their name on the appropriate signature line.

INMATE CORRESPONDENCE

1. There is no restriction on the number of persons with whom you may correspond, nor any limit on the volume of first class mail you may receive or send out, however; the warden may place you on restricted general correspondence based on misconduct or as a matter of classification.
 - a. Restricted General Correspondence:
 - (1) For this restriction, the term "classification" is used to identify categories of behavior. Determining factors include the inmates:
 - (a) Involvement in prohibited activities involving mail;
 - (b) Attempting to solicit funds or items (e.g., samples) or subscribing to a publication without paying for the subscription;

- (c) Being a security risk;
 - (d) Threatening a government official; or
 - (e) Having committed an offense involving mail.
 - b. The warden may limit to a reasonable number of persons on the approved restricted general correspondence list of an inmate.
- 2. Written requests to correspond with inmates in other facilities must be sent to the deputy warden and the following provisions must be met:
 - a. The written correspondence is with an immediate family member, which includes, mother, father, sister, brother, spouse, and legal children.
 - b. You may not seal the envelope.
 - c. You will only be allowed to send written correspondence.
 - d. You will not be allowed to correspond with individuals who have been civilly committed as sexually dangerous individuals, or who are being evaluated for civil commitment as sexually dangerous individuals.
- 3. Unauthorized mail will be considered contraband and you may be subject to disciplinary action. Contraband that is illegal under state or federal criminal law shall be turned over to law enforcement authorities.
- 4. All letters and packages, except those identified as legal or official mail, will be opened and inspected for contraband outside your presence.
- 5. Cashier checks, business checks, and money orders will be removed and credited to your spending account, and you will receive a copy of the receipt. When personal checks and cash are received, it will be sent to the business office to be deposited in your spending account but you will not have access to these funds until you are discharged.
- 6. Legal and Official Mail:
 Incoming and outgoing correspondence and packages clearly identified as legal or official mail will only be opened and inspected for contraband in your presence from the following sources:
 - a. Legal Mail:
 - (1) Correspondence between an inmate and courts; licensed attorneys; or a recognized inmate legal advocacy group, including the American Civil Liberties Union, or the Innocence Project.
 - b. Official Mail:
 - (1) Correspondence to or from, elected or appointed federal, state, or local officials, foreign embassies or consulates, Protection and Advocacy, State Courts, child support enforcement, other Federal and State law enforcement offices, and mail from DOCR staff when labeled as official mail.
 - c. You will sign for your legal and official mail on the Incoming Official Correspondence card.
 - d. The following procedures for outgoing legal or official mail apply to NDSP and MRCC only. You will be notified of the procedures for all other locations upon your arrival.
 - (1) You will be responsible to attach the appropriate postage to the envelope of outgoing legal or official mail. You may take envelopes to the property office to be weighed. Legal envelopes will be processed as listed below. If

you send a legal manila envelope to the mail clerks with appropriate postage affixed, the mail clerks will affix a USPS tracking number and send you the number. If you are unsure if you placed the correct postage on the envelope and would like the mail clerks to weight the envelope prior to mailing, you shall complete an Individual Transfer Voucher and leave the amount blank. You will need to sign the voucher indicating that you approve of the monies to be removed from your account. If the voucher is not signed, it will be returned to you, which will delay the envelope being mailed. The mail clerk will sign the voucher, enter the amount that was charge to your account, and return a copy to you.

- (a) Bring your legal mail to the sergeant's office unsealed.
 - (b) The sergeant will check to make sure there is no contraband in the envelope.
 - (c) You will seal the envelope in front of the sergeant.
 - (d) The sergeant will utilize the approved stamper and stamp "Legal" over the seal.
 - (e) You will place the envelope in the outgoing mailbox on your unit.
7. A publication is defined as printed communication, including a book, booklet, pamphlet, magazine, periodical, newsletter, newspaper, subscribed catalog or similar material published distributed, sent or delivered by any individual, association, organization, company, corporation, or governmental agency. Used material that is damaged or in substandard condition will not be accepted from vendors. Family members may purchase books and subscriptions for newspaper and magazines for you provided they are mailed directly from the approved vendor.
 8. You must use your full name and inmate number on all outgoing correspondence. This information must be placed in the upper left hand corner of the envelope. You are not allowed to use a professional title or business name as part of your return address or on the correspondence.
 9. All incoming mail must have a legible and legitimate return address that must include the sender's last name, street address or post office box number, city, state, and zip code. Incoming mail without a return address may be rejected if the identify and address of the sender cannot be determined.
 10. If mail is rejected in full or in part, you and the sender will receive a Rejection of Mail form. You may appeal the withholding decision to the warden within seven days of receiving the rejection notice. If you want the letter mailed out, you will have to supply the mail clerk with a stamped addressed envelope in which to send the letter.
 11. Incoming general mail with postage due will be held and you will be given the option to pay postage or refuse the mail and it will be returned to sender.
 12. You may only receive 30 photographs per envelope; multiple photos on a single page copied from a computer printer are considered one individual photo and multiple copies of the same photograph are not allowed. If an incoming envelope contains more than 30 photographs all photos will be rejected.
 13. Pages considered as clippings, acceptable copies from the internet, photocopies or other material not considered social or personal writing are limited to ten pages. If the contents of the envelope exceeds ten pages all pages will be rejected.

14. You are not prohibited from corresponding with pen pals, but you are prohibited from placing advertisements that solicit pen pals. If you post advertisements or have advertisements posted with the assistance of another individual, including family members, and including advertisements in printed or electronic media, you will be subject to disciplinary action.
15. Criteria for rejection of incoming or outgoing correspondence, publications, or packages includes:
 - a. Mail to or from an individual with whom contact is restricted.
 - b. An individual has requested not to receive mail from an inmate.
 - c. Contains photographs of a victim at a crime scene, depicts injuries to a victim sustained as a result of a crime and the pictures were taken for purposes of criminal investigation or prosecution, and autopsy photographs.
 - d. Mail containing plans for activities in violation of facility rules or in furtherance of, or that advocates or promotes criminal activity or is in violation of state or federal criminal law.
 - e. Mail that appears to be in code.
 - f. Mail in a foreign language and the contents are not understood by the inspecting staff after reasonable efforts to have the mail translated have been unsuccessful and the inmate is not on the limited English proficiency list.
 - g. Mail that includes sexually explicit material which includes pictorial images of nudity in books, catalogs, pamphlets, magazines, periodicals, and any other graphic images, or any other publication or any personal pictures, drawing, or photocopies depicting:
 - (1) Nudity, which includes exposed/visible (in whole or part, including under or through translucent/thin materials providing intimate physical detail) genitals/genitalia, anus, and/or female/transgender breast nipple(s) or areola.
 - (2) A sex act(s) which includes genital-genital, oral-genital, anal-genital, or oral-anal contact/penetration, genital or anal contact/penetration with an inanimate object, masturbation, sadistic/masochistic abuse, bondage, bestiality, and/or bodily excretory behavior which appears to be sexual in nature;
 - (3) A participant(s) who appears to be non-consenting, dominated, degraded, humiliated, or in a submissive role, and/or acting in a forceful, threatening, dominating, or violent manner which appears to be sexual in nature;
 - (4) Minor(s), or models depicting minors, in a sexually suggestive setting/pose/attire.
 - (5) Sexually explicit material does not include material of a news or information type. Publications concerning research or opinions on sexual, health, or reproductive issues, or covering the activities of LBGTI rights organizations or religious groups, for example, may be admitted unless the publications are a threat to legitimate institution interests.

- h. Mail that is threat to legitimate penological objectives because it threatens the safety or security of the facility, or any person, including the promotion of violence, group disruption, work stoppages, or insurrection.
 - i. Mail identified as legal or official mail, but after inspection for contraband is determined to be general correspondence.
 - j. Mail that advocates racial supremacy or attacks or advocates violence against a racial, ethnic or religious group.
 - k. Mail that includes depictions of signs or symbols of security threat groups or criminal street gangs.
 - l. Mail that contains contraband in violation of facility rules or state and federal criminal law.
 - m. Mail containing non-cancelled postage stamps and pre-franked envelopes.
 - n. Mail containing another offender's correspondence or items.
 - o. Mail containing material in an electronic format (CD, DVD, or other electronic storage device requiring a mechanical or electronic player).
 - p. Mail containing items that were not ordered, paid for, and approved in advance by the Warden.
 - q. "Bill Me Later" correspondence.
 - r. Photographs that include Department of Corrections and Rehabilitation staff.
 - s. The material includes a solicitation, request, or demand for gifts of goods or money from a source other than a family or persons on the inmate's approved visiting or phone list.
 - t. Incoming photographs of inmates taken during incarceration.
 - u. Mail that contains any substance including, crayon, lipstick, or stickers that could conceal contraband.
 - v. Mail with physical properties including, laminated cards or padded envelopes that could be used to conceal contraband.
 - w. Any attempt to use the mail to disseminate large amounts of information to the inmate population that staff has reasonable cause to believe an attempt is intended to cause disruption or otherwise threaten the order and security of the facility.
16. Your correspondence leaving the facility is stamped "The writer of this letter is an inmate of a penal facility."
 17. If you want to mail any letter requiring special postage costs, including certified, registered, or insured mail, submit a request to the mail room along with a transfer voucher.
 18. If you leave a forwarding address, all first class mail will be forwarded for a period of 90 days if you are transferred or discharged.

ELECTRONIC MESSAGING (JPAY)

1. Kiosks will be located throughout the facility accessible during designated times. Kiosk access is a privilege and may be suspended at the discretion of the warden for facility misconduct or behavior that poses a risk to the safety and security of the facility or general public. The frequency and duration of kiosk use is limited as established by the housing unit or location of the kiosk.

2. You may establish a kiosk account and may only use kiosk services once you have agreed to the terms and conditions established by the kiosk service provider. You must use only your account and may not use another inmate's account. When using the kiosk, you shall establish a personal kiosk user name and password. You shall not share your password with others and are responsible for your password safekeeping. The DOCR is not responsible for theft, loss or costs related to password theft, sharing or failure to ensure safekeeping.
3. All activities of this service are subject to monitoring, recording, and retention. You may not use the kiosk to communicate with other inmates, those who have an established no contact order, or those who have objected in writing to such correspondence. The kiosk may be used for legal correspondence; however, the communication is not protected and is subject to monitoring, recording, and retention. All questions must be directed to the kiosk service provider through the tools and contact methods established by the kiosk service provider.
4. Criteria for rejection of electronic messaging are the same as inmate correspondence listed above.
5. Email, attachments, or videograms that are rejected are not subject to reimbursement and may not be appealed. You will not be sent a notice of rejection.
6. The DOCR is not responsible for any funds lost as a result of suspension of accounts for actions found in violation of the ND DOCR policy.
7. You may block email senders from the kiosk. No staff or vendor may block senders at your request. Facility staff may suspend email privileges for you and community members for violation of email rules and facility or public safety reasons. The facility will notify you of the length of the suspension and the rationale in writing unless such notice would hinder an active investigation.
8. Staff will not print incoming email or attachments for you.
9. You may receive and send videograms. Videograms are screened prior to releasing to the receiving party. Videograms in violation of facility rules or that pose a risk to the public safety will not be released.
10. You may add money to your kiosk account by requesting through the kiosk. The business office will verify the account balance and credit the media account within seven business days. If you do not have funds to cover your media account request, you may be subject to disciplinary action to include suspension of kiosk access. Any money deposited in the kiosk media account may only be spent on kiosk services and cannot be transferred to another account or refunded. Upon discharge or transfer unused funds will not be refunded.
11. Email stamps are purchased at the kiosk using funds in your media account. Community members may purchase stamps and stamps for inmates through the kiosk service provider.
12. You must use the kiosk to check media account balances and receive notice of media account deposits. Any question regarding media account balances and transactions must be directed to the kiosk service provider.

PUBLICATIONS

Publications, including books, magazines, and newspaper, may be accepted if sent directly from an approved publisher or vendor, is not mailed by private individuals, and the publication does not violate DOCR policy.

Publications may be rejected if it is determined they:

1. Threaten the safety or security of the facility, or any person, including the promotion of violence, group disruption, work stoppages, or insurrection.
2. Advocate racial supremacy or attacks or advocates violence against a racial, ethnic, or religious group.
3. Includes depictions of signs or symbols of security threat groups or criminal street gangs.
4. Contains contraband in violation of facility or state and federal criminal law.
5. Contains material in an electronic format (CD, DVD, or other electronic storage device requiring a mechanical and electronic player).
6. Depicts or describes procedures for the construction or use of weapons, ammunitions, bombs, or incendiary devices.
7. Depicts, encourages, or describes methods of escape from correctional facilities, or contains blueprints, drawings, or similar descriptions of the North Dakota Department of Corrections and Rehabilitation institutions.
8. Depicts or describes procedures for the manufacture of drugs or alcohol.
9. Encourages or instructs in the commission of criminal activity.
10. Includes sexually explicit material which by its nature or content poses a threat to the security, good order, or discipline of the institution, or facilities criminal activity.

When a publication is rejected, you will be advised in writing. You will have 15 days to file an appeal. After the appeal time frame, the publication may be disposed.

VISITATION

Visiting is a privilege. The DOCR may deny entry to a DOCR correctional facility to any person if the DOCR determines the person poses a risk to the facility, any person, or if the DOCR has a legitimate penological interest in denying visitation.

It is your responsibility to notify your family and friends of the DOCR facility to which you are assigned.

VISITING LISTS

1. You may be allowed visits from approved people on your visitation list. You are allowed 20 friends on your visiting list and family members.
2. You must list the name of your attorney. If you change attorneys, you must notify visiting control the name of your new attorney or the DOCR may deny the attorney visitation.

3. When making your visitor's list, you shall print legibly and make sure complete names, addresses, and phone numbers (if known) are given. The list will be returned to you if incomplete.
4. Visitor application forms for your visitors will be supplied to you during orientation and are also available in the housing units. The form is to be completed, in full, by your visitor, returned to the facility, and approved before your visitor will be placed on your visiting list and allowed to visit you. It is your responsibility to make sure your visitors receive and return the forms. Incomplete forms will not be accepted from your visitor. Everyone will be required to complete the form except minors under the age of 16. Minor children must be listed on the applications of the parent or guardian who will accompany them. Clergy members and attorneys must also submit visitor applications. Clergy cannot apply to visit if they have been approved as a volunteer in any DOCR facility.
5. No one under the age of 18 can visit unless their parent or legal guardian accompanies them. Exceptions may be made if the DOCR has received prior parental consent as described below. If the minor visitor is going to be chaperoned by someone other than the parent, the chaperone must have the minor visitation form, signed by the parent or legal guardian, notarized, and have had it approved by the chief of security. The chief of security may place restrictions on any visitors that have been granted special permission.
6. If there is a "no contact order" of any kind that prohibits contact between you and the person requesting to visit, the request will be denied. Contact will be allowed only when the order has been relinquished.
7. Visiting lists or changes may take up to 15 working days to complete after the facility has received the application.
8. No one may be on more than one inmate's visiting list, unless the visitor is a family member to both inmates or approved by the chief of security.
9. If you choose to visit during scheduled meal times, a meal will not be saved for you.

RULES GOVERNING VISITORS

1. Visiting hours will be posted at each correctional facility.
 - a. **Visitors who arrive to visit with less than 30 minutes left in the session will not be checked in.**
 - b. Holiday visiting will be posted at each facility.
 - c. Addresses of the facilities are:
 - (1) NDSP
3100 Railroad Avenue
Bismarck, ND 58501
 - (2) JRCC
2521 Circle Drive
Jamestown, ND 58401
 - (3) MRCC
1800 48th Avenue Southwest
Bismarck, ND 58504

2. You may receive up to 20 hours of visiting per month. You are responsible to manage your visiting hours appropriately and visiting hours will not be extended beyond the 20-hour limit. The visiting room officer has the right to limit visitor hours on a daily basis as determined by capacity and demand.
3. Any visit less than one hour will be counted as one complete hour.
4. A background investigation is completed on all persons requesting access to a DOCR facility. The DOCR may restrict or deny access to anyone considered to pose a risk to the facility. All visitors are checked with the N.D. Bureau of Criminal Investigation, DOCR records, and law enforcement authorities.
5. Anyone charged with a felony or who has a warrant for arrest or charges pending will not be allowed to apply for visiting until the charge is disposed through the court. Anyone on probation, parole or other form of conditional release may not be allowed to apply for visiting until they have been off probation or parole for a period of one year and have been cleared by the warden or chief of security. This also applies to individuals who have left the facility on expiration status. Names may be removed or kept off visiting lists at any time in order to maintain the orderly running of the facility.
6. Individuals and their personal property that enter the facility or its grounds may be subject to search at any time for contraband. Anyone refusing to submit to search will be denied admittance. If contraband is found, the facility may detain the individual for a reasonable amount of time.
 - a. If you are found in possession of contraband upon completion of a visit, your visitor(s) may be suspended from visitation pending investigation by a designated staff member of the facility and may be permanently banned from visitation after completion of the investigation.
7. Visitation restrictions may be placed on you by the DOCR. You will be notified if restrictions are applied and be informed on the process for review of those restrictions.
8. Attorneys: All attorneys must fill out a visitor's application. Attorneys listed on an inmate's visiting list may visit during regular business hours (8 a.m. to 4:30 p.m.) Monday through Friday. Attorneys are allowed to enter the facility before their application is approved; however, they must bring in an application and they must have their current North Dakota State Board of Law Examiner's License or substantially similar identification with them for verification purposes. Arrangements for visits by attorneys outside of regular business hours must be made in advance with a shift supervisor. You are responsible for letting the attorney know when you will be available for visits during the normal business hours. Visits by attorneys to inmates in administrative segregation or disciplinary detention must be cleared in advance by the captain or unit manager, and may be conducted in the secure visiting area.

VISITING REGULATIONS

1. You and your visitors must wear proper clothing to be allowed into the visiting room. Proper clothing includes undergarments, shoes, shirts, slacks, and jeans with no holes above the knees. You will not be allowed to wear shorts or sweat pants into the visiting room and your shirt must be buttoned and tucked in.
2. You shall remove hats, coats, and jewelry (except wedding rings) before entering the visiting room.

3. The visiting room officer has authority to assign seating in the visiting room.
4. Items to be sent out with visitors must be brought to the property office one day in advance of the visit. An outgoing package slip must be completed and attached to the package. Items to be sent out with visitors on the weekend must be brought to the property office by noon on Fridays. It is your responsibility to inform the visiting room officer that you have a package that will be sent out during your visit. This should be done when you enter the visiting room. Packages will be held in the visiting room for a period of 30 days. Packages not picked up within 30 days will be mailed out of the facility and postage will be charged to your account. All outgoing package request form copies must remain together and be given to the property office. Packages are not to be opened in the visiting room.

VISITING ROOM REGULATIONS

1. Each facility may have additional rules for visiting that will be provided upon your arrival.
2. Physical contact, including hugs and kisses, may be restricted.
3. You shall keep your feet off the table and chairs.
4. You may not intertwine your legs with your visitor's legs. You must keep both of your legs on one side or the other of your visitor, not between the visitor's legs.
5. Handholding is acceptable. The visiting room officer must be able to see your hands and your visitor's hands at all times.
6. It is the responsibility of you and your visitor to control the children visiting you.
7. Horseplay and inappropriate language are prohibited.
8. You shall clean up the visiting area after your visit is complete.
9. The visiting room officers have full authorization to control your behavior and your visitor's behavior and may separate or terminate a visit at their discretion. Any verbal outbursts or any other inappropriate behavior toward an officer in the visiting room may result in disciplinary action against you.

VIDEO VISITATION

1. All video visitations, on site or remote, must be scheduled at a minimum of 24 hours in advance, through the service provider's website. All rules and regulations established for contact visitation are applicable for non-contact and video visitation.
2. It is your responsibility to inform your visitors of your respective work or programming schedules. You will not be approved to leave work or programming to accommodate remote video visitation scheduling. Remote video visitation sessions will be a minimum of 20 minutes and not to exceed 40 minutes.
3. The person requesting to visit through remote video visitation is responsible to establish an account and for the cost of the visit established by the service provider.
4. All video visits are monitored and recorded.

SECTION 4 - INMATE FINANCIAL TRANSACTIONS

INMATE ACCOUNTS

According to NDCC 12-48-15(4), the warden is responsible for guiding inmates in making proper use of their funds to pay their obligations, including the payment of any administratively ordered fee, fine, or restitution, court-appointed counsel fees, and court-ordered restitution, support for dependent relatives, or to provide for their own medical, surgical, eye care, or dental treatment, or to pay for other services not generally provided by the state. The warden may withdraw funds from an inmate's penitentiary account or Bank of North Dakota two-signature account, without the inmate's signature, to meet the inmate's legitimate financial obligations.

You are not allowed to possess, use or carry cash, checks, debit cards, credit cards, personal identification numbers ("p.i.n. numbers"), or account numbers. The DOCR will establish ledger accounts for you to keep track of monies you have received or earned during your incarceration. Individuals may not drop off money in any form for you at any DOCR facility or DOCR contract facility. Money must be sent to the facility in which you are located and it will be deposited in your account. Money will only be accepted in the form of an electronic transfer, money order or cashier check.

1. **Spending Account:** Money on your person upon arrival, or any monies earned or received from outside sources, will be placed into your spending account. You should consider this account as your "checking account", to cover your needs during your stay here.
 - a. You will be given a monthly statement showing the deposits or deductions from your account received from the prior month.
 - b. You may also be responsible for paying any non sufficient fund (NSF), charges incurred on funds you receive.
 - c. You will be given a receipt any time you receive money from a source outside the facility. Checks from governmental and federal agencies in the amount of \$500.00 or more will be posted to your account but held for two weeks to ensure the check clears the bank. Checks from business checking accounts in the amount of \$100.00 or more will be posted to your account but held for two weeks to ensure the check clears the bank. This does not include money orders, cashier's checks, official checks from a bank and checks for work release. These checks will be posted to your account without a holding period.
 - d. You should save all receipts, charge slips, commissary sales receipts and transfer vouchers so you can keep track of your daily account level and reconcile each monthly statement. You may receive a disciplinary report for writing transfer vouchers with insufficient funds in your account.
2. **Release Aid Account:** 25% of all monies you earn at the facility are placed into your "Release Aid Account." This is considered your gate money and is usually not available to you until your discharge day. You may request to use money from this account, and the warden may release the money to you at the warden's discretion.
3. **Savings Accounts:** There are two types of savings accounts that you may have during your incarceration: Spending Account Savings and Release Aid Account Savings.

Money from one account cannot be deposited into the other; instead, the money must be kept separated.

- a. **Spending Account Savings:** You may request to have monies transferred from your Spending Account to an interest bearing savings account at the Bank of North Dakota with a minimum deposit of \$10.00. You must maintain this minimum deposit amount until either the account is closed or you are discharged. To open a Spending Account Savings, send a transfer voucher to the property office for the amount you would like deposited. The business office will process the screened voucher and take the check to the Bank of North Dakota, who will issue papers that you will be required to sign to open the account. You are allowed unlimited deposits into your Spending Account Savings and are limited to one withdrawal per month. You are encouraged to save as much money as you can during your incarceration. It may take up to a week or more to deposit or withdraw money from this savings account.
- b. **Release Aid Account Savings:** You can request your Release Aid account monies be transferred to an interest bearing account at the Bank of North Dakota. You need to follow the same steps required to open a savings account under Spending Account Savings. The minimum starting balance for the Release Aid Savings account is \$50.00. This minimum starting balance must be maintained until either the account is closed or you are discharged. The number of withdrawals you will be allowed is at the discretion of the warden. You may not invest your release aid money in any place other than the Bank of North Dakota savings accounts. Release Aid monies must remain liquid.

All savings accounts will be closed at least one week in advance of your discharge from a correctional facility to allow you to receive your monies in a timely manner.

OTHER INMATE ACCOUNTS

Accounts with other financial institutions, other than the Bank of North Dakota, must have the warden's approval. These accounts must have controls so that only you can make the deposits and withdrawals. These deposits and withdrawals must come through your DOCR account for monitoring. A letter from the financial institution must be on file in the DOCR business office stating the financial institution will follow the DOCR's requirements on deposits and withdrawals before the account can be opened.

PAYROLL

Payroll is posted to accounts by the 15th of each month or the first working day after the 15th of each month due to a weekend or holiday.

DOCR DEBT AND FINANCIAL OBLIGATIONS

The DOCR may guide you in making proper use of your funds to pay for financial obligations. This includes victim restitution, court ordered fines and fees, or restitution, overdue probation supervision fees, Presentence Investigation ("PSI") fees, other money owed to the DOCR. Although you may not be legally required to pay toward some obligations until your release, DOCR may determine that it is best for you to begin making payments during your incarceration. By developing good financial habits such as making payments towards your financial obligations, you will reduce your financial burdens and be more financially secure

upon release. You may have deductions made from your inmate pay and from money received from outside sources to pay toward your financial obligations. Money from outside sources will not have more than a total of 50% deducted to pay toward obligations with the exception of bank "Return Item" and deposits posted in error. Deductions from money from outside sources will be limited if you have not had more than \$30.00 of available spending money in the past 31 days.

If you incur a prison financial obligation including a fine or fee imposed through a disciplinary proceeding, medical or dental co-pays or expenses, legal postage, or copies, the full amount of the prison financial obligation may be deducted from your spending account. All available money in your spending account will be applied to the prison financial obligation. If the prison financial obligation is greater than what is available in your spending account, the balance will be deducted from future inmate pay and money received from outside sources.

If you owe money to the DOCR at the time of your discharge, you may be paid all funds in your account, less your outstanding debt. If you are unable to pay the debt in full at discharge, this debt will remain active should you return to DOCR custody. You may make arrangements to set up payments to pay off any remaining debt after your release.

FINAL PAY

If you owe the State of North Dakota money, your final pay may be applied to your DOCR obligations. If there are funds left after the obligations are paid in full, your remaining money will be sent via debit card or check to the address supplied at discharge. If you do not owe money, your final payroll will be processed during the following pay period and your money will be sent to you.

DISCHARGES

If you have \$10.00 or less in your account, you will be discharged with cash. If you have more than \$10.00, a debit card will be issued.

INDIGENT STATUS

The DOCR may help you with basic living expenses (e.g., basic hygiene and writing materials) if you are financially unable to provide for your own needs. You may request to be placed on indigent status by writing to the property officer by the 20th of each month.

To be eligible, you must have received \$15.00 or less of spendable money each month. This includes spending balances carried over from the previous month. You must be actively seeking a job and cannot have quit a job, refused to work, or have been fired from a job or work assignment within the past 30 days.

If you are eligible for indigent status, you will receive the basic hygiene items and writing materials by the first day of the following month. You are eligible for up to \$4.00 in personal and legal postage and legal copying. You may not exceed the \$4.00 monthly allowance. If you can verify an "exceptional circumstance", you may request permission from the warden to have more legal copies or postage for the month paid from your Release Aid Account. The Release Aid Withdrawal Forms are available in the housing units. If you exhaust both the

\$4.00 credit and your Release Aid Account available balance, the extra cost will be recorded as a debt.

COMMISSARY

The commissary allows you to purchase necessary hygiene and personal products and additional authorized items for your recreation and entertainment.

PURCHASING PROCEDURES

1. The assigned days for you to order and pick up your commissary is established by commissary. Refer to individual unit plans posted in your housing unit to learn your assigned commissary day. Detailed instructions for purchasing commissary items are provided in the commissary catalog. The commissary is closed for legal holidays or as posted.
2. You shall present your identification card to the commissary workers when picking up your weekly order. Any item needing to be tagged or etched with your name and number will be delivered to the housing unit. All clothing items will be sent from the property office to laundry for proper tagging.
3. It is your responsibility to ensure your order is correct prior to submitting your weekly order. If you receive an incorrect order as a result of your ordering error, or receive an item you state was not ordered, you will be given the choice of accepting the order as is or refusing the complete order. If you submit an incorrect order, exchanges and credits on individual items will not be offered.
4. If an item is missing or damaged, and it is verified by staff, the missing or damaged item will be noted on the sales receipt and the item will be exchanged or your account will be credited. All damaged items must be returned.
5. If you feel an item was ordered and that item is not present, and you have not been charged, the item will need to be re-ordered.
6. If an order is unable to be filled, you will be provided an explanation. A scanner exception report is printed and given to you for those items.
7. For a defective electronic item, you have 30 days from the date of receipt, to return it to commissary for an exchange.
 - a. After 30 days, you must work with the facility property staff to contact the manufacturer.
 - b. Items that have been determined to be misused or abused, voids the 30-day warranty offering.
8. Sales are final, unless there is a defect in the workmanship.
9. Rejected orders, transfers, or unclaimed orders will not be refunded until the orders are returned.

ARTS AND CRAFTS

1. You are not allowed to purchase arts and crafts from other individuals.
2. Select arts and crafts supplies are available for purchase through commissary and all sales are final.
3. You are only allowed to send your arts and crafts items to someone on your visiting or phone list.

MONEY TRANSFERS

1. If you wish to send money transfers, you must complete an Individual Transfer Voucher form and send it to the property officer. The property officer or designee will screen all transfer vouchers. All transfer vouchers to individuals outside of the facility may be approved for the following:
 - a. To pay court ordered fines, costs, or restitution;
 - b. To pay bills to businesses (a copy of the bill is required);
 - c. To support your family by payments of bills to businesses (a copy of the bill is required);
 - d. To pay tuition;
 - e. To send "gift" money up to \$100 a month, (this is restricted to persons on your visiting list and phone list);
2. No check will be written for less than \$1.00 unless for discharge; therefore, no transfer vouchers for less than \$1.00 will be accepted.
3. A stamped, self-addressed envelope must accompany the transfer voucher and be given to the property officer. Attach the transfer voucher to the outside of the envelope. Verification of the request may take a week or more. Transfer vouchers are screened in the property office and forwarded to the business office. The business office will process approved transfer vouchers as time permits.
4. All checks will be mailed to the individual or entity named in the check.

TRANSITION FACILITIES TRANSFEREES

If you return to custody in a DOCR facility from a halfway house and you have any monies in your possession, you will be required to reimburse your Release Aid Accounts with the amount of Release Aid money you had when you left the physical custody of the DOCR.

SECTION 5 - INMATE PROPERTY

NEW ARRIVALS

1. Items allowed upon arrival into the facility must comply with the following property requirements:
 - a. 1 wedding band
 - b. 1 pair of eyeglasses with no case
 - c. Address book
 - d. Religious medallion
 - e. 2 pair of contacts if eyeglasses not available
 - f. Legal work (must be related to conditions of confinement or a court sentence)
 - g. 10 small pictures
 - h. Medications
 - i. Drivers License
 - j. Social Security Card
 - k. Birth Certificate
 - l. Money
2. Personal belongings will be screened to determine which items will be allowed into the facility and which items must be sent out. Unauthorized items must be mailed out at

your expense, or you must make arrangements to have the property picked up from the facility within 30 days.

3. You may not possess any unauthorized wireless electronic communication device in the facility or on any premises under the control of the DOCR. Wireless electronic communication devices include two-way radios, cell phones, beepers and pagers, modems, personal digital assistants, mobile broadband cards, or any other wireless electronic device capable of wireless transmission, reception, interception, or storage of oral communications, text, electronic mail, video or photographic images, data signals, or radio communications, or any component of these devices. Prohibited wireless communication devices do not include medically prescribed devices or DOCR approved devices.
4. If you are terminated from a transitional facility, including MRCC, for disciplinary reasons or for failure to comply with rehabilitative programming and you return to the DOCR, you will be considered a new arrival. Any property you have must conform to what is allowed for new arrivals in this section of the Facility Handbook or it will not be allowed in the facility.

LIVING QUARTERS PROPERTY

1. Your possessions, whether personal, state-issued, commissary-purchased, arts or crafts-related, or otherwise, will be limited. Living quarters must be kept orderly, well arranged and clean in the interest of health, safety, sanitation, security, and general welfare.
2. You are only allowed up to 30 books or a combination of books and magazines in your possession.

PERSONAL PROPERTY

1. **The DOCR is not responsible for stolen, lost, or damaged personal property.** You are responsible for personal property from the time of ordering or mailing until it is disposed of or you have been discharged from the facility. If your personal property is lost or stolen, you shall report it immediately to your case manager.
2. **The DOCR does not store any personal property.** After 30 days, the DOCR considers any unauthorized personal property abandoned and will dispose of the property.
3. You may not sell, loan, barter, or give away personal property or clothing to other individuals. You may not possess property that has been discarded or that belongs to other individuals. You may not alter personal clothing or any item of property.
4. Personal property must be tagged with your identification and listed on your property inventory sheet through the property office. Untagged property may be confiscated and disposed of in accordance with facility procedures.
5. A complete list of items allowed in the cells will be posted on the bulletin boards in the housing units and property office for reference.
6. If you have pulled property you have 72 hours to appeal the decision to the case manager. The case manager will make a determination if you will be allowed to keep the item and return it to you, give you the option of sending it out at your expense within 30 days, or have the items sent to the property office for proper disposal. If you receive a Level II or III disciplinary report, the disposition of the pulled items will be determined in the hearing process.

- a. A Cell Check/Items Pulled form will be completed for all pulled property stating the item pulled, the reason for pulling the item, and the disposition of the item. This form will be given to you so you are informed of what was removed.
- b. Pulled items that staff believe to be trash will be placed in the staff office. You will be notified via the pull slip that items will be thrown away after the evening count, unless an appeal is submitted to the case manager.
- c. State-issued clothing or linen that is pulled will be sent to laundry. An incident report will be issued if appropriate.

INCOMING PROPERTY

1. Personal property or packages are not allowed into any DOCR facility, except in accordance with DOCR personal property rules.
2. If you leave the facility for any reason, you are not allowed to bring property back into the facility you did not have when you left.

PERSONAL CLOTHING

1. Only facility-approved personal clothing is allowed.
2. Clothing or jewelry that show "colors" or emphasize dress to associate with a specific group is prohibited.
3. Religious medallions/necklaces must be tucked under your shirt.
4. Head coverings such as bandanas and do-rags may only be worn in your cell.
5. Sunglasses may only be worn outside.
6. Baseball caps must be worn with the brim facing straight forward, with your face fully visible.
7. Stocking caps may only be worn outside.

DISCARDING OF PERSONAL PROPERTY AND CLOTHING

1. Your personal property and clothing must be properly tagged and placed on your personal inventory sheet. If your personal property or clothing becomes defective or unusable, you must send the item to the property office for disposal. If the item is disposed without processing through the property office, you will not be allowed to purchase or receive replacement items.

STATE PROVIDED CLOTHING/LINENS

1. Upon arrival in orientation, you will be issued up to six t-shirts, six pairs of underwear, six pairs of socks, one pair of shower shoes and one pair of tennis shoes. Upon completion of orientation, you may be provided with up bath towels, two pairs of khaki pants, and two khaki shirts. Laundry bags are provided and assigned to your living unit. You will be responsible for turning these items in to the laundry in your laundry bag on the designated days for washing. If an item wears out through normal wear and tear, you shall turn it in to the laundry officer for a replacement item. If the item is intentionally destroyed or altered, you may be charged for the replacement. Khaki clothing will be issued to you upon your request to the laundry officer. You must turn in an item to receive a clean item. These items can be turned in on an "as needed" basis. You are only allowed two sets of khakis at any given time. You may be provided with a jacket. You will be provided with a pillow case, sheets, and blankets.

OUTGOING PROPERTY

1. All property leaving the facility must be mailed out or sent out with visitors in the visiting room who may be allowed to take out packages when the visit is completed. People will not be allowed to stop at the facility to pick up any outgoing item, except through visitation. Items sent out of the facility will not be allowed back in without prior approval.
2. Property Being Mailed Out of the Facility: Items, other than cards and letters, must be mailed out through the property office. Items may be brought to the property office Monday through Friday (excluding holidays). You must complete all areas of the outgoing package slip and attach it to the package.
 - a. If you choose to have items sent out, you are responsible for shipping and packaging costs, which will be deducted from your spending account. Generally, all items will be mailed within seven days through U.S. mail.

SECTION 6 - SANITATION AND SAFETY

HAIRCUTS AND FACIAL HAIR

1. Staff will screen atypical haircuts, such as shaving your head and leaving a small patch of hair. When the length or style of your hair is a security, health, sanitation, or safety concern you may be required to trim or cut your hair or wear a hair net or other covering.
2. Haircuts, facial hair, or eyebrows that provide identification or affiliation with security threat groups are prohibited and you will be required to change, modify, or remove any features that identify you with a security threat group.
3. The inmate barber provides haircuts at no cost. Hair must be clean and you will be allowed one haircut per month. Haircuts are not allowed while on restriction to quarters or loss of afternoon recreation.
4. A trimmed mustache is permitted. Beards must be neatly trimmed and clean. Barbers will not trim mustaches or beards.
5. Inmates are allowed to braid other inmates' hair but inmates are not allowed to braid anything into their hair on any part of the body, including beads, rubber bands, colored string, or cloth.

SHOWERS

1. A schedule for showers is posted in the housing units.
2. You may only wear shower shoes while walking to or from, or standing in the shower.
3. Regular shoes must be worn at all other times you are out of your living quarters.
4. You are not allowed to shave, wash dishes or wash clothes in the shower rooms.

LAUNDRY

1. The facility will wash your clothing at no charge. Laundry procedures and schedules will be posted. Khakis issued can be turned in for washing "as needed" and you must turn in a khaki item to receive a clean khaki item.
2. **You are responsible for your personal clothing. The DOCR is not responsible for lost, stolen, or damaged personal clothing.**

DISASTER PLANS

The primary disaster plan emergency procedure is to “defend in place” in your living quarters. The proper defense in your living quarters is to lie flat on the floor and cover yourself with your mattress. You shall follow all staff directives to evacuate work or recreation areas and secure yourself in your living quarters to prepare to defend in place. In the event of an alternative plan, you will receive specific instructions from staff.

FIRE DRILLS

In the event of a fire, it is necessary that special directions and plans be followed for the safe and orderly evacuation of work and living quarters. Diagrams of each building designate necessary routes and exits.

In the event of a drill or actual emergency, you shall proceed in an orderly manner with no talking so that instructions may be heard. You will not be allowed to take personal property with you.

SECTION 7 - HEALTH CARE

ACCESS

You can receive health care services from the DOCR medical department by writing a request slip. The dental department has a dental sick call sign-up sheet if you are experiencing pain or infection. Dental sick call sign-up sheets are available in facilities and correctional staff can direct you to the signup sheets.

EMERGENCY CARE

Emergency medical care is available 24 hours a day, 7 days a week.

SICK CALL

Sick call is conducted daily at NDSP and JRCC. The MRCC nurse is available Monday through Friday except during holidays.

DOCTOR CALL

If you have been screened by nursing staff, you may be assigned an appointment with an appropriate primary care provider. Your assignment of an appointment will be dependent on your need for services and as time allows.

INFIRMARY CARE

Infirmary care is provided at NDSP and JRCC when closer observation by nursing staff is required. Individuals at MRCC will use the NDSP infirmary if warranted.

OFFENDER CO-PAY

1. \$3.00 co-pay may be charged for initiated health care visits. You are encouraged to be responsible for your individual health care.
2. **You will not be denied medically necessary health care if you are unable to pay for services.** Staff initiated health care visits will not be subject to co-pay. Pre-existing

conditions are subject to co-pay at least every 60 days. If you disagree with the \$3.00 co-pay, you may appeal the decisions to the warden and Director of the DOCR.

3. The co-pay applies to a single visit. An individual requesting a visit to a health care provider for multiple symptoms may only be charged one co-pay if the symptoms are addressed in the same visit.
4. Prosthetics and dentures will be assessed an additional co-pay, up to 15% of the cost of the prosthetic or dentures.
5. Pre-existing conditions must have been diagnosed within the past 60 days to qualify for exemption from the co-pay, unless the 60-day time frame is waived by DOCR health services or by appeal.

OFFENDERS WITH DISABILITIES

If you have a disability, you will be assessed to determine if you have any special needs. An ADA committee will meet to determine if you have any special needs and detail an action plan to provide qualified individuals to assist with basic life functions, request needed equipment, and make a determination on the appropriate placement for you within the prison system.

COMFORT ITEMS

The medical department does not make decisions on property, including shoes, pillows, mattresses, or other items that have nothing to do with health care. These items may be purchased from commissary.

LAY-INS FROM JOBS OR OTHER ACTIVITIES

If you are too ill to report to work, you must submit a sick call slip to the medical department prior to your scheduled work assignment or programming. A nurse will complete an assessment. If the nurse verifies your illness, you may be issued a lay-in card to excuse you from your job or programming. You are automatically restricted to quarters based on this lay-in card. When a lay-in card is issued for a longer duration you may be restricted to one hour of recreation per day including weekends.

MEDICATION LINES

Medication lines are for individuals who receive medications that cannot be kept on your person. Staff may conduct mouth checks to verify you took your medication. The medication lines are not to be used for sick call.

RED'XED MEDICATIONS

Medications requiring monitoring for compliance are labeled "red'xed". These medications are distributed in facility medication lines. If you abuse or misuse your medications, you will have your medications red'xed and will be subject to disciplinary action.

PERSONAL MEDICATIONS

You may be allowed to keep medications on your person and take your medications as prescribed. Medications can be picked up at med lines. All medication must stay in the original packaging and may only be taken as indicated. If a loose pill or pills are found in your possession, you may be subject to disciplinary action.

You shall submit a request slip for new medication replacement cards to the pharmacy five working days prior to running out of medication. Your request slip shall include the following: your name, the prescription number and the name of the medication(s). You must bring to the medication line the empty card(s) with your name and prescription on the card(s) to exchange for the refilled medication(s). This includes inhalers or prescription ointments.

OVER THE COUNTER MEDICATIONS

Over-the-counter medications are available for purchase from commissary. When over-the-counter medications, including acetaminophen or a non-steroidal anti-inflammatory drug (NSAID) are prescribed by a DOCR physician, physician assistant, dentist, or recommended by medical staff, you are responsible for purchasing the over-the-counter medication. Acne and anti-fungal medications are considered cosmetic and will not be provided by the medical department.

OPTOMETRY SERVICE

You will receive a visual acuity screening upon arrival by nursing staff while you are in orientation. If visual acuity is below the standard visual acuity score for visual impairment in either eye, you can request to be accommodated with a vision test and glasses. The medical department will provide you with glasses if necessary.

Optometry services are provided on a shared cost basis. The medical department does not provide contact lenses.

If you arrive with only contact lenses in your possession, you will be allowed to keep two pair. Eye care products, such as saline solution or contact lenses cases, are not provided by the DOCR medical department but are available for purchase in commissary. You will be required to replace your contact lenses with a state issued pair of glasses and you will be required to send your contact lenses out upon receiving your glasses. Failure to do so may result in disciplinary proceedings.

DENTAL SERVICES

Dental care for relief of pain, infection, and stabilization of status is available. A dental screening will be provided without co-pay during orientation.

Relief of pain and infection is a priority and you may access emergency dental care by dental sick call signup. Each emergency care visit may be assessed a \$3.00 co-pay and is limited to one complaint per visit.

You may be charged a \$20.00 co-pay for oral surgery referrals, which may be limited by availability in the community.

HEALTH CARE DIRECTIVE

The purpose of a Health Care Directive (living will) is to allow you to participate in end-of-life health care decisions affecting you. You may request a Health Care Directive to be kept on file in the medical department.

SECTION 8 – EDUCATION

EDUCATION PROGRAMS

A number of educational programs have been established to assist you with personal and career development. Unless otherwise indicated, educational programs are available at all three facilities.

CORRESPONDENCE COURSES

Correspondence courses must be approved by the facility education principal and your case manager.

ASSESSMENT

Educational assessments will be completed during your incarceration. These assessments determine your education and literacy levels and needs. The assessments are used when developing an education plan that best meets your needs. As you progress through the education programming, additional assessments will be administered to monitor academic growth as well as measure your knowledge of the concepts within the GED testing series.

TUTORING PROGRAM

The tutoring program is designed to help you develop educational skills needed to succeed in society. You may be placed into this program prior to entering the Adult Basic Education (GED) program to strengthen basic skill levels.

ADULT BASIC EDUCATION (INSTRUCTIONAL FOR GED)

This program's basic purpose is to assist the student in preparing for the four tests that are required to achieve this diploma. If you have not received your high school diploma or GED, participation is mandatory.

HIGH SCHOOL DIPLOMA

For students who do not have a high school diploma or GED, they may have the option to attain their high school diploma. Students eligible for the high school diploma route must be under the age of 21 and have a minimum amount of credits left. Inquire within the education department for the high school diploma eligibility checklist.

COMPUTER PROGRAMS

Computer classes may be provided. Classes may include Introduction to Computers, Digital Literacy, and keyboarding. Other computer programs will be offered as available.

READ RIGHT

The Read Right program is offered at all DOCR facilities to help you improve your reading skills. This course increases skills in comprehension, critical thinking, and problem solving. If you are identified to participate in Read Right, participation is mandatory. A certificate of completion will be given to those who successfully complete the course.

AUTOCAD

A course on AUTO CAD 2010 is offered to those what want to learn about using Computer Aided Design. Students log 200 hours on the program. You learn how to do basic 2D blueprints and 3D drafting of objects as simple as a pencil to as complex as an automobile. As a final project to the class, each student creates their own blueprints and then creates their own 3D project with the instructions on how to create the project. As the end of a student's 200 hours, they will put together a portfolio to demonstrate their capabilities on the program and display the projects they have completed. This training is only available at NDSP.

COLLEGE PROGRAM

Efforts are made to offer college courses to meet general education requirements of colleges within the North Dakota University System. Courses are offered during the spring and fall semesters at all DOCR facilities.

Correspondence classes are available through a limited number of facilities across the United States. You are encouraged to choose facilities that offer courses to meet long term goals.

All costs for classes at this level are the responsibility of the student.

CONSTRUCTION TECHNOLOGY AND BUILDING TRADES

This is a Career and Technical Certified education program offered at JRCC. This program is offered through the DOCR and ND Department of Career and Technical Education and follows the curriculum of Building Trades. Students are educated in tool safety, drafting, construction, project planning, and work crew etiquette. The successful student is prepared to work in the construction industry. This is a paid facility job. If you are interested, you may contact the instructor.

WELDING TECHNOLOGY

The welding program provides basic skills needed for entry-level jobs and apprenticeship programs. Students learn welding theory, symbols, and reading blueprints. Processes included in instruction through the use of simulated welders are arc, oxyacetylene, shielded metal arc, arc air cutting, gas metal arc (wire feed), flux core arc, and non-destructive testing. At the end of the training, students will be provided an opportunity to test for AWS (America Welding Society) certification.

CAREER READINESS

The program's services and activities are designed to focus on improving employability, social and human relations skills in order to facilitate a successful integration into the community. Recommendation for this program is based on assessment results. Completion of Career Readiness is required for the Work or Education Release Program at MRCC. Career Readiness is offered at all DOCR Facilities.

LIBRARY SERVICES

1. Library services are provided within each of the DOCR prison facilities. The library hours and rules are posted at each facility.

2. Library books covers all library materials obtained through any of the DOCR facility libraries, and items obtained through the ND State Library Inter-Library Loan process.
3. The librarian or library worker(s) will assist you in obtaining books from ND DOCR libraries and books from the State Library through the Inter-Library Loan process. The DOCR has the right to reject any or all materials ordered through this method.
4. You are responsible for the books checked out of the library. Make sure all pages are intact and the book is in good shape before checking out a book. You have three days to report to a staff member any damages. Failure to notify staff of these damages may result in disciplinary action. If you do not return library books by the due date, you may be subject to disciplinary action.
5. If you have any questions about the library, please contact the librarian.

INTER-LIBRARY LOAN (ILL)

1. The proper request form must be used, to include Book or Subject Request Forms.
2. One book per request form.
3. All books are to be returned to the librarian or library workers. You may also utilize the designated library book drop. It is your responsibility to verify that your returned books are removed from your library account.
4. ILL books need to be returned when they are due.
5. The following materials will not be allowed in any DOCR Facility including:
 - a. Materials written in code;
 - b. Sexually explicit images; and,
 - c. Material determined to be detrimental to security, order, or rehabilitation.
6. ILL Books may take up to four months after processing to be delivered.
7. Books will usually be delivered once a week.

SECTION 9 – WORK OPPORTUNITIES

You are expected to work during incarceration. You will have the opportunity to learn job skills and good work habits and attitudes that can be applied to jobs after release.

JOB ASSIGNMENTS

The Job Placement Committee coordinates the placement of individuals into work positions. The Job Placement Committee may offer you one work assignment after you have completed the orientation phase and are classified to a housing unit. If you refuse to take a job assignment from the Job Placement Committee, you may receive a disciplinary report. Rough Rider Industries (RRI) staff will interview you for open positions within industries. You must work up to the day you are transferred to another unit, facility or discharged.

You must demonstrate appropriate facility conduct prior to consideration for employment opportunities in various facility positions as well as all RRI positions. The chief of security will review all potential candidates prior to approval for any employment opportunity for various facility positions and RRI positions.

WORK PROCEDURES

You are expected to perform assigned tasks at an acceptable level, as well as any additional duties that may be assigned. If you fail to perform assigned duties you may be terminated from your job and may be subject to disciplinary action.

You will be informed of your work schedule and any special requirements, such as dress code, when you are hired.

You may be paid for each day you work. There will be no special pay for holiday and weekend work. There are no provisions to provide an individual with back pay.

SALARY LEVELS

Salary levels for facility inmate jobs vary depending on the responsibility of the job and number of hours worked. You are eligible to be paid up to seven days a week, dependent on job requirements. The work supervisor will determine your compensation level. Facility jobs and pay is dependent on the work required and skill levels. If you request to transfer to a different job, you may not be credited for the time in your current position to determine your pay. These will be explained to you by the job committee or work supervisor when you are assigned.

OVERTIME PAY

You are required to work up to ten hours a day. Work in excess of ten hours per day will be compensated for every hour worked above the required ten.

TRANSFERS

All transfers must be coordinated through the Job Placement Committee or your supervisor and must be requested in writing. The warden or Job Placement Committee can reassign you at any time, without disciplinary action being taken.

TERMINATION OF WORK

You are not allowed to quit your facility job assignment without prior approval from your work supervisor and the Job Placement Committee. If you quit without prior authorization, you may receive a disciplinary report. The warden, RRI supervisor, or Job Placement Committee has the authority to terminate or change your job assignment at any time. Job assignments are not associated with any probationary periods.

ABSENCES FROM WORK ASSIGNMENTS

If you are absent from your facility work assignment for more than three days, your job assignment may be given to a replacement. When you are available for work, you will need to send a request slip to the Job Placement Committee.

ROUGH RIDER INDUSTRIES

1. Industry jobs are available at each facility. Prior experience in a similar field is not a requirement to work at industries. If you have work experience in a job similar to what

industries has to offer, you may want to consider pursuing that line of work to keep your skills sharpened.

- a. Individuals housed at MRCC may apply to work offsite at RRI warehouse/showroom. Warehouse hiring preference will be given to those individuals who have previously worked for RRI and have demonstrated a good work history and institutional conduct.
2. You must comply with all Rough Rider Industries eligibility requirements to work at Rough Rider Industries. Once you meet these requirements, you should contact your case manager to obtain a RRI application. The application must be completed in its entirety and returned to your case manager. If you need assistance completing the application, your case manager will help you. Incomplete applications will not be accepted. Applications must be approved by the Chief of Security prior to an assignment to RRI. You will be informed of the program's policies regarding shop rules, pay grade, overtime, and safety regulations.
3. Steel toed footwear is required to work in any of RRI's metal shops and shall be your responsibility to purchase.
4. **Procedures and Eligibility Requirements for Work at RRI:**
 - a. You must be in compliance with all rehabilitation programming.
 - b. You must have an adequate amount of time remaining on your sentence to master the technical requirements of the job you apply for.
 - c. You must not have been found guilty of a rule infraction that includes loss of good time or disciplinary detention within the past six months. If you receive a Level I or Level II disciplinary report you may be ineligible for RRI employment. Level III reports automatically exclude you from RRI employment for six months.
 - d. You must be able and available to work 40 hours per week. Some exceptions may be made for treatment, visits, or education. The director of industries may authorize part-time positions for certain conditions.
 - e. You must work at least 60 days within the facility and develop a good work record before you will be accepted for industry work. Some exceptions may apply under extraordinary conditions as determined by the Director of Industries.
 - f. You must adhere to all posted rules and regulations set by industry supervisors.
 - ~~g.~~ You must have a high school diploma or GED to be eligible for placement at RRI.

SECTION 10 – BEHAVIORAL HEALTH SERVICES

The Behavioral Health Services Division provides interventions to affect change and reduce the risk of continued criminal behavior. This includes clinical assessment and associated referrals for individual and group therapy to promote personal growth. Upon arrival, a team of behavioral health professionals will recommend that you participate in particular assessments. Staff will complete the assessments, review them with the behavioral health team, and make recommendations to the Case Planning Committee, who will develop your case plan. Recommendations may include psychiatric evaluation, individual counseling, or group programs.

PRIMARY COUNSELORS

Each unit is assigned primary counselors responsible for working with individuals residing within the unit. If you have treatment-related questions or concerns, or are having difficulties with depression, anxiety, or other mental health concerns please contact your unit primary counselor. This individual will answer your questions and either see you for individual counseling or make appropriate referrals to psychiatry and psychological services as needed.

PSYCHOLOGY SERVICES

DOCR offers psychological evaluations, individual therapy with a psychologist, and psychologist-led behavior management planning on an as-needed basis. To inquire about psychology services, send a request to your primary counselor.

PSYCHIATRY SERVICES

Psychiatric evaluation and medication treatment are available for offenders with mental health concerns. To request psychiatric services, send a request slip to the medical department or your primary counselor.

CRISIS INTERVENTION TEAM (CIT)

DOCR utilizes an inmate-led Crisis Intervention Team to provide support to inmates residing in observation units. Team members are responsible for providing a listening ear and empathy for those going through difficult times. If you are interested in becoming a CIT member, please contact the appropriate facility's programs and treatment services department. Your information will be reviewed and a staff member will follow-up with you regarding your eligibility and CIT service schedule. Two days per month of meritorious "good time" may be awarded to CIT members in good standing. If you are not earning "good time" for behavioral issues or failing to participate in recommended programs, you will not be eligible to earn "good time" for CIT participation. You may be removed from CIT for reasons including: Failing to report for your CIT shift, a Level II or III incident report, violating the confidentiality of inmates in observation, or agitating or provoking an inmate in observation.

GROUP BEHAVIOR HEALTH PROGRAMS

DOCR offers the following group programs:

Thinking for a Change (T4C):

The T4C program targets risk factors that typically lead people to reoffend and possibly come back to prison. Participants learn cognitive, social, and problem solving skills focused on managing future risky situations. This program runs approximately 14 weeks and is offered at NDSP, JRCC, MRCC, Tompkins Rehabilitation and Corrections Center, Centre, Inc. and the Bismarck Transition Center. T4C participation may also include a referral for an advanced practice group following completion of the primary program.

Cognitive-Behavioral Interventions for Substance Abuse (CBI-SA):

This program addresses problematic and criminal substance use behavior through the use of cognitive and behavioral skills. CBI-SA also incorporates problem solving techniques for use in situations that present a high risk for relapse and/or future criminal behavior. The group runs for approximately 16 weeks and is offered at NDSP, JRCC, MRCC, Tompkins

Rehabilitation and Corrections Center, and on a limited basis at Centre, Inc. and the Bismarck Transition Center. Individuals referred for CBI-SA are also likely to be referred for substance use treatment aftercare services in the community once they are released from prison.

Conflict Resolution Program (CRP):

This program focuses on learning strategies to reduce aggressive and violent behaviors among offenders who have demonstrated such behavior in the past. The program runs approximately 16 weeks and is offered at NDSP, JRCC, and on a limited basis at MRCC. Individuals referred for CRP may be referred to an advanced practice group for follow-up upon completion of the program.

Alternatives to Violence in Relationships Program (AVRP):

This group intervention focuses on eliminating controlling, aggressive, and violent behaviors in romantic relationships for offenders who have had difficulties with such behaviors in the past. The program runs approximately 16 weeks and is offered at NDSP and JRCC.

Sex Offender Treatment Program (SOTP):

DOCR offers a group intervention for individuals who have perpetrated sexual offenses. The program runs approximately seven months and is offered at NDSP and JRCC. Individuals referred to SOTP may also be referred to the Sex Offender Maintenance Program (SOMP) for aftercare services. Individuals with sexual offenses are also likely to be referred for community treatment follow-up.

SECTION 11 – CHAPLAINCY

CHAPLAINCY SERVICES

The chaplaincy program provides religious services to the inmate population. Chaplains also provide crisis counseling, grief counseling and fourth and fifth steps of the twelve steps Alcoholics Anonymous program. Chaplains also provide spiritual teachings and lectures on a variety of topics. Religious studies, spiritual books, papers, and magazines are available from the chaplain’s office by request. Bible studies and fellowship services are available on a weekly basis. Religious group activities will be listed on the weekly religious activity schedule. This schedule will be posted on designated bulletin boards.

OUTSIDE CLERGY VISITS

Visits with clergy may take place during regular visiting hours in the visiting room. Clergy members must complete a visitor’s application and be approved by visiting control. These visits are not deducted from your allowed 20 hours of visiting for the month.

GREETING CARD PROGRAM

The chaplain may maintain an inventory of greeting cards (holiday, seasonal and personal) that can be ordered by submitting a request slip, up to eight greeting cards at a time.

SECTION 12 - INMATE ACTIVITIES

RECREATION

1. A current schedule for recreational hours will be posted on the bulletin board and in the gym. The regulations for the recreation areas are posted and it is your obligation to read and comply with them.
2. When you are on restriction to quarter's status, your participation in recreation will be restricted.

MUSIC PROGRAM

1. A music program may be provided at the facility you are housed.
2. Not everyone will be allowed to participate in the music program. To be eligible for the waiting list for the music program, you must not have a disciplinary infraction report that includes loss of any good time or disciplinary detention in the past 120 days. To be placed on the waiting list for the music program, please send a request slip to the recreation director. You will be given an application that you must fill out and return to the recreation director and you may be added to the waiting list on a first come, first serve basis. You are expected to complete lessons and practice during scheduled practice times.
3. The requirements of the music program include:
 - a. You must practice a minimum of 14 hours per month.
 - b. No food or drink is allowed.
 - c. You cannot miss three or more scheduled lessons without a valid reason.
 - d. You cannot be found guilty of a Level II or III infraction.
 - e. You must follow the scheduled practice and lesson guidelines.

CABLE TELEVISION

1. You may purchase cable television through the commissary. You must be assigned to a housing unit before you can order cable television. Cable television vouchers must be purchased by the third ordering cycle of the month for the next month's service, and cable may only be purchased one month in advance. Cable television vouchers received after the first of the month will not be filled. (For example: If you are assigned to a housing unit in May, you would need to purchase cable by the third commissary delivery for that month. Your cable service would not begin until June 1). If you do not sign up or do not have funds available, you will have to wait until the next month to receive services.
2. Cable runs from the first of the month to the end of the month. No refunds or partial refunds are made. If you are temporarily housed in disciplinary detention, on temporary leave, discharged, or transferred during the month, no refund will be made. If you move from one cell to another cell and are currently enrolled in cable TV, the unit will be turned on in your new cell. If you are moved within the three facilities of the DOCR and are currently enrolled in cable TV, the unit will be turned on in your new cell. Contact your housing unit supervisor to get cable TV connected in this instance.
3. Theft, including sharing of cable services will be subject to disciplinary action.

SECTION 13 – ESCORTED LEAVES FROM THE FACILITY

FUNERAL AND DEATH BED VISITS

The facility may allow you to either attend the funeral of an immediate family member or visit an immediate family member on the family member's death bed. You are not allowed more than one visit.

1. For purposes of this policy, immediate family members are:
 - a. Mother, father, sister, brother, spouse, and legal children.
2. You will not be able to attend funerals in any other state or foreign jurisdictions.
3. Approval must be granted by the warden of the facility.
4. You may contact your case manager for assistance.

TRANSFERS TO OTHER FACILITIES

1. A voluntary transfer from this facility to another of equal security status in another state will be considered only when it is determined to be in the best interests of both you and the State of North Dakota.
 - a. You may request a transfer to a different facility outside of North Dakota by sending a request slip to the deputy warden at NDSP. Before being considered for a transfer, you must meet the following conditions:
 - (1) Must have a minimum of two years remaining on sentence.
 - (2) Must prove the transfer would be beneficial to both you and the State of North Dakota.
 - (3) Must be approved by the DOCR and the agency head in the receiving state.
 - (4) May be required to pay for the costs of transportation, including mileage and supervision expenses.
 - b. If a transfer is granted, you will not be returned to North Dakota for any reason including requests to appear before the Pardon or Parole Boards. If you are returned to this facility because of misconduct or other unacceptable behavior, you will be placed under the same administrative restraints as were applicable to you at the other facility.
2. Involuntary transfer: The DOCR has the authority to transfer you from one correctional facility to another correctional facility without your consent.

WORK AND EDUCATION RELEASE PROGRAMS

1. The length of time allowed for work release is limited to your last 180 days. The length of time allowed for education release is limited to nine months and must be a local college.
2. Work or education release applications can be obtained once you are housed at MRCC. Work or education release applications should be filed with the work release coordinator. The Work and Education Release Committee may review the application, make a recommendation, and forward the application to the warden of transitional facilities. The warden of transitional facilities, with the director of DOCR approval, may approve work release for individuals sentenced to 10 years or less. Approval by the warden of transitional facilities, the Director of the DOCR, and the parole board is required to grant work release for those individuals with sentences of more than 10

years. The warden of transitional facilities, director, or the parole board may revoke approval at any time.

3. High risk individuals, subject to 85% sentences under N.D.C.C. Section 12.1-32-09.1, minimum mandatory sentences, that must register as a sex offender or offender against a child, or with extensive medical or psychiatric issues may be reviewed by the MRCC Work and Education Release Committee.
4. Individuals not determined high risk, as stipulated above, will be reviewed by the deputy warden and unit manager. A recommendation will be made to the warden of transitional facilities who has final approval.

CRITERIA FOR WORK OR EDUCATION RELEASE

1. You must be housed at MRCC.
2. You may not apply for work release until you have eight months or less left to serve on your sentence. You may not apply for education release until you have 12 months remaining on your sentence (either expiration of sentence, good time or parole release date).
3. On any sentence, you must have served three calendar months prior to applying and have at least 90 days remaining on your sentence at the time of applying.
4. You must have a minimum of 30 days onsite living at the MRCC.
5. If you have turned down a parole or refused the opportunity for a parole, you will not be granted work release.
6. You must not have had any Level III and no more than one Level II disciplinary reports in the past six months.
7. You must be in compliance with all recommended programming
8. You must have a favorable work record in the facility. You must have demonstrated the ability to budget money throughout your entire incarceration.
9. If you have serious problems with family or others, you may be rejected for work or education release. You may be rejected if you have a victim within the local area depending on the seriousness of the crime as well as if there are any active protection orders on file.
10. Your behavior in any prior community based program will be considered.
11. You must not have a misdemeanor warrant or detainer filed against you.

Fees will be deducted from your pay check for room, board, transportation, child support, fines, court orders, and restitution if you are on work release.

Prior to going on work or education release, you shall sign a Work and Education Release Agreement, which explains what is expected of you while you are on work or education release. At the discretion of the work release coordinator or warden of transitional services, you may be placed on Global Positioning System (GPS) monitoring if you are on work or education release.

SECTION 14 – GOVERNMENT IDENTIFICATION

SOCIAL SECURITY CARD

It is necessary for you to have a social security card when you are discharged from prison or are recommended to go to a transitional facility for work release or to attend school. The social security card is a major source of identification used for work release, transitional housing, and to develop release plans upon your discharge for obtaining employment. If you have a social security card at home, it is in your best interest to have the social security card sent in to be placed in your file. If you do not have a social security card, staff will assist you to apply for a replacement. Applications for a replacement social security card can only be submitted to the Social Security Administration Office if you meet at least one of the following requirements:

1. You will be released from prison within 120 days.
2. You will be participating in a work release, school or pre-release social services program.
3. You will be transferred to a halfway house or similar facility for work release within 120 days.

When you meet at least one of these above conditions, your case manager can assist you to complete an application for a replacement card. You must be a United States citizen and already have a social security number, have never used a different social security number, and you must complete, with accurate information, an application form for a replacement card. After the application form is completed, your case manager will send the appropriate forms to the designated staff member at the facility in which you are housed and forward to the Social Security Administration Office for processing. Your social security card will be placed in your ID card file and will be sent to the appropriate facility for your release. You will be notified when the card arrives.

BIRTH CERTIFICATES

A certified copy of your birth is required in order for you to obtain a North Dakota government photo identification card.

Staff will help you fill out an application form to purchase a certified copy of birth. The fee for the certified copy of birth will initially be paid from a state account which you will reimburse as you receive money in your personal account. Your certified copy of birth will be placed in your ID card file, and you will receive notice from administrative services staff when it arrives. If you are at NDSP and have your certified copy of birth in your ID card file, you can be scheduled to have a North Dakota government photo identification card made by the Department of Transportation staff.

NORTH DAKOTA GOVERNMENT PHOTO IDENTIFICATION CARD

1. Required forms of identification to be legally employed in North Dakota include a government photo identification card and a social security card. Valid government photo identification cards are needed in order to open savings and checking accounts, apply for employment, rent housing, and travel.
2. If you have your certified copy of birth in your ID card file and you are housed at the NDSP, contact your case manager to have your name put on the list to have a card

made. Department of Transportation staff will come to NDSP once a month to assist offenders with the application process and to take your photograph for the ID card. The fee for this card is \$8.00. This fee will initially be paid from a state account which you will reimburse from your personal account. After received, the card will be placed in your ID card file and you will receive notice.

DRIVER'S LICENSE RENEWAL

1. If you do not have a driver's license when you enter the facility, you should not expect to receive a license during your incarceration. It is your responsibility to secure your driver's license after your release from a DOCR facility. Driver's licenses may only be renewed for North Dakota license holders and Class D driver's licenses. The DOCR does not transport for driver's license renewals or photo ID's. If your license has been suspended or revoked, it is up to you to contact the Driver's License Division and ask for details to have the suspension or revocation lifted.
2. North Dakota residents have one year from the expiration date of the license to renew it without re-taking the written and road tests. If your driver's license expires while you are here send a request slip, one month in advance, to your case manager with your full name, date of birth, driver's license number or social security number. Once the DOT approves your request, a Driver's License Renewal Application will need to be completed and a \$15.00 money transfer voucher will need to be requested. An eye exam will be arranged for you and the \$3.00 medical co-pay will be your responsibility. The results of the eye exam will be sent along with the other required information to the Driver's License Division. The Driver's License Division must have a copy of your photo on record, or you will not be able to renew your license until after you are discharged from the facility and are able to go to the licensing division in person. You will be notified when the renewed driver's license has arrived at the facility and it will be placed in your legal file to be held until you are released.

SECTION 15 - PAROLE BOARD

PAROLE BOARD OVERVIEW AND PAROLE REVIEW ELIGIBILITY

The governor appoints North Dakota Parole Board's members. The Parole Board is an independent entity and has the sole authority in North Dakota for all parole related decisions. Parole is completely discretionary under North Dakota law; therefore, there is no right to parole release. All board decisions are final and are not subject to appeal. The Parole Board typically meets once a month. Information regarding the Parole Board can also be obtained at: <http://www.nd.gov/docr/adult/tps/board.html>

After you arrive at a DOCR facility, the Parole Board and DOCR staff will perform an initial review of your case and determine if and when you are eligible for parole consideration. If you are ineligible to have your sentence considered you will be sent a notification stating the ineligibility and citing the applicable North Dakota law. If you qualify for parole review, you will be notified of a future parole review date within 90 days of arrival:

1. If you have three years or less to serve from the date you arrived at the DOCR, the clerk will set the parole review and you will be notified of your parole review at the initial classification hearing.

2. If you have more than three years to serve from the date you arrived at the DOCR, the parole board will conduct an Initial Review within 60-90 days of arrival and set a future parole review date.
3. If additional judgments sentencing someone to additional time at the DOCR come forth, a parole review date may be reconsidered based upon the additional length of time to be served. If a parole review date is changed, you will receive written notification of that change either from the board or the case manager.
4. All Initial Reviews are done by file only. You will not have a personal appearance.
5. The board may consider the recommendations of the DOCR case planning committee. The board is not bound by any DOCR recommendation.

If you are returning to the custody of the DOCR as a result of parole revocation, you may not receive further parole consideration.

If you are serving sentences subject to N.D.C.C. Sections 12.1-32-02.1 (armed offenders) or N.D.C.C. 12.1-32-09.1 (violent offenders) you will not have your sentence considered by the Parole Board until after you have served the mandatory part of the sentence specified in these statutes.

If you are serving a minimum mandatory sentence relating to a driving under the influence conviction according to N.D.C.C. 39-01-01(5)(i), the setting a parole review may be deferred pending your completion of a DOCR approved chemical treatment program and release will ensue according to the DOCR's DUI Recidivism Reduction Track (DRRT).

If you are sentenced to a minimum mandatory term of incarceration subject to N.D.C.C. 19-03.1-23, the Uniform Controlled Substances Act (illegal drug offenses), you are eligible for parole consideration.

At some point prior to parole review or prior to a parole release date (usually about 120 days), your case manager will notify you and assist you in developing your parole plan. If you plan on residing with someone as part of your residence plan, you must obtain that person's permission to live with them before listing them on your parole plan. You must accurately list the proposed residence address, telephone number(s) and contact person. You must have a verified and approved residence plan before your release to parole. Your parole plan will be investigated and verified by a parole officer before your release to parole, if one is granted. Please refer to the Residence Planning Guideline that was provided to you during orientation or ask your case manager for a copy of the guideline.

If you are granted a review before the parole board, but elect not to be reviewed, you must explain on the parole plan form your reasons for declining the review.

Failure to follow the rules of the facilities, participate in programming recommendations, complete job assignments, and termination from transition facilities will adversely impact your chances for favorable parole consideration or the retention of previously granted parole dates.

PAROLE BOARD REVIEW

The Parole Board may conduct reviews of sentences in any manner it determines. Reviews are frequently done by file only (no interview). Reviews are also done via personal interview, video conference interview or by phone interview.

If you are scheduled for a personal review, you will wait in the assigned area until the board is prepared to address you. When you appear before the Parole Board, you will state your case and respond to the board's questions. Your case manager will be present in the room with you when possible.

Upon completion of the interview, you will be asked to return to a waiting area or placed on hold. After deliberation, you may be returned to the Parole Board to hear their decision. If you are granted parole, the Parole Board will establish your parole date. DOCR staff will transcribe the order of the Parole Board and the conditions of parole established by the Parole Board.

The board may conduct your review by video conference. The video conference will follow a similar hearing process as outlined. If you are housed in a county jail or a contract facility and the Parole Board determines it will conduct an interview with you, it will conduct the review by video conference or phone.

The board will usually finalize the docket on the Wednesday preceding the board meeting. Those individuals not appearing on the personal interview portion of the docket will have action taken on their case by the board by file review.

The Parole Board's written decision will normally be distributed to each individual whose sentence was considered within seven to ten working days after Parole Board has adjourned. Individuals who receive a parole date will receive a copy of the Order Granting Parole and the Parole Agreement along with a memo notifying them of the parole board's action. If you have been granted a parole, you must sign the memo acknowledging receipt of the order and conditions and agree to the Parole Board's terms and conditions and return the memo to the person designated on the memo. Your failure to sign and return the memo in a timely manner will result in the suspension or rescission of your parole release.

If a parole date is granted, this becomes your actual release date. Any good time earned or lost between the time the parole board grants a parole date and the actual release to parole will affect the parole expiration date. A final parole expiration date will be set by Parole Board staff just prior to discharge. You may be eligible to earn good time at the rate of five days per month while on parole. You must continue to participate in any treatment recommendations by the DOCR staff, the sentencing court, other professional staff, or the parole board.

Individuals denied parole will receive an Order Denying Parole. The order will reflect whether you will serve the remainder of your sentence without further parole consideration, deferral to another parole review date (month and year) or condition you must satisfy in order to receive another parole review.

OUT OF STATE SUPERVISION

Out of state parole or probation supervision is regulated by the Interstate Compact for Adult Offender Supervision. If you want your parole or probation supervision transferred to another state, your application must be submitted to the Transitional Planning Office approximately 150 days prior to your parole release date or the expiration of your sentence. States will not start their investigation until 120 days before your anticipated release date. You will not be released to another state until the DOCR receives written approval from the other state that it has accepted your case for supervision. If the receiving state does not accept your case, your parole release may be reconsidered at the next Parole Board meeting where it may consider an alternate plan or take other action.

There is a \$150 Interstate Compact Application fee that must be paid at the time the DOCR determines your Interstate Compact Application is a viable course of action. This fee may only be paid by certified check or money order. The fee is used to pay for the return of violators who were on supervision in another state under the compact. This fee is nonrefundable once the DOCR actually submits the application to the receiving state. The DOCR reserves the right to decline filing of an Interstate Compact Application because there is no right to apply for interstate supervision.

CORRESPONDENCE TO THE PAROLE BOARD

All correspondence to the board should be sent to the parole clerk. It will be filed and made available for review by the board. Correspondence should be sent at least three weeks prior to the board meeting to allow ample time for filing and review by the board. Correspondence may be sent in the following manner.

1. Internal mail (kites, letters)
2. ND Parole Board
P.O. Box 1898
Bismarck, ND 58502-1898
3. Email: pbohn@nd.gov

VIOLATION ACTIONS

The grant of parole is conditioned upon your good conduct. If you violate any laws or rules of the DOCR, the Parole Board reserves the right to reconsider or rescind the grant of parole. According to N.D.C.C. Section 12-59-12, the Parole Board may reconsider its decision to grant parole at any time prior to parole release.

Upon parole release you are expected to abide by **all** conditions of parole. Failure to abide by those conditions may result in your arrest and return to prison for revocation by the board. Parole revocation can result in your serving **all** the time you would have served had you never been paroled plus the loss of good time. The board conducts all parole violations actions by file review. Violators will not have a personal appearance before the parole board.

SECTION 16 - PARDON ADVISORY BOARD

PARDON ADVISORY BOARD APPLICATION

1. The Pardon Advisory Board reviews eligible applicants at a time scheduled by the clerk of the Pardon Advisory Board. The Pardon Advisory Board meets twice a year during the months of April and November and at such other times as may be necessary.
2. Individuals who are not eligible to have their sentences reviewed by the Parole Board because they have a minimum mandatory sentence without the benefit of parole, a Truth-In-Sentencing (85%) judgment, a life sentence or a sentence without parole, may be eligible for review by the Pardon Advisory Board.
3. You must request an application form by sending a request to the Clerk, Pardon Advisory Board. You must fill out the application completely and provide any listed supporting documents. Applications must be received at least 90 days before a scheduled meeting. Incomplete applications will not receive consideration until such time as the application is complete. If you are eligible for Parole Board review you may not receive Pardon Advisory Board consideration at the discretion of the board. Prior to requesting consideration by the Pardon Advisory Board, you should have exhausted your rights in the courts, including any applicable post-conviction proceedings. DOCR prison staff may not assist you in applying for pardon board reviews or make recommendations to the pardon advisory board on behalf of individuals.
4. After applications for pardons have been screened and reviewed, the Pardon Advisory Board will forward its recommendations to the Governor of the state of North Dakota, who makes the final decision in each case.
5. Decisions on a case may include deferment to another Pardon Advisory Board, a grant of the requested relief, denial of requested relief, or any other action deemed appropriate by the Pardon Advisory Board or the Governor. If a request for a pardon is denied, the individual may not reapply for reconsideration for a period of one year from the Pardon Advisory Board meeting, or a later date set by the Pardon Advisory Board.
6. The Pardon Advisory Board may in its discretion alter any guidelines or requirements.

SECTION 17 - DISCHARGE

DISCHARGE AND RELEASE ASSISTANCE

You are expected to plan for your release and save enough money during your incarceration to cover your expenses and basic needs during your transportation home. There may be instances where you may need assistance in the form of transportation or clothing. You should request this assistance from your case manager at least one month prior to your release date. If you qualify, assistance will be provided to you. If you need further clarification, please send a request slip to your case manager for assistance.

You are to turn in your Inmate ID to the staff member completing your discharge process. Your signature will be required on several documents to ensure the completion of the process. The staff member completing your final release will finalize your facility accounts whether it's in the form of a debit card, check or cash. All forms of ID such as a birth certificate, social

security card, personal ID, and driver's license from your ID card file will be given to you. The property you are allowed to discharge with will also be given to you at this time.

CLOTHING AND HOUSING

Requests for clothing and housing assistance will be handled through your case manager.

BUS FARE

1. You are expected to secure employment during incarceration and earn money for your release aid account. It is your responsibility to budget for the cost of a bus ticket. If you have a sentence of over one year, you may not be considered for facility purchase of a bus ticket unless special circumstances exist. A ticket request may be considered if written documentation can be produced by you verifying a medical lay-in status or other disposition stating why you are unable to earn money for a bus fare. The DOCR may consider purchasing a bus ticket if you have proof you made a diligent effort to secure money for bus fare but, for very specific reason(s), you were unable to do so. All requests for bus fare must be made at least 30 days prior to your discharge date. All requests must be submitted to the case manager of your housing unit. The case manager will review the request for bus fare and make a recommendation to the unit manager assigned for final approval or disapproval of the request.
2. All discharges from the facility will be made from the captain's office at or about 8:00 a.m. on your release date. Early discharges may be considered. Early discharge requests must be filed with the chief of security or unit manager of your housing unit at least seven days prior to your discharge date.

PRESCRIPTION MEDICATION

Prior to discharge from a DOCR facility, you will be offered a discharge physical. You will receive a prescription for a 30-day supply of medication. The discharge physical may be waived. If you waive your discharge physical, you may not be provided any prescriptions at discharge. You may leave with the medication cards that were dispensed for a month. You may make an appointment to a local human service center to continue your prescription medication upon your discharge by sending a written request to your primary counselor.

SOCIAL SECURITY BENEFITS

You are not eligible for any Social Security benefits while you are in prison; however, you may be eligible to receive benefits after you are released. Your case manager can help you prepare for this as part of your re-entry planning. You are eligible to start the application process 120 days before your release.

Information from the Social Security Administration may be subject to change by the Social Security Administration.

SOCIAL SECURITY RETIREMENT (SSR)

SSR is payable to individuals who are 62 and older. Generally, you must have worked and paid taxes into Social Security for at least 10 years to be eligible. Benefits are usually not paid for the months you have been sentenced to a jail, prison or correctional facility or confined to public facilities

SOCIAL SECURITY DISABILITY (SSD)

To qualify for Social Security disability benefits, you must have recently worked and paid Social Security taxes and are unable to work because of a serious medical condition that is expected to last at least a year. The fact that you may be a recent parolee or are unemployed does not qualify as a disability.

SUPPLEMENTAL SECURITY INCOME (SSI)

You may be eligible for SSI benefits if you are 65 or older, blind or disabled and have low income and few resources.

Application Process:

1. If you want to apply for SSR or SSD benefits and have not received them prior to incarceration, you may apply three months prior to your release date. You will need to provide proof of your age (certified copy of your birth certificate, or baptismal record if you were baptized prior to age five), proof of military service (e.g., DD214, DD217a, and NGB23), and your release papers. No benefits will be payable until you are released.
2. You may apply at any time for SSR or SSD if there are any family members who are eligible to receive benefits on your record. They may be entitled to benefits while you are incarcerated, even though no benefits are payable to you.
3. You may apply up to 120 days prior to your release date for SSI. You will need to provide proof of your age and citizenship (certified copy of your birth certificate, or baptismal record if you were baptized prior to age five), proof of your income and resources (bank statements, life insurance policies, etc.), and your release papers.
4. If you have received at least one benefit check in the 12 months prior to your release, Social Security may be able to reinstate your benefits upon your discharge.

Contact the case manager of your unit or your primary counselor to obtain a referral to apply for Social Security benefits.

VOCATIONAL REHABILITATION AND VETERANS ADMINISTRATION

1. Vocational rehabilitation may be available to those who are eligible for services. Any person with a physical or mental disability who might be made employable through provision of certain services may be eligible for vocational rehabilitation services. Age is not a factor; however, services must be a part of a plan that leads to employment as a goal.
2. If you believe vocational rehabilitation can assist you, you should report to the local office in your area upon discharge to begin the process.
3. The Veterans Administration representative visits the facility on an as needed basis. If you feel you are entitled to benefits or have questions concerning such, send a request slip for veteran's services to your case manager.

MEDICAID

You may qualify for Medicaid assistance upon your release.