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		Drug Offender Classification	

This Administrative Regulation is to be made available in law libraries or other inmate resource centers.

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 REVIEWED: June 30, 2015

SUMMARY of REVISION/REVIEW

Annual Review completed with no revisions to policy

APPROVED:



 SCOTT FRAKES, Director
 Nebraska Department of Correctional Services

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		<p>Drug Offender Classification</p>	

PURPOSE

The purpose of the Drug Offender Classification (DOC) is to eliminate drug use by providing disincentives for the distribution, possession and use of drugs/intoxicants by inmates through suspension of telephone, visiting and/or other privileges within the Nebraska Department of Correctional Services (NDCS).

GENERAL

The Drug Offender Classification promotes participation in substance abuse programs, and imposes disincentives to engaging in drug/intoxicant -related activities by limiting an inmate’s interaction with persons outside of the Department to decrease an inmate’s opportunity to access, acquire, distribute or use drugs/intoxicants.

If an inmate’s personalized plan does not already require substance abuse programming, it will be recommended that any inmate classified as a drug offender participate in a substance abuse program.

PROCEDURE

I. AN INMATE MAY BE CLASSIFIED AS A DRUG OFFENDER IF THE INMATE ENGAGES IN DRUG/INTOXICANT RELATED ACTIVITIES.

- A. “Drug/intoxicant related activities” include, but are not limited to possession, use or distribution of unauthorized drugs/intoxicants or refusal to provide a urine specimen to be tested for unauthorized drugs/intoxicants.
- B. “Unauthorized drug/intoxicant” as used in this Administrative Regulation means any drug/intoxicant or substance that Nebraska law makes illegal to use, possess or distribute; alcohol; any medication that has not been prescribed for the inmate; any medication for which the prescription has expired; any medication that is not consumed as specified by a prescription.
- C. An attempt to engage in a drug/intoxicant -related activity may be sufficient to classify an inmate as a drug offender.
- D. If an inmate on Drug Offender Classification is considered for community custody placement, his/her Drug Offender Classification status shall be reviewed at the time of his/her custody classification review.

II. DRUG OFFENDER CLASSIFICATION REFERRALS

Any inmate involved in a drug/intoxicant -related activity may be referred to the unit classification committee for consideration of classifying the inmate as a drug offender.

- A. An inmate can be classified as a drug offender even if no disciplinary action is brought against the inmate, or a disciplinary action is dismissed or reversed.
- B. Drug Offender Classification (DOC) cannot be imposed by a disciplinary committee as a disciplinary action/sanction.

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C. Drug Offender Classification will include the following:

1. Drug Offender Classification form
2. Notice/Waiver of Classification Hearing
3. Misconduct Report Disposition

III. PRIVILEGE SUSPENSION

A. The visiting and telephone privileges of an inmate classified as a Drug Offender are subject to suspension for the following time periods:

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|---|----------|
| 1. First Drug Offender Classification | 30 days |
| 2. Second Drug Offender Classification | 60 days |
| 3. Third Drug Offender Classification | 90 days |
| 4. Fourth and Subsequent Drug Offender Classification | 6 months |

B. If an inmate classified as a drug offender engages in any additional drug/intoxicant - related activities, the Warden may extend the length of time that the inmate will be classified as a drug offender.

1. The extension of the drug offender classification may not exceed the amount of time established above for the number of drug offender classification actions that have been imposed on the inmate previously.

EXAMPLE: If an inmate on his/her first drug offender classification engages in drug/intoxicant -related activity, the length of the drug offender classification can be extended by 60 days for a total of 90 days.

2. The total period of the drug offender classification cannot exceed six months from the date of the last drug offender classification imposed by the Warden.

EXAMPLE: If an inmate's drug offender classification is for six months and the inmate engages in another drug/intoxicant related activity while so classified, a new six-month period of drug offender classification shall begin on the date the Warden approves the classification action. The total period of the Drug Offender Classification cannot exceed six months from the date of the last Drug Offender Classification sanctions were imposed.

IV. TELEPHONE AND VISITING GUIDELINE FOR DRUG OFFENDER CLASSIFICATION

A. Only legal and clergy visits will be allowed while an inmate is classified as a drug offender.

B. Only verified family emergency and legal telephone calls will be allowed while an inmate is classified as a drug offender.

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- C. Each time a drug offender classification goes into effect or the length of the drug offender classification is extended, an inmate may make one telephone call as outlined below.
1. The telephone call will be to a person on the inmate's authorized telephone list.
 2. The purpose of the telephone call is to notify the person that the inmate has been classified as a drug offender or the length of the drug offender classification has been extended.
 3. The inmate will select the person to be called.
 4. The call will be made on a staff telephone.
 5. The notification telephone call is limited to not more than five minutes.

REFERENCE

- I. ATTACHMENTS: None
- II. ACA STANDARDS: None