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Dakota

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Corrections and
Rehabilitation

TRANSFORMING LIVES, INFLUENCING
CHANGE, STRENGTHENING COMMUNITY.
HEALTHY AND PRODUCTIVE
NEIGHBORS, A SAFE NORTH DAKOTA.

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FACILITY HANDBOOK

AUGUST 2021

TRANSFORMING LIVES, INFLUENCING
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HEALTHY AND PRODUCTIVE
NEIGHBORS, A SAFE NORTH DAKOTA.

TRANSFORMING LIVES, INFLUENCING

LETTER FROM THE DIRECTOR

August 1, 2021

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, the terminals, or state issued tablets.

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

Sincerely,

Dave Krabbenhoft
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 JRCC or MRCC for additional rules applicable to those facilities.

You are entitled to be treated respectfully, impartially, and fairly by all personnel. You have the responsibility to treat others, both staff and residents, in the same manner.

You are entitled to medically necessary health care, adequate meals, bedding, clothing, basic personal hygiene products, cleanliness, and exercise. It is your responsibility not to waste food, to maintain your clothing, to keep clean living quarters, and to maintain your personal health and hygiene.

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 DOCR's mission is: Transforming Lives. Influencing Change. Strengthening Community.

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; an explanation of facility rules, visiting and correspondence policies; and information about the 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 will plan your course of action for your incarceration during orientation.

The Facility Handbook, which describes the philosophy and rules of the facility, will be kept in your possession during your stay in Orientation. When you move out of Orientation, you will be required to return the handbook. The electronic version of the handbook is available on Securus terminals as well as on the tablets. Additional rules or rule changes to the handbook will be posted on the bulletin boards in the housing units and other relevant places. It is your responsibility to familiarize yourself with all the rules of the facility until you are discharged.

Near completion of Orientation, the Initial Classification Committee will determine your custody level and housing assignment.

UNIT MANAGEMENT

Unit management utilizes a multi-disciplinary team (“UM Team”) to manage programs, housing, and day-to-day facility living while you are incarcerated to help prepare you 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 your risk to re-offend.

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.

MINOR COMPLAINT RESOLUTION

It is important you follow the appropriate procedures to make requests, file complaints, or submit grievances. When possible, particularly for minor complaints, we encourage you to work with the staff at the most immediate level of contact capable of resolving the issue.

As an example, if there is a problem with the air temperature in your cell, it may be beneficial to follow this process (instead of immediately writing to the Warden, DOCR Director, or Governor to resolve this issue):

1. Contact an officer working in your housing unit.
2. If there is no resolution, contact your case manager.
3. If there is no resolution, contact the unit manager.
4. If there is no resolution, follow the grievance procedure discussed in a later chapter of this handbook.

CLASSIFICATION

Your initial classification assignment will be made near the completion of orientation. The Initial Classification Committee 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 assignment, housing assignment, or parole-related decisions. If you have concerns with your current program or housing assignment, you may address your concerns with your case manager.

Individuals of all custody levels may be housed at NDSP or JRCC. 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 facilities.

CLASSIFICATION CONTINUED

After your initial review, the UM Team will review your custody level annually if you have 48 months or more to a release date or are already in minimum custody housing. The UM Team will review your custody level every six months if you have less than 48 months to a release date, are classified medium or maximum custody, and are housed in a medium or maximum-security facility. Your custody level may increase or decrease after the review. The UM Team will also review your custody level 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 must meet the criteria for minimum security housing before you may request minimum security placement.

PROCESS TO REQUEST MINIMUM SECURITY HOUSING

1. Talk to your case manager to see if you qualify for minimum-security housing. Factors used to determine minimum-security housing include:
 - a. Must be classified as minimum custody.
 - b. Less than 42 months remaining to serve.
 - c. No Felony Detainers.
 - d. Must be compliant with treatment, work, and education recommendations.
2. Your case manager will complete minimum custody transfer paperwork, to include a review of your criminal record and institutional behavior.
3. The classification director and unit manager will review your request. If approved, the request will be forwarded to the Warden of Transitional Facilities.
4. The Warden of Transitional Facilities will complete final review for approval or denial.

PREFERRED HOUSING AT NDSP

1. Talk to your case manager to see if you qualify for preferred housing. The criteria for preferred housing is:
 - a. You have met with your case manager each month for the past three months.
 - b. You have received a positive behavior report or have had housing unit staff recognize you for your appropriate behaviors.
 - c. You must have 90 days incarceration in general housing and must be in compliance with work, education, and treatment recommendations.
 - d. You may not have been found guilty of a Level II incident report with disciplinary segregation sanctions or any Level III report in the last six months.
2. You must fill out a preferred housing application and turn it into your case manager. Your application must include a note of support from your case manager.
3. If you are currently living in preferred housing, you will be removed from preferred housing for a minimum of six months if
 - a. You are not in compliance with work, education, or treatment recommendations;
 - b. You have been found guilty of a Level II incident report with disciplinary segregation sanctions; or
 - c. You have been found guilty of any Level III report.

PRISON RAPE ELIMINATION ACT (PREA)

The DOCR maintains zero tolerance of all forms of sexual abuse and sexual harassment of residents by other residents, staff, contractors or volunteers. Sexual abuse or sexual harassment includes:

1. Sexual Abuse of a Resident by another Resident: This includes the commission of a sexual act 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; if the victim is incapable of giving consent by reason of custodial status; if the victim 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.

PRISON RAPE ELIMINATION ACT (PREA) CONTINUED

2. Sexual Abuse of a Resident by a Staff Member, Contractor, or Volunteer: This includes the following acts, with or without the consent of the resident:
 - 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 a resident;
 - 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: This includes:
 - a. Sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a sexual nature by one resident 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 one resident, 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 residents, employees, contractors, or volunteers.

PRISON RAPE ELIMINATION ACT (PREA) CONTINUED

During 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 Facility 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 resident, staff, contractor or volunteer to any DOCR staff verbally, in writing, anonymously, through third party reporting or by contacting the National Sexual Assault Hotline - Dial 1 for English, 1 for collect, followed by the facility PIN located on the posters near the telephones, then 7777.

Subsection (b) of Section 115.51 of 28 C.F.R. Part 115 requires the DOCR provide a means for you to report sexual abuse or harassment to another entity that is not a part of the DOCR. The other entity can receive and immediately forward reports of sexual abuse and harassment to DOCR officials and provide anonymity to you, if you request anonymity. 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 available in your housing unit. After completing this form, send it 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 residents, employees, contractors, and volunteers for bringing a complaint.

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 residents, employees, contractors, or volunteers.

RULES AND REGULATIONS OF THE FACILITY

GENERAL RULES OF HOUSING UNITS

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. The following rules apply to all housing units. If you have any questions concerning a certain area, please contact your housing supervisor.

1. You shall follow staff directives.
2. You are subject to assignment to a multiple occupancy cell or dorm. Assignment will be based on several factors, including classification, security concerns, and your 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.
3. 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 without staff authorization, you are in an unauthorized area and subject to disciplinary action.
4. When housing units are opened for meals, recreation, or on an officer's orders, you shall leave your living quarters promptly and in an orderly manner. When returning to the housing unit, you shall go directly to your living quarters. You may not loiter on the tiers.
5. You are not allowed to leave your assigned housing unit unless authorized by staff. If you are found outside your assigned housing unit without staff authorization, you are in an unauthorized area and subject to disciplinary action.
6. When assigned to your living quarters or housing unit, you are responsible for checking for damage and contraband. You must report any concerns with the unit officer within 30 minutes of your placement. You are responsible for your living quarters' condition and anything found in your living quarters after your placement.
7. You are encouraged to use appropriate escalation to address issues, particularly minor complaints, within your housing unit to resolve problems.
8. You shall always wear headphones when using televisions, radios, or other electronic games or devices. A second party should not be able to hear the sound coming from your device or headphones. If you use your television, radio, electronic game, or device without headphones, you may be subject to disciplinary action.
9. 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 must not be altered in any manner. No items may be placed over or on a lamp.
10. No items are allowed to be attached or hung on the cell bars, doors, or windows except your state-issued name tag.

GENERAL RULES OF HOUSING UNITS CONTINUED

11. Homemade shelves, clothes lines, desks, or tables are prohibited in living quarters. The standard living quarters' 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.
12. An area is designated to hang posters and pictures in your living quarters. This is the only area in which you are allowed to hang these items.
13. You shall keep your living quarters clean at all times. You shall make your bed before you leave your living quarters.
14. 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 you 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.
15. 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.
16. The type of clothing and the manner in which it is worn may be dictated by individual facility or unit rules based upon health, safety, security, or other necessary reasons.
17. You are only allowed to use your personal media device in housing units and recreation areas unless authorized by the Warden.
18. You shall wear undergarments at all times, including 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 in which it is made, and you cannot alter your clothing.
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.

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 approximately twenty minutes to finish your meal.
4. You are not allowed to take any item to or from the food service area unless authorized by staff.

CONTRABAND

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

1. That have 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 not being used for its intended purpose.
5. That are prohibited in this handbook.
6. 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

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. You are required to produce your ID card upon staff request and are prohibited from altering your ID card. ID cards damaged through normal wear and tear will be replaced at no cost.
2. If you lose your ID card, you must request a new ID card. You may be charged a fee for a replacement and may be restricted to your unit until a new ID card is issued.
3. Any change in your appearance will require a new picture and ID card to be issued, and you may be charged a fee for replacement.
4. You are not permitted to keep your ID or weight room card. You shall turn in your ID card to staff when you are discharged from the facility. Your discharge may be delayed if you do not have your ID card.

DISCIPLINARY PROCESS

LEVEL 1 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. 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 concurrently with disciplinary segregation time unless specified.

ENHANCED LEVEL 1 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 and will be regarded as though it were a Level II or Level III violation.

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

LEVEL 1 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.

LEVEL 1 INFRACTIONS CONTINUED

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.

LEVEL 1 INFRACTIONS CONTINUED

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:

1. Warning or written reprimand
2. Restriction to quarters for up to five days
3. Extra duty (performing assigned tasks without pay) for up to five hours
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
 - b. Imposition of commissary spending limits
 - c. Reduction of 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 and tablet privileges (except legal)
 - f. Loss of visiting hours and contact and video visits, including hours and days of visiting
 - g. Loss of cell hobby privileges
 - h. Loss of use of personal property

LEVEL 1 SANCTIONS CONTINUED

- i. Loss of cable television service
- j. Loss of weight or music room

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

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.
 - c. Attend one religious service of your choice per week, if you receive seven or more days of RTQ.
 - d. Attend scheduled treatment group meetings.
 - e. Attend scheduled education programming.
 - f. Have a visit after completion of every 10 consecutive days.
 - g. Have a five-minute social telephone call after completion of every 15 consecutive days.
 - h. Have one shower per day as designated by unit staff.
 - i. Use the law library terminal in your housing unit or word processor in the library if you have a pending legal case and verifiable reason to use the terminal 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 terminal 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 terminal.

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. In addition to Level II sanctions the case manager may apply any sanction available for a Level I infraction.

LEVEL II INFRACTIONS CONTINUED

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.

Sanctions will go into effect upon the decision of the case manager, with the exception of disciplinary segregation.

Level II sanctions may not be appealed.

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

ENHANCED LEVEL II 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 and regarded as a Level III infraction. 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.

LEVEL II INFRACTIONS CONTINUED

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.

LEVEL II INFRACTIONS CONTINUED

213. "Sexual contact" includes consensual 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.

LEVEL II INFRACTIONS CONTINUED

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.

LEVEL II INFRACTIONS CONTINUED

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

If you have been found guilty of a Level II infraction, 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.

1. Disciplinary segregation 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 your expense.
6. Loss of one or more privileges for up to 30 days.
7. Restriction to quarters for up to 15 days.
8. Extra duty for up to 40 hours.
9. Any sanctions that may be applied to Level I infractions.

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

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 DOCR employee will determine whether 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 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 Warden, be grounds for dismissing a disciplinary proceeding.

LEVEL III INFRACTIONS CONTINUED

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 related to the charge (or summaries of relevant documents when a copy of the document cannot be provided), and inform you of your due process rights.

WITNESSES

If you are going to request witnesses to testify at the hearing, you shall submit a written request for witnesses, 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 time for 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 chairperson determines that you are unable to represent yourself at a disciplinary hearing, a staff representative will be assigned to assist you. If you have been assigned a staff representative, the investigator shall:

1. 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.

LAW ENFORCEMENT INVOLVEMENT

If the infraction is serious, the Warden may request law enforcement investigate or assist with the investigation. The DOOCR 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 your Miranda rights and agree to make a statement, the investigator shall have you sign and date the Miranda waiver certification line. If the infraction is a violation of a criminal law of North Dakota or the United States, the Warden may refer the matter to the state's attorney's office for prosecution.

SEGREGATION

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 segregation status until after the hearing with the disciplinary committee. If you have been 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 DOOCR, and includes sexual assault, causing mental or bodily injury, or causing offensive contact.

LEVEL III INFRACTIONS CONTINUED

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.

LEVEL III INFRACTIONS CONTINUED

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 consensual 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.

LEVEL III INFRACTIONS CONTINUED

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. Stop accrual of Performance Based Sentence Reduction (good time).
2. Loss of PBSR already earned.
3. Disciplinary segregation 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.

LEVEL III SANCTIONS CONTINUED

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 conduct disciplinary hearings. A chairperson will preside over disciplinary committee meetings and ensure compliance with all applicable procedural requirements. The committee will make a recommendation to the Warden.

The disciplinary committee prepares 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 be omitted from 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.

APPEALS CONTINUED

Appeal forms 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.

After you receive the Warden's decision, you may submit an appeal to the DOCR Director for Level III reports. These appeals are limited to:

1. Due process concerns; or
2. The following sanctions: loss of good time, the assessment of fines and restitution, or forfeiture of monies.

An appeal must be submitted to the DOCR Director on the proper form through inside mail within 48 hours, including weekends and holidays, from your receipt of the Warden's decision. All appeals must be submitted in person to your housing unit supervisor. The DOCR Director will render a decision on an appeal.

INFRACTIONS

The level of the infraction will be based on the final outcome of sanctions after all disciplinary processes are completed. For example, an incident report receiving only level I sanctions will be considered a level I for classification purposes regardless of the level of codes issued on the report. The disciplinary process will be followed according to the level of infraction. If it is determined that an infraction code needs to be enhanced, the disciplinary process will follow the appropriate protocols. However, the receiving sanctions will determine the final outcome of the level of infraction.

BEHAVIORAL INTERVENTION UNIT

1. The Behavior Intervention Unit is a unit within the facility that may be used to separate you from the general population if:
 - a. You have displayed behavior that constitutes a serious threat to the security or orderly running of the facility.
 - b. You may be a danger to others.
2. Investigative Segregation is a 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.

BEHAVIORAL INTERVENTION UNIT CONTINUED

3. Disciplinary Segregation (DS) is a 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 your attorney visits when you are on DS.

RIGHTS AND RESPONSIBILITIES

ACCESS TO COURTS, LAWYERS, AND LEGAL MATERIALS

If you are a party to a qualified legal claim (such as a case relating to the legality of your conviction, pending criminal cases in which you are a defendant, or conditions of your confinement), you are entitled to reasonable and confidential access to the courts; to your attorney; and, if you are not represented, to approved legal materials. You have the responsibility to present your petitions, questions, and problems to the court honestly and fairly. DOCR employees, law library clerks, and other residents are prohibited from providing you legal advice. You must seek an attorney for legal advice.

1. If you are a party to a qualified legal claim and are represented by a retained attorney, court-appointed attorney, or legal advocacy group, the DOCR will provide you with confidential access to your attorney and paralegals, legal assistants, and licensed investigators working under the supervision of your attorney through:
 - a. Legal mail;
 - b. Confidential legal telephone calls (at your expense or by calling your attorney's office collect);
 - c. Confidential remote video visitation (at you or your attorney's expense and only after your attorney has created an account); and

ACCESS TO COURTS, LAWYERS, AND LEGAL MATERIALS CONTINUED

- d. In-person legal visitation (which only may be visually monitored by staff) at reasonable times.
 - (1) Visiting hours for attorneys will 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 to visit. You may add attorneys' names to your visiting list through facility procedures.
 - (2) Please note the Warden may limit or restrict attorney visitation, due to an unforeseen security concern or an event (e.g., pandemic), or after an investigation indicates that the attorney visitation presents a threat to the security of the facility.
2. If you are a party to a qualified legal claim and you are not represented by an attorney, your DOCR facility will provide you:
 - a. Two copies of approved legal forms, without cost to you, and additional copies, which may be at your expense, including state post-conviction applications, federal Section 2254 (habeas corpus) petitions, and Section 1983 (civil rights) applications. Additional forms may be provided for your convenience to address other legal issues you may be facing, such as family law issues.
 - b. Translation services if you have an identified limited English proficiency.
 - c. Access to additional assistance if you have an identified intellectual or reading disability.
 - d. Access to law library clerks, subject to the following limitations:
 - (1) The law library clerks are not attorneys and may not provide you legal advice.
 - (2) The law library clerks may not do your legal work for you, but they may assist you in finding the research material or forms you need.
 - (3) The law library clerks may not prepare or sign legal documents for you.
 - (4) The law library clerks may not charge for their services, barter for services, or obtain any other form of material gain from their employment, as they are paid by the DOCR.
 - (5) The law library clerks may provide authorized supplies to do legal work, if appropriate.
 - e. Word processors, subject to availability:
 - (1) You will be allowed to use the word processor if you are acting pro se, without an attorney, and currently preparing pleading for a case in one of the following courts:
 - (a) U.S. District Court
 - (b) N.D. State District Court, which includes small claims court
 - (c) N.D. Supreme Court
 - (d) Eighth Circuit Court of Appeals
 - (e) U.S. Supreme Court
 - (f) Out-of-State Courts, as approved on a case-by-case basis

ACCESS TO COURTS, LAWYERS, AND LEGAL MATERIALS CONTINUED

- (2) You must produce a case caption/title verifying current case(s) or case(s) that will be submitted in any of the above courts.
 - (3) You may only print official court documents with a court header and related correspondence, which includes letters to the court or to people involved with your case.
 - (4) You may not print case notes or any other material except for official court documents and related correspondence.
 - (5) You will be charged 20 cents per page. Limited financial assistance may be provided in accordance with this Facility Handbook.
 - (6) You are allowed to print one copy of each file. If you are working on multiple drafts of the same file, you will be allowed to print the final copy, not every draft. Additional copies must be made through the business office following the procedure in this Facility Handbook.
 - (7) You may only prepare/type legal documents for your own case. Preparing or typing legal documents for any other person or organization is a Level 2 violation.
3. You will not be allowed to attend a criminal court hearing outside the facility unless there is an order from a judge of the State of North Dakota or a federal 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 will not be allowed to attend a civil court hearing outside of the facility. Civil hearings must be approved by the Warden and are completed at the facility.
 5. You will not be provided fax services.
 6. You are prohibited from possessing any forms or types of electronic storage devices, including CD, DVD, and thumb drives.
 7. You are prohibited from performing legal work for other residents.
 8. The law library access is available on a daily basis through the terminal and also may be available on tablets.
 9. Any additional rules will be posted at each facility.

PHOTOCOPYING SERVICE

Double-sided printing is considered two pages and is available at a cost of 40 cents per page. Material you wish to have copied must be turned in to administrative services with a signed transfer voucher and a request slip stating the number of copies of each page. 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.

PHOTOCOPYING SERVICE CONTINUED

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 personal postage. The section in this handbook on indigent status provides more information. If you can verify an exceptional circumstance, you may request to have more legal copies or postage for a month by asking permission from the Warden.

SERVICE OF CIVIL PROCESS

1. No employee of the DOCR is authorized to accept service of process on behalf of any person under the custody, supervision, or management of the DOCR or any of its divisions, nor on behalf of any contract provider or volunteer.
2. Civil process includes service of a summons, a 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 DOCR or any of its divisions.
 - b. You may not request another inmate, volunteer, contract provider, or employee of the DOCR 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 DOCR or any of its divisions.
 - c. You may not use the grievance and appeal procedures to effect or attempt to effect service of civil process on any inmate or on any employee of the DOCR or an employee of any of its divisions.
4. A violation of any of these provisions may result in disciplinary action.
5. You may be provided an Admission of Service document to sign or provide an Admission of Service document to another resident to sign. However, you may not attempt to pressure another resident to sign it.
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

SERVICE OF CIVIL PROCESS CONTINUED

may, and usually will, charge you 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 Legal Records Division manages your legal records, 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.

Legal Records completes sentence computations for each criminal offense for which there is a sentence to the ND DOCR for 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.

LEGAL RECORDS CONTINUED

3. Eighty-five percent (Truth-In-Sentencing): The Eight-five Percent Rule (85%) limits release from incarceration, including for good time or parole, until you have served 85% of your sentence in prison if you were convicted of:
 - 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 includes an attempt to commit these offenses but does not include conspiracy to commit them.
 - (2) The release date is the later of the good time release date and the 85% release date.
4. The formula for the basic Good Time Release Date Calculation:
 - a. Total term of incarceration (days) – suspended term – jail time – good time
5. The formula for the Basic 85% Truth-In-Sentencing Date or Parole Eligibility Calculation:
 - a. $(\text{Total term of incarceration (days)} - \text{suspended term}) \times .85 - \text{jail time}$
6. The 85% Truth-in-Sentencing Rule does not apply to sentences imposed upon revocation of probation.
7. Sentence computation sheets will be provided to you at your initial classification along with copies of your Criminal Judgment(s). Legal Records will send you updated computation sheets and judgments for any additional sentence changes or computations after classification. Examples include loss of good time, corrections to credit for jail time, and computation error corrections. Please keep all of your legal records for future reference, including sentence computations, criminal judgments, and orders granting or denying parole. You may find these important for future reference. If you would like additional copies, please refer to the Photocopying Services subsection of this handbook (within the Rights and Responsibilities section). If you have lost your sentence computation, please request a replacement through Legal Records; a printing fee may apply.

Legal Records will conduct a warrant and detainer check within the first five business days of your arrival at the DOCR. In addition, the DOCR will conduct a warrant and detainer check the month prior to your anticipated release date or before your Parole Board Review. Legal Records will respond to additional warrant or detainer check requests if new information is received.

1. You will be notified in writing of any outstanding warrants or detainers about which the DOCR has been notified. This will provide you the information needed to contact your attorney or the courts.
2. There are three laws that may assist you in disposing of a warrant or detainer:
 - a. North Dakota Century Code Chapter 29-33: Mandatory Disposition of Detainers Act applies to in-state untried indictments, complaints, or criminal information. This law allows an individual

LEGAL RECORDS CONTINUED

to request disposition to the court. This is often referred to as a 'Fast and Speedy.' The prosecuting official has 90 days to bring your indictment, information, or complaint to trial from the date of receipt via certified mail of your request for disposition of the detainer, unless the court grants a continuance. This only applies to untried criminal charges in North Dakota.

- b. North Dakota Century Code Chapter 12.1-32-07: North Dakota Notice and Request of Disposition of Untried Petition for Revocation. This law allows an individual to request disposition to the court for any outstanding probation revocation(s). The prosecuting official has 90 days to bring the petition for revocation to final disposition from the date of receipt via certified mail of your request for disposition of the detainer and the DOCR's certificate with information regarding your sentence, unless the court grants a continuance.
- c. Interstate Agreement on Detainers applies to out-of-state untried warrants in which a detainer has been lodged. This is often referred to as an 'Out-of-State Fast and Speedy.' Georgia and Louisiana do not participate in this agreement. The agency that filed the detainer has 180 days to bring your indictment, information, or complaint to trial from the date of receipt via certified mail of your request for disposition of the detainer, unless the court grants a continuance. The IAD only applies to untried criminal charges.

A resident request can be sent to Legal Records to inquire if one of the laws listed above applies to your warrant or detainer. If it does meet the criteria, Legal Records will provide you the necessary paperwork to assist you in disposing of the warrant or detainer.

3. You can communicate with Legal Records through resident requests.
 - a. The DOCR cannot provide you with your criminal history record information. State criminal history record information may only be obtained through that state's designated criminal history record keeper.

Criminal Records Section
ND Bureau of Criminal Investigation
PO Box 1054
Bismarck, ND 58502-1054

GRIEVANCE PROCEDURE

1. A grievance is a written complaint submitted through the grievance procedure that adversely affects you personally and directly, about a policy, a condition of confinement, circumstance, action, or failure to act that you claim to be unjust, unfair, or unlawful, for example:
 - a. Policies, rules, and procedures enforced within the facility that directly and negatively affect you;
 - b. Retaliatory actions against you for submission of a grievance under the grievance procedure, participation in a grievance proceeding, or the exercise of a legal right;
 - c. A policy, regulation, rule, or procedure, or the lack of a policy, regulation, rule, or procedure that negatively affects your conditions of confinement within the facility; and
 - d. Actions by you or staff that directly affect you and are not excluded from the grievance process.
2. Although DOCR allows allegations of sexual abuse to be submitted on a grievance form for investigation, the DOCR does not have grievance procedures to address allegations of inmate sexual abuse. If an allegation of sexual abuse is submitted on a grievance form, it must be removed from the grievance process and processed under the PREA policy as though it were submitted using another permitted method. If there are other claims included in the grievance (besides the allegation of sexual abuse or harassment), then the portion of the grievance related to those claims must be refiled under a new grievance, and the original grievance will be maintained to be processed under the PREA policy as though it were submitted using another permitted method.
3. Issues not subject to the grievance procedures include:
 - a. Issues regarding events that occurred more than 15 days prior to submission of the grievance.
 - b. 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
 - (5) Medical payment committee or co-pay decisions
 - (6) Rejection of mail
 - (7) Removed property
 - c. 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) State or federal court opinions, rules, orders, and decisions.
 - (3) North Dakota Parole Board procedures decisions.
 - (4) North Dakota Pardon Advisory Board procedures and recommendations and Governor's decisions.

GRIEVANCE PROCEDURE CONTINUED

- (5) Other federal, state, and local governmental agencies, including federal, state, and local law enforcement agencies.
 - (6) Medical decisions by outside providers.
 - d. Medical decisions by a doctor, nurse practitioner, physician's assistant, dentist, or psychologist.
 4. Before you start the grievance process, you are encouraged to attempt to resolve your grievance informally with those directly involved.
 5. The Informal Resolution/Step 1 Grievance request must be submitted within 15 days of the alleged incident or it will result in dismissal of the grievance.
 6. You may only address one issue per grievance form.
 7. You must clearly and legibly write the issue you are grieving and your remedy in the space provided on the Informal Resolution/Step 1 Grievance form. 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. You may obtain assistance from staff to complete the form, but you must sign and date the grievance.
 8. For each step of the grievance process, you must sign, date, and mark whether you agree or disagree with the resolution, if you refuse any of these requirements, department staff shall stop the process, make a note on the form, and process the grievance as not following proper procedure.
 9. Informal Resolution: Before you receive a Step 1 Grievance Response, you are required to participate in an informal resolution attempt with DOCR staff to resolve the grievance. This step must be documented on the Informal Resolution/Step 1 Grievance form and signed and dated by you and the staff attempting the informal resolution. You must also check the box whether you agree or disagree with the informal resolution recommendation.
 - a. If you agree with the informal resolution recommendation, DOCR staff will stop the process.
 - b. If you disagree with the informal resolution recommendation, DOCR staff will provide the grievance to your case manager.
 10. Step 1 Grievance: 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.
 - a. If you agree with their recommendation, you are required to sign the signature line under the step one grievance area and date and check the box that you agree.
 - b. 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.

GRIEVANCE PROCEDURE CONTINUED

11. Step 2 Grievance: If you disagree with the Step One response, you may submit a Grievance – Step 2 form, within five (5) days of the receipt of the Step 1 response. Do not provide additional facts, variations of the original issue stated in the original grievance or raise new issues. Provide your comments in the space provided. You must attach the Informal Resolution/Step 1 Grievance form. The case manager will forward the completed Step 2 form to the grievance officer. The grievance officer will investigate, complete the Step 2 form, and submit to the Warden for their review. The Warden will agree or disagree with the findings of the grievance officer.
12. Grievance Appeal: If you disagree with the Warden’s response, you may file an Appeal of Step 2 Grievance Decision to the Director of Corrections and Rehabilitation within five days of receipt of the Grievance Form - Step 2 response. You should provide a summary of the original grievance, why you disagree with the Step 2 responses, and sign the form and return to housing unit staff. Staff will sign the completed form and forward the form to administrative services, who will forward to the Director.
13. 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.
14. You may not submit grievances about issues that have been previously addressed through the grievance procedure or issues already determined not subject to the grievance procedure.
15. If the Warden or the DOCR Director determines you are abusing the grievance procedure through the submission of grievances that contain profanity, threats, or abusive or demeaning in nature the grievances may be rejected. If multiple frivolous grievances that are abusive, harassing or made in bad faith 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 your grievance.

ACCESS TO THE NEWS MEDIA

1. A news media representative who wishes to conduct an interview with a resident must make a written request to the Warden. The Warden will determine if a resident may be interviewed and which residents may be interviewed. News media interviews with specific individual residents 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.

ACCESS TO THE NEWS MEDIA CONTINUED

- 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 for the following reasons:
 - a. The news media representative asks to interview a specific resident.
 - b. The news media wants to speak to you about another resident who is currently or has been in the custody of or under the supervision and management of the DOCR or wants to speak to you about an individual who is, or has been, an officer or employee of the DOCR.
 - 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 residents, 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 representatives.
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.

COMMUNICATION, MAIL, AND VISITING

ACCESS TO TELEPHONE

1. Emergency Telephone Calls: If the DOCR receives 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 about the emergency.
2. Monitoring: Except for attorney calls, all your telephone calls are subject to monitoring and recording.
3. Telephone Calls: All calls from your telephones are collect calls unless you purchase prepaid telephone minutes from the commissary. There are no refunds for pre-paid minutes.

ACCESS TO TELEPHONE CONTINUED

4. Attorney Calls: If you wish to place an unmonitored call to an attorney other than your attorney of record, you must send the attorney's business telephone number on a request slip to the telephone service representative. After proper verification, the number will be added to the "Do Not Monitor" list. Legal calls must be made using your telephone system.
5. Social Calls:
 - a. Telephone 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 telephone list will be explained to you in orientation. You are not allowed to make telephone calls for another resident, or to use another resident'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 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.
6. Unauthorized Calls:
 - a. You are prohibited from calling the Governor; judges; clerks of court; parole offices; medical agencies; DOCR staff; state and federal agencies, officials, and employees; businesses; media; and law enforcement agencies. You may communicate to the above entities and individuals 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.
7. 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 your names on the appropriate signature line.

CORRESPONDENCE

1. There is no restriction on the number of persons with whom you may correspond through the mail, 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 to a limited number or types of persons based on the following types of behavior:
 - a. Involvement in prohibited activities involving mail;
 - b. Attempting to solicit funds, non-legal services (e.g., business transactions), 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.
2. Written requests to correspond with individuals in other facilities must be sent to the Deputy Warden and the following provisions must be met:
 - a. The written correspondence is with a member of your immediate family, a parent to a shared child and the communication is regarding your children, or a party in a legal action in which you are also a party.
 - 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.
 - e. Photographs may be allowed if the photograph does not meet any of the rejection criteria for correspondence.
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 must 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. DOCR will not accept any money orders, checks, or cash for your spending account. All money received must be processed through JPay. Your friends and family may send money to JPay through the following ways:
 - a. Website: For a processing fee, your family and friends can sign up for a free account with JPay so they can electronically deposit funds into your account by visiting JPay.com and following the instructions for online deposits. This process normally allows your funds to be available the next business day.

CORRESPONDENCE CONTINUED

- b. Mobile App: JPay also has a free mobile app for smartphones that your friends and family members can use to deposit funds into your account. Processing fees will apply.
 - c. Telephone: Your friends and family can deposit funds to your account by calling JPay's toll-free number at 1-800-574-JPAY (5729) and speak with one of their customer service agents, who can accept payments over the phone from a credit or debit card for a processing fee.
 - d. MoneyGram: Your friends and family members can also visit any MoneyGram location to deposit funds into your account using cash. MoneyGram services are located in every Walmart and CVS, as well as several other retailers around the state. The MoneyGram receive code for North Dakota DOCR is 1304, which your friends and family will need to reference to ensure the funds reach your account successfully. Processing fees may apply.
 - e. Mail: JPay will also accept money orders. JPay does not charge a processing fee for this service. Your friends and family members will need to complete the Money Order Deposit Form and mail the money order with the form to JPay at JPay Inc., PO Box 822700, Pembroke Pines, FL 33082. Forms are available in your housing units for you to send to family and friends, or your friends and family can also download the form from JPay.com.
6. Incoming and outgoing correspondence and packages clearly identified as legal or official mail will only be opened and inspected for contraband in your presence when it is from the following sources:
- a. Legal Mail to or from licensed attorneys or a recognized prisoner legal advocacy group, including the American Civil Liberties Union and the Innocence Project.
 - b. Official Mail to or from elected or appointed federal, state, or local officials; foreign embassies or consulates; Protection and Advocacy; the Human Rights Division of the North Dakota Labor Department; federal, state, and municipal courts; and the North Dakota Commission on Legal Counsel for Indigents. Official mail does not include mail between you and the DOCR; the Parole Board; the Pardon Advisory Board; child support enforcement; the Bureau of Criminal Investigation regarding registration; any federal, state, or local criminal justice agency, or any other federal, state, or local agency not listed above unless it is marked or identified as confidential or privileged by the sending official or agency.
 - 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:

CORRESPONDENCE CONTINUED

- (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 weigh the envelope prior to mailing, you will need to 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 charged 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. You must use your full name, resident number, name of institution, P.O. Box or street address, city, state, and ZIP code 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.
8. All incoming mail must be sent to the Digital Mail Center for processing. Any personal mail received at the DOCR facility will be returned to the sender. Mail must be addressed as follows:
 - a. Resident Name and Number
C/O Securus Digital Mail Center-North Dakota Department of Corrections
PO Box 21408
Tampa FL 33622
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 denied, you and the sender will receive a Notification of Denied Mail form. You may appeal the denial decision to the Warden within seven days of receiving the Notification of Denied Mail. The sender has thirty days to appeal the decision in writing to the Warden. You may send out denied mail at your expense.

CORRESPONDENCE CONTINUED

11. Incoming legal 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. Mail with postage due received at the Digital Mail Center 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. Additional pages identified as 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 exceed ten pages, all pages will be rejected, and a Notification of Denied Mail will be sent to you.
14. You are not prohibited from corresponding with pen pals, but you are prohibited from soliciting pen pals and placing advertisements to solicit pen pals. If you solicit pen pals or 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, such as by a protection order, a restraining order, an order prohibiting contact, or conditions on an Appendix A.
 - b. Mail to an individual who has requested not to receive mail from you, or a parent or guardian of a minor child has objected to correspondence between you and the minor child.
 - c. Mail containing photographs of a victim at a crime scene, photographs depicting injuries to a victim sustained as a result of a crime, photographs taken for purposes of criminal investigation or prosecution, or 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 if the contents are not understood by the inspecting staff after reasonable efforts to have the mail translated and you are not on the limited English proficiency list.
 - g. Mail that includes sexually explicit material, which means it contains any of the following content:
 - (1) Pictorial images of nudity in books, catalogs, pamphlets, magazines, periodicals, and any other graphic images, or any personal pictures, drawing, or photocopies depicting:
 - (a) 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;

CORRESPONDENCE CONTINUED

- (b) 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;
 - (c) 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; or
 - (d) Minor(s), or models depicting minors, in a sexually suggestive setting/pose/attire.
 - (e) Sexually explicit material does not include material of a news or information type.
 - (f) Publications concerning research or opinions on sexual, health, or reproductive issues, or covering the activities of LGBTI rights organizations or religious groups, for example, may be admitted unless the publications are a threat to legitimate institution interests or contain content that is otherwise prohibited by policy.
- (2) Written text containing depictions of:
 - (a) Rape, sexual assault, pedophilia, possession or dissemination of child pornography, or any other criminal acts of a sexual nature; or
 - (b) Other sexual content determined by the Warden or designee to be detrimental to the orderly running of the institution.
- 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 resident's correspondence or items.

CORRESPONDENCE CONTINUED

- 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. Mail with photographs that include DOCR staff.
 - s. Mail that includes a solicitation, request, or demand for non-legal services (e.g., business transactions) or gifts of goods or money from a source other than a family or persons on the resident's approved visiting or telephone list.
 - t. Incoming photographs of residents taken during incarceration.
 - u. Mail with physical properties, including laminated cards or padded envelopes that could be used to conceal contraband.
 - v. Mail that attempts to solicit pen pals either from you or another individual.
 - w. Mail that includes any attempt to disseminate large amounts of information to the resident population when staff has reasonable cause to believe the mail is intended to cause disruption or otherwise threaten the order and security of the facility.
 - x. Third-party mail.
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 property office 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 after you are transferred or discharged.

ELECTRONIC MESSAGING

1. Terminals are located throughout the facility and are accessible during designated times. Terminal 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 terminal use is limited as established by the housing unit or location of the terminal.
2. You may establish a terminal account and may only use terminal services once you have agreed to the terms and conditions established by the terminal service provider. You may use only your account and may not use another individual's account. When using the terminal, you shall establish a personal terminal username and password. You may 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 your password, or failure to ensure safekeeping.

ELECTRONIC MESSAGING CONTINUED

3. All activities of this service are subject to monitoring, recording, and retention. You may not use the terminal to communicate with other adults in custody; those who have any of the following against you: protection order, a restraining order, an order prohibiting contact, or no contact conditions on an Appendix A; current DOCR employees; or those who have objected in writing to such correspondence. The terminal 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 terminal service provider through the tools and contact methods established by the terminal service provider.
4. 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.
5. Criteria for rejection of electronic messaging are the same as the correspondence section listed above. Additionally, electronic messaging will be rejected if it includes text communications and communications from social media sites.
6. Outgoing photos or videograms may not contain adults in custody, other than the sender.
7. You must comply with all dress code rules when sending photos or videograms.
8. 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.
9. 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.
10. You may block email senders from the terminal or tablet by submitting a trouble ticket to remove contacts. Once removed, you may not add them back for 90 days. 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.
11. Staff will not print incoming email or attachments for you.
12. You may add money to your Securus Debit account by purchasing funds through RRI Commissary. Any money deposited in your Securus Debit account may only be spent on vendor services and cannot be transferred to another account. Upon discharge or transfer to a facility without electronic messaging services, you may make a request for your remaining funds through Western Union.
13. Upon discharge from a DOCR facility you may request the content you purchased by writing, calling, or emailing the following:

ELECTRONIC MESSAGING CONTINUED

- a. Mailing Address:
JPAY LLC
10981 Marks Way
Miramar, FL 33025
 - b. Telephone:
1-800-574-JPAY (5729)
 - c. Website:
jpay.com/contactform.aspx
14. Email stamps may be purchased at the terminal using funds in your media account. Family and friends may purchase stamps for themselves and stamps for you through the terminal service provider.
 15. You may use the terminal or state issued tablets to check media account balances and receive notice of media account deposits. Any questions regarding media account balances and transactions must be directed to the terminal service provider.

PUBLICATIONS

Publications and other printed communication may be accepted if sent directly from an approved publisher or vendor (not mailed by a private individual) and do not violate DOCR policy. Exceptions may be approved by the Warden. A publication is defined as any commercially published information or material. This means any book, booklet, pamphlet, magazine, periodical, newsletter, photograph or other pictorial depiction, or similar document, including stationery and greeting cards, published by any individual, organization, company, or corporation which is distributed or made available through any means or media definition includes any portion extracted, photocopied, or clipped from such items.

Publications may be rejected if it is determined they:

1. Threaten the safety or security of the facility, or any individual, including the promotion of violence, group disruption, work stoppages, or insurrection.
2. Advocate racial supremacy or encourages violence against a racial, ethnic, or religious group.
3. Include depictions of signs or symbols of security threat groups or criminal street gangs.
4. Contain contraband in violation of facility rules or state and federal criminal law.
5. Contain supplemental materials on CD, DVD, or another format requiring a separate electronic player.
6. Depict or describe procedures for the construction or use of bombs or incendiary devices, or of any weapon that can be accessed in a correctional setting.
7. Depict, encourage, or describe methods of escape from correctional facilities, or contains blueprints, drawings, or similar descriptions of the ND DOCR institutions or other penal institutions that are similar in construction.

PUBLICATIONS CONTINUED

8. Depict or describe procedures for the manufacture of drugs or alcohol or provides information about drugs and alcohol, including prescription drugs.
9. Depict, describe, or encourage activities which may lead to the use of physical violence or group disruption.
10. Encourage or instruct in the commission of criminal activity or any activity that is against the rules of the facility.
11. Include sexually explicit material as defined in 14, g. under Correspondence.

When a publication is rejected, you and the sender will be given written notice using the Notification of Denied Mail Form. You will have seven days to file an appeal. The institution will retain and store the item for up to 30 days after the final rejection before disposal. An individual designated by the resident may be allowed to pick up the item or the resident may mail out the item out of the facility at the resident's expense. If the item is not picked up within fifteen (15) business days after the final decision is made, the institution may dispose of the item.

VISITATION

The DOCR encourages visitation and believes continued contact with family and friends is part of the rehabilitation process. Visitation is a privilege and it is important to all of us that you and your visitors follow the rules defined by the facilities. 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 family members and 20 friends on your visiting list.
2. You must list the name of your attorney. If you change attorneys, you must provide visiting control the name of your new attorney, or the DOCR may deny the attorney visitation.
3. When making your visiting list, you shall print legibly and provide complete names, addresses, and telephone numbers (if known). 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 18. 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 shall review special circumstances, such as emancipation. 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 lifted.
7. Visiting list additions 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 individual's visiting list, unless the visitor is a family member to both individuals or approved by the Chief of Security.
9. Once a visitor's name is removed from your visiting list, you will not be allowed to put that same person back on the list for a three-month period (90 days). This applies if either you or the visitor requesting to have the name removed. The visitor must then reapply to visit.
10. If you choose to visit during scheduled mealtimes, 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

RULES GOVERNING VISITORS CONTINUED

2. You may receive up to 20 hours of visiting per month, there is no limitation on video visitation. 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 any form of visitation. The DOCR may restrict or deny access to anyone considered to pose a risk to the facility. All visitors are subject to a background check 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 approved for visiting until the charge is disposed through the court.
6. Anyone on parole, probation, or other form of conditional release, including furlough, community placement or work release, may be considered for a form of visitation, but the form of visitation will be subject to the relationship of the individuals, and other relevant factors.
7. A denial of visitation may be appealed to the Chief of Security within seven days from receipt of notification.
8. Names may be removed or kept off visiting lists at any time to maintain the orderly running of the facility.
9. Individuals who enter the facility or its grounds, and their personal property, 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.
10. 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.
11. 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. 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 while you are in administrative segregation or disciplinary segregation must be cleared in advance by the captain or unit manager and may be conducted in the secure visiting area.

VISITING ROOM REGULATIONS

1. You and your visitors shall 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 sweatpants 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. 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 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.
4. Each facility may have additional rules for visiting that will be provided upon your arrival.
5. The visitation area is meant for all to be comfortable and safe.
 - a. Physical contact, including hugs and kisses, may be restricted.
 - b. 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.
 - c. Handholding is acceptable; however, it is important the visiting room officer is able to see your hands and your visitor's hands at all times.
6. Your children and your visitor's children are your responsibility. Please make sure your visiting group is respectful to others in the visiting room.
7. Horseplay and inappropriate language are prohibited.
8. The visiting area is a shared space, so please keep your feet off the tables and chairs. It is also your responsibility to clean up your area upon completion of your visit, so the next person does not have to clean up after you.
9. The visiting room officer may assign seating in the visiting room.
10. The visiting room officer is there to ensure you have a positive experience during your visit. It is their duty to ensure the rules are followed and to ensure this space is a positive environment for everyone. Please make sure you are respectful and kind while using this space. Your tone and attitude will have a huge effect on those around you. If the visiting room officer believes you and your visitor's presence is adversely affecting this space, they may terminate your visit. Your choices may result in disciplinary action depending on the severity.

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. You are only allowed to sign up for two video visiting sessions per day, and each session may be up to 20 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, with the exception of attorney visits.

FINANCIAL TRANSACTIONS

ACCOUNTS

As cited in N.D.C.C. 12-48-15(4), the Warden is responsible for guiding you in making proper use of your funds to pay your obligations, including the payment of any administratively ordered fee, fine, or restitution; court-appointed counsel fees; court-ordered restitution; court-ordered support for dependent relatives, your medical, surgical, eye care, or dental treatment; or other services not generally provided by the state. The Warden may withdraw funds from your penitentiary account or Bank of North Dakota two-signature account, without your signature, to meet your legitimate financial obligations.

You are not allowed to possess, use, or carry cash, checks, debit cards, credit cards, personal identification numbers ("PIN numbers"), or account numbers with the exception of JRMU (James River Minimum Unit). 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 will only be accepted in the form of transfers through JPay. This can be achieved by their website, Mobile App, telephone, MoneyGram, or mail. Review the "Correspondence" and "Electronic Messaging" section of this handbook for more specific details to relay to your family or friends.

1. Spending Account: Money on your person upon arrival and any monies earned or received from outside sources will be placed into your spending account. You should consider this account your "checking account" to cover your needs during your stay here.

ACCOUNTS CONTINUED

- a. You will be given a monthly statement showing the deposits and deductions from your account 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 contract facilities or other governmental and federal agencies that are your funds due to transferring to the NDDOCR will be posted to your account without a holding period. This also includes money orders, cashier's checks, and/or official checks from a bank and checks for work release. Any other checks 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.
 - 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.
 - e. Money cannot be deposited from your spending account into your release aid account.
2. Release Aid Account: 25% of all money you earn at the facility is 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 separately.
 - 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.

ACCOUNTS CONTINUED

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. Funds from final pay, business and government checks must be sent to the facility in which you are located and will be deposited in your account.

OTHER 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

As cited in N.D.C.C. 12-48-15(4), the Warden is responsible for guiding you in making proper use of your funds to pay your obligations. This includes child support, victim restitution whether part of the case or reduced to a civil judgment, court ordered fines and fees, overdue parole and probation supervision fees, Presentence Investigation ("PSI") fees, or 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 in your best interest to begin making payments during your incarceration.

When a legitimate financial obligation is identified, DOCR staff will initiate the financial obligation hearing record form and forward to your case manager or assigned designee. They will meet with you to discuss your options.

1. If you agree to pay the legitimate financial obligation you will sign the form and a copy will be forwarded to the business office.
2. If you refuse to pay the legitimate financial obligation, you are entitled to an administrative hearing. You will sign the form and a hearing date and time will be scheduled for a later date.

DOCR DEBT AND FINANCIAL OBLIGATIONS CONTINUED

- a. The hearing officer will notify you in writing of the date, time, and location of the hearing at least 24 hours prior to the set time and date. You may waive the 24-hour notice of hearing.
- b. You may request a DOCR staff member to assist you at the hearing. The hearing officer shall assign a staff assistant if your case manager has advised that staff assistance is necessary.
- c. A hearing will be conducted to determine whether funds will be deducted to fulfill legitimate financial obligations and make a recommended decision to the Warden.
- d. The Warden shall issue a decision within 15 days of the hearing.
- e. If you wish to appeal the Warden's decision, you may appeal the decision to the Director of the DOCR within 48 hours of receiving the Warden's notice of decision.

You may have deductions from your 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 your future 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 may 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 you 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

You may purchase necessary hygiene and personal products and additional authorized items for your recreation and entertainment from the commissary.

PURCHASING PROCEDURES

1. The assigned days for you to order and pick up your commissary order are established by commissary. Refer to individual unit plans posted in your housing unit to learn your assigned commissary day. The commissary is closed for legal holidays or as posted.
2. You shall present your identification card to the commissary workers when you pick 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 the security of your PIN number. Commissary will not be responsible for any orders placed from your account due to a stolen PIN number.
4. It is your responsibility to ensure your order is correct prior to submitting your weekly order. After commissary processes the orders from the terminal, all sales are final. No returns or refunds will be issued for ordering errors on items or quantities.
5. If staff has verified an item is missing or damaged, 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.

PURCHASING PROCEDURES CONTINUED

6. 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.
7. If an order cannot be filled, you will be provided an explanation. A scanner exception report will be printed and given to you for those items.
8. 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 need to work with the facility property staff to contact the manufacturer.
 - b. If it has been determined that an item has been misused or abused, the 30-day warranty offering is voided.
9. Sales are final unless there is a defect in the workmanship.
10. If you ordered from commissary and are transferred out of the DOCR, you will not be refunded until the orders are returned.

ARTS AND CRAFTS

1. You are not allowed to purchase arts and crafts from other residents.
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 telephone list.

MONEY TRANSFERS

1. If you wish to send money transfers, you shall 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; or
 - e. To send "gift" money up to \$100 a month, (this is restricted to persons on your visiting list and telephone list).
2. No check will be written for less than \$1.00 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.

MONEY TRANSFERS CONTINUED

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 transitional facility and you have money 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.

PROPERTY

NEW ARRIVALS

1. You are only allowed to bring the following items into the facility upon your arrival:
 - a. 1 wedding band
 - b. 1 pair of eyeglasses with no case
 - c. An address book
 - d. A 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. Your drivers license
 - j. Your Social Security Card
 - k. Your birth certificate
 - l. Money (which will be taken and placed into your spending account)
2. Personal belongings will be screened to determine which items will be allowed into the facility. Unauthorized items will be sent back with the transporting staff.
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, electronic tablets, 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.

NEW ARRIVALS CONTINUED

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 a DOCR facility, 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, magazines, or catalogs and pamphlets in your possession.

LEGAL PROPERTY

1. You are allowed up to two state-issued, sequentially numbered totes of your own legal materials in your living quarters. The totes must have your name and number clearly written on the top and side. You may not store legal property for anyone else.
2. Totes of legal material are subject to staff inspection for contraband.
3. Depending on available resources and storage space, the DOCR may allow you to put your excess legal materials in additional state-issued totes, which may be stored by the DOCR. Inspection for contraband will be done in your presence and then totes will be sealed for storage.
4. If the DOCR agrees to store excess legal totes for you, you can exchange them with totes in your living quarters by submitting a resident request to the property officer that indicates (by number) the tote(s) to exchange. Typically, the property officer will exchange the tote(s) of legal materials within three workdays from the date the property officer receives request.

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 are required to 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.

PERSONAL PROPERTY CONTINUED

3. You may not sell, loan, barter, or give away personal property or clothing to other residents. 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 property is pulled from you or from your living area, the following process will occur:
 - 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 know what was removed.
 - (1) Pulled items that staff believe to be trash will be held in a staff location.
 - (a) Issues related to the pulled items must be addressed promptly with the staff member on the document or written request.
 - (b) Examples: Common garbage such as empty food wrappers or containers, unmarked newspapers, unmarked magazines, pieces of paper.
 - (c) If you do not notify staff of your issue of the property being pulled, it will be thrown away after the following day's evening count.
 - (d) If you notified staff and are not able to resolve, you need to write a request to the property division to review the items pulled for final resolution.
 - (2) State issued property
 - (a) State-issued clothing or linen that is pulled will be sent to laundry. An incident report will be issued if appropriate.
 - (b) Examples of issues: Altered property, damaged property, excessive amounts of state property.
 - (3) Personal Property
 - (a) Pulled personal property deemed to be contraband, as defined under "Contraband" of this Facility Handbook, must be sent out of the institution within 30 days. Property will be disposed after 30 days.
 - (b) Examples of issues: Pockets sewn in your property, unauthorized marking on your property, excessive wear.
7. If you receive a level II or III disciplinary report, the disposition of the pulled items will be determined in the hearing process.

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 shows "colors" or emphasizes 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 and with your face fully visible. Each facility will determine where baseball caps may be worn.
7. Stocking caps may only be worn outside.

DISCARDING OF PERSONAL PROPERTY AND CLOTHING

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 shall 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

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 to three 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 pillowcase, 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 shall 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.

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 resident 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. You are allowed to braid other residents' hair, but you are not allowed to braid anything into your hair or another resident's hair or 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 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.

HEALTH CARE

ACCESS

You can receive necessary health care, dental, and optometry services from the DOCR medical division by writing a request slip. The dental division has a dental sick call sign-up sheet if you are experiencing pain or infection.

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. MRCC has nursing staff available Monday through Friday except for state 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 the nature of your medical request, severity of the need for a primary care provider appointment, and provider availability.

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 when required.

OFFENDER CO-PAY

1. A \$3.00 co-pay may be charged to you for each initiated health care visit. 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 decision 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. Orthotics and dentures will be assessed an additional co-pay, up to 15% of the cost of the orthotics 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 medical or by appeal.

INDIVIDUALS WITH DISABILITIES

If you have a disability, you will be assessed to determine if you have any special needs. The medical and unit management teams will work with you to make appropriate accommodations. If you believe your needs are not being met, you may request further review through your case manager. If it is determined that your request qualifies for the ADA committee review, the committee will convene to develop an appropriate action plan to address basic life functions, request any needed equipment, and determine any further accommodations necessary to address your needs.

COMFORT ITEMS

The medical division does not make decisions on property, including shoes, pillows, mattresses, or other items unrelated to 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 division 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. If you have questions about medical care or are wanting to speak with medical staff, you should follow sick call procedures and submit a request in writing.

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. Medication 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.

Medical refill requests need to be submitted 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, ibuprofen, and naproxen, 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 division.

OPTOMETRY SERVICE

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

Optometry services are provided on a shared cost basis. The medical division 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 division, 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.

PHYSICIAN ORDERS FOR LIFE SUSTAINING TREATMENT (POLST)

The purpose of filling out a POLST order is to allow you to participate in end-of-life health care decisions affecting you.

You may request POLST order to be kept on file in the medical division.

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

Students who do not have a high school diploma or GED may have the option to attain their high school diploma. To be eligible for the high school diploma, you must be under the age of 21 and have a minimal amount of credits left. Request the high school diploma eligibility checklist from the education division.

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 AUTOCAD 2010 is offered to those who 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. At 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 through Ashland University on tablets.

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 and MRCC. 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. Students also learn skills that complement the welding trade including: layout, material handling, structural fit-up, oxy-acetylene cutting, crane signaling, rigging, and air carbon arc gouging. Welding processes offered are stick welding (SMAW) and wire feed (FCAW & GMAW). At the end of the training, students will have an opportunity to test for America Welding Society (AWS) certification.

CAREER READINESS

The program's services and activities are designed to focus on improving employability, social skills, and human relations skills 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.

LIBRARY SERVICES CONTINUED

2. Available library books include 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 book or subject request form must be used.
2. Only one book per request form is allowed.
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.

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.

W-9

Federal law requires you to complete a W-9 federal form in order for the State of North Dakota to report your compensation to the IRS, when necessary. Failure to complete a W-9 will make you non-compliant with your job or education program and may subject you to disciplinary action.

JOB ASSIGNMENTS

The Job Placement Committee coordinates the placement of individuals into work positions. If you do not have a diploma or GED, you will not be eligible for a job assignment until you are completed with or formally exited from education programming. The Job Placement Committee will place your name on the job waiting list after you have completed the orientation phase and have moved into your assigned 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.

Although it is not legally required, 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 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. This will be explained to you by the job committee or work supervisor when you are assigned.

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. You may request a transfer by submitting a request to the Job Placement Committee. The Warden, RRI supervisor, or Job Placement Committee has the authority to terminate or change your job assignment at any time.

1. If you are found guilty of a Level III incident report or a Level II with disciplinary segregation, you will lose your job and be moved to the bottom of the job waiting list.
2. If you lose your job due to disciplinary sanctions, you will have your name added back to the job waiting list based on the date you lost your job and the Warden signed the report.
3. If you lose your job due to a Level III, 320 – Noncompliance with Work, it is your responsibility to write to the chairperson of the Job Committee that you would like your name to be added back on the job waiting list to be reassigned.

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. You will not be paid for any days you do not work. When you are available for work, you will need to send a request slip to the Job Placement Committee. If you have been absent from your job for non-disciplinary reasons, and your job was given to someone else, your name will be placed toward the top of the job placement list.

ROUGH RIDER INDUSTRIES (RRI)

1. RRI jobs are available at each facility. Prior experience in a similar field is not required 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 sharp.
 - 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 RRI eligibility requirements to work at RRI. 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.

ROUGH RIDER INDUSTRIES (RRI) CONTINUED

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, which will be determined by the hiring supervisor based on the complexity of the job.
 - c. You must not have been found guilty of a rule infraction that includes loss of good time or disciplinary segregation within the past six months. If you receive a 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 RRI.
 - f. You must adhere to all posted rules and regulations set by RRI supervisors.
 - g. You are required to work up to ten hours a day. You will be paid at a rate of 1.5 times your hourly rate for every hour worked above the required ten hours per day.

BEHAVIORAL HEALTH SERVICES

The Behavioral Health Services Division provides interventions to affect change and reduce the risk of continued criminal behavior. The services include 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 assessments. Staff will complete the assessments, review them with the behavioral health team, and make recommendations to the Case Planning Committee, which 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 individuals with mental health concerns. To request psychiatric services, send a request slip to the medical division or your primary counselor.

PEER SUPPORT

You have an opportunity to work with a Peer Support Specialist. A Peer Support Specialist is another resident who is specifically trained to use their own experiences with incarceration and recovery from substance use or other mental health concerns to assist others in their unique recovery process. Contact the Behavioral Health Division to apply to participate in peer support or to serve as a Peer Support Specialist.

CRISIS INTERVENTION TEAM (CIT)

DOCR uses a resident-led Crisis Intervention Team ("CIT Team") to provide support to residents residing in observation units. CIT 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 Team member, please contact your facility's programs and treatment services division. Your information will be reviewed, and a staff member will follow up with you regarding your eligibility and CIT Team service schedule. Five days per month of meritorious "good time" may be awarded to CIT Team members in good standing. If you are not earning "good time" due to behavioral issues or failing to participate in recommended programs, you will not be eligible to earn "good time" for CIT Team participation. You may be removed from the CIT Team for reasons including: failing to report for your CIT Team shift, receiving a Level II or III incident report, violating the confidentiality of residents in observation, or agitating or provoking a resident in observation.

GROUP BEHAVIOR HEALTH PROGRAMS

DOCR offers several behavioral health group programs.

Forward Thinking:

Forward thinking is a 10-session group program designed to assist those who may have difficulty being successful in a prison environment. The group focuses on learning emotional management skills and applying them to risky, conflict situations that may arise in prison.

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/JRMU, MRCC, 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 10 to 12 weeks and is offered at NDSP, JRCC/JRMU, MRCC, 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.

New Pathways to Healthy Relationships:

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/JRMU, and on a limited basis at MRCC.

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.

Free Your Mind:

Free Your Mind is available to people who are placed within the Behavioral Intervention Unit. It is a group program that is offered on an ongoing basis. Length of program participation is determined based on individual needs and circumstances. Participants complete a success plan that focuses on identifying risk situations that could lead to future placement in BIU and applying skills to manage those situations in a pro-social way.

Advanced Practices:

Advanced Practices groups provide an opportunity to build on learning from primary treatment programs and continue to practice applying new skills in high risk situations. You may be referred to Advanced Practices if you have time remaining on your sentence after completing your primary group treatment programs.

CHAPLAINCY

CHAPLAINCY SERVICES

You are entitled to freedom of religious affiliation and worship, and the chaplaincy program provides you with access to opportunities for religious practice. Chaplains also provide crisis counseling, grief counseling, and the fourth and fifth steps of the twelve steps Alcoholics Anonymous program. Chaplains 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. When conditions allow, religious text 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. You have the responsibility to recognize and respect the religious rights of others.

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 officer. 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.

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. In order to access the weight room at NDSP and JRCC, you must purchase an access card.
3. When you are on restriction to quarters 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 segregation 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 served 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 six 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.
4. At NDSP, you must purchase a weight/music room card.

CABLE TELEVISION

1. If you would like cable television in your cell, you must purchase it through the commissary terminal. Cable must be purchased prior to the last full week of the month and may only be purchased one month in advance. Cable purchases received after the first of the month will count for the month following the month that the cable order was received. If you do not place your order in time or if you do not have funds available, you will have to wait until the next month to receive services.

CABLE TELEVISION CONTINUED

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 segregation, on temporary leave, discharged, or transferred during the month, no refund will be provided. 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 a new cell.
3. Theft, including sharing of cable services, will be subject to disciplinary action.

ESCORTED LEAVES FROM THE FACILITY

FUNERAL AND DEATH BED VISITS

In rare circumstances, the facility may allow you to either attend the funeral of an immediate family member or visit an immediate family member (mother, father, sister, brother, spouse, legal children, or grandparents) on the family member's death bed. You are not allowed more than one visit.

1. You will not be able to attend funerals in any other state, place from which extradition would be required, or place from which extradition is not available.
2. Approval must be granted by the Warden of the facility.
3. You may contact your case manager for assistance.

TRANSFERS TO OTHER FACILITIES

1. Voluntary Transfer: 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 your 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) You 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.

TRANSFERS TO OTHER FACILITIES CONTINUED

If you are returned to this facility because of misconduct or other unacceptable behavior, you will be placed under the same administrative constraints 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 DOCR Director approval, may approve work and education release for individuals who have ten years or less remaining on a sentence. Approval by the Warden of Transitional Facilities, the Director of the DOCR, and the parole board is required to grant work and education release for those individuals who have more than ten years remaining on a sentence. The Warden of Transitional Facilities, Director, or the parole board may revoke approval at any time.
3. High risk individuals, including those subject to 85% sentences under N.D.C.C. Section 12.1-32-09.1, armed offender minimum mandatory sentences, that must register as a sex offender or offender against a child, that have a STATIC score, or with extensive medical or psychiatric issues may be reviewed by the MRCC Work and Education Release Committee before review by the Warden of Transitional Facilities.
4. Individuals not determined to be 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.

ELIGIBILITY STANDARDS FOR WORK OR EDUCATION RELEASE

1. You must be housed at and have a minimum of 30 days onsite living 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.

ELIGIBILITY STANDARDS FOR WORK OR EDUCATION RELEASE CONTINUED

4. If you have turned down a parole or refused the opportunity for a parole, you will not be granted work release.
5. Your disciplinary record will be reviewed to determine whether your behavior and misconduct rises to a level that work release should not be considered. A guideline is that you should be Level III or Level II disciplinary report free for six months prior to application. An exception may be made for those individuals who have compelling reasons.
6. You must be in compliance with all recommended programming. You may be required to complete the career readiness class.
7. You must have a favorable institutional work record.
8. If you have serious problems with family or others, you may be rejected for a community-based program until the problems have been resolved. You may be rejected if you have a victim within the local area, depending on the seriousness of the crime as well as whether there are any active protection orders or not contact provisions on file.
9. Your behavior in any prior community-based program will be considered.
10. You must not have a misdemeanor warrant or detainer filed against you unless:
 - a. A reasonable determination can be made that the detainer would be withdrawn upon payment of restitution, fines, or court costs.
 - b. A letter from the detaining authority states they do not wish the detainer to interfere with your participation in rehabilitative programs.
11. If your sentence is 10 years or more, your participation must also be approved by the Parole Board.

Fees will be deducted from your paycheck 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 that explains what is expected of you while you are on work or education release.

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 certificate is required 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 your birth certificate 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 your birth certificate 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 your birth certificate 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 the DOOCR receives the card, it 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 will not receive a license during your incarceration. It is your responsibility to secure your driver's license after your release from a DOOCR facility. Driver's licenses may only be renewed for North Dakota license holders and Class D driver's licenses. The DOOCR 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 is set to expire while you are here, send a request slip, one month in advance, to your case manager with your full name, date of birth, and 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.

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 Parole Board decisions are final and are not subject to appeal. The Parole Board typically meets once per month.

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 you 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 Parole Board may consider the recommendations of the DOCR Case Planning Committee. The Parole Board is not bound by any of the DOCR's recommendations.

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 (85% rule for 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 N.D.C.C. Subsection 39-01-01 (5)(i) or subject under the Uniform Controlled Substances Act (illegal drug offenses) N.D.C.C. Subsections 19-03.1-23(7)(e) and 19-03.4-03(5) on or after the effective date of the applicable bills, the DOCR will place you, at its discretion, into the DUI Recidivism Reduction Track (DRRT), Possession of Controlled Substance Recidivism Reduction Track (PRRT), or Possession of Drug Paraphernalia Recidivism Reduction Track (PARA), based on your eligibility. If you qualify, you may be eligible for parole consideration or released according to the provisions after your successful completion of a DOCR-approved chemical treatment program. Individuals do not qualify if they returned to prison on a second or subsequent probation revocation for a DRRT or PRRT qualifying offense. If the court did not order probation, the DOCR will not seek to amend the sentence on the individual's behalf. In relation to PARA, the DOCR will instead recommend the individual be released through the parole process.

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 before listing them on your parole plan. Your parole plan will be investigated and verified by a parole officer before your release to parole, if parole 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.

Failure to follow the rules of the facilities, failure to participate in programming recommendations, failure to work, 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). At times, reviews are also done via personal interview, video conference interview, or telephone interview.

If you are scheduled for a personal review, you will wait in the assigned area until the Parole Board is prepared to address you. When you appear before the Parole Board, you will state your case and respond to the Parole 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.

The Parole Board will usually finalize the docket on the Wednesday preceding the Parole 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.

PAROLE BOARD REVIEW CONTINUED

The Parole Board's written decision will normally be distributed to each individual whose sentence was considered within seven to ten working days after the Parole Board has adjourned. Individuals who receive a parole date will receive a copy of the Order Granting Parole, the Parole Agreement, and a memo. If you have been granted a parole, you must sign the memo acknowledging receipt of the order and conditions; 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 may result in the suspension or rescission of your parole release.

If a parole date is granted, it 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.

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

CORRESPONDENCE TO THE PAROLE BOARD

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

1. Internal mail (resident requests, letters)
2. Mail to:
ND Parole Board
P.O. Box 1898
Bismarck, ND 58502-1898

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. Parole revocation can result in you serving all the time you would have served had you never been paroled, plus the loss of good time. The Parole Board conducts all parole violations actions by file review. Violators will not have a personal appearance before the Parole Board.

PARDON ADVISORY BOARD

PARDON ADVISORY BOARD

1. The Pardon Advisory Board reviews eligible twice a year during the months of April and November and at such other times as may be necessary.
2. If you are not eligible to have your sentences reviewed by the Parole Board because you have a minimum mandatory sentence without the benefit of parole, a Truth-In-Sentencing (85%) judgment, a life sentence, or a sentence without parole, you may be eligible for review by the Pardon Advisory Board.
3. You must request an application form by sending a request to the Clerk of the 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.
4. The Pardon Advisory Board may recommend a pardon with removal of guilt for possession of marijuana or marijuana paraphernalia. A separate application is available for this process.
5. 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. It is illegal for DOCR staff to assist you in applying for Pardon Board reviews or make recommendations to the Pardon Advisory Board on your behalf.
6. After applications for pardons have been screened and reviewed, the Pardon Advisory Board will forward its recommendations to the Governor, who makes the final decision in each case.
7. 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.
8. The Pardon Advisory Board may in its discretion alter any guidelines or requirements.

DISCHARGE

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, money order, or transfer voucher. 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 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.

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, clothing, or housing. You should request this assistance from your case manager approximately 120 days 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 required to turn in your facility identification card 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 is 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.

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 were unable to do so for very specific reason(s). 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 at approximately 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. This information is subject to change by the Social Security Administration.

SOCIAL SECURITY RETIREMENT (SSR)

SSR is payable to individuals who qualify. 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 be 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.
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 about them, send a request slip for veteran's services to your case manager.

MEDICAID

If you qualify, your case manager will assist you in enrolling for Medicaid during your last week of incarceration.