

INMATE HANDBOOK



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NORTH DAKOTA
Department of Corrections
& Rehabilitation

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

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

Sincerely,

A handwritten signature in blue ink that reads "Leann K. Bertsch".

Leann K. Bertsch
Director

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INTRODUCTION

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

STATUTORY RESPONSIBILITIES AND FUNCTION

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

MISSION STATEMENT

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

ORIENTATION PROGRAM

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

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

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

UNIT PLAN

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

CHAIN OF COMMAND

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

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

CLASSIFICATION

Your initial classification hearing follows your completion of orientation. At this time, the Inmate Classification Committee (ICC) reviews your risk score and assigns you a custody level. You may appeal the committee's custody level decision to the director of transitional planning services within 48 hours of your classification hearing. If you believe a custody level appeal is warranted, you may request a classification appeal form from staff in your housing unit. You may not appeal programming or housing decisions. If you have concerns with your current program assignment, you may work with the person in charge of the program to address your concerns.

Male inmates of all custody levels may be housed at NDSP or JRCC, but generally, NDSP houses maximum security inmates, JRCC houses inmates with custody levels of medium or lower, and inmates with minimum custody may be housed at the MRCC. After your initial review, the Unit Classification Team will review your custody level on an annual basis and may increase or decrease the custody level after the review. The committee will also review inmates upon a major change in status.

Housing, programs, and work assignments of all inmates are made at the discretion of the administration. No inmate has the right to be housed in any particular unit or to be assigned to any particular program or work assignment, regardless of the inmate's custody classification. All inmates 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 interests 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 read the minimum-security housing criteria before requesting minimum-security placement.

PROCESS TO OBTAIN MINIMUM SECURITY HOUSING

1. Visit with your case manager to see if you qualify for minimum custody. Factors used to determine minimum custody include:

- a. You must have less than 36 months remaining to serve.
 - b. Your past criminal record.
 - c. Reliability during prior prison sentences here or elsewhere.
 - d. Time already served in a corrections facility.
 - e. Behavior and work record within a corrections facility.
 - f. Compliance with treatment and programming recommendations.
 - g. No pending felony detainers.
2. Your case manager will complete minimum custody transfer paperwork and have your case screened by the classification director or unit management staff.
 3. The paperwork will then be forwarded for final approval by the warden of transitional facilities.

UNIT MANAGEMENT

Unit management utilizes a multi-disciplinary team to manage programs, housing, and other aspects of day to day institutional living while you are incarcerated to assist you to prepare for your transition back to the community. When assigned to a housing unit, a unit management staff member will be appointed to your case 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 being pursued to reduce the risk of recidivism.

HOUSING UNITS

1. North Unit (*NDSP*)
2. East Unit (*NDSP*)
3. West Unit (*NDSP*)
4. Administrative Segregation
5. South Unit (*NDSP*)
6. Medium Transition Unit (*NDSP*)
7. Overflow Unit (*NDSP*)
8. James River Correctional Center (*JRCC*): Medium custody housing for male inmates (located in Jamestown, North Dakota)
9. Special Assistance Unit (*JRCC*): Inmates requiring special services
10. Missouri River Correctional Center (*MRCC*): Minimum custody for male inmates (located in Bismarck, North Dakota)

SECTION 1 - RULES AND REGULATIONS OF THE INSTITUTION

GENERAL RULES OF HOUSING AREAS

There are general rules that will be enforced throughout the entire inmate population. Some of these rules are listed below. If you have any questions concerning a certain area, please contact your housing supervisor.

1. You may not go into another inmate's cell, another housing unit, tier, tier landing, or dormitory unless your job requires it. If you are found in any one of these areas, you are in an unauthorized area and disciplinary action may be taken.

2. When cells are opened for meals, recreation, or on an officer's orders, you are to leave the cell promptly and in an orderly manner. When returning to the unit, you are to go directly to your cell or cubicle. Loitering on the tiers is prohibited.
3. You are not allowed to leave your assigned unit without permission from a unit officer.
4. You must always use the chain of command within your living unit to resolve problems.
5. You shall refrain from loud talking, conversations, and noise. Typing may be done between 8 a.m. to 10 p.m. Quiet hours are between 10 p.m. and 7 a.m.
6. Stereo, television, radio, and electronic games and devices are privileges. Inmates shall wear headphones at all times when using stereos, televisions, radios, or other electronic games or devices. A second party should not be able to hear the sound coming from your appliance or headphones. If you use your television, stereo, radio, electronic game, or device without headphones, the item will be taken from you.
7. Lights and appliances must be unplugged or turned off when you are not in your living unit. Homemade lamps, speakers, electrical devices and alterations of, extension cords or splices on electrical equipment are prohibited. Light fixtures shall not be altered in any manner.
8. If you are in general population at the North Dakota State Penitentiary, you shall place a state-issued name tag on your cell bars or bunk area. The nametag must only legibly display your name and prison identification number. No drawings or attachments are allowed on your name tag. No items are allowed to be attached or hung on the cell bar or doors except your state-issued name tag. If you lose your state-issued name tag, you shall request a new one.
9. Homemade shelves, desks, or tables are prohibited in living units. The standard cell arrangement will be posted in the unit plans. All personal property must be kept on shelves, in lockers, or in the desk and be neat in appearance. Only a trashcan and two small rugs (commissary purchased) are allowed on the floor. 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.
10. In most cell houses, a 4' x 4' area in the cell is designated to hang posters and pictures. This is the only area in which you are allowed to hang these items.
11. All sexually oriented material or photographs must be stored in a closed drawer or lockers. Material that cannot be properly stored will be considered contraband.
12. You shall keep your housing area clean at all times. Beds must be made before you leave your dorm or cell.
13. You are issued bath towels which you may keep in your cell.
14. Authorized caps and sunglasses may only be worn outdoors.
15. All communication within the institution 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.

16. A number of cells in selected units require double bunking. Selection of double bunking cellmates can result from voluntary requests by you or by appropriate selections by staff. Additional general housing information is provided to you in double bunked cells.
17. You shall wear inmate identification, shirts, pants (or appropriate shorts), socks, and shoes whenever you are not in your cell or living area. 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. Your shirt must be tucked inside the pants waist band, the pocket area of your pants must be in clear view of staff; and you shall wear your pants with the waist band secured around the top of the hip. 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 to obtain the "baggy" look, you will be required to send the clothing out of the facility at your own expense.
18. You shall follow staff directives or orders.
19. You are allowed to take walkmans out of your cell during recreation time only and only to the recreational areas.
20. Loitering in any part of the facility is prohibited. You shall return to your cell or housing unit as soon as you have completed your business in any given area.
21. Undergarments are to be worn at all times, to include while sleeping. You are expected to be fully clothed for appointments, work, visiting, classes, special events, and in all areas of the facility. Clothing will be worn in the manner designed and cannot be altered.
22. Bandanas are not allowed. "Dew" rags may only be worn while sleeping.

SEARCHES

You, your personal property, and your living quarters are subject to search at any time.

COUNT PROCEDURES

Correctional facilities will conduct formal and informal counts. You shall follow all count procedures and staff directives.

INMATE DINING ROOM (IDR)

1. Meals times and procedures will be posted in your housing unit.
2. You must be properly and fully dressed (including foot apparel and socks) for all meals. During brunch on weekends and holidays, you may wear shorts, sweat suits (shirts and pants), khakis, and coats in the IDR as long as they are clean and in good condition.
3. You will have twenty minutes to finish your meal.
4. You are not allowed to take any item from the food service area unless specifically authorized by staff.

CONTRABAND

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

1. That have not been issued to you by the facility.
2. That have not been purchased by you in the commissary.
3. That have not been purchased or allowed through authorized facility procedures.
4. That have been altered by anyone.
5. Information pertaining to the DOCR operations or personnel unless authorized by the Director.

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

Contraband will be confiscated and may be held by the facility or you may be allowed to send it out at your expense.

IDENTIFICATION CARDS

The following rules apply to identification cards:

1. You will be issued one identification card ("ID card"). You shall wear your ID card when you leave your assigned living quarters. If you lose your ID card, you may be restricted to your unit until a new ID card is issued. You are not required to wear your ID card when you are engaged in a vigorous type of sports activity; however, you are responsible to safeguard your ID card.
2. You may only wear your ID card anywhere in your upper chest area. Your ID and your picture must be visible. There are no exceptions.
3. You are prohibited from altering your ID card in any way.
4. Any change in your appearance will require a new picture and ID card to be issued and paid for by you. ID cards damaged through normal wear and tear will be replaced at no cost.
5. You shall turn in your ID card to the Captain when you are discharged from the facility. You are not permitted to keep your ID card. You will be charged a fee if you lose your card and need a replacement. Your discharge time may be delayed if you do not have your ID card.

LEVEL I INFRACTIONS

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

1. Staff will issue reports as soon as possible after the infraction occurs.
2. Sanctions applied will start immediately.
3. Level I sanctions may not be appealed.

4. A copy of the written report will be issued to you and the resolution officer shall send the report to your assigned case manager for review (review does not mean appeal).
5. Sanctions for violations of Level I infractions may not be suspended.
6. Sanctions do not run concurrent with disciplinary detention (“DD”) time unless specified.

ENHANCED INFRACTIONS

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

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

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

LEVEL I INFRACTIONS

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

101. “Disorderly conduct” means any minor infraction, including nuisance, breach of the peace, offensive or immoral conduct, or arguments or altercations with other inmates, visitors, or an employee, officer, or official of the ND DOCR.
102. “Disobeying a verbal or written order from staff” means failure to comply with a lawful command from an employee, officer, or official of the ND DOCR.
103. “False testimony to staff” includes making false statements to any employee, officer or official of the ND DOCR when the inmate makes a written or verbal statement when the inmate knows the statement is not true.
104. “Misuse of medication” includes wrong or improper use of medication, misapplication of medication, concealing without ingesting, or delivery of medication to another inmate.
105. “Concealing or attempting to conceal an item from a staff member” includes taking food from the Inmate Dining Room (“IDR”), taking property from work or any part of the institution, 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 institution: 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, officer or official of the ND DOCR.
 108. "Possession of contraband" means possession of any item or property in violation of institutional 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 institution 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 from another inmate or from a visitor, employee, officer, or official of the ND DOCR, or unlawfully obtaining services available only for compensation, including theft of cable television.
 115. "Writing money transfers with non-sufficient funds" means authorizing the transfer of any funds from an inmate account when there are not sufficient funds in the account to cover the transfer.
 116. "Failure to comply with safety or sanitation rules" includes failure to follow proper hygiene, failure to keep a cell, dorm, or living area clean, and accumulation of property in a cell, dorm, including accumulation of magazines, newspapers, and legal documents.
 117. "Failure to perform assigned duties" includes not going to work or not completing job assignments when directed by an employee, officer, or official of the ND DOCR.
 118. "Failure to wear or display properly the inmate identification card" means failure to wear an assigned inmate identification card or to wear the inmate identification card in a way that is not authorized or is not visible to an employee, officer, or official of the ND DOCR.
 119. "Violation of mail, telephone, or visiting regulations" means any violation of the institution'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 institutional 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 institution's dress code policy.

LEVEL I SANCTIONS

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

1. Warning and /or written reprimand
2. Restriction to quarters up to five days
3. Extra duty up to five hours. Extra duty means performing assigned tasks without pay.
4. Loss of the use of any or all personal or state property for up to five days.
5. Loss of Privileges for up to five days including:
 - a. Commissary purchases and/or services
 - b. Commissary spending limits
 - c. Reduced hours or total loss of afternoon or evening recreation
 - d. Restriction from recreation areas including weight room, handball court and gymnasium.
 - e. Loss of telephone privileges (except legal)
 - f. Loss of visiting hours, contact visits, including hours and days of visiting.
 - g. Loss of use of tokens or punch card
 - h. Loss of Cell hobby privileges
 - i. Loss of use of personal property
 - j. Loss of Cable TV service

LEVEL II INFRACTIONS

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

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

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

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

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

Level II sanctions may not be appealed.

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

ENHANCED INFRACTIONS

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

LEVEL II INFRACTIONS

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

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

- prescription medication” includes the possession, ingestion, or manufacture of alcohol or alcoholic beverages, including use of any fermentation processes or possession of paraphernalia to make alcohol or alcoholic beverages, the possession, manufacture, or ingestion of inhalants or possession of paraphernalia to make inhalants, the possession, use or manufacture of controlled substances, the possession, use or manufacture of drug paraphernalia, and the unauthorized possession or use of prescription medication.
204. “Misuse of medication” includes wrong or improper use of medication, misapplication of medication, cheeking medication (conceal in the mouth without ingesting), or delivery of medication to another inmate.
205. “Locking device tampering” includes making a lock of any type unfunctionable.
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, 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 any paper products, clothing, personal property or institutional 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 making an unlawful, unwanted or offensive verbal or physical act or communication that is sexual in nature.
213. “Sexual contact” includes touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person to abuse, humiliate, harass, degrade, or 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 (iTAG), 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 from another offender or from a visitor, employee, officer, or official of the ND DOCR, 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 or an employee, officer or official of the ND DOCR.
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 punch cards, tokens, or items; 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 institution 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 institutional 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 institution.
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 institution: causing damage, defacing, or destruction of another inmate's property; causing damage, defacing, or destruction of the property of an employee, officer or official of the ND DOCR; the unauthorized modification of any property; or any improper, incorrect use or misapplication of any property, regardless as to who is the owner of the property.
236. "Communication in code of any form" includes using symbols or words to represent assigned or secret meanings.

LEVEL II SANCTIONS

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

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

1. Disciplinary detention up to 5 days per infraction
2. Loss or re-assignment of job
3. Loss of use of personal property up to 30 days

4. Direct any or all personal property be sent out at offender's expense
5. Loss of one or more privileges up to 30 days
6. Restriction to quarters up to 15 days
7. Extra duty up to 40 hours
8. Any sanctions that may be applied to Level I Infractions

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. Attend one religious service of your choice per week.
 - c. Attend treatment group meetings.
 - d. Attend GED or other education classes in which you enrolled and attend regularly.
 - e. A visit after completion of every 10 consecutive days.
 - f. A five minute social phone call every 15 days.
 - g. One shower per day.
 - h. Use of the law library if you have a pending legal case and verifiable reason to be in the law library. You are responsible to verify your need with your case manager 24 hours prior to the day you wish to use the law library.
2. While on cell restriction, you are prohibited from:
 - a. Any recreation area.
 - b. Using a telephone.
 - c. Religious retreats.
 - d. Any inmate group functions.

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 or not an infraction was committed and will write a disciplinary report.

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

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

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

WITNESSES

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

INFORMAL RESOLUTION

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

The settlement will be forwarded to the warden or designee 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 institution 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 request to have a staff member represent you at the hearing. The investigator or disciplinary committee chair person may determine that you are unable to represent yourself at a disciplinary hearing and assign a staff representative. If represented by staff, the investigator shall:

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

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

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

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

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

LEVEL III INFRACTIONS

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

301. "Homicide" includes intentionally or knowingly causing the death of another human being or causing the death of another human being during the commission of another Level III violation.
302. "Escape" includes any form of removal of self from confinement, restraint or official detention or the failure to return to confinement, restraint or official detention after temporary release.
303. "Taking hostages" includes taking or holding a person as a pledge or security for the fulfillment of certain terms, conditions or promises.
304. "Assault and battery on staff" includes an attack upon a volunteer, employee, officer, or official of the ND DOCR, and includes sexual assault, causing mental or bodily injury, or causing offensive contact.
305. "Assault and battery" includes an attack upon any other person and includes sexual assault, 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 institutional 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 institution involving two or more inmates that creates a risk of

- an outbreak of violence and harm to any person in the institution 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 institutional 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, cheeking medication (conceal in the mouth without ingesting), or delivery of medication to another inmate.
312. "Refusal to submit to testing for alcohol, drugs, or other intoxicants or tampering with the testing process" includes refusal to submit to a random or scheduled test to detect the presence of a chemical substance, controlled substance, or alcohol, and includes the possession or use of a device, or the use of real or artificial urine, to alter the results of a test for the detection of the presence of a chemical substance, controlled substance, or alcohol.
313. "Manufacture or possession of explosives, ammunition, firearm, knife, unauthorized sharpened instrument, other weapon" includes the manufacture or possession of: a knife of any length; a sharpened object of any length or material; a firearm or weapon capable of firing a projectile, including a slingshot; a bomb, pipe bomb, explosive device or chemicals prepared for explosion; or any object containing or capable of producing or emitting a noxious gas or liquid.
314. "Manufacture or possession of contraband that could pose a serious threat to the safety or security of the facility" includes: unauthorized wireless communication devices, digital cameras, unauthorized recording devices; and any electronic item adapted or modified to work as a wireless communication or recording device.
315. "Theft of property or services" includes taking any property from another inmate or from a visitor, employee, officer, or official of the ND DOCR, 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 institution; 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 or an employee, officer or official of the ND DOCR.
318. "Manufacture, counterfeiting, or possession of negotiable instruments, cash, checks or check blanks, credit cards, or the manufacture, counterfeiting, or unauthorized possession of government documents, records or official papers or punch cards or tokens" includes: the possession, counterfeit production or alteration of negotiable instruments, bonds, or securities, checks, check blanks, or money orders; counterfeiting or possession of currency, including coins; the possession, counterfeit production or alteration of credit or debit cards or gift cards; debit or credit card account numbers, savings or checking account numbers, or personal identification numbers ("PIN"); the manufacture, counterfeit production or alteration of, government documents, records or official papers; and the manufacture, counterfeiting or alteration, or possession of commissary tickets and tokens.
319. "Engaging in an activity for profit or financial gain without administrative authorization" includes buying and re-selling punch cards, tokens, or items; selling services; and any form of blackmail or extortion.
320. "Failure to comply with rehabilitative programming" includes failure to perform or complete work assignments or failure to attend, participate in, and complete court ordered and ND DOCR staff recommended education or treatment programs.
321. "Sexual Contact" includes touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

SANCTIONS

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

1. Ineligible to earn future Performance Based Sentence Reduction (PBSR) up to end of sentence.
2. Performance Based Sentence Reduction can be stopped until in compliance with treatment, education and/or work.
3. Loss of PBSR already earned.
4. Disciplinary detention up to 90 days.
5. Financial sanctions, including fees, fines, restitution, and forfeiture of monies.
6. Referral to the States Attorney for possible prosecution.

7. Loss of job.
8. Loss of property up to expiration of sentence.
9. Loss of privileges up to expiration of sentence.
10. Removal from a program and/or transfer to more secure housing.
11. Any sanctions listed for Level II and I infractions.

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

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

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

DISCIPLINARY COMMITTEE

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

The committee may recommend:

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

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

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

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

APPEALS

You may submit an appeal for Level III reports to the warden. The appeal must be submitted within 15 days from receipt of the disciplinary committee decision, including

weekends or holidays. The warden will issue a decision on your appeal within a reasonable time.

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

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

SPECIAL MANAGEMENT INMATES

1. Administrative Segregation refers to special units within the institution used to segregate an inmate from the general population.
 - a. Written notification identifying the reason for placement should be given to you within 24 hours. Placement in Administrative Segregation may occur when:
 - (1) You are awaiting hearing for a violation of institution rules or regulations.
 - (2) You are awaiting investigation of a serious violation of institution rules or regulations.
 - (3) You are awaiting investigation or trial for a criminal act.
 - (4) The staff determines that admission to or continuation in Administrative Segregation is necessary for your protection.
 - (5) You are pending transfer or are in holdover status during transfer.
 - (6) You are pending classification.
 - (7) You are placed in Administrative Segregation following a hearing from the disciplinary committee for reasons other than a punishment for a rule violation or by the shift supervisor.
 - (8) You have established a chronic inability to adjust to the general population.
 - (9) You have displayed behavior that constitutes a serious and continuing threat to the security or orderly running of the institution.
 - (10) You may be a danger to yourself or others.
 - b. If you are placed in Administrative Segregation pending investigation or a disciplinary hearing, you will be placed on "pre-hearing detention" status in a cell designed to keep you isolated from the general population.

- (1) You will be subject to an unclothed body search, including a visual body cavity inspection, at the time you are placed in one of the Administrative Segregation units.
 - (2) All privileges are contingent upon good behavior.
 - (3) Attorney consultation may be allowed by written correspondence or approved phone call. Business or social calls will not be allowed.
 - (4) No visits will be allowed, except for attorney visits.
 - (5) You will be allowed mail after institutional staff has processed it.
 - (6) Regular meals will be served in your cell.
 - (7) Showers will be offered a minimum of 3 days a week.
 - (8) Prescribed medication and access to medical staff will be available on a daily basis.
 - (9) No TV's, stereos, or radios will be allowed.
 - (10) Allowable items:
 - (a) Personal clothing (consisting of what was worn at time of placement), unless shift supervisor's discretion warrants the use of state-issue clothing.
 - (b) State-issued hygiene items.
 - (c) Writing materials, books, paper, security pens and envelopes upon request and identified need (as considered reasonable by unit staff).
2. Disciplinary Detention (DD) is a form of segregation from the general population for inmates who have violated rules of the institution; you may be placed in DD after a disciplinary hearing.
- a. Before entering DD, 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 either coveralls or blue state issued pants, underwear, socks, placed in a cell and provided with the unit plan.
 - b. Upon notification of DD placement, you will be responsible to secure your personal valuables. No valuables or personal property may be taken to DD.
 - c. Personal Effects: Hygiene items will be supplied by the State.
 - d. Commissary: Your commissary purchases will be restricted while in DD.
 - e. Prescribed medication and access to medical staff will be available on a daily basis.
 - f. Attorney Visits: The unit manager or shift supervisor must approve attorney visits.

SECTION 2 – INMATE RIGHTS

INMATES RIGHTS AND RESPONSIBILITIES

All inmate rights are subject to limitations and restrictions that are necessary for the safety and security of the institution, staff, inmates, the public, and for the orderly administration of the facility.

RIGHTS AND RESPONSIBILITIES

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

LEGAL RIGHTS OF INMATES

1. As used in this document, the following definitions shall apply:
 - a. Legal Assistant: An employee of local, state or federal courts; any attorney or trained paralegal employed by an inmate who has been granted permission by the Warden to assist inmates in specific legal matters.
 - b. Law Library: An area set aside for state and federal law research. This area offers space for material review. Typewriters, typing service, or word processors will be made available for preparing briefs.
 - c. Legal Visiting Area: An area in which an inmate may discuss legal matters with an attorney or other authorized legal authority. An institutional officer may visually observe such conversation throughout its duration but can neither listen to nor record those meetings.
2. The institution shall offer space that allows:
 - a. Access to uncensored telephone conversations with licensed attorneys or their legal assistants and mail services with licensed attorneys or their legal assistants, and the courts, for the conducting of legal matters.
 - b. Use of law library.
 - c. Access to typewriters, typewriting service, or word processors to prepare briefs.
 - d. An area for attorney visitation.
 - e. Provide access to the courts.
 - f. Impose no penalty or seek reprisal because of your decision to seek judicial relief.
3. You will not be allowed to personally appear in civil court proceedings.
4. You will not be allowed to attend a criminal court hearing outside the institution unless there is an order from the judge requiring your presence and the judge

- orders your transport to the hearing. If you are acting pro se in a criminal proceeding, you may only be transported to court pursuant to an order for transport from a court having jurisdiction over you.
5. You are entitled to attorney visitation at reasonable times. The warden may limit or restrict attorney visitation, but only after an investigation indicates that the attorney visitation presents a threat to the security of the facility. Attorney visitation includes visitation with retained counsel, court-appointed counsel, or legal assistants for retained or appointed counsel. Attorney visitation may include visitation with an attorney or legal assistant from a legal advocacy group.
 6. Visiting hours for attorneys shall generally be Monday through Friday for any period of time during regular business hours. The captain on duty may approve special visiting hours. Attorneys or their legal assistants must be included on your visiting list prior to being allowed the visit. You may add attorneys' names to your visiting list through facility procedures.
 7. The institution will assist you in making arrangements for translation services if you are unable to speak or read the English language.
 8. Fax services will not be provided to you.
 9. All forms or types of electronic storage devices, including CD, DVD, and thumb drives, are prohibited.
 10. The law library will be open to the general population and the daily schedule will be posted at each facility.
 - a. Inmates may be assigned to work in the law library. These inmates are not attorneys. The law library clerks are not to do your legal work for you but rather to assist you in finding the research material that you need. The law library clerks are prohibited from charging you for their assistance. If you cannot read or write, you may receive help from the law library clerks. Law library clerks may not sign legal documents for you.
 11. General Rules of Law Library
 - a. Any additional rules will be posted at each facility.
 - b. All legal work, such as reading, typing, must be done in the designated work area. Typewriters and all computer components must remain on the provided counters or stands at all times.
 - c. The law library clerk will provide authorized supplies to do legal work if appropriate.
 - d. You shall not loiter, visit, talk loudly, read non-legal materials, do school work, or write or type non-legal correspondence in the library.
 - e. Food and beverages are not allowed in the library.

PHOTOCOPYING SERVICE

Photocopying is available at a cost of 15 cents per page. Material you wish to have copied should be turned in to administrative services with 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. A money transfer voucher will be attached indicating the total copies made and then charged to your account.

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

SERVICE OF CIVIL PROCESS

1. No employee of the Department of Corrections and Rehabilitation or any of its divisions is authorized to accept service of process on behalf of any person under the custody, supervision, or management of the Department of Corrections and Rehabilitation or any of its divisions, nor on behalf of any contract provider or volunteer.
2. Civil process includes a summons, complaint, applications for writs, motions, pleadings, discovery requests, subpoenas, orders, judgments, and notices of appeal.
3. You may only affect 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:
 1. You may not personally serve civil process on any other person present on the grounds or within any facility or building belonging to or under the control of the Department of Corrections and Rehabilitation or any of its divisions.
 2. You may not request another inmate, volunteer, contract provider, or employee of the Department of Corrections and Rehabilitation or an employee of any of its divisions to personally serve civil process on any other person present on the grounds or within any facility or building belonging to or under the control of the Department of Corrections and Rehabilitation or any of its divisions.
 3. You may not use inmate grievance and appeal procedures to effect or attempt to effect service of civil process on any inmate or on any employee of the Department of Corrections and Rehabilitation or an employee of any of its divisions.
4. A violation of any of these provisions constitutes a Level III infraction.
5. The warden may designate a DOCR staff member to serve civil process on an inmate.
6. You may use the Burleigh County Sheriff’s Department for service of civil process at the North Dakota State Penitentiary and the Missouri River Correctional Center. You may use the Stutsman County Sheriff’s Department for service of civil process at the James River Correctional Center. The sheriff’s departments usually charge for service of civil process. If you request sheriff’s service of a lawsuit, 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 a civil lawsuit. 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.

NORTH DAKOTA PERFORMANCE BASED SENTENCE REDUCTION (PBSR)

North Dakota Century Code Section 12-54.1-01 authorizes inmates in the legal custody of the DOCR to be eligible to earn performance-based sentence reduction credit (“good time credit”) of five days per month based on performance criteria established by the DOCR and facility rules. Performance criteria also includes participation in court-ordered or staff-recommended treatment and education programs and good work performance.

Failure to comply with the performance criteria, including work assignments and staff recommended treatment and education may result in the loss of good time credit or the ability to earn future good time credit. There is no provision under North Dakota law to restore lost or unearned good time credit.

Inmates are only eligible to earn good time credit while in the legal and physical custody of the DOCR. Inmates are not entitled to earn good time credit for time spent in custody prior to sentencing or for any sentence where prison time is six months or less.

An inmate’s good time release date is subject to N.D.C.C. Section 12.1-32-09.1, which requires inmates convicted of specified crimes to serve at least 85% of their sentence before they are eligible for release on any basis.

DETAINERS/WARRANTS

If you are aware of in-state or out-of-state detainers or warrants; contact inmate records or your case manager for assistance.

GRIEVANCE PROCEDURE

1. A grievance is a written, individual complaint filed by an inmate concerning the matters that may personally affect the inmate, including:
 - a. Policies, rules, and procedures enforced within the institution;
 - b. Reprisals or retaliatory actions against the inmate for filing a grievance under the inmate grievance procedure, or for participation in an inmate grievance proceeding;
 - c. A lack of a policy, regulation, rule or procedure that affects the living conditions of an inmate within the institution;
 - d. Actions of inmates or staff that directly affect the inmate and are not covered by part 2 (c) below.
 - e. Concerns with personal needs and services (i.e., for example, religious, recreational, medical, treatment, or education matters.)
2. Issues that are not grievable under ND DOCR grievance procedures include:

- a. Any process with an established, formalized appeal or review process, including:
 - (1) Disciplinary proceedings
 - (2) Classification proceedings
 - (3) Administrative Segregation placement
 - (4) Medical Payment Committee or co-pay decisions
- b. Actions of persons or entities outside the jurisdiction of the institution, including:
 - (1) The enactment of State or Federal laws, treaties, or administrative rules and regulations
 - (2) Court decisions
 - (3) Parole Board decisions
 - (4) Pardon Advisory Board recommendations and Governor's decisions.
3. Before you may file a Step 1 Grievance, you are required to attempt to resolve your complaint informally. Prior to informal resolution, you must clearly and legibly document your complaint, one issue only, in the space provided on the Informal Resolution/Step 1 Inmate Grievance form. You may obtain assistance from staff to complete the form, but you must sign the form on the signature line and record the date. The informal resolution/Step 1 Inmate Grievance request must be submitted within 15 days of the alleged incident. You are required to work with unit staff to attempt to resolve the grievance through informal resolution. This step must be documented on the Informal Resolution/Step 1 Inmate Grievance form and signed by you and the staff attempting the informal resolution.
4. If you are not satisfied with the results of your attempt at informal resolution, you may file a Step 1 grievance with your case manager by checking the box "disagree" with the signature of the attempted informal resolution. You must sign the form by the informal resolution section and check the box appropriately if you wish to file the step one 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. The staff assigned to the step one grievance will discuss their recommended formal resolution with you. If you agree with their recommendation you are required to sign the signature line under the step one grievance area, date and check the box that you agree. If you disagree with the step one formal resolution recommendation you must sign, date and check the "disagree" box in order to proceed to a step two grievance. Only one issue may be addressed per grievance form and you must write it legibly in the space provided, you are not allowed to attach additional pages. If you exceed the space provided your grievance will be returned unanswered and you will have to resubmit your grievance following the correct format.
5. Step 2 Grievance: You may, within 5 days of the receipt of the Step 1 response, elect to file a Step 2 grievance with your case manager. No additional facts, variations of the original issue stated in the original grievance, or new issues may be raised. The case manager will forward the completed Step 2 form to the warden's office. The warden will determine whether additional investigation is

required. The warden may conduct the investigation or appoint a staff member to conduct it and report findings.

6. **Grievance Appeal:** If you are dissatisfied with the warden's response, you may file an appeal to the director of corrections and rehabilitation within 5 days of receipt of the Step 2 response.
7. If your grievance is of a sensitive nature and you fear possible adverse effects within the institution, 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. **NOTE: 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.**
8. If the warden or the DOCR director determines you are abusing the grievance procedure through the submission of grievances that are frivolous, harassing, repetitive, or include false or defamatory statements about DOCR employees, officers, and officials, the warden or the DOCR director may place restrictions on your ability to file grievances or decline to respond to the grievance.

INMATE ACCESS TO THE NEWS MEDIA

1. You must receive permission from the warden to initiate a personal interview with the media. While confined in a state correctional facility, you may not be employed or act as a reporter or publish under a by-line.
 - a. You may not receive compensation or anything of value for interviews with the news media.
 - b. Contact with the media must be in writing. Phone calls are prohibited.
2. Your written correspondence with the media will be processed as regular mail.
3. If a representative of the news media seeks to interview you, the representative may initiate a request to the warden. The news media representative must mail a written request to you for your consent to the interview. If you consent to the interview, you must contact the warden, who will arrange a time and area for the interview.

SECTION 3 - COMMUNICATION, MAIL, AND VISITING

INMATE ACCESS TO TELEPHONE

1. **Definitions:** As used in this document, the following definitions shall apply:
 - a. **Legal Representatives:** Attorneys, legal aid officers, or assistants to the inmate's attorney of record.
 - b. **Emergency Telephone Calls:** If we receive an incoming call of an emergency nature, the telephone number and name of the calling party will be obtained, and after verification by staff, you may be permitted to call pertaining to the emergency.
2. **INMATE TELEPHONE CALLS ARE SUBJECT TO MONITORING.**
3. **Telephone Calls:**

All calls from inmate phones are collect calls unless you purchase prepaid phone minutes from the commissary. There are no refunds for pre-paid minutes.

4. Legal Calls:

If you wish to place an unmonitored call to an attorney other than listed in this directory, you must send the attorney's business telephone number on an inmate request slip to the Inmate Phone Service Representative. After proper verification, the number will be added to the "do not monitor" list. Legal calls must be made using the inmate phone system. Exceptions may be approved by the unit case manager at JRCC, unit manager at NDSP, and the deputy warden at MRCC.

5. Social Calls:

- a. Phone calls are limited to 15 minutes.
- b. You can only make telephone calls to people that you have registered on your telephone call list. The phone list will be explained to you in orientation. You are not allowed to make telephone calls for another inmate, or to use another inmate's pin number.
- c. You are allowed a maximum of ten active social telephone numbers on your calling list. Attorney and clergy (of record) telephone numbers are not limited or included on the list of ten social telephone calls. If you attempt to exceed more than ten 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 office, medical agencies, department of corrections and rehabilitation staff, state agencies, officials and employees, businesses, media, and law enforcement agencies. You may communicate to the above through written correspondence.
- b. No credit card, 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 their name on the appropriate signature line. Any telephone number on any application shall require attaching a portion of the individual's phone bill or phone account verifying the telephone number as assigned to the individual completing and signing the telephone application.

INMATE CORRESPONDENCE

1. There is no restriction on the number of persons with whom you may correspond, nor any limit on the volume of first class mail you may receive or send out. Bulk

- rate mail may be discarded. No third-party mail is allowed to be sent in or out of the facility.
2. Written correspondence with individuals in other correctional facilities is limited. You are not allowed to write to anyone in North Dakota county jails, or community correction facilities. If you wish to correspond with an immediate family member incarcerated in any other correctional facility, you will need approval from both facility wardens. You will only be allowed to send a letter as you are not allowed to exchange property with another inmate. All other requests for written correspondence between inmates living in different institutions will be denied. Unauthorized mail will be considered contraband, and you may be subject to disciplinary action.
 3. Mail is subject to examination outside of the inmate's presence. Money will be removed and credited to your spending account, and you will receive a copy of the receipt.
 4. **Legal and Official Mail:** The exception to the above rule is that staff will not open outside of the inmate's presence or read inmate mail sent to or received from the following sources:
 - a. Legal Correspondence:
 - (1) Correspondence between an inmate and the courts; licensed attorneys; or a recognized inmate legal services group, such as the American Civil Liberties Union; or the Innocence Project.
 - b. Official Mail:
 - (1) Mail between an inmate and elected or appointed federal, state, or local officials, or foreign consulates, and includes the North Dakota Department of Labor's Human Rights Division and Protection and Advocacy. Official mail does not include mail between an inmate and the DOCR, the Parole Board, or the Pardon Advisory Board, any law enforcement agency, or routine state, federal, or local agency correspondence not marked or identified as confidential by the agency.
 - c. You will sign for your legal and official mail on the Incoming Official Correspondence card.
 - d. Outgoing legal or official mail will be treated as legal or official only if the name and official status of the recipient appears on the front of the envelope. Outgoing legal or official mail may be visually inspected for contraband.
 - e. Incoming legal or official mail will be treated as legal or official only if the name and official status of the sender appears on the front of the envelope in the upper left hand corner, which is the normal placement for return addresses, or on the mailing label.
 - f. Incoming legal or official mail will be opened in your presence and visually inspected for contraband.
 5. Any publication defined as any book, booklet, pamphlet, magazine, periodical, newsletter, newspaper, subscribed catalog or similar material published by any individual, organization, company, or corporation that is distributed or made available through any means for a commercial purpose may be allowed if they are

approved through the property office. No used or previously read material will be accepted. Reading materials that have not been approved by the property officer are contraband and will be sent out of the institution at your expense, or if you are not willing to pay the mailing costs, the contraband is subject to destruction or disposal by the institution.

6. You must use your full name and inmate number on all outgoing correspondence. This information must be placed in the upper left hand corner of the envelope. You are not allowed to use a professional title or business name as part of your return address or on the correspondence.
7. All incoming mail must have a full and legitimate return address, including the full name of the person writing the letter, address, city, state and zip code. Any letter received without a legitimate return address may be held and not opened. If you receive a letter without a legitimate return address, you will be notified that the letter has been received and is being held. You will have sixty days to notify the mail clerk if you want the letter destroyed or mailed out to another party. If you want the letter mailed out, you will have to supply the mail clerk with a stamped addressed envelope in which to send the letter.
8. You may only receive 20 photographs per envelope. Pages considered as clippings, copies from the internet, or other material not considered social or personal writing are limited to four pages. If overages are received, all photographs or pages will be rejected.
9. Criteria for rejection of incoming or outgoing correspondence, publications, photographs, or packages (referred to as "material") include:
 - a. The material involves criminal activity or the facilitation or solicitation of criminal activity, or constitutes a risk to the safety and security of the facility, to specific individuals, or to the general public.
 - b. The material contains contraband or information, plans, or directions to deliver contraband into or out of the institution, or within the facility. For purposes of mail, contraband includes anything that is in violation of state or federal criminal laws or in violation of institutional rules or policies.
 - c. The material involves escape activities, including escape plans.
 - d. The material is in a language other than English, and the inmate is not on the limited English proficiency list, or some or all of the material is in code and staff does not understand its contents.
 - e. The material includes photographs containing sexually suggestive images including nudity or exposed genitalia, breasts or buttocks, either openly or through clothing.
 - f. The material advocates racial, religious, or national hatred, or against institutional staff or other inmates.
 - g. The material includes photographic portrayal of, or information on, bestiality, child nudity or child sexual activity, photographic portrayal of sexual activity including fellatio, cunnilingus, masturbation, ejaculation or sexual intercourse that shows actual penetration of any body cavity, or is in violation of federal or state criminal law.

- h. There is a court order or criminal judgment and sentence prohibiting contact between the victim and the individual.
 - i. At the written request of any parent or guardian regarding any minor in their care. All requests will be retained in Filenet.
 - j. The material portrays gangs, advocates gang behavior, involves gang activity, or includes gang-related symbols, gang code, hand signs or other covert communication.
 - k. The material tested positive for an illegal substance. An illegal substance includes any substance that is an illegal drug under state or federal law or is prohibited under the institution's rules.
 - l. The letter is being held for investigation.
 - m. The letter is being returned to the sender as unauthorized correspondence in accordance to the DOCR mail policy.
 - n. Inmate drawings, artwork, or designs on the outside of outgoing mail are prohibited.
 - o. "Bill Me Later" correspondence.
 - p. Contests, sweepstakes, or games of chance.
 - q. Photographs that include DOCR staff.
 - r. The material includes a solicitation, request, or demand for gifts of goods or money from a source other than a family or persons on the inmate's approved visiting list.
 - s. Contains items that pose a safety or sanitation concern, has strange odors, including lipstick or other foreign substances and perfumes.
 - t. The letter is a solicitation or advertisement for pen-pals or pen-pal services, or is a request to post or place an advertisement for pen-pals or pen-pal services.
10. Duplicate photos and photographs of inmates taken during incarceration.
- a. If any material has been totally or partially rejected or held, you will receive written notice signed by the officer who authorized the rejection or withholding of the material and stating the reasons the material was rejected, unless the security or public order would be jeopardized by so doing. You will have the options of having the mail destroyed or providing the necessary postage to have the mail sent out of the institution. You may appeal this decision to the warden or designee. If you do not notify the mail clerk as to what is to be done with the rejected material, the material will be disposed of after 60 days.
11. Your correspondence leaving the institution is stamped "The writer of this letter is an inmate of a penal institution."
- a. At NDSP if any financial responsibility could be incurred, the correspondence will be stamped "North Dakota State Penitentiary Inmate - NDSP not liable for charges incurred."
12. If you want to mail any letter requiring special postage costs, including certified, registered, or insured mail, you need to first submit a request to the property office.
13. You will be charged for any postage due on incoming or outgoing mail.

14. If you leave a forwarding address, all first class mail will be forwarded if you are transferred or discharged.

VISITATION

Visiting is a privilege. The DOCR may deny entry to a DOCR correctional facility to any person if the DOCR determines the person poses a risk to the facility, staff, or other inmates, 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 relatives and eight friends on your visiting list.
2. "Relatives" mean :
 - a. Spouse, children, and step children
 - b. Parents (includes stepparents or foster parents)
 - c. Grandparents
 - d. Siblings and their spouses and children
 - e. Fathers and Mothers-in-law, and Sons and Daughters-in-law
 - f. Grandchildren
 - g. Aunts and Uncles
3. "Friends" are anyone other than relatives.
4. You must list the name of your attorney. If you change attorneys, you must notify visiting control the name of your new attorney or the DOCR may deny the attorney visitation.
5. You are allowed to have two clergy members on your visitor's list.
6. When making your visitor's list, you shall print legibly and make sure complete names, addresses, and phone numbers (if known) are given. The list will be returned to you if incomplete.
7. 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 institution, 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 and you will be advised of such. Everyone will be required to complete the form except your own minor children or nieces and nephews under the age of 16. Such 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.
8. No one under the age of 18 can visit unless their parent or legal guardian accompanies them. Exceptions may be made if the DOCR has received prior parental consent as described below. If the minor visitor is going to be chaperoned by someone other than the parent, the chaperone must have the minor visitation form, signed by the parent or legal guardian, notarized, and have had it approved

by the chief of security. The chief of security may place restrictions on any visitors that have been granted special permission.

9. If there is a “no contact order” of any kind that prohibits contact between you and the person requesting to visit, the request will be denied. Contact will be allowed only when the order has been relinquished.
10. Visiting lists or changes may take up to 15 working days to complete after the institution has received the application.
11. Once a name is removed from your visiting list, you will not be allowed to put that same person back on the list for 90 days. This applies if either the inmate or the visitor requests to have the name removed.
12. No one may be on more than one inmate's visiting list, unless the visitor is a family member to both inmates or approved by the chief of security.
13. If you choose to visit during scheduled meal times on weekend mornings 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 and MRCC
P.O. Box 5521
Bismarck, ND 58506-5521
 - (2) JRCC
2521 Circle Drive
Jamestown, ND 58401
2. You may receive up to 20 hours of visiting per month. You are responsible to manage your visiting hours appropriately and visiting hours will not be extended beyond the 20 hour limit. The visiting room officer has the right to limit visitor hours on a daily basis as determined by capacity and demand.
3. Any visit less than one hour will be counted as one complete hour.
4. All visitors' names are checked with the N.D. Bureau of Criminal Investigation, DOCR records, and law enforcement authorities.
5. Anyone charged with a felony or who has a warrant for arrest or charges pending will not be allowed to visit until the charge is disposed of through the court. Anyone on probation or parole or other form of conditional release may not be allowed to visit until they have been off probation or parole for a period of one year and have been cleared by the warden or chief of security. This also applies to inmates who have left the institution on expiration status. Names may be removed or kept off visiting lists in order to maintain the orderly running of the institution.
6. Individuals and their personal property that enter the institution or its grounds may be subject to search at any time for contraband articles. Anyone refusing to submit to search will be denied admittance. If contraband is found, the institution 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 institution and may be permanently banned from visitation after completion of the investigation.
7. Visitation restrictions may be placed on you by the DOCR. You will be notified if restrictions are applied and be informed on the process for review of those restrictions.
8. Attorneys: All attorneys must fill out a visitor's application. Attorneys listed on an inmate's visiting list may visit during regular business hours (8 a.m. to 4:30 p.m.) Monday through Friday. Attorneys are allowed to enter the facility before their application is approved; however, they must bring in an application and they must have their State Board of Law Examiner's License or substantially similar identification with them for verification purposes. Arrangements for visits by attorneys outside of regular business hours must be made in advance with a shift supervisor. Before being permitted to visit, the attorney shall establish that you have requested to visit with this attorney by the inclusion of the attorney's name on your visiting list, and that the visiting attorney is a licensed attorney. You are responsible for letting the attorney know when you will be available for visits during the normal business hours. Visits by attorneys to inmates in administrative segregation or disciplinary detention must be cleared in advance by the captain or unit manager, and may be conducted in the secure visiting area.
9. Visits with clergy may take place during regular visiting hours in the visiting room. Clergy members must complete a visitor's application and be approved by visiting control. These visits are not deducted from your allowed 20 hours of visiting for the month.

VISITING REGULATIONS PERTAINING TO VISITORS AND INMATES

1. You and your visitors must wear proper clothing to be allowed into the visiting room. Proper clothing includes undergarments, shoes, shirts, slacks, and jeans with no holes above the knees. You will not be allowed to wear shorts or sweat pants into the visiting room and your shirt must be buttoned and tucked in.
2. You shall remove hats, coats, and jewelry (except wedding rings) before entering the visiting room.
3. The visiting room officer has authority to assign seating in the visiting room.
4. Items to be sent out with visitors must be brought to the property office one day in advance of the visit. An outgoing package slip must be completed and attached to the package. Items to be sent out with visitors on the weekend must be brought to the property office by noon on Fridays. It is your responsibility to inform the visiting room officer that you have a package that will be sent out during your visit. This should be done when you enter the visiting room. Packages will be held in the visiting room for a period of 30 days. Packages not picked up within 30 days will be mailed out of the institution and postage will be charged to your account. All outgoing package request form copies must remain together and be given to the property office. Packages are not to be opened in the visiting room.

VISITING ROOM REGULATIONS

1. Physical contact, including hugs and kisses, may be restricted.
2. You shall keep your feet off the table and chairs.
3. 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.
4. Handholding is acceptable. The visiting room officer must be able to see your hands and your visitor's at all times.
5. It is the responsibility of you and your visitor to control the children visiting you.
6. Horseplay and inappropriate language is prohibited.
7. You shall clean up the visiting area after your visit is complete.
8. The visiting room officers have full authorization to control your behavior and your visitor's behavior and may separate or terminate a visit at their discretion. Any verbal outbursts or any other inappropriate behavior toward an officer in the visiting room may result in disciplinary action against you.
9. Each facility may have additional rules for visiting that will be provided upon your arrival.

SECTION 4 - INMATE FINANCIAL TRANSACTIONS

INMATE ACCOUNTS

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

1. **Spending Account:** Money on your person upon arrival, or any monies earned or received from outside sources, will be placed into your spending account. You should consider this account as your "checking account", to cover your needs during your stay here. You will be given a monthly statement showing any credits you received the prior month from payroll or outside sources, as well as debits (deductions) to that account (usually from commissary purchases or outside money transfers). You may also be responsible for paying any non sufficient fund (NSF), charges incurred on funds you receive. You will be given a receipt any time you receive money from a source outside the institution. Checks from governmental and federal agencies in the amount of \$500.00 or more will be posted to your account but held for two weeks to ensure the check clears the bank. Checks from business checking accounts in the amount of \$100.00 or more will be posted to your account but held for two weeks to ensure the check clears the bank. This does not include money orders, cashier's checks, official checks from a bank and checks for work release. These checks will be posted to your account without a holding period. You should save all receipts, charge slips, commissary sales receipts and transfer vouchers so you can keep track of your daily account level and reconcile

each monthly statement. You may receive a disciplinary report for writing transfer vouchers with insufficient funds in your account.

2. **Release Aid Account:** 25% of all monies you earn at the institution are placed into your "Release Aid Account." This is considered your gate money-and is usually not available to you until your discharge day. You may request to use money from this account, and the warden may release the money to you at the warden's discretion.
3. **Savings Accounts:** There are two types of savings accounts that you may have during your incarceration: Spending Account Savings and Release Aid Account Savings. Money from one account cannot be deposited into the other; instead, the money must be kept separated.
 - a. **Spending Account Savings:** You may request to have monies transferred from your Spending Account to an interest bearing savings account at the Bank of North Dakota with a minimum deposit of \$10.00. You must maintain this minimum deposit amount until either the account is closed or you are discharged. To open a Spending Account Savings, send a transfer voucher to the property office for the amount you would like deposited. Include your date of birth and social security number on the transfer voucher. The business office will process the screened voucher and take the check to the Bank of North Dakota, who will issue papers that you will be required to sign to open the account. You are allowed unlimited deposits into your Spending Account Savings and are limited to one withdrawal per month. You are encouraged to save as much money as you can during your incarceration. It may take up to a week or more to deposit or withdraw money from this savings account.
 - b. **Release Aid Account Savings:** You can request your Release Aid account monies be transferred to an interest bearing account at the Bank of North Dakota. You need to follow the same steps required to open a savings account under Spending Account Savings. The minimum starting balance for the Release Aid Savings account is \$50.00. This minimum starting balance must be maintained until either the account is closed or you are discharged. The number of withdrawals you will be allowed is at the discretion of the warden. You may not invest your release aid money in any place other than the Bank of North Dakota savings accounts. Release Aid monies must remain liquid.

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

OTHER SPENDING ACCOUNT INVESTMENTS

You may have spending account investments with other institutions. Investments with other institutions other than the Bank of North Dakota must have the warden's approval. Those institutions 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 outside bank must be on file in the DOCR business office stating the outside bank or financial institutions will follow the DOCR's requirements on deposits and withdrawals before the account can be opened.

INMATE PAYROLL

Inmate 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. Upon discharge, your final payroll will be issued to you following the next pay period.

DEBT

In addition to the wage deduction for child support and court ordered financial obligations, Child Support Liens, and U.S. Court Fees shall be deducted up to 20% and District Court Fees up to 25% from incoming monies.

If you owe the State of North Dakota money because of disciplinary reports, medical or dental co-pays or expenses, legal postage and copies, or supervision fees the DOCR business office shall deduct up to 50% of any incoming money and 50% of inmate wages for debt that you owe. If you owe money to the State of North Dakota at the time of your discharge from a DOCR facility, the business office may pay you all funds in your account, less your outstanding debt. If you are unable to pay the debt in full at discharge, the business office will maintain the debt balance and this debt will remain active should you return to DOCR custody. You may make arrangements with the business office to set up payments to pay off any remaining debt owed after your release.

The DOCR may hold you responsible for your legitimate financial obligations, including restitution, and may deduct any restitution you owe from your spending account to pay the restitution.

FINAL PAY

If you owe the State of North Dakota money, 50% of your final pay will be applied to your debt when your final pay is \$50.00 or higher and the remaining 50% will be sent to you. If your final paycheck is less than \$50.00, the total amount will be applied to your debt. If your debt is paid in full, any money remaining in your account will be forwarded to you. You may authorize the business office, in writing, to take your entire final pay if you want to pay more towards your debt. If you do not owe money, your final payroll will be issued to you following the next pay period.

DISCHARGES

If you have \$10.00 or less in your account, you will be discharged with cash. All inmates discharging from a DOCR facility with more than \$10.00 will discharge with debit cards. Checks will be issued to inmates discharging from other facilities.

INDIGENT STATUS

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

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

If you are eligible for indigent status, you will receive the basic hygiene items and writing materials by the first day of the following month. You are eligible for up to \$4.00 in personal and legal postage and legal copying. You may not exceed the \$4.00 monthly allowance. If you can verify an "exceptional circumstance", you may request permission from the warden to have more legal copies or postage for the month paid from your Release Aid Account. The Release Aid Withdrawal Forms are available in the housing units. If you exhaust both the \$4.00 credit and your Release Aid Account available balance, the extra cost will be recorded as a debt and 50% of all outside deposits or wages placed in your account will be applied to the debt.

INMATE COMMISSARY

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

PURCHASING PROCEDURES

1. The assigned days for you to order and pick up your commissary is established by the housing unit where you live. Refer to individual unit plans posted in your housing unit to learn your assigned commissary day. Detailed instructions for purchasing commissary items are provided in the commissary catalog. The commissary is closed for legal holidays or as posted.
2. You shall present your identification card to the commissary workers when picking up your weekly order. Any item needing to be tagged or etched with your name and number may be picked up at the property office. All clothing items will be sent from the property office to laundry for proper tagging.

TOKENS

You may purchase tokens from the commissary to use in the vending machines located in various areas of the institution. You may order a maximum of 10 tokens per week but you may not have more than 20 tokens in your possession at any one time. Refunds for tokens will not be made. Tokens may not be used to purchase items in commissary or food items from inmate organizations. Individuals possessing slugs or using slugs to bypass the system will be subject to disciplinary action.

MONEY TRANSFERS

1. The warden has the authority to control the use of inmate money transfers.
2. If you wish to send money transfers, you must complete an Individual Transfer Voucher form and send it to the property officer. The property officer or designee will screen all transfer vouchers. All transfer vouchers to individuals outside of the institution may be approved for the following:

- a. To pay court ordered fines, costs, or restitution;
 - b. To pay bills to businesses (a copy of the bill is required);
 - c. To support your family by payments of bills to businesses (a copy of the bill is required);
 - d. To pay tuition;
 - e. To send "gift" money up to \$100 a month, (this is restricted to persons on your visiting list and phone list);
 - f. To order approved property items.
3. No check will be written for less than \$1.00 unless for discharge; therefore, no transfer vouchers for less than \$1.00 will be accepted.
 4. 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.
 5. All checks will be mailed to the individual or entity named in the check.

TRANSITION FACILITIES TRANSFEREES

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

SECTION 5 - INMATE PROPERTY

INITIAL ENTRANCE INTO THE INSTITUTION FOR NEW ARRIVALS

1. Items allowed upon initial entrance into the institution must comply with the following property requirements:
 - a. 1 wedding band
 - b. 1 pair eyeglasses with no case
 - c. Address book
 - d. Religious medallion
 - e. 2 pair of contacts if eyeglasses not available
 - f. Legal work (must be related to conditions of confinement or a court sentence)
 - g. 10 small pictures
 - h. Medications
 - i. Drivers License
 - j. Social Security Card
 - k. Birth Certificate
 - l. Money
2. Personal belongings will be screened to determine which items will be allowed into the institution and which items must be sent out. Unauthorized items must be mailed out at your expense, or you must make arrangements to have the property picked up from the institution within 30 days.

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

CELL PROPERTY

1. Your possessions, whether personal, state-issued, commissary-purchased, arts or crafts-related, or otherwise, will be limited. Cells must be kept orderly, well arranged and clean in the interest of health, safety, sanitation, security, and general welfare.

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 institution. If your personal property is lost or stolen you shall report it immediately to your case manager.
2. **The DOCR does not store any personal property.** After 30 days, the DOCR considers any unauthorized personal property abandoned and will dispose of the property.
3. You may not sell, loan, barter, or give away personal property or clothing to other inmates. You may not possess property that has been discarded or that belongs to other inmates. You may not alter personal clothing or any item of property.
4. All 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.

INCOMING PROPERTY

1. Personal property or packages are not allowed into any DOCR facility, except in accordance with DOCR personal property rules.
2. Items allowed to be mailed in include cards, letters, and pictures. Cashier checks or money orders may be mailed in for deposit into your personal spending account. Greeting cards will be allowed if they are of proper size and can be easily searched. Items with battery-activated devices are prohibited. Your family members may purchase subscriptions for newspapers and magazines for you, provided the newspaper or magazine is mailed directly from the publisher.

3. If you leave the institution for any reason, you are not allowed to bring property back into the institution you did not have when you left.
4. **Postage Stamps:** You may purchase postage stamps through the commissary store. Stamps sent in to you will not be allowed and will be seized as contraband.
5. **Catalogs Sales:** Catalogs sales may be permitted per property guidelines. You are allowed to order approved property items through catalogs using a money transfer and an addressed, stamped envelope.

PERSONAL CLOTHING

1. Only institution-approved personal clothing is allowed.
2. Clothing or jewelry that show "colors" or emphasize dress to associate with a specific group is prohibited.

DISCARDING OF PERSONAL PROPERTY AND CLOTHING

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

STATE PROVIDED CLOTHING/ITEMS

1. Upon arrival in orientation, you will be issued up to 6 T-shirts, 6 pair of shorts, 6 pair of socks, and 1 pair of tennis shoes. Upon completion of orientation, you will be allowed 1 laundry bag, 3 bath towels, 2 khaki pants, and 2 khaki shirts also. These items will be stamped with your identification (name and inmate number) and will be your responsibility for the duration of your incarceration. 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.
2. You will be provided with one pillow case, two sheets, and two blankets.
3. You may be provided with a state-issued jacket.
4. At the time of discharge, all state-issued clothing, linen, and footwear must be returned to the laundry.

OUTGOING PROPERTY

1. All property leaving the institution 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 institution to pick up any outgoing item, except through visitation or to pick up purchased arts and crafts items during regular business hours Monday through Friday. Items sent out of the institution will not be allowed back in without prior approval.
2. Property Being Mailed Out of the Institution: Items, other than cards and letters, must be mailed out through the property office. Items may be brought to the

property office Monday through Friday (excluding holidays). You must complete all areas of the outgoing package slip and attach it to the package.

- a. If you choose to have items sent out, you are responsible for shipping and packaging costs, which will be deducted from your spending account. Generally, all items will be mailed within 7 days through U.S. mail.

TRANSFER OF PROPERTY BETWEEN INMATES

1. Transfer of property between inmates is not allowed.

ARTS AND CRAFTS

1. Permission to do arts and crafts is a privilege. You may apply for arts and crafts by submitting a request to the property officer. Details will be posted at each facility. All completed arts and crafts items must be sent out of the institution.

INMATE TO INMATE ARTS AND CRAFTS SALES

1. You are not allowed to purchase arts and crafts from other inmates.

SECTION 6 - SANITATION AND SAFETY

HAIRCUTS, BEARDS, AND MUSTACHES

1. When the length or style of your hair is a security, health, sanitation, or safety problem, you may be required to trim or cut your hair or wear a hair net or other covering. The work environment and work rules may affect the length or style of your hair for safety or sanitation reasons. The inmate barber provides haircuts at no cost. Hair must be clean and you will be allowed one haircut per month. Haircuts are not allowed while on restriction to quarters or loss of afternoon recreation. A trimmed mustache is permitted. Beards must be neatly trimmed and clean.
2. Barbers will not trim mustaches or beards. Staff will screen atypical haircuts, such as shaving your head and leaving a small patch of hair. 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. Inmates are allowed to braid other inmate's hair but you are not allowed to braid anything into your hair on any part of the body, including beads, rubber bands, colored string, or cloth.

SHOWERS

A schedule for showers is posted in the housing units. You may only wear shower shoes while walking to or from, or standing in the shower. Regular shoes must be worn at all other times you are out of your cell or cubicle area.

LAUNDRY

1. The institution 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.**
3. Laundry may repair personal clothing. Replacement of zippers or hemming of pants will be done at a nominal cost to you. If clothing cannot be repaired, it will be mailed out of the institution at your expense or properly disposed. Payment to inmate laundry workers for special favors such as pressing and repairs is prohibited.

DISASTER PLANS

The primary disaster plan emergency procedure is to “defend in place” in your cell or living area. The proper defense in your cell or living area 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 cell or living area to prepare to defend in place. In the event of an alternative plan, you will receive specific instructions from staff.

FIRE DRILLS

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

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

SECTION 7 - HEALTH CARE

ACCESS

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

EMERGENCY CARE

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

SICK CALL

Sick call is conducted daily.

DOCTOR CALL

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

INFIRMARY CARE

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

OFFENDER CO-PAY

1. A \$3.00 co-pay may be charged for initiated health care visits. You are encouraged to be responsible for your individual health care.
2. **You will not be denied medically necessary health care if you are unable to pay for services.** Medical department initiated health care visits will not be subject to co-pay. Pre-existing conditions are subject to co-pay at least every 60 days. If you disagree with the \$3.00 co-pay, you may appeal the decisions to the warden and director of the DOCR.
3. The co-pay applies to a single visit. An inmate requesting a visit to a health care provider for multiple symptoms may only be charged one co-pay if the symptoms are addressed in the same visit.
4. Prosthetics and dentures will be assessed an additional co-pay, up to 15% of the cost of the prosthetic or dentures.
5. Pre-existing conditions must have been diagnosed within the past 60 days to qualify for exemption from the co-pay, unless the 60-day time frame is waived by DOCR health services.

OFFENDERS WITH DISABILITIES

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

COMFORT ITEMS

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

LAY-INS FROM JOBS OR OTHER ACTIVITIES

If you are too ill to report to work, you must submit a sick call slip to the medical department prior to your scheduled work assignment or programming. A nurse will complete an assessment. If the nurse verifies your illness, you may be issued a lay-in card to excuse you from your job. 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. The medication lines are not sick call. You must submit an inmate request slip to receive medical services.

RED'XED MEDICATIONS

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

PERSONAL MEDICATIONS

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

You shall submit a request slip for new medication replacement cards to the pharmacy five working days prior to running out of medication. Your request slip must include the prescription number and the name of the medication.

OVER THE COUNTER MEDICATIONS

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

OPTOMETRY SERVICE

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

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

If you arrive with only contact lenses in your possession, you will be allowed to keep one pair. Eye care products are not provided but you can purchase these products through the 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.

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.

OTHER MEDICAL SERVICES

The DOCR medical department contracts with a community hospital to provide necessary medical services that cannot be provided within the facility.

LIVING WILLS

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

SECTION 8 – EDUCATION AND WORK

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 institutions.

ASSESSMENT

Educational assessments will be completed while you are in orientation. These assessments determine your education and literacy levels and needs. The assessments are used when developing an education plan that best meets your needs.

ADULT BASIC EDUCATION (TUTOR PROGRAM)

This 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 General Education Development (GED), program to strengthen basic skill levels. This activity is not considered a job; however, participants may be paid while in the program.

GENERAL EDUCATION DEVELOPMENT (GED)

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

COMPUTER PROGRAMS

Computer classes may be provided. Classes may include Introduction to Computers, Microsoft Office Specialist (MOS), and keyboarding.

READ RIGHT

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

AUTOCAD

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

COLLEGE PROGRAM

Efforts are made to offer college courses to meet general education requirements of colleges within the North Dakota University System. Courses are offered during the spring and fall semesters at NDSP and JRCC through Bismarck State College and the North Dakota State College of Science.

Correspondence classes are available to students, with students paying all costs of the classes.

AUTOMOTIVE TECHNOLOGY

This is a Career and Technical Certified education program offered at MRCC. This program is offered through the DOCR and Bismarck State College and is ASE Certified. Students are educated in Automotive Electrical Systems, Tune Up, Applied Math, Brakes, Suspension, Steering and Drive Train, Air Conditioning, Engine Repair and Engine Performance. The successful student is prepared to work in the automotive repair industry. This is a paid institutional job. If you are interested, you may contact the instructor.

WELDING TECHNOLOGY

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

CAREER READINESS

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

LIBRARY SERVICES

1. Library services are provided within each of the DOCR prison facilities. The library hours and rules are posted at each institution.
2. Library books covers all library materials obtained through any of the DOCR institution libraries, and items obtained through the ND State Library Inter-Library Loan process.
3. Inmate librarian(s) and counter 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 24 hours to report to a staff member any damages. Failure to notify staff of these damages may result in disciplinary action. If you do not return library books by the due date, you may be subject to disciplinary action.
5. If you have any questions about the library, please contact the librarian.

INTER-LIBRARY LOAN (ILL)

1. The proper request form must be used, to include Book or Subject Request Forms.
2. One book per request form.
3. Only three book request forms per week.
4. All books are to be returned to the library workers. It is your responsibility to ask for a receipt for your books.
5. ILL books need to be returned when they are due.
6. The following materials will not be allowed in any DOCR Institution:
 - a. Materials written in code
 - b. Sexually explicit materials
 - c. Materials advocating violence
 - d. Materials pertaining to escape methods
 - e. Anything that facilitates criminal activity
 - f. Materials pertaining to making weapons and firearms
 - g. Materials pertaining to bombs, detonators and explosives
 - h. Materials pertaining to manufacturing of drugs or alcoholic beverages
 - i. Subjects that are substantially detrimental to security, order, or rehabilitation
 - j. Anything that poses a threat to the security, order, or disciplines of the institution

- k. Material giving encouragement to disrupt the Institution by strikes, riots, fights, and racial or religious hatred
- 7. ILL Books may take up to 4 months after processing to be delivered.
- 8. Books will usually be delivered once a week, depending on the holidays.

WORK OPPORTUNITIES

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

JOB ASSIGNMENTS

The Job Placement Committee coordinates the placement of inmates into work positions. The Job Placement Committee will offer you one work assignment after you have completed the orientation phase and are classified to a housing unit. If you refuse to take a job assignment from the Job Placement Committee, you may receive a disciplinary report. The industries job placement coordinator assigns RRI jobs. You must work up to the day you are transferred to another unit or institution or discharged.

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 subject to disciplinary action.

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

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

SALARY LEVELS

Institutional Jobs: Salary levels for inmate jobs vary depending on the responsibility of the job and number of hours worked. You are eligible to be paid up to seven days a week, dependent on job requirements. The work supervisor will determine your compensation level. Institutional jobs and pay is dependent on the work required and skill levels. These will be explained to you by the job committee or work supervisor when you are assigned.

OVERTIME PAY

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

TRANSFERS

All transfers must be coordinated through the Job Placement Committee 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 institutional job assignment without prior approval of your work supervisor and the Job Placement Committee. If you quit without prior authorization, you will receive a disciplinary report and sanctions. The warden or Job Placement Committee has the authority to terminate or change your job assignment at any time. Job assignments are not associated with any probationary periods.

ABSENCES FROM WORK ASSIGNMENTS

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

ROUGH RIDER INDUSTRIES

1. Industry jobs are available at each institution. Prior experience in a similar field is not a requirement to work at industries. If you have work experience in a job similar to what industries has to offer, you may want to consider pursuing that line of work to keep your skills sharpened. Inmates housed at MRCC may apply to work offsite at RRI warehouse or showroom. Preference will be given to those inmates who have previously worked for RRI while housed at the main complex and have demonstrated a good work record.
2. You must comply with all Rough Rider Industries eligibility requirements to work at Rough Rider Industries. Once you meet these requirements, you should contact your caseworker to obtain a RRI application. The application must be completed in its entirety and forwarded to the RRI job placement coordinator of the facility in which you reside. If you need assistance completing the application, your assigned caseworker will help you. Incomplete applications will not be accepted. Prior to an assignment to RRI, you will be informed of the program's policies regarding shop rules, pay grade, overtime, and safety regulations.
3. **Procedures and Eligibility Requirements for Work at RRI:**
 - a. You must be in compliance with all rehabilitation recommendations in:
 - (1) Education
 - (2) Treatment
 - (3) Medical and Psychiatric
 - (4) Case Planning
 - b. You must have an adequate amount of time remaining on your sentence to master the technical requirements of the job you apply for.
 - c. You must not have been found guilty of a rule infraction that includes loss of good time or disciplinary detention within the past six months. If you receive a Level I or Level II disciplinary report you may be ineligible for RRI employment. Level III reports automatically exclude you from RRI employment for six months.
 - d. You must be able and available to work 40 hours per week. Some exceptions may be made for treatment, visits, or education. The Director of Industries may authorize part-time positions for certain conditions.

- e. You must work at least 60 days within the institution and develop a good work record before you will be accepted for industry work. Some exceptions may apply under extraordinary conditions as determined by the Director of Industries.
- f. You must adhere to all posted rules and regulations set by industry supervisors.
- g. You must fill out and submit an Inmate Application for Employment at Rough Rider Industries to your case manager for review at the Multi-Disciplinary Committee meeting or Job Placement Committee meetings.
- h. You must have a high school diploma or GED to be eligible for placement at RRI. Exceptions may apply in extraordinary circumstances at the discretion of the Director of Industries.

SECTION 9 – TREATMENT

TREATMENT DEPARTMENT

The treatment department provides intakes, clinical assessments, counseling, and referrals to promote the mental, social, and emotional health. You will be given the opportunity to participate in extensive screenings, appraisals of treatment needs, and when indicated a full clinical assessment to determine the type and level of treatment services recommended. A team of treatment professionals review each individual assessment, and based upon the identified problem areas, treatment recommendations are made. The treatment recommendations go to the Case Planning Committee where your case plan is developed.

SEX OFFENDER TREATMENT PROGRAM

1. Sex offender treatment is offered to inmates who present significant problems related to sexual attitudes, sexual behaviors, and beliefs that may lead to sexual offending activities. If you have been recommended by the treatment department to participate in Sex Offender Treatment Program, or if you are court ordered and refuse treatment, you will be ineligible to receive good time and may have your probation revoked.
2. All inmates identified as having a sexual charge, allegation, conviction or offense or sexual behavior that poses a risk for re-offending may be recommended to participate in a Sex Offender Assessment. In the Sex Offender Assessment, treatment staff will review information to determine the type and level of sex offender treatment programming that would be appropriate for the individual. The Low Intensive Sex Offender group lasts an average of 10 weeks and usually is linked with the Sex Offender Assessment Program. At the end of this assessment, treatment department staff will determine if there is a need for further in-depth treatment in an Intensive Sex Offender group, or other appropriate services.

CONFLICT RESOLUTION PROGRAM (CRP)

Conflict Resolution Programs are offered at NDSP, JRCC, and MRCC. The focus of the Conflict Resolution Program is to assist inmates in identifying cognitive distortions that

support the anger, violence, and aggression behaviors through the learning of new coping skills, techniques, problem solving methods, relaxation techniques and identification of internal and external stressors that can trigger inappropriate and destructive anger responses. Inmate involvement in the Conflict Resolution Program is according to a clinical referral based upon specific program criteria.

PSYCHIATRIC SERVICES

Consulting psychiatrists are available to provide services on a regular basis. You may request psychiatric services by submitting a request slip to medical or treatment staff.

CRISIS INTERVENTION TEAM

1. The Inmate Crisis Intervention Team (CIT) provides a means of helping inmates. Team members meet with inmates in crisis when they are placed into the observation unit, providing support and an attentive ear. If you are interested in becoming a member and have been here for six months, write a request slip to the CIT Coordinator. You will be reviewed for appropriateness and may be placed on a waiting list or an alternate schedule. Alternates are to take the place of those regularly scheduled in the event the regularly scheduled inmates cannot fulfill their duty.
2. Two days per month of meritorious good time may be awarded to CIT members. If you are not earning good time because you are not involved in work, education, and recommended treatment, you are not eligible to earn good time for your CIT service.
3. You may be removed from CIT for reasons including;
 - a. Failing to appear for your regularly scheduled CIT duty unless approved by staff.
 - b. A Level II or III report.
 - c. Violating confidentiality of the inmate in observation.
 - d. Agitating or provoking an inmate in observation.
 - e. Any other irresponsible behavior.

SECTION 10 – CHAPLAINCY

CHAPLAINCY SERVICES

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

OUTSIDE CLERGY VISITS

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

GREETING CARD PROGRAM

The chaplain may maintain an inventory of greeting cards (holiday, seasonal and personal) that can be ordered, up to eight at a time. Catalogs of these cards will be located in the housing units and the library.

RELIGIOUS EVENTS

The chaplain may schedule all religious weekend events such as spiritual retreats, marriage enrichment days, cognitive workshops, and renewal events.

SECTION 11 - INMATE ACTIVITIES

RECREATION

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

MUSIC PROGRAM

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

CABLE TELEVISION

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

SECTION 12 – ESCORTED LEAVES FROM THE INSTITUTION

FUNERAL AND DEATH BED VISITS

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

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

TRANSFERS TO OTHER INSTITUTIONS

1. A voluntary transfer from this institution 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 the State of North Dakota and the inmate.
 - a. You may request a transfer to a different institution 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 2 years remaining on sentence.
 - (2) Must prove the transfer would be beneficial to both the inmate and the State of North Dakota.

- (3) Must be approved by the DOCR and the agency head in the receiving state.
 - (4) Must have an acceptable replacement.
 - (5) May be required to pay for the costs of transportation, including mileage and supervision expenses.
 - b. If a transfer is granted, you will not be returned to North Dakota for any reason including requests to appear before the Pardon or Parole Boards. If you are returned to this institution because of misconduct or other unacceptable behavior, you will be placed under the same administrative restraints as were applicable to you at the other institution.
2. Involuntary transfer: The DOCR has the authority to transfer an inmate from one correctional facility to another correctional facility without the inmate's 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 supervisor. The Work and Education Release Committee will review the application make a recommendation, and forward the application to the warden of transitional facilities. The warden of transitional facilities, with the director of DOCR approval, may approve work release for inmates sentenced to 10 years or less. Approval by the warden of transitional facilities and the parole board is required to grant work release for those individuals with sentences of more than 10 years. The warden of transitional facilities, director, or the parole board may revoke approval at any time.
3. High risk inmates, subject to 85% sentences under N.D.C.C. Section 12.1-32-09.1, and minimum mandatory sentences, or with extensive medical or psychiatric issues will be reviewed by the multi-disciplinary committee. The committee will make a recommendation to the work release coordinator regarding eligibility.
4. Applicants with sex offenses are not eligible for work or education release.

CRITERIA FOR WORK OR EDUCATION RELEASE

1. You must be community-eligible and be housed at the MRCC for a minimum of 30 days.
2. You will not be considered for work or education release if the total amount of the sentence imposed by the courts is less than four calendar months, unless approved in writing by the warden of transitional facilities.
3. 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).

4. On any sentence, you must have served four calendar months prior to applying. On sentences of more than ten years, parole board action is required and applications must be made at the time of your official scheduled parole hearing.
5. If you have turned down a parole or refused the opportunity for a parole, you will not be granted work release.
6. You must have successfully completed the re-entry skills training.
7. You must not have had any Level III and no more than one Level II disciplinary reports in the past six months.
8. You must be in compliance with all recommended programming (work, education, and treatment). All major treatment components must be completed prior to applying.
9. You must have a favorable work record in the institution. You must have demonstrated the ability to budget money throughout your entire incarceration.
10. If you have serious problems with family or others, you may be rejected for work or education release. You may be rejected if you have a victim within the local area depending on the seriousness of the crime as well as if there are any active protection orders on file.
11. Your behavior on any prior work release will be considered.
12. Work release will only be considered for the inmates at MRCC or in a county jail and then only if inmates meet the minimum requirements. Inmates housed in county jails must apply to the warden of transitional facilities for work release. Applicants must have at least 45 days of incarceration time remaining on their sentence before they will be eligible for work release.

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

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

SOCIAL SECURITY CARD

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

1. You will be released from prison within 120 days.

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

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

BIRTH CERTIFICATES

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

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

NORTH DAKOTA GOVERNMENT PHOTO IDENTIFICATION CARD

1. Required forms of identification to be legally employed in North Dakota include a government photo identification card and a social security card. Valid government photo identification cards are needed in order to open savings and checking accounts, apply for employment, rent housing, and travel.
2. If you have your certified copy of birth in your ID card file and you are housed at the NDSP, contact your case manager to have your name put on the list to have a card made. Department of Transportation staff will come to NDSP once a month to assist offenders with the application process and to take your photograph for the ID card. The fee for this card is \$8.00. This fee will initially be paid from a state account which you will reimburse from your personal account. After received, the card will be placed in your ID card file and you will receive notice.

DRIVER'S LICENSE RENEWAL

1. If you do not have a driver's license when you enter the institution, you should not expect to receive a license during your incarceration. It is your responsibility to secure your driver's license after your release from a DOCR institution. Driver's licenses may only be renewed for North Dakota license holders. The DOCR does not transport for driver's license renewals or photo ID's. If your license has been

suspended or revoked, it is up to you to contact the Driver's License Division and ask for details to have the suspension or revocation lifted.

2. The Driver's License Division of the North Dakota Department of Transportation will forward a renewal data card to the address on the previous license. It is your responsibility to change the address so that the renewal card can be forwarded to the institution. The Driver's License Division will then forward a data card, which will be placed in your legal file to be held until you are released. You will be notified when it has arrived at the institution. We are unable to provide a drivers license renewal to inmates with out of state driver's licenses.
3. North Dakota residents have one year from the expiration date of the license to renew it without re-taking the tests. If your driver's license expires while you are here, send a request slip to your case manager with your full name, date of birth, driver's license number, and a \$15.00 money transfer. An eye exam will be arranged for you, and the results 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.

VOCATIONAL REHABILITATION AND VETERANS ADMINISTRATION

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

JAIL AND TRANSITION PROGRAMS

1. The DOCR may utilize county jail beds in the State of North Dakota and prison beds outside the State of North Dakota to manage resources and aid inmates in transitioning to the community.
2. You may also request a transfer to a county jail. If you desire to transfer to a county jail, you may send a request slip to your case manager. All transfers are solely at the discretion of the DOCR.

TRANSITIONAL FACILITIES

The mission of transitional facilities is to provide transitional opportunities for offenders in which they can apply themselves to the task of becoming productive members of the community. This is achieved through participation in evidence-based services that assist in recidivism reduction. If you are interested in any of the facilities listed below, please talk to the unit staff for specific information regarding program rules.

HEART OF AMERICA CORRECTIONAL AND TREATMENT CENTER (HACTC)

HACTC is a treatment center for minimum and medium custody male inmates located in Rugby.

TOMPKINS REHABILITATION AND CORRECTIONS CENTER (TRCC)

TRCC is a treatment center for minimum and community custody male and female offenders located in Jamestown.

BISMARCK TRANSITION CENTER (BTC)

BTC is a transitional facility for minimum and community custody male and female offenders located in Bismarck.

CENTRE, INC.

Centre, Inc. has transitional facilities for minimum and community custody male and female offenders located in Mandan, Fargo, and Grand Forks.

LAKE REGION RESIDENTIAL REENTRY CENTER (LRRRC)

LRRRC is a transitional facility for minimum and community custody male and female inmates in Devils Lake.

PAROLE BOARD

PAROLE BOARD OVERVIEW AND PAROLE REVIEW ELIGIBILITY

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

After arriving at a DOCR facility, the Parole Board and staff will perform an initial review of your case and determine if and when you are eligible for parole consideration. Inmates who are ineligible to have their sentences considered will be sent a notification stating the ineligibility and citing the applicable North Dakota law. All inmates who qualify for parole review will usually have a future parole review date set within 30-90 days of arrival:

1. If an inmate has three years or less to serve from the date they arrived at the DOCR, the clerk will set the parole review and inmates will be notified of their parole review at the initial classification hearing.
2. If an inmate has more than three years to serve from the date they 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. All Initial Reviews are done by file only. There will be no personal appearance by the inmate.

4. The board may consider the recommendations of the DOCR case planning committee. The board is not bound by any DOCR recommendation.

If you are returning to the custody of the DOCR as a result of parole revocation, you may not receive further parole consideration if you have less than nine months remaining on your sentence.

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

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

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

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

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

PAROLE BOARD REVIEW

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

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

Upon completion of the interview, you will be asked to return to a waiting area or placed on hold. After deliberation, you may be returned to the parole board to hear their

decision. If you are granted parole, the Parole Board will establish your parole date. DOCR staff will transcribe the order of the Parole Board and the conditions of parole established by the Parole Board.

If you are housed at JRCC, HACTC, MRCC, TRCC, or DWCRC, you may have a review with the board by video conference. The video conference will follow a similar hearing process as outlined for NDSP. If you are housed in a county jail or a contract facility and the Parole Board determines it will conduct an interview with you, it will conduct the review by video conference or phone.

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

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

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

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

OUT-OF-STATE SUPERVISION

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

next Parole Board meeting where it may consider an alternate plan or take other action.

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

CORRESPONDENCE TO THE PAROLE BOARD

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

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

VIOLATION ACTIONS

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

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

PARDON ADVISORY BOARD

PARDON ADVISORY BOARD APPLICATION

1. The Pardon Advisory Board reviews eligible applicants at a time scheduled by the clerk of the Pardon Advisory Board. The Pardon Advisory Board meets twice a year during the months of April and November and at such other times as may be necessary.
2. Inmates who are not eligible to have their sentences reviewed by the Parole Board because they have a minimum mandatory sentence without the benefit of parole, a Truth-In-Sentencing (85%) judgment, a life sentence or a sentence without parole, may be eligible for review by the Pardon Advisory Board.

3. You must request an application form by sending a request to the Clerk, Pardon Advisory Board. You must fill out the application completely and provide any listed supporting documents. Applications must be received at least 90 days before a scheduled meeting. Incomplete applications will not receive consideration until such time as the application is complete. If you are eligible for Parole Board review you may not receive Pardon Advisory Board consideration at the discretion of the board. Prior to requesting consideration by the Pardon Advisory Board, you should have exhausted your rights in the courts, including any applicable post-conviction proceedings. DOCR prison staff may not assist you in applying for pardon board reviews or make recommendations to the pardon advisory board on behalf of inmates.
4. After applications for pardons have been screened and reviewed, the Pardon Advisory Board will forward its recommendations to the Governor of the state of North Dakota, who makes the final decision in each case.
5. Decisions on a case may include deferment to another Pardon Advisory Board, a grant of the requested relief, denial of requested relief, or any other action deemed appropriate by the Pardon Advisory Board or the Governor. If a request for a pardon is denied, the inmate may not reapply for reconsideration for a period of one year from the Pardon Advisory Board meeting, or a later date set by the Pardon Advisory Board.
6. The Pardon Advisory Board may in its discretion alter any guidelines or requirements.

DISCHARGE AND RELEASE ASSISTANCE

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

CLOTHING AND HOUSING

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

BUS FARE

1. You are expected to secure employment during incarceration and earn money for your Release Aid account. It is your responsibility to budget for the cost of a bus ticket. If you have a sentence of over one year, you may not be considered for institutional purchase of a bus ticket unless special circumstances exist. A ticket request may be considered if written documentation can be produced by you verifying a medical lay-in status or other disposition stating why you are unable to earn money for a bus fare. The DOCR may consider purchasing a bus ticket if you have proof you made a diligent effort to secure money for bus fare but, for very specific reason(s), you were unable to do so. All requests for bus fare must be made at least 30 days prior to your discharge date. All requests must be submitted to the

case manager of your housing unit. The case manager will review the request for bus fare and make a recommendation to the unit manager assigned for final approval or disapproval of the request.

2. All discharges from the facility will be made from the captain's office at or about 8:00 a.m. on your release date. Early discharges may be considered. Early discharge requests must be filed with the chief of security or unit manager of your housing unit at least seven days prior to your discharge date.

PRESCRIPTION MEDICATION

Prior to discharge from a DOCR institution, 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 will not be provided any prescriptions at discharge. You may leave with the medication cards that were dispensed for a month. You may make an appointment to a local human service center to continue your prescription medication upon your discharge by sending a written request to your primary counselor.

SOCIAL SECURITY BENEFITS

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

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

SOCIAL SECURITY RETIREMENT (SSR)

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

SOCIAL SECURITY DISABILITY (SSD)

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

SUPPLEMENTAL SECURITY INCOME (SSI)

You may be eligible for SSI benefits if you are 65 or older or 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.

Note: Be sure to have your Inmate ID and Inmate Handbook to give to the staff member completing your discharge process. All discharges from NDSP, JRCC, or MRCC will occur at 8:00 a.m. on your scheduled release date. It is your responsibility to inform the person picking you up to arrive no earlier than 8:00 a.m. 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 institutional accounts whether it's in the form of cash or check. If you have any prescribed medications, you will be given the remainder. 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.