

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
405**

USE OF FORCE STANDARDS

Supersedes: AR 405 (Temporary, 09/09/11)
Effective Date: 01/05/12

AUTHORITY

NRS 209.131, 209.171, 212.090 and 212.190

RESPONSIBILITY

1. The respective Warden/Division Head is responsible for the overall operation of this regulation. Direct supervision of this regulation is the responsibility of the Shift Supervisor (institutions/facilities) and/or the Transportation Lieutenant/Sergeant in regards to Central Transportation Division.
2. The Warden at each institution will:
 - A. Ensure that this regulation is used as the operational procedure when the “use of force” is required.
 - B. Ensure that all staff are trained in this regulation and that they have signed an acknowledgement stating they have read, know and understand this regulation. A copy of this acknowledgement will be maintained in each staff members personnel file.

405.01 USE OF FORCE

1. The Nevada Department of Corrections (NDOC) defines the use of force as the authority of staff to intervene to resolve conflict, prevent certain actions or dissuade a particular course of action by offenders.
2. Staff may exercise the use of verbal orders, physical contact or, as a last resort deadly force in instances of justifiable self-defense to:
 - A. Protect persons from imminent death or serious bodily harm,
 - B. Protect state property,

C. Prevent escapes and/or capture escapees.

Under no circumstances is physical force justifiable as punishment of an offender.

3. Physical Force.

A. Physical force involves physical contact in confrontational situations, which enable staff to obtain compliance and/or control disruptive/violent offender(s).

B. Physical force is not:

(1) Verbal commands.

(2) The routine use of physical restraints as a security measure.

(3) During transportation of offenders, or the restraining of offender(s), to control movement for internal facility security.

(4) Show of force.

405.02 APPROPRIATE LEVELS OF FORCE

1. Level of force used and type of equipment used is dictated by the assessed risk presented and the severity of the conditions of the situation.

A. When force is necessary it will be limited to the minimum degree necessary to resolve the situation.

B. When possible, verbal commands will be used prior to any use of force.

C. When planned uses of force are authorized all staff participating will wear appropriate protective equipment.

2. A show of force will be used when possible prior to any use of force. A show of force is the demonstration to an offender that sufficient numbers of staff and resources are available to subdue the offender who is disruptive. A show of force will not be made without sufficient staff and equipment to control the situation and a commitment to use that force.

3. Two types of authorized non-deadly force are to be used as the situation dictates. Non-deadly force is not designed to or likely to cause death or serious bodily injury.

A. **With authorized equipment;** Use of Force with equipment is defined as the use of any physical force utilizing a device designed for defensive purposes or to temporarily incapacitate, immobilize or disorient a person.

B. Without authorized equipment: use of force without equipment would include a trained staff member's hands, fists, elbows, feet, etc. against an offender to gain control of or defend against an assault by an offender.

4. Deadly force is defined as force used against a human being that is likely to cause death or serious bodily injury. The type of deadly force authorized is the use of firearms.

405.03 TYPES OF NON-DEADLY FORCE EQUIPMENT

1. Physical restraint devices items such as handcuffs, leg irons, belly chains, four or five point restraints, etc. These devices are designed to immobilize or incapacitate an offender.

2. Chemical/Inflammatory agents items such as 'tear gas' (CS) or pepper spray (OC) designed to temporarily immobilize or incapacitate the offender through temporary discomfort caused by a chemical action.

3. Electronic technology to include items such as a Taser/electronic stun gun or electronic shield designated to temporarily immobilize or incapacitate the offender by delivering a non-lethal electronic charge.

4. Stun guns and pepper ball launchers are devices designed to launch or hurl a bean bag, rubber baton, a water or pepper ball (OC) cartridge or similar device designed to temporarily incapacitate or immobilize the offender.

5. Batons, PR-24's or similar weapons designed to temporarily incapacitate an offender by striking or applying a controlled take down of the offender.

6. 12-gauge shotguns loaded with a blank round or 7.5 birdshot round designed to skip shoot the birdshot into the offender(s) and striking the offender(s) in their lower extremities to temporarily incapacitate or immobilize the offender(s).

405.04 TYPES OF DEADLY FORCE EQUIPMENT

1. 870 Remington pump action 12 gauge shotgun loaded with double-ought (00) buck rounds or slugs.

2. Mini 14 .223 caliber rifle loaded with 55 grain soft point rounds.

3. 40 caliber Glock semi-automatic handgun loaded with jacket hollow point 180 to 185 grain round – approved through FBI protocols/specifications.

4. Specialized weapons may be authorized for emergency situations with approval from the Director/designee.

405.05 AUTHORIZATION FOR THE USE OF FORCE

1. Authorization for the use of force to protect self and others from imminent harm or response to an incident presenting an immediate threat does not require prior approval.

405.06 STAFF TRAINING INVOLVING USE OF FORCE

1. All personnel will receive training prior to being assigned to a position involving possible use of force, prior to being authorized to use any force related equipment such as physical restraints, firearms, chemical agents (CS), inflammatory agents (OC), taser or similar technology or batons. The staff member will receive training in the correct use of that equipment; annual refresher training and semi-annual firearms qualification is required for those staff employed in positions that are authorized to use force-related equipment.

405.07 DOCUMENTATION OF PLANNED USE OF FORCE

1. Audiovisual cameras will be maintained in all maximum and medium custody institutions. All planned incidents will be filmed to include the medical examination of involved offender(s) and placement of offender(s) in secure housing.

A. Audiovisual cameras will be used by trained personnel to record all instances where a planned use of force, or a planned action where it is probable that force will be necessary and to record all major disturbances or group insubordinations.

(1) In instances of spontaneous use of force, such equipment will be immediately produced upon notification and recording will continue through medical examination and placement in secure housing.

B. Institutions with video cameras will ensure that sufficient staff are trained to operate the equipment and are available 24 hours per day. Additionally staff will ensure that video tapes or discs are available and that camera batteries are on hand. All video equipment must be sufficiently charged at all times for use in properly recording incidences as they occur.

405.08 MEDICAL CARE AFTER USE OF FORCE

1. Medical care which includes medical treatment and examinations will be conducted by institutional medical staff when a use of force incident has occurred. When order has been restored, the offender(s) who has been subjected to physical use of force will be examined by medical staff. All refusals will be documented and included in the use of force reports utilizing NDOC form 2523 – Refusal of Medical Treatment. Any staff member involved in the use of force will also be examined.

405.09 REPORTING OF USE OF FORCE

1. Reporting of Uses of Force must be accomplished before leaving the institution. Any use of force will be reported to the shift supervisors who will ensure, once order has been restored and the involved offender(s) are placed in secure housing, that written reports from all staff involved are completed. This includes custody officers, institutional staff, medical staff, volunteers or any persons that witnessed the use of force.

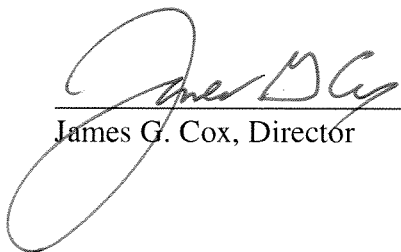
A. These reports will be entered into NOTIS for review by the appropriate supervisors.

APPLICABILITY

1. This regulation is required for use at each institution/facility. No operating procedure is required.
2. This regulation requires an audit.

REFERENCES

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



James G. Cox, Director

12/14/11

Date