

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
407**

USE OF HANDCUFFS AND RESTRAINTS

Supersedes: AR 407 (10/15/13); and AR 407 (Temporary, 02/18/14)
Effective Date: 03/18/14

AUTHORITY

NRS 209.131; NRS 209.376

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 (Institution/facilities) or the Transportation Lieutenant/Sergeant (Central Transportation).
2. The Warden at each institution will:
 - A. Develop an Operational Procedure (OP) which lists the restraints authorized at that institution.
 - B. Ensure that the OP lists under what conditions each restraint can be applied.
 - C. Ensure that the OP identifies the authorization needed to use a particular restraint.
 - D. Ensure Custody Staff are trained to use restraints available at that institution.
 - E. Authorize Custody Staff to use selected restraints under the conditions listed in the OP.
3. All Custody personnel are responsible to use restraints only when authorized to do so and only when they have been trained on that particular type of restraint.

407.01 RESTRAINT DETERMINATION

1. All restraints will be used humanely, and restraining equipment will never be used as punishment or in any way that causes undue physical pain or restricts the blood circulation or breathing of an inmate.
2. The degree and duration of the use of a restraint device should be limited to the minimum necessary to control the situation or the offender and should never be used as punishment on an offender. The criteria for determining the degree of restraint will include the following:
 - A. Custody classification. Offenders will be restrained according to their classification unless they are being transported with a higher classification inmate, then all offenders will be restrained according to the highest level of custody designation in the transporting vehicle. For example: If a Minimum security inmate is being transported along with a Maximum security inmate, then both of them will be restrained in full restraints (leg irons, belly chains, and handcuffs).
 - B. Classification - review Pre-Sentence Investigation and Judgment of Conviction - regarding other co-defendants, witnesses and victims.
 - C. Violence potential as determined by criminal history and disciplinary record in regards to imminent threat of bodily harm to staff or other persons;
 - D. Escape potential or past or present threat of escape;
 - E. Nature and purpose of movement;
 - F. Assessment of the circumstances happening at the time;
 - G. The existence of potential threats by outside forces.

407.02 AUTHORIZED RESTRAINT EQUIPMENT

1. Only that equipment authorized by the Department shall be used on inmates during any transportation or movement. Application of mechanical restraint equipment shall conform to approved methods.
2. Authorized restraint equipment includes:
 - A. Handcuffs and Handcuffs with Waist Chain. Handcuffs and Handcuffs with Waist Chain are the standard items of restraint and will be the only restraint used unless specific authorization has been provided for additional restraint, an emergency exists or custody designations specify otherwise. Exceptions will be approved by the Warden or designee.

B. Leg Restraints. Leg restraints are to be used on inmates requiring maximum restraint or in instances to control acts of violence or escape. Leg restraints will be placed on the inmate with him/her kneeling and facing away from the Officer. In the case of an inmate with large legs that regular leg restraints will not work on, the Associate Warden or designee will approve the use of restraints designed for this type of application.

C. Control Chain. Control chains shall be used while escorting Maximum security or High Risk Potential inmates. This device is attached to the back of the waist chain. It should never be used to cause undue physical pain or restrict the blood circulation or breathing of an inmate.

D. Handcuff Cover. Each Institution will have hard plastic handcuff covers (black boxes) for the transporting of inmates who pose extreme escape risks. This device covers and shields the handcuff key openings.

E. Plastic Flex Cuffs. Plastic flex cuffs are authorized during an emergency situation. Caution must be used and recognition that these are only a temporary restraint and not to be inter-changed with use of the handcuff. There are also possibilities of swelling and care must be exercised in application of these devices. Some swelling will be noted the next day after prolonged use of the flex cuff. Flex cuffs must be applied tight enough to secure the wrists but not so tight they cause a constriction in blood flow. Inmates under restraint with flex cuffs must be under direct supervision and the cuffs checked every fifteen (15) minutes to ensure proper application.

407.03 DEGREES OF RESTRAINT

1. Inmates will be placed in restraint equipment when their behavior or security falls within the Department's policies or guidelines. The degree of restraint shall be determined by established criteria relevant to the safety of the individual inmate and other persons involved. Restraining equipment will never be used for punishment or in any way that causes undue physical pain or restricts the blood circulation or breathing of an inmate.

2. Degree of restraint during movements within the Institution:

A. Restraint equipment will be used according to the dictates of the institutional operational procedure and Post Orders. Post Orders will address specific requirements, if necessary.

B. The escorting officer as dictated by the institutional operational procedure and Post Orders will carry a set of handcuffs on his person for emergency use. An inmate may be placed in handcuffs at any time by an escorting officer when there is reason to believe there is imminent danger to the inmate or others. However, such action must be reported to the Shift Supervisor and written documentation completed.

C. If additional restraints are deemed necessary, the Shift Supervisor may authorize that a control chain, handcuff cover, or leg irons be used. The Shift Supervisor may determine that all

of the devices are necessary.

D. Use of restraints on pregnant offenders is governed by Administrative Regulation 455 and NRS 209.376.

3. Degree of restraint when transporting inmates outside of an Institution/Facility:

A. Maximum and Close Custody Inmates. At no time will an inmate of maximum or close custody status be transported without restraints. The types of restraints to be used are waist restraints and leg irons.

B. Medium Custody Inmates. Inmates of medium custody status are to be transported in waist and leg restraints.

C. Minimum Custody Inmates. Inmates of minimum custody status do not need restraints during transport.

D. Mixed Custody Levels. When transporting inmates with mixed custody levels, all inmates will be restrained according to the custody level of the highest risk inmate being transported.

E. Use of restraints on pregnant offenders is governed by Administrative Regulation 455 and NRS 209.376.

4. The power of decision regarding additional restraints is granted to the transporting officers. The transporting officers must use good judgment in the use of additional restraints in accordance with NRS 209.376. All restraints will be used humanely and restraining equipment will never be used as punishment or in any way that causes undue physical pain or restricts the blood circulation or breathing of an inmate.

407.04 MEDICAL

1. Legitimate medical conditions which do not permit the full utilization of routine restraint apparatuses will be evaluated on a case-by-case basis. To the extent possible, the arrangement of restraints will be modified to accommodate the medical condition. In any event, public safety should remain the overriding concern.

APPLICABILITY

1. This AR requires an Operational Procedure for each institution and facility.

2. This regulation requires an audit.

REFERENCES

ACA Standard, 4th Edition, 4-4405



Director



Date