

ADMINISTRATIVE REGULATION 405

USE OF FORCE

TEMPORARY

Supersedes: AR 405 (Temporary, ~~06/6/23/11~~) AR 405 (Temporary, 03/03/16)
AR 405 (Temporary, 5/25/16) AR 405 8/16/16
Effective Date: 9/4311/3/16

AUTHORITY: NRS 209.131, 209.161, 212.090 and 212.190

RESPONSIBILITY

1. The Warden/Division Head is responsible for the overall execution 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. The Inspector General in regards to the Inspector General's Office.
2. The Warden at each institution ~~will~~, Central Transportation Lieutenant, the Inspector General; shall ensure that all assigned staff is trained and have signed an acknowledgement statement that they have read, know and understand this regulation. A copy of their acknowledgement ~~will~~shall be maintained in each staff ~~members~~ personnel/member's training file.
3. It is the responsibility of all employees who may be required to use force as part of their duties to understand and comply with the Use of Force policy, related procedures, use of equipment and attend and understand relevant use of force training.

DEFINITIONS

Authorized Personnel – A person who has received the prescribed NDOC training in the application of Use of Force equipment or tactics, and whose qualifications are up-to-date.

~~Deadly~~ Any person who volunteers, is contracted by or is employed by the NDOC is authorized to defend themselves or others from attack. A Correctional Officer Trainee or Correctional Officer who has not completed the Basic Academy and has not passed the Peace Officers Standards and Training (POST) certification exam are authorized to defend themselves and others from attack. Only certified Peace Officers who are current on their qualifications shall be authorized to utilize force tactics, tools, devices, weapons or other methods authorized by the Department Director.

Lethal Force –

Any force which carries a substantial risk that ~~it will~~may result in death or serious ~~physical or great bodily~~ injury.

Excessive Force – The use of more force than an objective trained and competent correctional peace officer faced with similar facts and circumstances would use to subdue an attacker, overcome resistance, affect custody or gain compliance with a lawful order.

Force – Any violence, compulsion, or constraint physically exerted by any means upon or against a person.

Less Lethal Force – any force that is neither intended nor likely to cause death or serious ~~physical or great bodily~~ injury- (NRS 0.060).

Passive Compliance Measures (De-escalation) – Techniques/strategies used by staff to gain compliance/control of an inmate without forcible physical contact.

Planned Use of Force – The Use of Force when time and circumstances allow the opportunity for planning and consultation and approval of the Warden or Administrator On Duty (AOD)

Physical Force ~~(Hands On)~~ – The use of hands, other parts of the body, objects, instruments, chemical devices, firearms, or other physical methods for the purpose of overcoming the resistance to lawful authority.

Reasonable Force – That force which is objectively reasonable based on the totality of the circumstances and the facts known to the officer at the time to subdue an attacker, overcome resistance, affect custody, or gain compliance with a lawful order.

Show of Force – Movement of ~~appropriate~~additional staff and/or equipment/weapon to an incident site for the purpose of convincing an inmate that adequate staff and measures are available and ~~will~~may be used to successfully resolve the situation.

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Skip Shot— A live rubber round discharged from a 12 gauge shotgun that is fired at the ground one to two yards in front of the intended inmate so that the individual live rounds skip off the ground/floor striking the intended inmate(s) lower extremities.~~

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Spontaneous Use of Force – ~~Actions that staff may immediately take~~Force used in an immediate situation or in response to ~~ana threat or~~ emergency situation- to dissuade or quell a course of action by an inmate(s).

Use of Force – The application of progressive levels of force to gain control of an inmate up to and including ~~deadly~~lethal force. This does not include those situations in which security restraints are used in a standard manner for arrest, escort or transport. (Use of Force ~~will~~shall be limited to the minimal amount of force necessary to control the situation.)

Serious Bodily Injury - Serious bodily injury means but is not limited to a serious impairment of a physical condition such as loss of consciousness, concussion, bone fracture, loss of a function of any bodily member or organ, a wound requiring extensive suturing or a disfigurement.

Great Bodily Injury - Great bodily injury is any bodily injury that creates a substantial risk of death, such as but not limited to, stab wounds that cause substantial bleeding strike vital organs or repeated blows to the head with kicks or with a blunt instrument.

405.01 USE OF FORCE GENERAL PROVISIONS

The NDOC shall operate under this use of force policy that defines staff responsibilities and limitations concerning the use of force while still allowing discretion in the appropriate application of force. The policy provides staff with the appropriate guidance on the permissible Use of Force. It ensures discipline is imposed for violations of the Use of Force policy, procedures or training.

It is the policy of the NDOC to authorize the use of physical force when and only to the extent that is reasonably believed to be necessary as specified in these rules. Staff ~~are~~is authorized to use that amount of force that is objectively reasonable to overcome a threat thereby minimizing the risk of injury to the officer, the threat and the public.

At no time are staff permitted to use force for punishment, retaliation, or discipline.

Force shall be used only when reasonably necessary to subdue an attacker, overcome resistance, affect custody, or to gain compliance with a lawful order. It is the policy of the NDOC to accomplish the educational, treatment and supervision functions with minimal reliance on the use of force. Staff may use reasonable force as required in the performance of their duties, but unnecessary or excessive force shall not be used. If staff, at any point, determines the situation can be resolved without any further use of force, staff shall terminate the use of force.

All the facility Operational Procedures must conform to the provisions in this Administrative Regulation.

405.02 STAFF TRAINING INVOLVING USE OF FORCE

1. All personnel ~~will~~shall receive training and be qualified prior to being assigned to a position involving possible Use of Force and being authorized to use any force related equipment such as physical restraints, firearms, projectile launchers, chemical agents (CS/OC), taser or similar technology or batons. —A staff member employed in positions that are authorized to use force-related equipment ~~will~~shall receive annual

refresher and semi-annual firearms qualification training in the correct use of all equipment to maintain their established proficiency levels.

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2. The application of force when using any authorized equipment must be consistent with training. For example; intentional strikes to the head or neck are not consistent with training for the side handle baton. Shots to the head with 40 mm launcher are not consistent with training. The use of carotid or choke holds is not authorized.

2.3. Training ~~will~~shall include:

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- A. Techniques/strategies known as Passive Compliance Measures (De-escalation) used by staff to gain compliance/control of an inmate without forcible physical contact such as: communications, videotaping of inmate(s), show of force.
- B. Staff is expected to know the Continuum of Force and be able to apply the proper level and type of force needed to control an inmate's behavior. Minimum harm to staff, the public and inmates is the goal, but the overall objective is to gain compliance, control, and facility order. Force ~~should~~shall be limited to the minimum amount necessary to control the situation. Force ~~will~~shall not be used to punish, harass, ~~coerce~~, or abuse inmates.

405.03 WHEN FORCE MAY BE USED

1. A staff member may use force to protect himself or any other individual from physical harm by an inmate. Alternative methods of persuasion such as communications, videotaping of inmate(s), and/or show of force shall be utilized prior to using force whenever possible.

2. Force ~~will~~shall be proportionate to the threat exhibited by the inmate, and the force ~~will~~shall decrease as the threat is lessened.

- A.2. Any staff witnessing a Use of Force that is either excessive or unnecessary is required to immediately report their observations to the shift supervisor both verbally, and subsequent to the incident, in a written report.

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- 3.4. To prevent the escape of an inmate, staff may use reasonable force to prevent the escape if no alternative method of persuasion is effective.

- 4.5. To prevent destruction of state property.

- A. Staff may use force to prevent state property from substantial damage by an inmate if no alternative method of persuasion is effective.
- B. Nevada Revised Statute (NRS) 212.190 states that damaging prison property is at least a gross misdemeanor.

5.6. To compel an inmate's compliance with orders, force may be used if no alternative method of persuasion is effective or where the circumstances require urgency.

6.7. To prevent or quell a disturbance, disperse or apprehend inmates whose conduct is creating a risk of death or serious physical injury to others.

8. To stop inmate self-injurious behavior when time does not permit the arrival of a supervisor or the assembly of a planned use of force team and sufficient back-up is available.

9. Use of Force Options in the Use of Force Continuum:

- Physical Force – includes the use of physical strength and holds (strikes i.e. Hand, elbow, knee and locks i.e. Wrist locks) except that choke holds and other types of physical holds that prevent the person from breathing, swallowing or cutting off blood supply to the brain are not authorized.
- Chemical Agents – use of departmentally authorized chemical agents
- Hand-held Batons – departmentally approved batons.
- Less-lethal weapons – departmentally approved projectile launchers that are not likely to cause death.
- Lethal weapons – firearms capable of firing lethal rounds/projectiles.

7.10. Levels of Force:

A. Planned use of force can be used at any level in the use of force continuum.

Planned use of force incidents ~~should~~must be videotaped- as outlined in this AR. Healthcare staff shall be consulted to determine if there are any contra-indicating factors such as but not limited to the use of O/C for asthmatics or tasers on inmates with other health problems or heart pacemakers prior to the planned use of force and documented. Staff involved in these incidents ~~should~~shall utilize protective equipment. An example of planned use of force is a cell extraction. Staff are to be reminded to use universal precautions equipment such as latex gloves in addition to their other equipment.

a. In a planned use of force, the Incident Commander in charge ~~will~~shall assign a staff member to be in charge of recording the entire planned use of force. If time permits and a second camera is available, one staff member shall video-record the inmate at the cell front during staff's attempts to gain the inmate's compliance through verbal persuasion efforts and the other video-recording is taping the planned use of force team introductions and plan by the incident commander.

b. The staff member assigned to recording ~~will~~shall ensure, prior to the start of the use of force, that the recording equipment has sufficient batteries and sufficient blank recording space, such that technical issues with recording

~~will~~shall be minimized once recording begins. The recorder shall begin all video recording stating his/her name, date, time, location and inmate name.

- The incident commander shall describe the nature of the incident that requires the planned use of force and the attempts to resolve the issue without the use of force.
- Prior to the use of force, healthcare staff shall be contacted to determine if there are is medical or mental health condition that would preclude the use of any chemical agent or taser. Record on video the comments by healthcare staff, stating his/her name. If unavailable for video, Incident Commander shall identify name of healthcare staff and the comment made by the healthcare staff member on the recording.
- Each staff member shall identify themselves by name, rank and state their responsibility such as the shield person, right side, left side or what type of equipment they shall employ such as handcuffs or leg restraints.

c. The staff member assigned to recording ~~should~~shall not be expected to participate in the use of force and ~~should~~shall not do so, such that they may dedicate their full attention to recording. The recording staff member ~~should~~shall refrain from engaging in verbal comments during the recording, as staff comments ~~will~~may obscure the sounds being recorded.

d. The recording staff member must ~~also~~ record in such a manner that the inmate is in focus as much as possible, and adjust their positions should a staff member's body position be obscuring a visual of the inmate. Prior to the planned use of force the recording staff member must record the notice given to the inmate giving him/her a last chance warning or chemical agent shall be utilized.

e. For any breaks in recording, the recording staff member must sign back on with his/her name, the date, time and reason for the break in recording.

f. All recordings of a planned use of force ~~should~~shall be kept in a manner and location that is easily retrievable in the event review is needed. The recording must be maintained for no less than three years from the date force was used.

B. Spontaneous use of force may be used by staff to respond to an emergency or immediate threat when there is not time to formulate a plan or notify an immediate supervisor, and the situation constitutes a serious threat to the safety of staff, public, inmates and/or ~~prison~~institutional security. Immediate use of force ~~should~~shall be employed in a manner that poses the least risk to staff, the public and inmates.

a. Where force was used spontaneously, regardless of injuries reported contemporaneous with the event, the area supervisor/incident commander ~~will~~shall immediately review, if available, any unit video surveillance that may have captured the use of force.

- b. If the use of force was captured on video, from any angle on any camera, the area supervisor/incident commander willshall be responsible for preserving that recording in a manner and location that is easily retrievable in the event review is needed. The video must be maintained for no less than three years from the date force was used.
- c. If no cameras were operational in that unit or no cameras captured the use of force, the area supervisor/incident commander willshall make a notice of same in the Use of Force Incident Report.
- d. In addition to and apart from any surveillance footage from stationary cameras that may exist, video footage ~~should~~shall also be recorded via a hand-held camera, as follows:
 - As soon as the shift supervisor becomes aware that force is being used or has been used, a staff member willshall be directed to immediately obtain a handheld video camera and willshall be ordered to the scene where force has been used.
 - Immediately upon arrival to the scene, the staff video recorder willshall begin recording, noting the time and date the recording begins- and identify himself/herself as video recorder. The staff video recorder willshall continue to take footage until the area supervisor/incident commander decides the incident is over and instructs the staff video recorder to cease recording.
 - For any breaks in recording, the recording staff member must sign back on with the date, time and reason for the break in recording.

If the Use of Force is still occurring when the staff video recorder arrives, the incidents willshall be recorded to capture the unfolding events while waiting for a response team, even if through windows, fences, bars, or even if far away, etc. Staff ~~should~~shall not place themselves in any danger to capture the events.

- C. The Warden/Division head willshall ensure that Use of Force Operational Procedures are specific on the process for the recording of Use of Force incidents and storage of the video recordings.

405.04 AUTHORIZATION FOR THE USE OF LESS LETHAL FORCE

“Less lethal force” may be used in the following situations:

1. Self-defense;
2. Defense of others;
3. Prevention of self-injurious behavior;
4. Maintaining order and control in a facility, including prevention of damage to state property;
5. Prevention of escape from any security level;
6. Prevention of the commission of a felony by an inmate;

405.05 LESS LETHAL FORCE

1. The use of less lethal force projectile launchers may be used but not limited to stopping or preventing serious or great bodily injury to staff, inmates or the public which includes visitors. This is also listed under the use of lethal force.
2. Where situations allow, a loud and clear verbal warning and instructions shall be given before any less lethal force is used and before each less lethal munition is discharged. Verbal warnings and instructions shall continue to be given throughout the use of less lethal force. The following approved less lethal tools are authorized for use in Nevada Department of Corrections facilities/institutions:

1.A. Physical Force (Hands On) – Physical force may be used to subdue or control unruly inmates, to separate inmates fighting, and in defense of self or others. It may also be employed to move inmates who fail to comply with lawful orders. Includes certain self-defense and inmate control techniques or strikes to areas of the body unlikely to result in serious physical injury.

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2.B. Chemical / Inflammatory agents may be deployed only by trained and qualified Authorized Personnel. Chemical agents items such as listed below are designed to temporarily immobilize or incapacitate the inmate through temporary discomfort caused by a chemical action.

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- CS - Ortho-chlorobenzalmalononitrile – commonly known as tear gas or mace
- OC - Oleoresin Capsicum – commonly known as pepper spray

3.C. Electronic Control Devices (ECD), Weapon (ECW) to include items such as a Taser electronic stun gun, Remote Access Custody Control (RACC) Belt, or Vest, or (NOVA) electronic shield, are designated to temporarily immobilize or incapacitate an inmate by delivering a non-lethal electronic

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charge. An ~~EC~~DECW may only be deployed by trained and qualified Authorized Personnel. ECW's are not authorized at women's facilities.

4.D. Specialty Impact Devices (SID) ~~Side handle batons or~~ Expandable Baton (ASP) or similar equipment designed to temporarily incapacitate an inmate by striking or applying a controlled take down of the inmate. These SID's may only be used by trained and qualified Authorized Personnel.

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E. ~~A 12-gauge shotgun loaded~~ Less-Lethal Projectile Launchers (40mm) are authorized to compel compliance from noncompliant inmates. Less-lethal launchers shall also be stored in the "operations" area of each institution so that should a response to an area where no coverage is available (housing units with ~~a blank round and three (3) rubber stinger rounds to skip shoot into the inmate(s) striking the inmate(s) in their lower extremities~~no coverage, chapel, education, gymnasium) these launchers are available for quick deployment.

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5.F. ~~Pepperball or FN 303 less lethal launcher using compressed air to launch direct impact or chemical agents~~ to temporarily incapacitate ~~or immobilize the inmate(s).~~ Shotguns a threat. These Launchers may only be ~~used~~ deployed by trained and qualified Authorized Personnel.

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~~First, a~~ Decontamination - If chemical agents are utilized in a planned use of force or spontaneous use of force, the inmate shall be decontaminated as soon as the inmate is in restraints and the decontamination can be conducted in a safe manner. Inmate(s) affected shall also be seen by medical personnel as soon as practicable upon containment of incident. The decontamination and medical evaluation shall be documented in the Incident Report by Supervisor handling the planned use of force.

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Choke or carotid holds is not authorized use of force techniques. A head lock is not considered a choke or carotid hold.

3. Wardens shall ensure through Operational Procedures where and how these tools shall be utilized throughout the institution.

A. ~~A~~ loud and clear verbal warning or order ~~should~~shall be given. Verbal warnings ~~should~~shall be issued before and repeated before each shot fired of any ammunition type while less lethal munitions or chemical agents are being deployed.

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B. ~~Second, if~~ If the first verbal warnings or orders fail to stop the prohibited activity, then a blank warning shot the Officer may be discharged.

C. ~~If the initial warning shot fails to stop the prohibited activity, then a rubber stinger may be discharged skip shot towards the inmates.~~

~~D. If the rubber stinger round fails to stop prohibited activity, then a second rubber stinger round may be skip shot into the ground/floor at the problem inmates.~~

~~Caution: If there is no ability then deploy less lethal force tools to skip shoot into the ground/floor, then live rounds will NOT be discharged unless the inmate possesses a deadly weapon or serious physical injury and/or death is imminent. In this instance refer to 405.06.~~

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~~E. The progression from the warning shot to the rubber stinger round will be dictated by the level of the threat.~~

~~1) Firing of a warning shot: If the conduct or activity does not stop then you can progress to firing of the Rubber Stinger round (skip shot).~~

- ~~• An inability to skip shoot will include those instances where the disturbance is occurring in an area crowded by other inmates who are already lying prone on the ground.~~

~~2) If the threat increases to include;~~

- ~~• More than two aggressors involved~~
- ~~• Persons being over taken to the point where serious physical injury and/or death is imminent~~

~~• Groups of inmates forming and prevent further harm of another person or property. Verbal warnings shall be repeated continuously while less lethal munitions or chemical agents are being non-compliant deployed. Force shall cease immediately upon gaining compliance.~~

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~~3) You can then progress to firing The use of the additional live rubber rounds, skip shot only.~~

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~~F. No less than lethal force should are never to be used to stop verbal abuse or other non-threatening behavior.~~

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405.06 AUTHORIZATION FOR USE OF ~~DEADLY~~LETHAL FORCE

Staff ~~have~~has the obligation and responsibility to exercise discipline, caution, restraint and good judgment when using potentially ~~deadly~~lethal force. ~~Deadly~~Lethal force may be used upon the reasonable belief that staff life or safety, or the life or safety of another, is in imminent ~~danger~~jeopardy of death or ~~serious physical injury~~substantial bodily harm given the totality of the circumstances known to the officer at the time of his/her action. Staff must keep in mind that the use of potentially ~~deadly~~lethal force presents a danger to the subject and to innocent parties. Only trained and qualified staff are authorized to use ~~deadly~~lethal force, and only as a last resort. Officers ~~should~~shall consider other reasonable means of control before resorting to the use of deadly force as time and circumstances safely permit.

~~DeadlyLethal~~ force is ~~that degree of any~~ force which ~~is likely to carries a substantial risk~~ ~~that it may~~ result in death or serious ~~physical or great bodily~~ injury. ~~DeadlyLethal~~ force may be used only ~~when imminent jeopardy exists regarding~~ the following situations:

1. To prevent death or serious physical injury to self, other staff, inmates, or other persons who are threatened;
2. To prevent the taking of hostages;
3. To prevent the escape of any prisoner who is actively attempting to flee custody from a medium or maximum security correctional institution including while being transported or being housed in the community;
4. To prevent destruction or injury to property or person(s), major damage during a disturbance within a correctional institution, if it is reasonably believed that the damage may cause death or serious physical injury to any person.
5. To prevent inmates from unlocking other inmates (seizure of keys or door controls).
6. If ~~deadlylethal~~ force is to be used, staff ~~willshall~~ take reasonable actions under the following guideline - Time permitting a clear, verbal warning order, “**Stop or I will shoot,**” ~~willshall~~ be given before each shot is discharged.
7. When the use of ~~deadlylethal~~ force is warranted, if time and circumstances permit, a warning shot ~~willshall~~ be discharged.
 - A. In any life-threatening situation where the inmate does possess a deadly weapon or serious physical injury and/or death is imminent, the policy ~~willshall~~ be to “shoot to stop” by ~~shooting at a vital portion~~**center mass** of the ~~body, such as the torso~~**target presented**.
 - B. Every effort ~~shouldshall~~ be made to direct the round into the aggressor and not the victim.
 - C. If doubt exists in the officer’s mind as to whether he/~~she~~ should discharge the firearm under the circumstances that have been outlined above, the officer ~~shouldshall~~ conclude that he-~~SHOULD~~/~~she~~ **SHALL** NOT discharge the firearm.

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405.07—~~DEADLY~~ LETHAL FORCE

1. Mini 14 .223 caliber rifle loaded with ~~55-grain~~**55grain** soft point rounds.- May only be used by trained and qualified Authorized Personnel.

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2. .40 caliber Glock semi-automatic hand gun loaded with hollow point 165 to 180 grain round – approved through FBI protocols/specifications. May only be used by trained and qualified Authorized Personnel.
3. Specialized weapons may be authorized for emergency situations with approval from the Director/designee. May only be used by trained and qualified Authorized Personnel. ~~Refer to Administrative Regulation (AR) 412 Armory Weapons and Control, for descriptions of authorized weapons, munitions and less lethal equipment.~~

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405.08 EMERGENCY RESPONSE

The Nevada Department of Correction shall utilize a "plain English" notification system. This statewide universal approach shall initiate first responders. Followed by the secondary responders, based on initial reports. Some examples for each level are as following:

1. Level 1, mutual combat between two inmates, isolated and contained physical plant failure or compromise, or a single disruptive inmate
2. Level 2, multiple inmate fight, weapons present, staff assault, evidence of escape, or larger scale physical plant failure or compromise
3. Level 3, Escape, homicide, officer-involved lethal force or complete physical plant failure or compromise.

The Warden at each institution shall ensure the development of an Operational Procedure that shall identify responders/position, the systematic lockdown, and equipment deployed for each level. This Operational Procedure shall also include response to rural camps and Transitional Housing facilities.

405.08 **405.09 ESCAPE FROM SECURED PERIMETER**

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1. If possible, prior to using firearms, an alert to the institution shall be broadcast by radio, attempts ~~should~~shall be made to apprehend or physically restrain an escapee or an attempted escapee.
2. If an officer observes an inmate located within the "No Man's Land," an immediate alarm ~~will~~shall be sounded to initiate a response then the following command in a loud and firm voice, ~~will~~shall be given, "Stop or I will shoot." A second alert to the institution shall be broadcast by radio, time permitting, to alert responding staff of the possible discharge of the weapon. If the inmate fails to stop and no other means of stopping the inmate is available, then the officer may fire a warning shot as outlined in this procedure.

3. If the inmate continues toward the inner perimeter fence, after verbal warnings and a warning shot has been discharged, additional warning shots may be discharged near the escaping inmate in an effort to gain compliance. The officer must exercise care to prevent a possible ricochet of the warning shots. (Wardens ~~will~~shall designate in ~~operations~~operational procedures where warning shots will be discharged.)

4. Once an inmate has begun going over, under, or through the inner perimeter fence, (that is, feet have left the ground or crawling under or through), the following ~~will~~shall be done:

A. The officer, after firing a warning shot, ~~will~~shall “shoot to stop.”

B. The officer ~~will~~shall choose ~~which to use a~~ firearm ~~to use~~ based on distance and conditions surrounding the incident. The perimeter towers have ~~both 12-gauge shotguns with .00 buckshot and~~ .223 Mini-14 rifles designed for greater distance and accuracy.

- Effective ~~range~~range:
 - .223 caliber round - up to 1000 yards
 - ~~.00 buckshot — up to 150 yards~~

C. In the event the Institution does not have perimeter towers, or perimeter towers are shut down, at a minimum, one armed Perimeter Officer is required. (More armed perimeter officers may be placed at larger institutions or as needed for security) This position shall be armed with both lethal and less lethal tools such as the 40 caliber Glock semi-automatic hand gun, chemical agent, and/or baton. The perimeter position shall be assigned a perimeter vehicle to assist with patrolling the perimeter and responding to threats.

5. Should the situation arise in which the inmate attempting to escape is not noticed until after clearing the inner perimeter fence, the officer ~~will~~shall fire one (1) warning shot if, in their opinion, there is still sufficient time to be able to “shoot to stop” before the inmate could clear the outer perimeter fence. If there is not enough time for a warning shot after the inmate has cleared the inner fence, then shots may be discharged directly at the escaping inmates to shoot to stop.

6. If the officer chooses not to shoot, the officer shall continue to report the direction of the inmate, description of escapee, and any relevant information relevant to the incident.

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~~405.09~~405.10 USE OF FORCE IN THE COMMUNITY

1. There are numerous situations that call for Department personnel to provide escort and security functions in the community. Inmates may be transported to outside medical facilities, between institutions/facilities, into courtrooms for judicial

proceedings or to a variety of other locations. Use of Force in the community calls for exercising extreme caution and for making careful judgments. The level of force utilized in any particular situation MUST be based largely on, the threat, physical surroundings and the proximity of civilians.

2. The physical surroundings and proximity to civilians MUST be considered when an inmate is escaping during transport in an outside setting and if ~~deadly~~lethal force is necessary to prevent the inmate from escaping. If, in the best judgment of the transporting officer(s), it is deemed necessary to fire shots at the inmate escaping into the community, all shots ~~will~~shall be directed at the inmates' torso with the intent to completely stop the escape. If the use of firearms becomes necessary in a confined area, such as within a building, it would be inappropriate to use warning shots. Verbal commands shall be substituted.
3. Transportation Officers shall be armed with both lethal and less lethal tools in the event of the physical surroundings and the proximity of civilians would prevent the use of lethal tools.
- 3-4. Officers are required to cooperate with local law enforcement officials in any unusual or emergency situation involving inmates under the custody of the Department of Corrections.

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~~405.10~~405.11 MEDICAL CARE AFTER USE OF FORCE

1. ~~A.~~ Medical care which includes medical treatment and examinations ~~will~~shall be conducted by institutional medical staff when a Use of Force incident has occurred. When order has been restored, the inmate(s) who has been subjected to any Use of Force ~~will~~shall be examined by medical staff and provided medical care proportionate to the individual's injuries sustained. This examination ~~will~~shall be documented utilizing the Unusual Occurrence Report form DOC 2514. Inmates cannot refuse to be assessed, but can refuse treatment of any injuries sustained. All refusals of medical treatment ~~will~~shall be documented and included in the Use of Force incident files utilizing the Refusal of Medical Treatment form DOC 2523. Decontamination from chemical agents shall also be completed as soon as practical after the use of force. Refusal for decontamination shall be documented on NDOC form 2523 – Refusal of Medical Treatment. Photographs of the Inmate shall be completed on all Inmates who had force used upon them regardless of injuries. Copies of these photos shall be uploaded into NOTIS and placed in the Use of Force Incident File.
- ~~B.~~
2. Any staff member involved in the Use of Force sustaining injuries ~~will~~shall be examined by NDOC medical staff and ~~will~~shall provide emergency medical care proportionate to the individual's injuries prior to transport to an appropriate healthcare facility. This examination ~~will~~shall be documented utilizing the Unusual Occurrence Report form DOC 2514.

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~~405.11~~^{405.12} REPORTING OF USE OF FORCE

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In all cases the reporting of Uses of Force MUST be accomplished as soon as practical after the incident and before leaving the institution or going off duty. Any Use of Force ~~will~~^{shall} be reported to the shift supervisors who ~~will~~^{shall} ensure, once order has been restored and the involved inmate(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.

1. These reports ~~will~~^{shall} be entered into the Nevada Offender Tracking Information System (NOTIS) for review by the appropriate supervisors.
 - A. All relevant and supporting documentation and information associated with the Use of Force ~~will~~^{shall} be contained within the NOTIS Incident Report (IR).
 - B. All relevant incident questions, inmate involvement questions, and staff involvement questions ~~will~~^{shall} be completed within NOTIS.
2. Verbal notification of the Use of Force ~~will~~^{shall} be made via the chain of command to the Warden. The Warden ~~will~~^{shall} notify the Deputy Director of Operations- (DDO).
3. An email ~~will~~^{shall} be generated by the shift supervisor, notifying institutional/facility administration, the Deputy Director of Operations, and the Inspector General of the IR number and Use of Force for instances that involved, (the below referenced list includes but is not limited to the following uses of force that must be reported):
 - A. Discharge of a firearm for any reason other than training;
 - B. Any Use of Force that results in an injury to staff or an inmate;
 - C. Any Use of Force that results in an allegation or grievance claiming an injury;
 - D. Any complaint, grievance or indication of an unnecessary or excessive Use of Force; or
 - E. Planned Use of Force that results in any of the above.

~~405.12~~^{405.13} USE OF FORCE INCIDENT REVIEWS

1. Any Use of Force suspected to be excessive or unnecessary ~~will~~^{shall} be immediately referred to and assigned to the Inspector General for investigation. In these circumstances the Use of Force Incident Review will not be completed.

2. Any use of less lethal force willshall result in a Use of Force Review panel convening within ten (10) days from the Use of Force. To ensure a fair and impartial review, the review panel willshall be comprised of staff not directly involved in the incident to ensure a fair and impartial review.
3. At a minimum the review panel willshall consist of:
 - A. An Associate Warden from the institution involved.
 - B. An institutional Command Staff at the level of authority of a Correctional Lieutenant or above, from the institution involved.
4. The review panel willshall review all information, reports, all video footage, and any other pertinent information or document that is or willshall become available.
5. The review panel willshall review the actions of all staff members and inmate(s) involved in the Use of Force incident, including those actions leading up to the Use of Force, taking into account any NOTIS incident reports surrounding the time frame of the Use of Force, especially involving the staff member that used the force and the inmate that had the force used upon their person.
6. The review panel willshall conduct in person, recorded interviews of all staff and inmate(s) involved in the Use of Force. Should the panel, as part of the review, desire to question/interview an employee involved in the use of force, the panel willshall conduct all interviews in accordance with department disciplinary procedures, as well as relevant provisions of NRS chapter 284 and 289. The panel does not have the authority to recommend discipline.
7. The review panel willshall evaluate the Use of Force incident and prepare a written report on its evaluation and determination to the Warden, the Deputy Director of Operations and Inspector General within ten (10) days from commencement of the Use of Force review, to include:
 - A. Was the Use of Force justified;
 - B. Was the Use of Force within policy, procedures and training of the Department;
 - C. Could the Use of Force have been prevented;
 - D. Could this type of Use of Force be prevented in the future;
 - E. Any referral for investigation for possible disciplinary action for staff member(s) involved in the Use of Force.
 - F. Any recommended corrective action for staff member(s) involved in the use of force.

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G. Any recommendation for any staff member that acted with distinction in the Use of Force; and

H. Any recommended changes or enhancements to policy, procedure, or training related to this Use of Force.

I. Any recommended changes or enhancements to the physical structure of the area related to this use of force

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405.13 SERIOUS USE OF FORCE INCIDENT REVIEWS

1. Any Use of Force suspected to be excessive or unnecessary willshall be immediately referred to and assigned to the Inspector General for investigation. In these circumstances the Use of Force Incident Review will not be completed.
2. Any use of deadly force or less lethal force causing serious physical injury willshall result in convening a Serious Incident Review Panel within fifteen (15) days from the Use of Force. The review panel willshall be comprised of staff not directly involved in the incident to ensure a fair and impartial review.
3. At a minimum the review panel willshall consist of:
 - A. A Warden and/or an Associate Warden from an institution where the Use of Force did not occur;
 - B. An Investigator or Supervisory Investigator from the Inspector General's Office;
 - C. An institutional Command Staff at a level of authority of a Correctional Lieutenant or above, from an institution where the Use of Force did not occur.
4. The review panel willshall review all information, reports, all video footage, and any other pertinent information or document that is or willshall become available.
5. The review panel willshall review the actions of all staff members and inmate(s) involved in the Use of Force incident, to include those actions leading up to the use of force. The panel willshall also take into account any NOTIS incident reports surrounding the time frame of the Use of Force, especially involving the staff member that used the force and the inmate that had the force used upon their person.
6. The review panel willshall conduct in person, recorded interviews of all staff and inmate(s) involved in the Use of Force. When the panel, questions/interviews a staff member involved in the Use of Force the panel willshall conduct all interviews in accordance with department ~~disciplinary~~ procedures, as well as relevant provisions of NRS chapter 284 and 289. The panel does not have the authority to recommend discipline.

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- A. The written notice will/shall provide the names of the assigned staff members to the review panel;
- B. The written notice will/shall identify the NOTIS Incident Number for the Use of Force incident;
- C. The written notice will/shall identify the date, time and location of the interview;
- D. The review panel will/shall ask questions and gather information related to the specific Use of Force, the inmate(s) involvement and any historical information related to the interaction between the involved staff member and the involved inmate(s);
- E. The written notice will/shall provide the Notice of Confidentiality applied to the Use of Force Review.

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- 7. The review panel will/shall evaluate the Use of Force incident and prepare a written report on its evaluation and determination to the Director and the Deputy Director of Operations within thirty (30) days from commencement of the Use of Force review, to include:

- A. Was the Use of Force justified;

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- B. Was the Use of Force within policy, procedures and training of the Department;

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- C. Could the Use of Force have been prevented;

- D. Could this type of Use of Force be prevented in the future;_____

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- E. Any referral for investigation for possible disciplinary action for staff member(s) involved in the Use of Force.

- F. Any referral for investigation for possible corrective action for staff member(s) involved in the Use of Force.

- G. Any recommendation for any staff member that acted with distinction in the Use of Force; and

- H. Any recommended changes or enhancements to policy, procedure, or training related to this Use of Force.

- I. Any recommended changes or enhancements to the physical structure of the area related to this use of force.

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8. Any recommended corrective action being applied to a staff member ~~will~~shall be reported to the appointing authority via a memorandum that outlines the reason for the corrective action. A corrective action is not deemed a discipline.
9. Any findings that recommend disciplinary action be taken against a staff member ~~will~~shall be referred to the Inspector General and Director for their review and appropriate response; response may include, but not be limited to official assignment for Administrative Investigation.
10. Any findings that recommend a change or enhancement to a policy, procedure, or training ~~will~~shall be sent to the Director and Deputy Director of Operations.
11. Any findings that identifies that a staff member acted with distinction in the Use of Force ~~will~~shall be sent to the Director and Deputy Director of Operations.
12. The review panel report and its contents are confidential and not subject to dissemination except by order of the Director, Inspector General, or lawful court order.
13. The Inspector General's Office ~~will~~shall track all Use of Force reviews to insure timely completeness. The Inspector General's Office ~~will~~shall prepare and submit to the Director's executive team, an annual report that details the number of Uses of Force that were reviewed and the total of the outcomes for each of the categories reviewed

405.14 OFFICER INVOLVED SHOOTING INVESTIGATIONS

1. All uses of force that involve the discharge of a firearm, excluding blank rounds, ~~will~~shall result in an Officer Involved Shooting (OIS) investigation being done by an investigator(s) of the Inspector General's Office (IG) unless;
 - ~~A.~~ A death occurs as the result of the discharged round, at which time an outside law enforcement investigating body ~~will~~shall be called in for response and investigation;
 - B. Director or Inspector General determines that the matter is or may be a conflict of interest to the Department.
2. The processes, procedures and format used in conjunction with an OIS investigation and the subsequent report are contained within the confidential I.G. manual.
3. All OIS investigations are confidential and not subject to dissemination without the authorization of the Director, Inspector General, and Board of Prison Commissioner's or in conjunction with lawfully issued court order.

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4. The OIS report ~~will~~shall be e-mailed to the Director, Deputy Director of Operations and the Inspector General/designee. Once approved, this report ~~will~~shall be made available to the Use of Force Review Panels.

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APPLICABILITY

1. An Operational Procedure is required within thirty (30) days of this regulation's effective date.
2. This AR requires an audit.

REFERENCES

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

| James Dzurenda, Director

Date