

# **Use of Force Policy, Practices and Staff Training Regarding the Use of Shotguns in Nevada Prisons**

*Submitted to the:*

**Nevada Department of Corrections**

*By the:*

**Association of State Correctional Administrators**

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**Background:** At the request of the Director of the Nevada Department of Corrections, ASCA contracted with the State of Nevada to complete an assessment of the Department's Use of Force policies, procedures, training, and practices currently in place within the Department. The policy review included an assessment of the Department's Administrative Regulation (AR) 405; applicable institutional operating procedures regarding use of force; training protocols; interviews with central office staff, training staff, and institutional staff; site visits to Lovelock Correctional Center (LCC), High Desert State Prison (HDSP), and Ely State Prison (ESP); review of incident reports; and a review of incidents in which shotguns were fired in Nevada prisons from January 2012 through December 2014. The focus of the assessment was to determine if the:

1. Department's Use of Force policy is in keeping with national correctional standards and best practices;
2. Leadership and officers at Department facilities are following the letter and intent of the Department's policy on the use of force; and
3. Staff training on the use of force during pre-service and in-service is in keeping with national correctional standards, widely accepted practices, and Department policy.

More specifically the three areas included:

1. Policy: The review of the Department's policy on the use of force concentrated on AR 405 (See Appendix A).
2. Practice: The assessment of actual use of force practices was conducted through study of prior incidents, interviews with prison staff, and observation of areas in which shooting incidents occurred. Particular attention was also paid to the relationship between use of force incidents and prison staffing levels. The reader is referred to a 2014 report on Staffing Needs prepared for and submitted to the Department of Corrections by the Association of State Correctional Administrators. That report is also available on the Department's website at [www.doc.nv.gov](http://www.doc.nv.gov)
3. Training: The assessment of training was examined at both the Department level during pre-service training and at institutional level during ongoing in-service training, which also includes on the job training. Training facilities were visited, trainers and trainees were interviewed, and training documents and materials were also reviewed. A description and assessment of a range of use of force equipment available to staff is also provided.

### **Use of Force Policy: NEVADA DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURES COMPARED TO NATIONAL CORRECTIONAL STANDARDS AND WIDELY ACCEPTED PRACTICES**

**Conclusion:** Key elements of the Department's Use of Force Policy are not consistent with nationally accepted correctional standards and currently accepted best practices.

The following findings were instrumental in drawing this conclusion.

Unclear Policy: The base policy in the Department regarding use of force is AR 405 – Use of Force Standards, which was last updated as a temporary AR on December 14, 2011, and subsequently approved with an effective date of January 2, 2012. This Administrative Regulation is somewhat misleading. For instance, paragraph 2.A states, “...this regulation is used as the operational procedure when the “use of force” is required.” This statement would indicate that AR 405 is to be used as the local operating procedure (LOP) at all institutions. Further direction to support this statement is presented on page 5, paragraph 1, under the heading “APPLICABILITY,” which reads: “This regulation is required for use at each institution/facility. No operating procedure is required.” In actuality, each institution visited had written a fairly detailed Use of Force Operating Procedure. While the institutions acted appropriately in writing those detailed LOP’s, their actions are contrary to AR 405.

Imprecise Policy: AR 405’s content is not clear. As an example, paragraph 405.01.2 states, “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 or capture escapees.” First, it appears that policy guidance goes from “physical contact” to “...as a last resort deadly force,” with no other options in between those actions. Second, it is also somewhat difficult to reconcile the phrase, “...in instances of justifiable self-defense...” with “B. Protect state property.” While the intent of the policy can be deduced, well-written regulations should not leave it up to the reader to assume its intent or make inferences, especially regarding the use of deadly force.

A clear articulation of when deadly force may/should be used is also missing from AR 405. Typically, a law enforcement agency will cite state law parameters regarding the use of deadly force by law enforcement officers. Language such as, “...deadly force will only be used when it is reasonable force and is needed to: 1. Defend a person from an immediate threat of death or great bodily injury. 2. Prevent an escape from custody,” etc., is indicative of high-level policy guidance. Defining parameters for the use of deadly force also helps establish guidelines for the use of non-deadly force.

Local Use of Force Procedures: All three institutions that were studied (LCC, HDSP, and ESP) had written detailed Use of Force procedures. These procedures established parameters for the use of deadly force but also contained some serious inconsistencies with the Department’s policy. If left as written, some of these inconsistencies could adversely impact the intent of Departmental policy.

ESP’s Operational Procedures: For the most part, ESP’s OP 405 is comprehensive; but two key items are misleading. Page 6 contains a paragraph, “Non-Deadly Use of Firearms.” While the Department considers the 12-gauge shotgun with 7-½ birdshot to be “non-deadly,” the 12-gauge shotgun is not mentioned nor referenced in this section of the OP. If this paragraph is intended for the 12-gauge shotgun, then it should be

explicitly written to preclude anyone from concluding that a mini-14 may have non-deadly uses.

On page 11, the second paragraph reads, "...where the inmate does possess a deadly weapon or serious bodily injury and/or death is imminent..." The very next sentence reads, "The mini-14 will only be used when a weapon is being, or is about to be used." This statement should be clarified, as the first phrase would indicate that if an inmate were down and unable to defend himself and another inmate(s) were kicking him in the head, deadly force might be legal and justified. The second sentence seems to argue otherwise. ESP's OP 405 is the only procedure that directs staff to use the mini-14 to "shoot to stop," which is consistent with range training and qualification processes.

HDSP's Operational Procedures: HDSP's OP 405 is also comprehensive; however, it too contains inconsistencies. On page 2, paragraph 405.2.2, it cites that deadly force may be used "To prevent an inmate from escaping from custody who is classified as medium, maximum, or closed (sic) custody." This statement seemingly differentiates between a minimum custody inmate living in a minimum-security support facility from an inmate living within the perimeter of the main institution. If that is the case, this point should be clearly stated. The OP leaves the question unaddressed as to whether it is the Department's intent for staff not to fire their weapon because they don't know the classification level of an escaping inmate. Repeatedly, throughout this procedure references on the use of the mini-14 to, "shoot to disable," or "shoot at the lower extremities" are written.

On page 3, paragraph 4, the procedure in one sub-paragraph reads, "...inmate does not possess a deadly weapon, but is committing an act, which could result in death or serious bodily injury...shoot to disable by shooting at the lower extremities." The next sub-paragraph states that if an inmate does possess a deadly weapon or serious bodily injury/death is imminent, the policy is to shoot (we believe this means shoot to stop) at the torso. We wonder why the difference, if both scenarios are likely to result in death or great bodily injury? This is confusing and places pressure on staff who are already charged with making split second life/death decisions. It is also inconsistent with how staff are trained. Both at the Department's training academy, and at institutional range qualifications, staff firing the mini-14 are trained to shoot at a torso target not at legs. They are trained to shoot to stop, not to disable. This is also the national standard in law enforcement for the use of deadly weapons. Page 9 of the procedure references the escalating use of the 12-gauge shotgun from warning shot to 7-½ birdshot. It reads, "If the threat increases to include: more than two inmates involved...you can then progress to: Firing of the 7-½ birdshot. Skip shot only." We read this to mean that if only two inmates are fighting the staff member may only fire a warning shot ("popper") or a rubber stinger round. However, we have seen several incident reports, which included only two combatants, yet 7-½ birdshot was fired at the inmates.

On page 13, paragraph 405.08, a Firearm Discharge Review is described. (The current and future versions of this section of AR 405 should be reviewed and approved by the Attorney General's office.) The concern is how this process might impact any investigation or legal or disciplinary action. The HDSP Warden has recently started to review each live fire incident with the officer who fired the shot(s). While this review is not yet written into HDSP procedures, the Warden credits this review with reducing the number of actual live rounds fired in 2015. (In the first six months of 2015, 14 use of shotgun incidents were reported - 11 poppers only and 3 poppers and birdshot as compared to the first half of 2014 when 27 use of shotgun incidents were reported - 22 poppers only and 5 poppers and birdshot.)<sup>1</sup>

With regard to firing 7-½ birdshot, staff acknowledge Department policy is that if there is no ability to skip the shot, then live rounds will not be fired. The only written reference to this, however, is contained in HDSP's OP 405, which states, "If there is no ability to skip shot, then live rounds will not be fired unless the inmate possesses a deadly weapon or serious bodily injury and/or death is imminent." Range masters indicate that during semi-annual live firing qualification, staff are instructed not to fire live rounds if they can not skip the shot, although Department Policy AR405 is silent on this point.

LCC Operational Procedures: LCC has an unnumbered Use of Force Procedure, which is part of their Emergency Response Manual. When using the mini-14, this OP repeatedly directs staff to "shoot to disable" or "shoot to disable by shooting at the legs." This guidance is not consistent with training or nationally accepted standards for the use of deadly force. Another troubling point, which is almost verbatim in the HDSP's OP, is the sentence: "Every effort should be made to direct the round into the attacker and not the victim." While the intent of this sentence is understandable, its implication is disquieting. More consistent with the trending national law enforcement norm is language such as, "A firearm shall not be discharged if there is reason to believe that persons other than the intended target will be injured." Such guidance with accompanied training reduces the chances of unintended victims being hit.

### **Prison Practices: LEADERSHIP AND STAFF IMPLEMENTATION OF DEPARTMENT USE OF FORCE POLICY:**

**Conclusion:** Prison leadership and staff at each prison are working in good faith to implement the Department's Use of Force policy.

Control Booth Officers: When interviewed, control booth officers generally knew the protocols for using the shotgun. When presented with the typical scenario of inmates fighting on the ground floor or yard, they all confidently described how they would skip shot the rounds into lower extremities - after appropriate preliminary warnings. However, when presented with less typical scenarios, such as second tier incidents, incidents where inmates are on the ground, or floor, or incidents in which ground staff

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<sup>1</sup> Source: Nevada Department of Corrections.

are actively involved, at least half of the interviewed officers were hesitant or less confident in what constituted an appropriate response.

Tower Officers: Officers posted in coverage towers were interviewed and asked when it would be appropriate to use the shotgun and when it would be appropriate to use the mini-14. One officer said he could not imagine any situation in which he would use a mini-14. When presented with the scenario of an inmate with a clearly visible knife stabbing another inmate directly under his tower, the officer said he was not a doctor and didn't necessarily know that the knife would be deadly. Therefore, he wouldn't use deadly force. Another officer at a different institution was asked: When is it appropriate to use the mini-14 or shotgun? The officer said if it was an inmate-on-inmate altercation, she would use a shotgun, but if it were an inmate-on-staff incident, a mini-14 would be used. The lack of knowledge regarding when and where to use different weapons is troubling. For the most part, however, staff assigned to perimeter and watch-towers could clearly and correctly articulate when to deploy a mini-14.

Extent and Type of Use of Shotguns in Nevada Prisons: The extent to which shotguns were used in 2012, 2013, and 2014 at six prisons are summarized in Table 1 according to the type of firing (popper only, or popper plus bird shot). From January 1, 2012 through December 31, 2014, there were 208 incidents in which officers fired a shotgun in six Nevada prisons. In alphabetical order, they are ESP, HDSP, LCC, NNCC, SDCC, and WSCC.

<b>Table 1: Comparing Types of Firings 2012-2014</b>						
<b>Prison</b>	<b>Popper+Bird Shot</b>		<b>Popper Only</b>		<b>Total</b>	
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
<b>ESP</b>	3	43%	4	57%	<b>7</b>	<b>100%</b>
<b>HDSP</b>	48	33%	98	67%	<b>146</b>	<b>100%</b>
<b>LCC</b>	10	56%	8	44%	<b>18</b>	<b>100%</b>
<b>NNCC</b>	5	45%	6	55%	<b>11</b>	<b>100%</b>
<b>SDCC</b>	1	10%	9	90%	<b>10</b>	<b>100%</b>
<b>WSCC</b>	4	25%	12	75%	<b>16</b>	<b>100%</b>
<b>Total</b>	<b>71</b>	<b>34%</b>	<b>137</b>	<b>66%</b>	<b>208</b>	<b>100%</b>

On the following page in Table 2 those occurrences are presented in each of the three years (2012, 2013, and 2014) along with the percentages by type of occurrence, then by percentage according to which prison the firings occurred, and lastly by the total number of firings in each year. They included 63 incidents in 2012, 77 incidents in 2013, and 68 incidents in 2014. The percentage of times that only a "popper" was fired steadily increased from 59 percent in 2012, to 65 percent in 2013, to 74 percent in 2014. Over that three-year period of time almost two-thirds of the incidents involved only the firing of a popper – a blank round.



**Table 2: Number and Type of Shotgun Firing Incidents 2012 - 2014**

Prison	2012					2013					2014				
	Popper+ Bird Shot		Popper Only		Total	Popper+ Bird Shot		Popper Only		Total	Popper+ Bird Shot		Popper Only		Total
	#	%	#	%	#	#	%	#	%	#	#	%	#	%	#
ESP	0	0%	1	100%	1	2	67%	1	33%	3	1	33%	2	67%	3
HDSP	19	42%	26	58%	45	19	32%	40	68%	59	10	24%	32	76%	42
LCC	3	38%	5	63%	8	2	67%	1	33%	3	5	71%	2	29%	7
NNCC	2	50%	2	50%	4	2	40%	3	60%	5	1	50%	1	50%	2
SDCC	0	0%	1	100%	1	0	0%	1	100%	1	1	13%	7	88%	8
WSCC	2	50%	2	50%	4	2	33%	4	67%	6	0	0%	6	100%	6
<b>Total</b>	<b>26</b>	<b>41%</b>	<b>37</b>	<b>59%</b>	<b>63</b>	<b>27</b>	<b>35%</b>	<b>50</b>	<b>65%</b>	<b>77</b>	<b>18</b>	<b>26%</b>	<b>50</b>	<b>74%</b>	<b>68</b>

Prison	2012					2013					2014				
	Popper+ Bird Shot		Popper Only		Total	Popper+ Bird Shot		Popper Only		Total	Popper+ Bird Shot		Popper Only		Total
	#	%	#	%	#	#	%	#	%	#	#	%	#	%	#
ESP	0	0%	1	3%	1	2	7%	1	2%	3	1	6%	2	4%	3
HDSP	19	73%	26	70%	45	19	70%	40	80%	59	10	56%	32	64%	42
LCC	3	12%	5	14%	8	2	7%	1	2%	3	5	28%	2	4%	7
NNCC	2	8%	2	5%	4	2	7%	3	6%	5	1	6%	1	2%	2
SDCC	0	0%	1	3%	1	0	0%	1	2%	1	1	6%	7	14%	8
WSCC	2	8%	2	5%	4	2	7%	4	8%	6	0	0%	6	12%	6
<b>Total</b>	<b>26</b>	<b>100%</b>	<b>37</b>	<b>100%</b>	<b>63</b>	<b>27</b>	<b>100%</b>	<b>50</b>	<b>100%</b>	<b>77</b>	<b>18</b>	<b>100%</b>	<b>50</b>	<b>100%</b>	<b>68</b>

Prison	2012					2013					2014				
	Popper+ Bird Shot		Popper Only		Total	Popper+ Bird Shot		Popper Only		Total	Popper+ Bird Shot		Popper Only		Total
	#	%	#	%	#	#	%	#	%	#	#	%	#	%	#
ESP	0	0%	1	2%	1	2	3%	1	1%	3	1	1%	2	3%	3
HDSP	19	30%	26	41%	45	19	25%	40	52%	59	10	15%	32	47%	42
LCC	3	5%	5	8%	8	2	3%	1	1%	3	5	7%	2	3%	7
NNCC	2	3%	2	3%	4	2	3%	3	4%	5	1	1%	1	1%	2
SDCC	0	0%	1	2%	1	0	0%	1	1%	1	1	1%	7	10%	8
WSCC	2	3%	2	3%	4	2	3%	4	5%	6	0	0%	6	9%	6
<b>Total</b>	<b>26</b>	<b>41%</b>	<b>37</b>	<b>59%</b>	<b>63</b>	<b>27</b>	<b>35%</b>	<b>50</b>	<b>65%</b>	<b>77</b>	<b>18</b>	<b>26%</b>	<b>50</b>	<b>74%</b>	<b>68</b>

In Table 3 the percentage of firings at each of the six prisons during those three years is presented. 146 of the 208 (70%) of the use of shotguns during those three years occurred at HDSP. 98 of the 137 popper only incidence (72%) occurred at HDSP and 48 of the 72 popper+bird shot incidence (68%) occurred at HDS.

Prison	Popper+Bird Shot		Popper Only		Total	
	#	%	#	%	#	%
ESP	3	4%	4	3%	7	3%
HDSP	48	68%	98	72%	146	70%
LCC	10	14%	8	6%	18	9%
NNCC	5	7%	6	4%	11	5%
SDCC	1	1%	9	7%	10	5%
WSCC	4	6%	12	9%	16	8%
<b>Total</b>	<b>71</b>	<b>100%</b>	<b>137</b>	<b>100%</b>	<b>208</b>	<b>100%</b>

Comparing ESP, HDSP and LCC: In that the focus of this review centered on the use of shotguns at ESP, HDSP, and LCC, the same data that was presented in Tables 1, 2, and 3 is presented in Tables 4, 5, and 6 except that it includes only the information for ESP, HDSP and LCC. A very similar pattern over those three-year is summarized in Tables 4 and 6, and presented by year in Table 5.

The data in Table 4 indicates that poppers alone were most likely to have been fired at HDSP (67% of the time) while poppers alone were fired at the lowest rate at LCC (44% of the time). While the number of times that popper+birdshot was fired at HDSP (48) was greater than at LCC (10), the percentage of that occurrence was greater at LCC (56%) than at HDSP (33%). Thus, LCC was far less likely to fire a warning shot that was HDSP or ESP.

Prison	Popper+Bird Shot		Popper Only		Total	
	#	%	#	%	#	%
ESP	3	43%	4	57%	7	100%
HDSP	48	33%	98	67%	146	100%
LCC	10	56%	8	44%	18	100%
<b>Total</b>	<b>61</b>	<b>36%</b>	<b>110</b>	<b>64%</b>	<b>171</b>	<b>100%</b>

**Table 5 : Number and Type of Shotgun Firing Incidents at ESP, HDSP and LCC 2012-2014**

Prison	2012					2013					2014				
	Bird Shot		Popper		Total	Bird Shot		Popper		Total	Bird Shot		Popper		Total
	#	%	#	%	#	#	%	#	%	#	#	%	#	%	#
ESP	0	0%	1	100%	1	2	67%	1	33%	3	1	33%	2	67%	3
HDSP	19	42%	26	58%	45	19	32%	40	68%	59	10	24%	32	76%	42
LCC	3	38%	5	63%	8	2	67%	1	33%	3	5	71%	2	29%	7
<b>Total</b>	<b>22</b>	<b>41%</b>	<b>32</b>	<b>59%</b>	<b>54</b>	<b>23</b>	<b>35%</b>	<b>42</b>	<b>65%</b>	<b>65</b>	<b>16</b>	<b>31%</b>	<b>36</b>	<b>69%</b>	<b>52</b>

Prison	2012					2013					2014				
	Bird Shot		Popper		Total	Bird Shot		Popper		Total	Bird Shot		Popper		Total
	#	%	#	%	#	#	%	#	%	#	#	%	#	%	#
ESP	0	0%	1	3%	1	2	9%	1	2%	3	1	6%	2	6%	3
HDSP	19	86%	26	81%	45	19	83%	40	95%	59	10	63%	32	89%	42
LCC	3	14%	5	16%	8	2	9%	1	2%	3	5	31%	2	6%	7
<b>Total</b>	<b>22</b>	<b>100%</b>	<b>32</b>	<b>100%</b>	<b>54</b>	<b>23</b>	<b>100%</b>	<b>42</b>	<b>100%</b>	<b>65</b>	<b>16</b>	<b>100%</b>	<b>36</b>	<b>100%</b>	<b>52</b>

Prison	2012					2013					2014				
	Bird Shot		Popper		Total	Bird Shot		Popper		Total	Bird Shot		Popper		Total
	#	%	#	%	#	#	%	#	%	#	#	%	#	%	#
ESP	0	0%	1	2%	1	2	3%	1	2%	3	1	2%	2	4%	3
HDSP	19	35%	26	48%	45	19	29%	40	62%	59	10	19%	32	62%	42
LCC	3	6%	5	9%	8	2	3%	1	2%	3	5	10%	2	4%	7
<b>Total</b>	<b>22</b>	<b>41%</b>	<b>32</b>	<b>59%</b>	<b>54</b>	<b>23</b>	<b>35%</b>	<b>42</b>	<b>65%</b>	<b>65</b>	<b>16</b>	<b>31%</b>	<b>36</b>	<b>69%</b>	<b>52</b>

As can be seen from the data in Table 6, among these three prisons, most of the total incidents (146 out of 171, or 85%) occurred at HDSP, while the fewest (7, or 4%) occurred at ESP. A similar pattern occurred for both the popper only and for the popper+bird shot.

Prison	Popper+Bird Shot		Popper Only		Total	
	#	%	#	%	#	%
ESP	3	5%	4	4%	7	4%
HDSP	48	79%	98	89%	146	85%
LCC	10	16%	8	7%	18	11%
<b>Total</b>	<b>61</b>	<b>100%</b>	<b>110</b>	<b>100%</b>	<b>171</b>	<b>100%</b>

The numbers for HDSP are significantly higher than the Department's averages and appear out of line with the other institutions until one examines the mission(s) at HDSP. HDSP serves as a reception center for the Department. It also houses several transitional populations. Some units house inmates pending protective custody status, other units house inmates who have been involved in gang or violent encounters and are being given the opportunity to transition back into general populations. Some units are segregation units, which house inmates recently involved in gang or violent activity and are pending further actions and placement.

Reception centers by their very nature tend to have more violent encounters because many of the new inmates are unknown to staff and an inmate's intentions for assimilation into the prison environment is equally unknown. In other words, reception centers may hold a number of inmates who are intent on using violence to gain notoriety.

On the other hand, the number of shots fired at ESP are significantly below the number of shots fired at either HDSP or LCC. While ESP houses some of the most violent inmates, there is little open movement of inmates and thus the opportunity for inmates to physically engage each other or the staff is far more limited. As a result, the potential need for staff to fire their weapons is greatly reduced.

At ESP there is a comparatively small general population inmate work force. Other than that small work force, most of ESP's inmates are escorted in restraints. Most of the validated gang leaders and all condemned inmates are confined at ESP. Whenever they leave their cells for exercise they are escorted either individually or in very small, well-controlled groups. While ESP fires far fewer shotgun rounds than other prisons, it also tends to have a higher rate of use of physical force because of the greater hands-on escorting and the close proximity of escorting staff. This means that when an inmate acts out, staff has to use immediate physical force; and their proximity to the inmate largely precludes the firing of bird shot.

Department Staffing Levels and Use of Shotguns: Because the Department operates at very low staffing levels, it relies heavily on the use of shotguns to protect inmates and staff from harm. In fact, Nevada has the highest prisoner to staffing ratio (12.28 prisoners for every one security staff person) of any state department of corrections in the country, and nearly twice the national average of 6.27 prisoners to one security staff member.<sup>2</sup> On the following page, see Table 7: Prisoners to Security Staff Ratios.

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<sup>2</sup> Source: ASCA's Performance Based Measure System 2014 data reported by state departments of corrections.

**Table 7: Prisoners to Security Staff Ratios**

<b>2014</b>	<b>Nevada DOC</b>	<b>National Average of 32 DOCs</b>
<b>Ratio of Prisoners to Security Staff</b>	12.28:1	6.27:1

The lack of staff to deter inmates from attacking other inmates or staff and the lack of staff to respond quickly to incidents have placed the Department in the position of relying heavily and almost exclusively to the use of weapons to maintain order.

Review of Incidents in which Shotguns were Fired: Supervisory and management staff reviewing use of force incident reports is essential for ensuring compliance with policy and procedures, and ensuring that training keeps pace with staff needs. Currently, all Department institutions do some form of review concerning firing of live rounds. Most institutions are reviewing the use of “popper” rounds, as well. However, less common is the routine review of uses of physical force. While the current reviews are helpful in identifying abuses, they are less helpful in verifying that all uses of force are in compliance with policy, procedure and training.

As part of this assessment, a number of incident reports were reviewed, including reports by individual staff members. While most individual reports were acceptable (some really excellent), a number of reports indicated staff were self conscious about using force. Phrases such as, “I assisted inmate Jones to the floor.” were not uncommon. A conversation with an IG investigator confirmed that it is not uncommon for Department staff to be self conscious about using force. Individual use of force reports written by staff members frequently lack substance. Staff appear reluctant to talk (or write) about exactly what occurred during a use of force incident, in part, because they may have doubts about what is authorized by policy, procedure and training.

Alternative Approaches and Options: Staff expressed at least mild anxiety about becoming involved in a physical confrontation with an inmate and having a control booth officer fire bird shot in their direction. In general, staff at LCC and HDSP relayed that they tend to hold back intervening in inmate altercations and depend on the shotgun to stop the action, whether by mere show, use of a “popper,” or actual firing of bird shot. Some thought it unsafe to intervene by themselves, as they were the only floor staff in the building. Some were reluctant because they wanted to see what the control booth officer was going to do and they didn’t want to be hit by bird shot.

Custody staff at ESP, HDSP, and LCC do not carry OC, batons, handcuffs, or handcuff keys. Line staff at SDCC carry OC. Staff do not carry whistles nor do they have personal alarm devices. If they deem it necessary, supervisors may draw OC, batons, and Tasers. In cases of emergencies, staff depend on the use of radios and telephone off-hook

alarms. Many civilian employees who work with inmate crews do not have radios and rely solely on off-hook alarms in case of an emergency.<sup>3</sup>

Custody staffing levels in housing units and on yards is extremely low. The lack of staff resources and safety equipment reinforces the need for and use of 12-gauge shotgun as the default means of controlling inmates. While contributing factors were not specifically mentioned, interviews with staff generally confirmed that controlling inmates went from verbal to the shotgun with little or no physical intervention by floor staff. The main exception to this was at ESP, which mostly uses hands on double escorts of restrained inmates.

Unit floor staff and yard staff were asked their opinions on being issued and carrying OC and batons. About two-thirds of the staff said they would appreciate having those options available to them. About one-third of the staff queried said they would not want to carry OC or a baton. Most were vague in their reasons why, but a few said they were fearful that inmates would take it away from them and use it on the staff member. When asked if they could recall an instance when that actually happened, they could not.

#### **Staff Training: STAFF TRAINING COMPARED TO NATIONAL CORRECTIONS STANDARDS AND WIDELY ACCEPTED PRACTICES**

**Conclusion:** The Department's central academy pre-service training meets national corrections standards, including firearms training; but its prison-based in-service training is minimal, varying between 16 and 24 hours per person, as opposed to nationally accepted standards for 40 hours of training per person. Further, annual ongoing firearms training does not meet widely accepted best practices nor the Department's own policy mandate in section 362.03 of AR 362 - because there is no classroom training on use of firearms policy and procedures and no scenario training. In addition, while the Department counts the time spent qualifying with weapon as training hours, in reality it is only time spent qualifying in the use of firearms by achieving a passing target score.

The Department's training division or Employee Development Unit (EDU) consists of six staff. They are the:

- (1) Employee Development Manager;
- (2) Training Officer;
- (3) Two instructors assigned to the main Department Academy at Indian Springs;
- (4) Two training sergeants, one located at LCC and the other at ESP. Those two sergeants are also responsible for conducting satellite pre-service academies at those institutions.

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<sup>3</sup> While there isn't a real history of staff carrying OC at one time, we were told staff in some institutions did carry PR-24 batons. We were also told that the batons were "taken away" after at least one situation of a staff member using a baton inappropriately. We were informed that some time ago custody staff carried handcuffs and handcuff keys, but these were also removed because some staff kept losing handcuff keys.

Funding: According to the EDU Manager, the EDU annual budget is \$186,000. EDU supplies all ammunition used to train staff at all institutions. EDU instructors have all completed Basic Instructor Development (BID), which is required by Nevada POST. If any other institution desires to have a training officer they must do so by redirecting a staff member from his/her existing budgeted position. As a consequence, that post is shut down to provide funds to cover the cost of the newly created training officer position. This practice was discussed in some detail in the 2014 ASCA staffing study.

Pre-Service Training: Pre-service training for correctional officers consists of an eight-week academy. This training is completed prior to the new correctional officer reporting for duty at their assigned institution. However, Nevada state law permits putting a correctional officer to work after a 40-hour (5-day) orientation period. These officers are sometimes referred to as "FAMS" short for familiarization. They are not peace officers and must complete the eight-week academy training program within the first year of their employment. This hiring practice is regularly used at several NDOC institutions (and Nevada sheriff's departments) to help with recruiting efforts.

Familiarization Orientation for Staff (FAMS): Difficulties in recruiting and retaining staff have resulted in hiring staff to work in the prisons with only 40 hours of orientation/training. The 40-hour orientation they receive is generic in nature and does not cover use of force issues or firearms familiarization. Unlike academy graduates who complete eight weeks of training, these staff are not peace officers and are not supposed to work by themselves in a posted position. Instead, they are supposed to shadow experienced staff. While the use of FAMS may increase staffing levels, it does not help fill security posts. However, because of staff shortages in the prisons, some institutions assign FAMS employees to positions where they work alone, although none appear to have been assigned to a gun post. (These employees do receive a 2.5-hour block of instruction in Emergency Response/Escape Procedures.) If a FAMS staff person wants to continue employment with the Department, she/he must complete the eight-week basic academy training program within one year.

Curriculum: The Academy curriculum meets the minimum hours of pre-service training established by the American Correctional Association (ACA). The curriculum is established to incorporate POST requirements, provide instruction relative to Department policies, and provide basic skills to start work as a correctional officer. As is the norm in other departments of corrections, on-going training is provided at the prison itself. During the pre-service training at the Academy, based on the AR 405, cadets are instructed on the use of force, defensive tactics, and responding to emergency situations.

Firearms Training: Custody staff also receive eight hours of firearms familiarization with the Ruger mini-14, Glock .22, and Remington 870 12-gauge shotgun, along with eight hours in which to qualify on the use of these weapons. Cadets are taught to skip fire 7-½ bird shot from the shotguns, as well as firing 00 buckshot at center of mass. They are taught to shoot center of mass with the mini-14 and Glock .22. There is no scenario training.

Training in the use of specialty weapons, such as the 37mm launcher, is not provided at the Academy. The central Academy does certify cadets in the use of OC. The satellite academies do not certify staff in the use of OC. Only line staff at SDCC are issued OC. All other institutions allow prior OC certifications to lapse since OC is not issued to line staff at their institutions.

In-Service Training: Ongoing training at the institutions consists of Corrections Employee Refresher (CER), semi-annual range qualification, and OJT. CER is 16 hours of training covering a variety of subjects, much of which is required, such as PREA updates. ACA Standard 4-4084 requires, "...new correctional officer receives 120 hours of training during their first year of employment and an added 40 hours of training each subsequent year of employment." Nevada CER falls 16-hours short of meeting that ACA annual in-service training standard. Semi-annual firearms qualification consists of firing rounds at a stationary target. Semi-annual qualification at only this level is simply not sufficient. Two range masters indicated their job is to "get people through the qualification," not to "train them."

In addition to the CER, peace officer staff must qualify semi-annually on the shotgun, mini-14 and Glock .22. Each qualification period lasts approximately four hours during which the staff member fires 10 rounds from the shotgun, 10 rounds from the mini-14 and 25 rounds from the Glock. The 10 rounds fired from the shotgun are: four rounds of 7-½ bird shot skipped into a target, two rounds of buckshot fired at center of mass and four more rounds of bird shot. Department staff qualify on the use of firearms twice a year, rather than once per year as required by ACA Standards.

Firing Ranges: The ranges used at ESP and HDSP are adequate. They have raised shooting areas from which to fire the mini-14 and shotgun, and they have fabricated a skip shooting area for the shotgun. Both of these ranges do have some electricity and running water.

On the other hand, the range at LCC is unacceptable. There is no electricity, no running water, no usable raised shooting area, no area under which participants can get relief from the elements, no toilet facilities, and the terrain is uneven and largely unimproved.

Much of the improvements made at the ranges have been done through donations and volunteer efforts.

On the Job Training (OJT): OJT is a vital element in any Department's training plan. Basic training academies and ongoing institutional classroom training can only provide so much for the employee. It is up to the first line supervisor, whose primary job is to train line staff, to help the employee apply that classroom knowledge to the actual job environment. As detailed in the 2014 Staffing Study, Department supervisor numbers are very low and the existing supervisor's span of supervision far exceeds accepted norms. This is to the detriment of line staff who are then deprived of the coaching and training they need to reconcile policy and procedure with job practices.



Senior Correctional Officers: The Department at one time sought to ameliorate this lack of budgeted supervision by adding a Senior Correctional Officer job classification. The primary essential job function of the Senior is to, "...Serve as lead workers for subordinate correctional staff by training." However, as often as not, Seniors are required to fill a Sergeant vacancy; and in the case of ESP, Seniors are assigned to control booths. In short, OJT is a rarity in the Department. This is not because staff don't want to provide or receive OJT, but the lack of staffing prevents them from overcoming this deficiency. Interestingly, one of the essential functions of the Senior job classification position reads, "...Must qualify on a quarterly basis with a score of 70 or better with a firearm." While this should be the requirement for all peace officer staff assigned to armed posts, the lack of training funds limits qualifications to twice per year.

Training Guides: Training in the use of firearms is guided by the May 10, 2012 "Use of Force Policy Nevada Department of Corrections," document in which a variety of use of force equipment - both authorized and unauthorized - are described and discussed. Much of the language contained in the document is written into Institutional use of force procedures, which are not always consistent with the Department's Use of Force Policy.

On page 10 of this document, subparagraph "c." states, "The general rule in any situation where the inmate does possess deadly weapon shall be to "Shoot to Disable" by shooting at the legs (except in escape situations; and, "d." In any life threatening situation where the inmate does possess a deadly weapon, the policy shall be to "Shoot to Stop" by shooting at a vital portion of the body, such as the torso." (sic). That the document purports to be department policy and its language is incorporated in institution operating procedures is of concern. Range masters report that this is not what is being taught at the range classes, yet this document is represented as current Department training. Such discrepancies between policy and training must be reconciled.

Defining Less than Lethal: On page 43 of the "Nevada Department of Corrections, Use of Force Method & Overview, Administrative Regulation 405" PowerPoint, a less than lethal weapon "...means a weapon that is designed and manufactured with the intent that it not create a substantial risk of causing death or serious bodily injury when a person with appropriate training uses the weapon in accordance with the instructions of the manufacturer. The Department identifies "less than lethal weapons" as "non-deadly force equipment per AR 405.03." That the Department uses the language in NAC to classify the Remington 870 shotgun with 7-½ birdshot as non-deadly force equipment is of concern.

Training Resources and Equipment: The Department's training efforts are severely underfunded and well below national correctional funding levels. A viable training program is vital to any organization's successful implementation of its policies and procedures. Department employees deserve credit for achieving what they have in spite of the lack of training resources. Without augmentation the effectiveness of staff training in the appropriate use of force and deadly force will not be achieved.

Beyond verbal orders and physical control, the Department does have a variety of equipment items, which can be used to control inmates. These items generally fall into one of five categories. They are firearms, chemical agent delivery systems, electrical control devices, impact or striking devices, and handcuffs or restraint gear.

The Department deploys the Ruger Mini-14 in most of its housing unit control booths, perimeter towers and interior watch-towers. Custody staff qualify semi-annually with the mini-14. While the mini-14 is considered a deadly force option, the Department has stated in its policy that this deadly weapon should be used in some circumstances to achieve non-deadly results (“shoot to disable” and “aim for the legs”). This is a dated concept not in keeping with modern criminal justice use of firearms. It is universally accepted in United States criminal justice agencies that deadly force is the most extreme force used to stop criminal activity when that activity must be immediately stopped. Therefore, when firearms are deemed necessary, criminal justice range masters train peace officers to “shoot to stop.” The Department’s deadly force *policy* is not consistent with this tenet, but the actual training conducted by the Department range masters is consistent with “shoot to stop.”

The Glock .22 is a 40mm semi-automatic pistol, which is the standard sidearm within the Department. While all custody staff must qualify with this weapon semi-annually, only selected staff (i.e., CERT, transportation) are authorized to draw it for use.

The Remington 870 12-gauge shotgun loaded with 00 buckshot is also routinely posted in perimeter towers and some interior watchtowers. This is a deadly force option and is almost always posted along with the mini-14.

While firearms are usually considered deadly force, the Department has designated the 12-gauge shotgun skip firing 7-½ bird shot as a non-deadly force weapon. This particular use of the shotgun was first introduced for Departmental use in 1984 and has been in widespread use since that time. This weapon is posted in nearly all housing unit control booths and most interior armed over watch positions. As previously stated and for the reasons cited, this has long been the primary means of controlling inmates. This use of force option is of concern. By its very nature bird shot is indiscriminate; and when skipped off a surface, the pellets can be very unpredictable in their trajectory. Pellets could hit uninvolved-inmates or staff in the vicinity of an incident. Within the last year, one inmate died in a shooting incident; and in another incident, an uninvolved inmate was blinded as a result of bird shot wounds. Over the last three years, bird shot pellets injured three staff members, as well as several other uninvolved inmates.

Court Involvement: In 1984 and 1994 the courts heard claims involving the use of firearms in Nevada prisons. In 1984 in *Buckner v. State of Nevada, et al*, No. CV--R--83-- 400--ECR the case dealt with the discharge of buckshot at an inmate. Plaintiff contended that an officer was improperly assigned to an armed post without adequate training and supervision. The court found in favor of the Department. The case did not address the use of shotguns or the use of bird shot to control inmates. In 1994 in *Carpino v.*

Demonsthenes, et al, No. 93-15694, the 9<sup>th</sup> Circuit addressed the constitutionality of the contention that excessive force was used when birdshot was discharged at an inmate. The 9<sup>th</sup> Circuit concluded that under the Constitution the use of birdshot did not represent excessive use of force.

The court found that the Department's use of force practices were not unconstitutional in two limited instances 20 and 30 years ago. This current review examines the use of shotguns with bird shot in the context of 2015 widely accepted correctional practices in the control of inmates. Since 1994, there have been several less than lethal and non-lethal technological improvements along with policy and procedure advances, which form the basis for what constitute current widely accepted best practices.

Chemical Agents and Equipment: Chemical agents including OC, a 37mm delivery system for CN/CS, and dispersion grenades are available but rarely employed by Department staff. OC is not issued routinely nor carried by staff. The exception to this practice is at SDCC. HDSP is in the process of certifying its custody staff to draw and carry OC. The 37mm is viewed as a very useful tool in open yard situations but this weapon largely remains in institution armories and very few staff are certified in its use. Grenades are available to CERT teams and custody supervisors. Tasers and Nova Shields are available but their use is typically restricted to CERT and supervisors who must draw the items from a central location.

The PR-24 side handle baton is typically stored in a central location and may be drawn only with a shift commander's approval. Only staff with current certification can draw and use this baton. Given the lack of training time and funds there seems to be rare occasions for annual certifications with the PR-24. For that reason and the fact that the shift supervisor must first approve drawing the baton (and OC) it seems unlikely these implements can be drawn for early intervention in a volatile situation. As a result, because of the availability of the shotgun, staff rely on the shotgun to control inmates and to break up fights between inmates.

Correctional officers do not carry handcuffs on their person. They are available to staff when checked out from a secure area, but a supervisor must approve this action. This practice makes it a bit cumbersome to get inmates restrained once a situation has been contained. It must be remembered that a situation is not truly under control until the inmates are under control.

## **RECOMMENDATIONS**

In this report a number of factors, which hamper the Department's efforts to meet widely accepted corrections standards with regard to Use of Force policy, procedures and practices have been cited. This section contains a number of recommendations, which if implemented would enable the Department to meet or exceed those widely accepted corrections standards.

They are:

1. Continue implementation of the 2014 Staffing Needs Study recommendations. In order for the Department to come into line with national use of force standards in corrections, its institutions must be appropriately staffed. The 2014 Staffing Study details those staffing requirements. This will also help the Department's efforts to train and mentor line staff by ensuring appropriate levels of supervision. This is the foundational piece on which successful implementation of the remaining recommendations depends.
2. Revise AR 405 to establish clear policy guidance for staff to follow. At a minimum the revised AR 405 should contain:
  - a. Definitions of deadly force, non-deadly force, and physical force, as well as definitions of reasonable force, unnecessary force, excessive force, great bodily injury, and nonconventional force;
  - b. The parameters under which each type of force may be used;
  - c. The options for using each type of force, i.e., mini-14, shotgun, OC, etc.;
  - d. Restrictions on the use of any implement or option;
  - e. Requirements for medical evaluation of wounds of inmates and staff;
  - f. Reporting requirements on uses of force; and
  - g. Monitoring all uses of force through an executive review process.
3. The AR 405 revisions should be done using the Informational Bulletin process in order to expedite implementation.
4. Augment the Department's training budget to improve range conditions, increase CER annual in-service training to the ACA Standard of 40 hours per year, and enable quarterly qualification for all staff assigned to armed positions. Well-written policies and procedure are of little value without comprehensive and ongoing training to implement and sustain them. Training should not only be based on Department policy and procedures per AR 362, it should include scenario training to help staff internalize policy intent. Training facilities – including ranges – should be safe and have the basic amenities to ensure that a meaningful learning environment is provided.
5. Train and certify all custody staff in the use of OC and require issuance of OC to all custody staff who may be in direct contact with inmates. Staff supervising inmates must have requisite tools with which to do their jobs as peace officers without having to depend on guns as the primary means of controlling inmates.
6. Require issuance of either PR-24 batons or ASP collapsible batons to all uniformed staff. Again, staff must have requisite peace officer tools to control recalcitrant inmates without depending on guns or having to physically restrain inmates.
7. Issue handcuffs to all custody staff. Peace officers must have the tools to do their jobs. Controlling unruly inmates is the ability to safely restrain them.

8. Ensure all staff assigned to armed post are qualified in the use of the 37mm launcher and assign that launcher and appropriate projectiles to all posts covering inmate movements. This is a valuable tool in the Department's use of force inventory and when deployed properly can be instrumental in ensuring that some violent situations don't have the opportunity to escalate.
9. Establish a formal Executive Use of Force Review process at each institution. This process is critical in achieving a truly viable use of force policy. It forces the Department to frequently review its policy, procedures, and training in the context of actual use of force. This process enables the Department to make procedural and or training adjustments as necessary to ensure a sound policy is implemented as intended by determining if actual staff actions are in compliance with the policy. By determining policy compliance as opposed to determining if the action was either "right or wrong," the Department can validate its policy, procedures and training. Another important sub-part of this Review is a process for individual Wardens to identify issues, which need investigation and request that those investigations be completed without undue delay.
10. Discontinue the routine deployment of the 12-gauge shotgun with 7-½ bird shot on armed posts. Implementing this recommendation can only be done after the Department has implemented Recommendations #1 through #7. Once appropriate numbers and properly equipped correctional officers are in place, along with sound procedures and comprehensive training, there will be no need for the Department to continue the use of the 12-gauge shotgun with 7-1/2 bird shot to deter or respond to incidents. To move that process forward, the Department should write an implementation plan that over time will create a safer environment in which staff to work and inmates to live.

Summary Conclusion: We have listed the recommendations in our suggested order of implementation. For example, adequate staffing and requisite supervision must be in place and staff must have a comprehensive policy in place before they can be successful with the remaining recommendations. However, training and equipping staff as recommended can certainly be done simultaneously.

Use of force in criminal justice agencies and especially use of deadly force has gained significant attention across the United States. It would be imprudent to believe this scrutiny will subside in the near future. It would be equally imprudent to expect corrections will be immune from that scrutiny. With that in mind we believe implementation of these recommendations will put the State of Nevada and the Nevada Department of Corrections in significantly more sustainable use of force policy posture, and, as a result, better able to withstand legal challenges to it.

We also understand that resources are finite and implementation of the recommendations will certainly require more money than might be appropriated in one budget cycle. Therefore, we suggest the Department develop a timeline for a phased

implementation of all recommendations. In making this suggestion we recognize there are a number of models for implementing a phased approach. One model might call for slowly phasing in the recommendations simultaneously in all prisons as resources become available. A second model might be to phase in all the recommendations, one prison at a time, by concentrating first on those prisons with the greatest need perhaps based on the frequency of incidents in which shotguns were fired. In the first example, the Department would likely see a more gradual benefit from the effect of implementing the recommendations in all of its prisons, while in the latter example the Department might see a great impact sooner, but in fewer prisons.

For example, were HDSP to be selected first for complete implementation of all recommendations before moving to the next institution, positive results would be achieved more quickly but only in that one prison. While full Departmental implementation would also require time, it would allow for resourcing the most problematic prisons first. We believe there are advantages to each model and we recognize there are a number of other models, which may be examined including a hybrid of the two mentioned here. In any event, the Department should adopt a strategy and implement the recommendations.

## APPENDICES

Appendix A: Site Visits and Staff Contacts

Appendix B: Nevada Department of Corrections Administrative  
Regulation 405 – Use of Force

Appendix C: Nevada Department of Corrections Administrative  
Regulation 362 – Weapons Training and Qualification

Appendix D: Resume/Bios

Appendix E: ASCA Background

## APPENDIX A

### NEVADA DEPARTMENT OF CORRECTIONS Report on the Use of Force Policy, Prison Practices, and Staff Training

#### Site Visits Conducted and Staff Contacts

Nevada Department of Corrections Headquarters: 6/29/15

Initial meeting with Director Cox and Deputy Director McDaniel

Lovelock Correctional Center: 7/7/15 & 7/8/15

Facility tour and staff interviews. Interviews with Warden Robert Legrand, Associate Warden Sandie, Rangemaster, on site Training Sergeant Panos, housing unit floor and control booth officers, tower officers, Watch Commander, and shift Sergeants.

Employee Development Unit (Departmental Training): 7/14/15

Interviews with Employee Development Manager, Jim Borchers, Departmental Training Officer, Gary Rosenfeld, and principle academy instructors Kevin Williams and Michael Florio.

High Desert State Prison: 7/14/15 & 7/15/15

Facility tour and staff interviews. Interviews with Warden Neven, CERT Commander Sgt. Mumpower, Lt. Cooper, Sgt. Torio, housing unit floor and control booth officers, tower officers, Central Control Officer, Yard/Search and Escort officers.

Ely State Prison: 7/28/15 & 7/29/15

Facility tour and staff interviews. Interviews with Warden Baker, Inst. Investigator Walter Romero, CERT Sgt. Homan, housing unit floor and control booth officers, tower officers, Lt. Henderson, Associate Wardens Fletcher and Byrne, Inspector General investigator, Rangemaster, on-site Training Sergeant Towne.

Nevada Department of Corrections Headquarters: 8/10/15

Presentation of draft report to Director Cox and Deputy Director McDaniel



## Appendix B

### 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.

#### 405.1 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.

## **405.2 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.

### **405.3 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 agent 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 (QC) 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 bird shot round designed to skip shoot the bird shot into the offender(s) and striking the offender(s) in their lower extremities to temporarily incapacitate or immobilize the offender(s).

### **405.4 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.

#### **405.5 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.

#### **405.6 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.

#### **405.7 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.

#### **405.8 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.

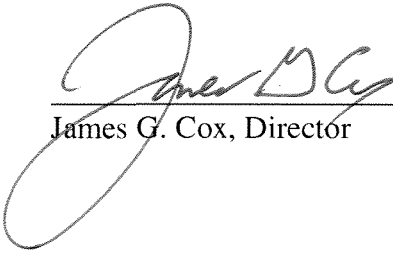
A. These reports will be entered into NOTIS for review by the appropriate supervisors.

### **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

**Appendix C**  
NEVADA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REGULATION  
362

**WEAPONS TRAINING AND QUALIFICATION**

**Supersedes:** AR 362 (01/05/12); and AR 362 (Temporary, 08/11/14)

**Effective Date:** 09/16/14

**AUTHORITY:** NRS 209.131, NRS 289.510, NRS 289.550, NAC Chapter 289

**RESPONSIBILITY:**

It is the responsibility of the Department's peace officers and designated employees to successfully complete the Department's weapons/firearms training programs.

It is the responsibility of the Department's Training Section to provide weapons/firearms training programs that ensure the Department's compliance with NAC Chapter 289.

It is the responsibility of the Department's Employee Development Manager (EDM) to ensure proper course curriculum, courses of fire, range master certification and documentation of the Department's Weapons/Firearms Training Programs.

The Range Master is responsible for the management and supervision of the range when representing the Department in performing the duties and responsibilities as a Range Master.

**362.1 PEACE OFFICER CERTIFICATION**

1. The Department's peace officers and designated employees are required to handle weapons/firearms on a regular basis in the performance of their assigned duties and responsibilities. Therefore, the Department requires initial weapons/firearms orientation training in the use of force, safety, handling and use of the weapons/firearms.

A. All Department peace officers and designated employees must meet the requirements established in NAC Chapter 289 to ensure certification.

**362.2 BASIC WEAPONS/FIREARMS TRAINING PROGRAM**

1. All Department peace officers and designated employees must successfully complete

a weapons/firearms training orientation program to include qualification. The Department's peace officers and designated employees must complete this training before being assigned to a post or position involving the possible use of such weapons. The course curriculum will include at a minimum, but not limited to:

- A. Use of Force laws, policy and procedures;
- B. Weapons/firearms safety;
- C. Nomenclature and proper use/handling;
- D. Constraints on the use of weapons/firearms; and
- E. Qualification in the use of routinely issued Department weapons/firearms.
  - (1) The Department's weapons/firearms orientation-training program will be included in the course curriculum within the Department's Pre-Service Training.
  - (2) Weapons/firearms classroom training will be a minimum of four-hours in duration.
  - (3) Weapons/firearms training qualification will be a minimum of four-hours in duration.
  - (4) Range masters will ensure compliance with established range rules, courses of fire, and basic orientation training program requirements as established by the EDM.
  - (5) During range operations, all shooters will use eye and ear protection.

### 362.3 MAINTAINING WEAPONS/FIREARMS CERTIFICATION

**1. As a condition of employment, the Department's peace officers and designated employees must maintain weapons/firearms certification as established within NAC Chapter 289.**

- A. On a bi-annual basis, Wardens, Facility Managers and the Inspector General will ensure that every peace officer and designated employees will re-qualify with weapons/firearms as required in this regulation .
- B. Each institution/facility will ensure that the appropriate numbers of Range Masters are assigned to the re-qualification process for safety, adequate instruction and proper compliance to the range operations, supervision and re-qualification documentation.
  - (1) No re-qualification or instruction will occur without the adequate assignment and attendance of certified Range Masters.
  - (2) The employee who fails their Weapons/Firearms qualification will not be

assigned a post or position where weapons/firearms are used.

(a) Range masters will ensure compliance with established range rules, courses of fire, and re-qualification requirements established by the Department's EDM.

2. The Department re-qualification course of fire and course curriculum will be reviewed annually and approved by the EDM or designee.

A. The re-qualification process will include, at a minimum:

- (1) Review of the nomenclature and handling of the assigned weapons;
- (2) Safety features of weapons/firearms;
- (3) Range rules; and
- (4) Department's Use of Force policy and procedures.

3. The Department's Inspector General staff, Central Transportation Officers, Officers in legislatively approved transportation positions or legislatively approved Hospital position, Correctional Emergency Response Team (CERT) team members and Range Masters will re-qualify with all Department issued weapons/firearms bi-annually. Additionally, two more proficiency-training shoots will be conducted in a calendar year. The qualifications will meet the requirements set forth in NAC Chapter 289.

### **362.4 DOCUMENTATION AND RECORD KEEPING**

1. The Department's weapons/firearms orientation training and qualifications will be documented to ensure compliance with established requirements of NAC, Chapter 289.

A. During the PST weapons/firearms qualification process, the Range Masters will ensure that all documentation is forwarded to the regional PST Coordinator for retention in the PST Class File.

B. During the Department's bi-annual weapons/firearms re-qualification process, the Range Master will ensure that all documentation is forwarded to the Institutional Senior Range Master and official training record.

C. The Range Masters will complete and ensure that, at a minimum, the following Department forms are completed at every qualification:

- (1) Weapons Qualification (DOC-1086)
- (2) Expended Ammo/Inventory Form (DOC-1084)



2. During the Department's weapons/firearms re-qualification process, the Range Masters will ensure a copy of all documentation will be forwarded to the Warden, Facility Manager or designee as well as maintaining a copy for their records.

3. The Employee Development (ED) staff will monitor the weapons/firearms basic orientation-training program and bi-annual weapons/firearms qualifications and re-qualification process to ensure compliance with established requirements set forth within NAC Chapter 289 and Department administrative regulations.

A. Reports to the office of the EDM will be completed as directed. Should deficiencies be identified regarding compliance with this administrative regulation, these deficiencies will be reported to the EDM who in turn will inform the Division Administrator of Personnel Services.

### **362.5 REMEDIAL TRAINING PROCESS**

1. The Department has established a weapons/firearms remedial process to be followed should a peace officer or designated employee not successfully complete the orientation training or qualifications requirements. This process only has to be followed for weapons/firearms that the employee failed to qualify with. The process is as follows:

A. The trainee/student or re-qualifying employee will be allowed, if time permits, to waive the 7 days for the second attempt to successfully complete the orientation training or re-qualification process one more time. Failure to successfully complete the process will amount to failure. First failure will be documented on DOC 1087 the seven day waiver form DOC 1088.

B. The Range Master will forward a Weapons Qualification Failure Second Attempt DOC form (1089) letter to the employee's Appointing Authority and the EDM informing them of the failure to successfully complete the process. If the employee is participating in the PST, a copy of the letter will be forwarded to the EDM and Academy Commander for documentation in the course file. If the Officer fails on the second attempt it will be documented on DOC (1089).

(1) The employees now must practice on their own time before being allowed to attempt to successfully complete the qualification process. The employee will incur all costs for ammunition and time. The employee has a minimum of two weeks/14 days to complete this practice time;

(2) Upon completion of the practice time, the employee will be rescheduled by their supervisor for qualification efforts. The Officer will be completely remediated prior to the Final attempt and DOC form 1085 will be completed.

C. The employee's appointing authority will set up a time through the

employee's supervisor to re-schedule efforts toward training orientation and/or re-qualification .

The Appointing Authority will ensure that a different Range Master from the one used in the prior orientation training or re qualification will be assigned to provide the remedial training.

D. The remedial training curriculum will be provided and consist of the following, at a minimum: and documented on DOC form (1085) Remediation Training

- (1) Orientation to the weapon/firearm to be used for qualification;
- (2) Orientation to the safe use of the weapon/firearm to be used for qualification;
- (3) Remedial training will be provided by the Range Master of the methods and techniques used to properly fire and qualify with the weapon/firearm;
- (4) Upon completion of the remedial training, the employee will be allowed one final attempt to successfully complete the qualification efforts;
- (5) Should the employee fail at this final attempt, the Range Master will forward a DOC 1090 to the employee's appointing Authority identifying the failure; and
- (6) The employee's Appointing Authority will contact the regional Department Human Resource Division to initiate the termination process.

### **362.06 UNUSUAL OCCURRENCES/INCIDENTS**

1. Range Masters are the overall authority on any Range.
2. Due to the nature of the weapons/firearms orientation training and qualification programs, there may be an unusual occurrence or incident that takes place (i.e. weapons/firearms accident, shooting injury etc.).
  - A. At a minimum, the Range Master will ensure that an Incident Report must be completed and forwarded to the institutional Warden the same day the incident occurs. Additionally the incident must be entered into NOTIS. Copies will be forwarded to the Inspector General, Employee Development Manager, and the State Firearms Commander.

(1) The Range Master in charge will ensure:

- (a) If necessary, the appropriate medical/emergency assistance is immediately requested;

(b) Proper Employee Injury/Accident forms are completed according to Administrative Regulation 329;

(c) If involving trainees/students, the Employee Development Manager will be notified; and

(d) Documentation, reports and institutional forms will be completed and forwarded through the chain of command.

B. Failure to complete the proper documents and reports will result in disciplinary action.

3. Range Masters are responsible for thorough checks of the range to ensure that all debris, such as trash and spent casings are placed in proper containers. Restroom facilities must be clean and all toiletries and supplies must be restocked prior to leaving the range.

#### **APPLICABILITY**

1. This Administrative Regulation requires a Confidential Manual on specific Weapons Training and Qualification procedures.

2. This Administrative Regulation requires an audit.

#### **REFERENCES**

ACA Standard 4-4090 and 4-4091

  
\_\_\_\_\_  
Director

  
\_\_\_\_\_  
Date

## Appendix D

**ROBERT L. AYERS, JR.**

7584 Oak Leaf Dr., Santa Rosa, CA 95409

**(707.230.2571)**

cittern@comcast.net

### EXPERIENCE

#### **WARDEN (Reinstatement)**

**June 2006 to December 2008**

#### **CALIFORNIA STATE PRISON, SAN QUENTIN**

Responsible for managing activities at San Quentin, a multi-mission prison housing over 5000 Condemned Row, Reception Center and General Population inmates and 1,700 staff. Working with the California Prison Receiver to implement major health care reforms at San Quentin, including the design and implementation of a pilot Reception Diagnostic process. Revised execution protocols to meet federal court requirements. Managed a \$180 million budget. Retired December 30, 2008.

#### **INTERIM WARDEN (Retired Annuitant)**

**November 2005 to May 2006**

#### **CALIFORNIA STATE PRISON, LOS ANGELES COUNTY**

Responsible for managing all activities of the California State Prison, LAC housing over 4000 Level III and Level IV inmates. Was responsible for implementing a major program change to Reception Center in December 2005. Responsible for ensuring public safety by managing a safe and secure prison.

#### **RETIREMENT ACTIVITY**

**July 2000 – Present**

Retired Annuitant work for the California Department of Corrections and Rehabilitation conducting fiscal and management practice reviews and work as a Team Leader for the Mental Health Quality Management Assessment Team; part-time Administration of Justice Programs Coordinator at Mendocino College, Ukiah; part-time Adjunct Instructor at the Public Safety Training Center, Santa Rosa Junior College. Currently, managing American Correctional Association Accreditation efforts for California Department of Corrections and Rehabilitation part time as a Retired Annuitant.

#### **WARDEN**

**January 9, 1998 to July 4, 2000**

#### **PELICAN BAY STATE PRISON**

Responsible for the management of all activities at Pelican Bay State Prison, a maximum security and Security Housing Unit (SHU) institution. Pelican Bay State Prison houses approximately 1,700 General Population and 1,500 SHU inmates with a staff of over 1,400 and a \$100 million budget. Pelican Bay State Prison also houses the first Psychiatric Services Unit and Transitional Housing Unit. Responsible for interaction with Governor's staff, legislators, and key community leaders. Responsible for ensuring public safety by managing a safe and secure prison. Retired effective July 4, 2000, from the Department of Corrections.

#### **WARDEN**

**October 1, 1997 to January 8, 1998**

#### **CALIFORNIA STATE PRISON, SACRAMENTO**

Responsible for the management of all activities of the California State Prison, Sacramento, a major high security prison, housing over 3,000 inmates, employing approximately 1,100 staff with an operating budget of just over \$80 million. Maintain effective liaison with Prison Industries Authority, Board of Prison Terms, Governor's staff, legislators and key community leaders. Responsible for ensuring public safety by maintaining a secure prison which is safe for staff and inmates.

#### **CHIEF DEPUTY WARDEN, CEA**

**December 1994 to September 30, 1997**

#### **PELICAN BAY STATE PRISON**

Responsible for the daily operation of Pelican Bay State Prison. Management and coordination of the

General Population, the SHU, Central Services, Business Services, and In-Service-Training. Assisted in developing and implementing Madrid v. Gomez remedies including developing a Use of Force policy which ultimately became the model policy for the Department. Temporary assignment as Interim Warden, High Desert State Prison (May 26, 1997, through July 1, 1997).

**CORRECTIONAL ADMINISTRATOR** **January 1993 to December 1994**  
**CALIFORNIA STATE PRISON, SACRAMENTO**

As a Correctional Administrator, Business Services, responsible for the management of all units in the Business Services Division, including Accounting, Personnel, Warehouse, Procurement, Food Services, and Plant Operations.

**CHIEF, PROGRAM SUPPORT UNIT** **June 1989 to December 1992**  
**INSTITUTIONS DIVISION**

Program Administrator from June 1991 to December 1992. Training and Development (T&D) assignment as a Staff Services Manager I from June 1989 to May 1991. Promoted to Correctional Captain while on T&D assignment during July 1989. This unit provided liaison between Institutions Division and other departmental divisions and control agencies, especially with regard to fiscal, capital outlay, population, and program matters.

**CHIEF, CORRECTIONAL SYSTEMS SUPPORT UNIT** **November 1988 to June 1989**

Training and Development assignment as a Staff Services Manager I. This unit provided staff support to the Blue Ribbon Commission on Inmate Population Management and The Presley Institute on Correctional Research and Training.

**CORRECTIONAL LIEUTENANT**  
**NORTHERN CALIFORNIA WOMEN'S FACILITY** **September 1987 to November 1988**  
**SAN QUENTIN STATE PRISON** **June 1981 to September 1987**

Assignments included Special Security Squad Commander, Special Emergency Response Team Commander, Watch Commander, Yard Lieutenant, Emergency Services, Food Services, Inmate Assignments, Personnel Assignments, and Unit Lieutenant.

**CORRECTIONAL SERGEANT** **January 1978 to May 1981**  
**SAN QUENTIN STATE PRISON**

Assignments included Unit Sergeant, Watch Sergeant, and Transportation Sergeant.

**CORRECTIONAL OFFICER** **January 1968 to December 1978**  
**SAN QUENTIN STATE PRISON**

Assignments included all Correctional Officer positions and one year (1971) as a Correctional Management Trainee I.

**MILITARY EXPERIENCE**

Lieutenant Colonel, Infantry, U.S. Army (Retired)

**EDUCATION**

Associate of Science in Police Science, College of Marin, 1967  
Course of work at Dominican University and CSU, San Francisco  
Graduate of the U.S. Army Command and General Staff College, 1987

### **CERTIFIED SPECIAL TRAINING**

-  
Leadership Institute – 1994  
Interagency Management Institute – 1990  
Management Training – 1989  
Budget Building Workshop – 1986  
Post Assignment Schedule Training – 1984  
Techniques of Teaching – 1984  
Urban Terrorist Activity – 1984  
Effective Time Management – 1984  
Managing People – 1984  
Protection of Public Officials – 1983

Special Weapons & Tactics Instructors' Course – 1983  
Tactical Command Course – 1983  
Terrorist and Hostage Seminar – 1983  
Hostage Negotiations – 1982  
Organizing Operations – 1982  
Training for Trainers – 1981 (Military)  
Training Management Workshop – 1980 (Military)  
Special Weapons and Tactics – 1978  
Negotiations – 1977 (Military)

### **TRAINING EXPERIENCE**

Training consultant to the American Correctional Association and the National Institute of Corrections. Over 5,200 hours as an instructor in general correctional subjects, tactical operations, hostage negotiations, incident management, terrorist activities, managing and monitoring uses of force, fiscal responsibility, and general institutional administration. Adjunct instructor at Santa Rosa Junior College.

## **BIOS OF ASCA PROJECT TEAM**

### **ROBERT A. AYERS, Project Consultant**

Robert Ayers is currently a Retired Annuitant working for the California Department of Corrections and Rehabilitation (CDCR). He served 32 years with the CDCR. Robert began his career in corrections in 1968 as a correctional officer and rose through the ranks to serve as Warden at several facilities (California State Prison in Sacramento and Pelican Bay State Prison). During his tenure he held the following positions: Correctional Sergeant, Correctional Lieutenant, Chief of the Correctional Systems Support Unit, Chief of Program Support Unit - Institutions Division, Correctional Administrator, Chief Deputy Warden and Warden.

Mr. Ayers retired In July 2000, and he was asked to return to work as an Interim Warden at the California State Prison in Los Angeles County from November 2005 to May 2006. In June 2006 he was reinstated with the CDCR to work as the Warden at the California State Prison in San Quentin until December 2008.

From July 2000 to present, Robert has worked as a retired annuitant for the CDCR conducting fiscal and management practice reviews and worked as a Team Leader for the Mental Health Quality Management Assessment Team; worked as a part-time Administration of Justice Programs Coordinator at Mendocino College in Ukiah; and worked as a part-time Adjunct Instructor at the Public Safety Training Center for Santa Rosa Junior College. He currently manages ACA Accreditation efforts for CDCR part-time as a Retired Annuitant.

### **GEORGE M. CAMP, PROJECT MANAGER**

In his role as Co-Executive Director of the Association of State Correctional Administrators, since 1985, he is engaged in several ASCA initiatives including the expansion of the Performance-Based Management System (PBMS); Reducing Racial Disparity within Corrections; Providing Training and Professional Development Opportunities for Correctional Administrators; and Developing Guidelines for the Operation of Long-Term Segregation Populations.

George has served the public sector from 1962 to 1977 in a variety of positions that included Director of the Missouri Department of Corrections; First Deputy Commissioner of the New York State Division of Criminal Justice Services; Assistant Commissioner of the New York City Department of Correction; and Associate Warden of the Federal Prison in Lompoc, California and the U.S. Penitentiary in Marion, Illinois.

He has a Bachelor's degree from Middlebury College, a Master's degree in Criminology and Corrections from Florida State University, and a Doctorate in Sociology from Yale University.

## **Appendix E**

### **ASCA Background**

In the early 1960's, as departments of corrections were being created, the heads of those agencies began gathering on a national basis to form the Association of State Correctional Administrators. Administrators would get together in conjunction with the American Correctional Association's summer congress and midwinter meetings. ASCA developed its Constitution in 1972, which since then has been amended nine times. ASCA strictly adheres to this governing document.

In 1984, then President Donald Yeomans of Canada, proposed the creation of an Executive Office to plan its meetings and training programs, produce news publications, and manage functions. An RFP for Executive Office services was released in 1984, and the Criminal Justice Institute, Inc. (CJI) was awarded the contract to manage the operations and programming of the Association beginning in January 1985. Morris Thigpen, then Director of the Mississippi Department of Corrections, was the first President of the newly organized ASCA. In 1985, ASCA was incorporated as a not-for-profit organization; and in 1987, it was designated a 501(c)(3) entity by the IRS.

Membership consists of persons who are appointed to serve on a full-time basis to be directly responsible for the administration of the correctional facilities or correctional system of a jurisdiction. These persons include heads of state corrections agencies, heads of the District of Columbia, New York City, Philadelphia, Federal Bureau of Prisons, Correctional Service of Canada, each province of Canada, and any United States territory, possession, and/or commonwealth. ASCA Associate members include former administrators who served three years in one or more jurisdictions and who have been nominated by a member and approved by ASCA's Executive Committee.

ASCA's work is organized around a series of committees and overseen by its Executive Committee. This year, President Leann Bertsch (ND) has structured the work of ASCA into twelve committees – Performance Measures; Program and Training; PREA; Information Sharing; Research and Best Practices; Reentry and Community Corrections; Substance Abuse and Mental Health; Racial Disparity; Policy, Resolutions, Legislation and Legal Issues; Executive; Nominating; and Past Presidents.

Its Co-Executive Directors – Camille and George Camp - and other staff, support the work of the Association. In addition to eight staff that devotes all or part of their time to ASCA's work, ASCA has a pool of several hundred consultants upon whom to draw to provide specific services for its members.

Work on special projects, such as its performance based measures system, clearinghouse, and the substance abuse/mental health collaborations have been supported with funds from the Bureau of Justice Assistance. Membership dues, foundation funds and federal grants and cooperative agreements are the major sources of financial support for ASCA.

The ASCA Executive Office is located in Hagerstown, MD. The Co-Executive Directors, George and Camille Camp, supervise all activities include managing the accounts, supporting committees, updating the website, planning and coordinating meetings and trainings, producing publications, and directing cooperative agreements, grants, and contracts used to further ASCA's goals and objectives as delineated in its Constitution and Bylaws. The Executive Office publishes and distributes a bi-monthly newsletter. Financial reports are posted on ASCA's website – [www.asca.net](http://www.asca.net)



ASCA Clients	Description	From	To
New Mexico Corrections Department	ASCA will provide the NMCD with a comprehensive, objective review and assessment of the current security staffing at its correctional facilities, the current staffing levels at its Central Office and the current staffing levels in the Probation and Parole Division. These recommendations will enable NMCD to operate in the most effective, efficient and uniform manner, while still maximizing public safety, facility security and staff safety.	10/2014	Ongoing
Florida Department of Corrections	Based on an Annual Report completed by the Department's OIG, there appeared to be an increase in use of force incidents in FY 2013-2014. ASCA will conduct a review and audit of policies and procedures currently in use by the Florida DOC in regard to the use of force to identify any remaining or connected issues to reinforce the Department's zero-tolerance for staff misconduct of any kind.	5/2015	8/2015
Colorado Department of Corrections	ASCA provided the Colorado DOC an objective review and assessment of the Sterling Correctional Facility. The focus of this assessment was to determine what factors might have contributed to six inmate homicides since 2010. Factors considered included: inmate classification, staffing, culture, leadership, management and policy.	10/2014	11/2014
Colorado Department of Human Services	In August of 2014, four juvenile offenders escaped from Lookout Mountain Youth Services Center (LMYSC); and in the process of escaping, a staff member was assaulted. An objective review was conducted by ASCA to determine what factors contributed to the escapes and what steps can be taken to prevent future escapes.	10/2014	2/2015
Ohio Department of Rehabilitation and Correction	On September 11, 2014, three inmates escaped from the Protective Control housing unit at the Oakwood Unit of the Allen Oakwood Correctional Institution (AOCI). ASCA provided an objective review and assessment of the following areas: all phases of protective control placement, operational procedures and practices within the protective custody unit, and the suitability to house and manage security level 3 inmates in this unit.	10/2014	10/2014
Vermont Department of Corrections	ASCA provided the Vermont DOC with a comprehensive, objective review and assessment of the current security staffing at its correctional facilities that would enable it to perform security operations in the most effective, efficient and uniform manner, while preserving the primary mission to maximize public safety, facility security and staff safety. Ensuring that staffing levels and posts are consistent with the Department's mission is of paramount concern.	2014	3/2015

ASCA Clients	Description	From	To
Oregon Department of Corrections	As a secondary phase to the staffing assessment conducted in November 2013, ASCA conducted a review of security staffing at Oregon DOC's facilities with specific emphasis on offender supervision and compliance with the Prison Rape Elimination Act (PREA) standards. All of Oregon DOC's fourteen correctional facilities were reviewed for staffing levels and pattern in all areas within each facility where offenders are housed, recreate, participate in programs, work and have reported sexual assaults or sexual abuse. The recommendations from the January 2014 ASCA staffing assessment report were reviewed and considered along with the data and information gathered through these on-site reviews.	2014	1/2015
Oregon Department of Corrections	Under a \$102,000 contract ASCA conducted a security staffing assessment of all Department facilities. The study includes an on-site assessment of current posts and the staffing of them, recommendations for improving posts and staffing, and the application of updated shift relief factors for each rank in each facility.	11/1/13	1/20/14
Oregon Department of Corrections	Under a \$23,000 contract ASCA reviewed and assessed food service operations and expenditures, and provided recommendation to make operations more efficient and cost effective. The final report was submitted on January 8.	11/1/13	1/8/14
Nevada Department of Corrections	Under a \$78,000 contract ASCA conducted a security staffing assessment of all Department facilities. The study included an on-site assessment of current posts and the staffing of them, recommendations for improving posts and staffing, and the application of updated shift relief factors for each rank in each facility.	7/1/13	6/30/14
Hawaii Department of Public Safety	Under a \$98,000 contract ASCA assisted Hawaii improve its policies, procedures, programs, services, operations, and management relating to the use of disciplinary and administrative segregation in all of its prisons and jails.	7/1/13	6/30/14
Vital Projects Fund, Inc. – What Corrections can do to reduce racial disparity	With a \$125,000 award from the Vital Projects Fund, ASCA's Racial Disparity Committee directed a study to identify and correct the unintended consequences of decisions concerning assignment of inmates to programs and imposition of sanctions that may result in extending length of stay for minorities.	4/15/13	4/15/14
Collaboration with Yale Law School	Working with Yale Law School students and faculty, ASCA's Administrative Segregation Committee has supported and facilitated the study of DOC policies and the development of national best practices in the management and operations of	9/1/12	8/1/13

ASCA Clients	Description	From	To
	Administrative Segregation units.		
Colorado Department of Corrections – Independent Review and Assessment	Following a serious incident occurring on September 24, 2012, at Arkansas Valley Correctional Facility that resulted in the loss of life of one staff member and serious assault of another, an Independent Review Team of ASCA associates and staff was created to conduct a critical incident analysis at the request of the State. The team conducted an extensive study of policies and procedures, leadership, security operations, communications, culture and climate, staff training, emergency procedures, safety and security equipment, staffing, and management at the site of the incident. Based on the experience of staff and information gathered from available documents, onsite observations, and staff interviews; conclusions were drawn and recommendations made.	11/1/12	12/31/12
Kansas Department of Corrections – Independent Review and Assessment	ASCA received a request for technical assistance from the Secretary of the Department of Corrections to conduct an assessment of Topeka Correctional Facility (TCF) located in Topeka, KS. This followed an investigation conducted by the Civil Rights Division of the U.S. Department of Justice, which concluded that TCF did not provide an environment free from sexual misconduct. The team, consisting of one ASCA Associate and two ASCA staff members, conducted an extensive study of policies and procedures, staff training, staff and inmate knowledge of misconduct and undue familiarity, inmate grievance process, facility response to allegations of sexual misconduct/abuse, inmate education, mentoring systems, and staffing plans. Based on a review of documents, observations of facility and interviews, the state was provided with a report that addressed strengths, challenges and recommendations.	11/1/12	12/20/12
BJA/NIC Performance Based Measures System – Monitoring and Tracking Performance	A nationwide automated information system that tracks the performance of correctional facilities and prison systems using a series of uniform measures. Participating agencies can track their performance as well as compare themselves with other agencies and facilities. Financial support is currently provided by NIC.	2002	Present
BJA Information Clearinghouse	The Grants Network provides agencies with information/links regarding grant opportunities and completed grant project reports. Agency staff has the opportunity to network with their peers to ask questions, share issues, and exchange tips regarding grants and/or research projects. A grant from BJA	4/1/06	10/31/10

ASCA Clients	Description	From	To
	supported the project work.		
PEW Charitable Trusts - Recidivism Study	In collaboration with Pew Charitable Trust, ASCA conducted a comprehensive study of state recidivism rates and profiles of prison admission and release populations.	11/1/08	3/31/10
Collaboration with Yale Law School	ASCA has been assisting Yale Law School students, who were participating in the Liman Public Interest Program, gather state DOC policies on inmate visitation as part of a comprehensive research project on similarities and differences in state policies. Results were presented to ASCA members and published on Yale's website.	2/1/12	10/31/12
ASCA - National Reentry Justice Information Sharing (JIS) Initiatives (BJA funded)	ASCA is working with BJA, IJIS, SEARCH and APPA to exchange information between correctional agencies, and community-based social service agencies to help ensure successful reentry of offenders back into the community.	10/1/09	Present
ASCA - Corrections Information Sharing Implementation Program (BJA funded)	Pilot the implementation of information exchanges between the corrections and law enforcement community to reduce recidivism.	10/1/10	Present