



NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION

SUMMARY OF CHANGES
AR 407 – USE OF HANDCUFFS AND RESTRAINTS
Effective June 27, 2024

Description	Page Number
AR 407 Use of Handcuffs and Restraints merged with AR 455 Use of Handcuffs and Restraints on Pregnant Inmates	
Prohibition of restraints on pregnant offenders and during delivery unless the offender poses a serious and immediate threat of harm to self or others in accordance with Assembly Bill (AB) 292.	1-2
Prohibition of the use of the restraint chair and Wrap Restraint System on pregnant offenders during delivery.	4
Other minor changes have been made in formatting for improved clarity and consistency.	



James E. Dzurenda, Director

June 27, 2024

Date

This summary of changes is for training record purposes only. You must also consult the Administrative Regulation and/or Manual for proper instructions.

I, _____, acknowledge receipt of this Summary of Changes and understand it is my responsibility to implement into the course of my duties.

Signature

Date



**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION**

**USE OF HANDCUFFS AND RESTRAINTS
ADMINISTRATIVE REGULATION – 407**

SUPERSEDES: AR 407 (10/15/13); AR 407 (Temporary 2/18/14); AR 407 (3/18/14)

EFFECTIVE DATE: June 27, 2024

AUTHORITY: NRS 193.306, NRS 209.131; NRS 209.376

RESPONSIBILITY

The Director of the Nevada Department of Corrections (NDOC and Department) is responsible for the implementation of this Administrative Regulation (AR).

The Wardens will ensure that their appropriate assigned subordinate supervisors have read and understand this regulation.

The Associate Wardens will ensure that their appropriate assigned subordinate supervisors have read and understand this regulation.

Supervisors will ensure that their appropriate subordinate staff members have read and understand this regulation.

Designated staff members will know, comply with, and enforce this regulation.

If, and where applicable, offenders will know and comply with this regulation.

407.01 RESTRAINT DETERMINATION

1. All restraints will be used humanely, and restraining equipment will never be used as punishment or in any way that causes undue physical pain or restricts the blood circulation or breathing of an offender.
2. The NDOC must comply with NRS 209.376, which states that no restraints of any kind may be used on an offender who is in labor, delivering her baby, or recuperating from delivery unless there are compelling reasons to believe that the offender presents:

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- A. A serious and immediate threat of harm to herself, staff, or others, or
 - B. A substantial flight risk and cannot reasonably be confined by other means.
3. If an offender who is in labor, delivering her baby, or is recuperating from delivery is restrained, only the least restrictive restraints which are necessary to ensure safety and security may be used.
 4. A correctional staff member who orders the use of restraints on an offender who is pregnant or in the postpartum period shall submit a written report to the Warden of the institution or manager of the facility when the use of restraints on an offender who is in labor, delivering her baby, or recuperating from delivery is restrained. This report must (a) describe the reason for the use of the restraints on the offender and (b) be submitted to the Warden or Manager within five (5) hours of use of restraints.
 5. The degree and duration of the use of a restraint device should be limited to the minimum necessary to control the situation or the offender and should never be used as punishment on an offender. The criteria for determining the degree of restraint will include the following:
 - A. Custody level and classification – Offenders will be restrained according to their level and classification unless they are being transported with a higher classification offender, then all offenders will be restrained according to the highest level of custody level and classification designation in the transporting vehicle. For example: if a Minimum security offender is being transported along with a Maximum security offender, then both will be restrained in full restraints (leg restraints, waist restraints, and handcuffs).
 - B. Classification – review Pre-Sentence Investigation (PSI) and Judgement of Conviction (JOC) – regarding other co-defendants, witnesses, and victims.
 - C. Violence potential as determined by criminal history and disciplinary record in regard to imminent threat of bodily harm to staff or other persons;
 - D. Escape potential or past or present threat of escape;
 - E. Nature and purpose of movement;
 - F. Assessment of the circumstances happening at the time; and
 - G. The existence of potential threats by outside forces.

407.02 AUTHORIZED RESTRAINT EQUIPMENT

1. Only that equipment authorized by the Department shall be used on offenders during any transportation or movement. Application of mechanical restraint equipment shall conform to approved methods.
2. Authorized restraint equipment includes:
 - A. Handcuffs and waist restraints. Handcuffs and waist restraints are the standard items of restraint and will be the only restraint used unless specific authorization has been provided for additional restraint, an emergency exists, or custody designations specify otherwise. Exceptions will be approved by the Warden or designee.
 - 1) Waist restraints shall NOT be applied to pregnant offenders.
 - B. Leg restraints are to be used on offenders requiring maximum restraint or in instances to control acts of violence or escape. Leg restraints will be placed on the offender with him/her kneeling and facing away from the Officer. In the case of an offender with large legs that regular leg restraints will not work on, the Associate Warden or designee will approve the use of restraints designed for this type of application.
 - 1) Leg restraints shall NOT be applied on pregnant offenders or offenders that are in labor while in custody at the facility or hospital, during an escort or while being transported.
 - C. Control chains shall be used while escorting Maximum security or High Risk Potential offenders. This device is attached to the back of the waist restraint. It should never be used to cause undue physical pain or restrict the blood circulation or breathing of an offender.
 - 1) A control chain shall NOT be applied on pregnant offenders.
 - D. Handcuff covers will be available at each institution. These are hard plastic handcuff covers (black boxes) for the transporting of offenders who pose extreme escape risks. This device covers and shields the handcuff key openings.
 - 1) Handcuff covers shall NOT be applied on pregnant offenders unless medical or mental health staff state that the offender needs to be restrained because the offender poses a serious safety risk to themselves or others. If handcuff covers are required, they shall only be used in front of the body.
 - E. Plastic flex cuffs. Plastic flex cuffs are authorized during an emergency situation only. Caution must be used and recognition that these are only a temporary restraint and not to be interchanged with the use of handcuffs. Special care

should be taken as there is the potential of swelling during the use and application of these devices. Some swelling will be noted the next day after prolonged use of the flex cuff. Flex cuffs must be applied tight enough to secure the wrists but not so tight they cause a constriction in blood flow. Offenders under restraint with flex cuffs must be under direct supervision and the cuffs checked every fifteen (15) minutes to ensure proper application and minimize swelling.

F. Restraint chair is a device which secures an offender in a seated position with both their arms and legs secured in a fixed position to the chair.

1) The restraint chair shall NOT be used on a pregnant offender.

G. The Wrap Restraint is a restraint device which secures an offender in a position that has both legs fully extended and the torso oriented 90 degrees to the legs bent at the waist. The Wrap may be used with or without the Transport Cart.

1) The Wrap Restraint System shall NOT be used on pregnant offenders.

407.03 DEGREES OF RESTRAINT

1. Offenders will be placed in restraint equipment when their behavior or security falls within the Department's policies or guidelines. The degree of restraint shall be determined by established criteria relevant to the safety of the individual offender and other persons involved. Restraining equipment will never be used for punishment or in any way that causes undue physical pain or restricts the blood circulation or breathing of an offender.
2. Degree of restraint during movements within the Institution:
 - A. Restraint equipment will be used according to the AR, institutional Operational Procedures (OP), and Post Orders. Post Orders will address specific requirements, as necessary.
 - B. The escorting officer, as required by the institutional OPs and Post Orders, will carry a set of handcuffs on his/her person for emergency use. An offender may be placed in handcuffs at any time by an escorting officer when there is reasonable belief of imminent danger to the offender or others. However, such action must be reported to the Shift Supervisor and written documentation completed.
 - C. If additional restraints are deemed necessary, the Shift Supervisor may authorize that a control chain, handcuff cover, or leg restraints be used. The Shift Supervisor may determine that any or all of the devices are necessary.

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- D. Use of restraints on pregnant offenders is governed by NRS 209.376. The only restraints authorized for pregnant offenders are handcuffs but only if necessary and the handcuffs shall be in front of the pregnant offender's body.
3. Degree of restraint when transporting offenders outside of an Institution/Facility:
- A. Maximum and Close Custody Offenders. At no time will an offender of maximum or close custody status be transported without restraints. The types of restraints to be used are waist restraints and leg restraints.
- 1) The only restraints authorized for pregnant offenders are handcuffs but only if necessary and the handcuffs shall be in front of the pregnant offender's body.
- B. Medium Custody Offenders. Offenders of medium custody status are to be transported in waist and leg restraints.
- 1) The only restraints authorized for pregnant offenders are handcuffs but only if necessary and the handcuffs shall be in front of the pregnant offender's body.
- C. Minimum Custody Offenders. Offenders of minimum custody status do not need restraints during transport.
- D. Mixed Custody Levels. When transporting offenders with mixed custody levels, all offenders will be restrained according to the custody level of the highest risk offender being transported.
4. The power of decision regarding additional restraints is granted to the transportation officers. The transport officers must use good judgment in the use of additional restraints in accordance with NRS 209.376. All restraints will be used humanely, and restraining equipment will never be used as punishment or in any way that causes undue physical pain or restricts the blood circulation or breathing of an offender.

407.04 MEDICAL

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

407.05 USE OF THE RESTRAINT CHAIR

1. In accordance with NRS 193.306, a supervising peace officer who has attained the rank of Sergeant or higher authorizes the use of a restraint chair on another person only if;

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- A. The person resists an order of a peace officer in a physically violent or life-threatening manner;
 - B. The peace officer informs a member of the medical staff that a restraint chair will be used;
 - C. A member of the medical staff conducts a medical evaluation of the person immediately before and immediately after the person is placed in the restraint chair; and
 - D. The law enforcement agency that employs the peace officer creates and maintains a video recording of the incident involving the use of the restraint chair.
2. After an offender is placed in a restraint chair:
 - A. A peace officer shall visually observe the offender in the restraint chair until both medical evaluations have been completed pursuant to subsection 1 and at least every 15 minutes thereafter;
 - B. If the person in the restraint chair appears to be in distress or indicates that he or she is in distress or requires medical aid, a peace officer shall ensure that medical aid is rendered to the offender as soon as practicable;
 - C. A supervising peace officer who has attained the rank of Sergeant or higher shall evaluate whether it is necessary for the offender to remain in the restraint chair at least once every 30 minutes after the offender has been placed in the restraint chair;
 - D. The offender must not be restrained in the restraint chair for more than 2 hours unless a supervising peace officer (Sergeant or above) approves the use of the restraint chair for more than 2 hours and that such use complies with the policy adopted pursuant to this subsection; and
 - E. The law enforcement agency that employs the peace officer who used the restraint chair shall create and maintains a video and written record of the incident which will include, without limitation:
 - 1) The period for which the offender was restrained in the restraint chair.
 - 2) A description and pictures of any injuries sustained by the offender as a result of the use of the restraint chair.
 3. An offender shall not be restrained in a restraint chair for more than 2 hours unless:
 - A. The offender continues to resist the orders of a peace officer in a violent or life-threatening manner, or

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- B. At the recommendation of medical and mental health staff with the approval of the Associate Warden or higher, and
 - C. A peace officer is assigned with a handheld camera to ensure an accurate record of events is kept.
4. All newly hired custody staff shall be trained in the use of the restraint chair during the Pre-Service Training (PST) Academies.
 5. All current staff will be trained in the use of the restraint chair, annually, during In-Service Training (IST).

407.06 USE OF THE WRAP RESTRAINT SYSTEM

1. The Wrap Restraint System will be used only when an offender is destroying State property, to prevent self-inflicted injury or injury to others, or for medical or psychological reasons
 - A. Under normal circumstances, all security-related applications of the Wrap Restraint System will be approved in advance by the Associate Warden / designee.
 - B. When the use of the Wrap Restraint System is necessary for medical or psychological reasons, their use shall be approved in advance by the Associate Warden / designee.
 - C. A custody officer shall videorecord the disruptive behavior of the offender (if applicable) prior to the deployment of the Wrap Restraint System and throughout the process. Care will be taken to protect the safety of the custody officer videorecording the event.
 - D. Placement of an offender in the Wrap Restraint System will be accomplished by a Use of Force team in accordance with this procedure.
 - E. In cases of Spontaneous Use of Force, the Wrap Restraint System may be deployed at the direction of the Associate Warden / designee.
2. All current custody staff will be trained in the use of the Wrap Restraint System annually during IST. All newly hired custody staff will be trained in the use of the Wrap Restraint System during PST Academies.

APPLICABILITY

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

2. This regulation requires an audit.

REFERENCES

ACA Standard, 5th Edition, 5-ACI-3A-15; 5-ACI-3A-16; 5-ACI-3A-17; 5-ACI-3A-18; 5-ACI-6C-13



James E. Dzurenda, Director

June 27, 2024
Date