



NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION

SUMMARY OF CHANGES
AR 430 – TRANSPORTATION OF OFFENDERS
Effective PENDING

Description	Page Number
Combined AR 431 Transportation of Inmates to Court and AR 432 Transportation of Inmates for Medical Treatment into AR 430 Transportation of Offenders to consolidate ARs.	All
Permission to transport in private vehicle in emergency situations.	2
Minimum number of staff required to transport Max custody offender.	5
NDOC approved contractual employees, vocational/Re-entry program employees or approved volunteer may transport minimum custody offenders.	5
Compliance with AB 292 and the care of pregnant offenders as it relates to restraints.	6
Other minor changes have been made in formatting for improved clarity and consistency.	

James E. Dzurenda, Director

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

**TRANSPORTATION OF OFFENDERS
ADMINISTRATIVE REGULATION – 430**

SUPERSEDES: AR 430 (03/19/13); AR 430 (10/02/13, Temporary); AR 430 (10/15/13); AR 430 (07/20/17, Temporary); AR 430 8/30/17; AR 430 (09/16/17, Temporary); AR 430 (03/09/18, Temporary)

EFFECTIVE DATE: PENDING

AUTHORITY: NRS 209.131, NRS 209.261, NRS 209.274; NRS 209.376; 42 U.S.C. § 15601, et seq. and 28 C.F.R. § 115

PURPOSE: To provide clear guidance in compliance with American Correctional Association (ACA) best practices for the transportation of offenders..

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.

430.01 TRANSPORTATION PERSONNEL

1. Transportation correctional officers and/or supervisors will have current Nevada driver's licenses, and a copy of their driver's license will be maintained in a supervisor's file that is secure and not accessible to other staff and/or offenders.
2. Transportation correctional officers responsible for operating vehicles requiring a Commercial Driver's License (CDL) in transportation duties must possess a valid Nevada CDL.
3. Transportation correctional officers will have completed the annual training, including the review of this AR and all other NDOC ARs regarding transportation of offenders, use of force, use of restraints and driver's safety.
4. Transportation correctional officers will familiarize themselves with their equipment, vehicle, and destination prior to commencing the transport.
5. The facility shift supervisor will assign a transportation correctional officer(s) to be in charge for each transportation run not handled by Central Transportation.
6. The maximum driving time will comply with the United States Department of Transportation (USDOT) maximum driving time limits.

430.02 VEHICLES USED TO TRANSPORT

1. Offenders will be transported in vehicles approved by the Department. Vehicle records will be maintained for all state vehicles to include mileage logs and maintenance records.
2. Privately-owned vehicles may be used only in cases of extreme emergency when state vehicles are not available. Permission to use privately owned vehicles for transportation must be granted by the Transportation Lieutenant or Shift Lieutenant at the facility requiring transport.
3. Offenders may be transported by private sector transport contractors described in section 430.04.
4. The transportation vehicle will be thoroughly searched and inspected for cleanliness before any offenders are loaded for transport. The vehicle will be searched and cleaned at the end of each transport.
5. Offenders may be transported using the services of a private sector transportation contractor for interstate movement.

430.03 TRIP PREPARATIONS

1. Transportation correctional officers will inspect the transportation vehicle to ensure that the lights, horn, brakes and other essential functions are in good working order prior to initiating the transport.
2. Transportation correctional officers will inspect the vehicle to ensure that safety equipment, such as a fire extinguisher, flashlight, emergency restraint gear and an emergency medical kit are available.
3. Transportation correctional officers will ensure any “Keep on Person” (KOP) medications are provided by health care staff for chronic conditions.
4. Staff travel authorization and per-diem advances shall be completed prior to the departure of overnight transportation activities unless the transport is as a result of an emergency situation. In emergency situations, the travel authorization will be completed as soon as possible after staff have returned to their home base.
5. If a chase vehicle is included as part of the transport, the transportation correctional officers will discuss the transport plans with each other, including:
 - A. the destination,
 - B. number of offenders in the transport vehicle,
 - C. identification of the offenders,
 - D. any offender medical conditions that may affect the transport, and
 - E. any other information pertinent to the transport.
6. A Transportation Order Request (DOC 2042) must be completed for all transportation trips except those for the purpose of transporting offenders to and from scheduled work assignments such as the transport of camp/minimum custody offenders to their work assignments.
7. The approving authority for transportation orders is the Warden, Associate Warden, or Facility Manager.
 - A. The responsibility cannot be delegated.
 - B. If transport must occur after normal business hours, the shift supervisor will contact the duty administrator for verbal approval. If verbal approval is obtained by the shift supervisor, the approving authority will be noted on the order.

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8. The approving authority should take reasonable steps to ensure that each transportation order is justified on the basis of supporting documentation. Supporting documentation includes, but is not limited to:
 - A. Completed classification action sheets;
 - B. Court orders to produce;
 - C. Physician's orders;
 - D. Orders approved through the Nevada Offender Tracking Information System (NOTIS).

430.04 TRANSPORTATION OF OFFENDERS

1. Prior to any transport of an offender, the approving authority shall determine if additional security measures need to be taken. If additional security precautions are deemed necessary, the Warden or designee shall have the final authority over the type of action to be taken.
2. A positive face-to-photo identification will be made of each offender, and the face-to-photo identification will match the documents authorizing the transport of each offender such as court order, etc., prior to the offender being loaded in the vehicle.
3. The offender will be in restraints before they enter the vehicle, and restraints will not be removed while the offender is in the vehicle. All restraints will be used humanely, and restraining equipment will never be used as punishment or in any way that causes undue physical pain, restricts the offender's blood circulation, or restricts the offender's breathing.
4. If a medical emergency arises during the transport, the offender will be transported to the nearest medical facility and the restraint gear will be removed only at the direction of the medical staff. Transportation correctional officers will immediately notify the sending or receiving facility that a medical emergency occurred, and provide the location of the medical facility, the name of the offender with the medical emergency, the names of the transport staff, and names of any additional offenders in the transport vehicle. The facility contacted will dispatch staff to assist the transportation correctional officers.
5. If a natural disaster, road blockage, or other impediment to the transport occurs, the transportation correctional officers will immediately notify Central Transportation and the nearest facility for assistance.
6. Unless special circumstances dictate otherwise, offenders should be transported in groups to avoid unnecessary expense. The number of offenders transported must be consistent with the load or passenger specifications for the transport vehicle.

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7. Transportation correctional officers will not place themselves in a position where the offender has access to their weapon.
 8. Restraints, security equipment, and staff for transportation of maximum and close custody offenders are as follows:
 - A. Maximum custody offenders will be transported utilizing handcuff covers and leg restraints.
 - B. Maximum and close custody offenders must be transported by a minimum of two (2) transportation correctional officers, both of whom will be armed. Additional correctional officers and security equipment may be requested by the approving authority.
 - C. A chase vehicle with a minimum of two (2) armed correctional officer should be utilized for all offenders considered high escape risks.
 - 1) 1) When transporting an offender who is not considered a high escape risk, a chase vehicle may be requested by the approving authority.
 - 2) If a chase vehicle is utilized, the transportation correctional officers and the chase vehicle officer will confer on the transport, the identification of the offender, the anticipated route that will be taken, and the procedure for removing the offender from the transport vehicle with the officer from the chase vehicle ensuring that civilians and others are not in close proximity to the transport vehicle, the transportation correctional officer, and the offender.
 9. Restraints, security equipment, and staff for transportation of medium custody offender transportation are as follows:
 - A. The approving authority will have the discretion to determine the level of security to include the number of correctional officers, type of vehicles, and weapons to be used in the transportation.
 - B. Waist and leg restraints are required.
 10. Minimum custody offenders may be transported by a single (1) correctional officer, state employee or any other NDOC approved contractual employee, vocational/Re-entry program employee or approved volunteer. All non-NDOC personnel must have approval prior to transport by the Warden, Deputy Director of Operations and/or Director and possess a valid driver's license with appropriate insurance.
 - A. Restraints are not required for the transportation of minimum custody offenders.

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- B. A Correctional Officer may assist in escorting minimum custody offenders to adjacent states in connection with forestry projects.
11. Transitional Housing (TH) offenders may travel on routine or emergency trips outside of the facility without escort or restraints.
- A. TH offenders may use public transportation.
 - B. TH offenders may be transported in private vehicles related to their employment.
 - C. TH offender may not be transported in any other private vehicle.
12. Offenders who are being transported due to their release from prison, with the exception of being released to a hold, may be transported by one correctional officer. Restraints are not required.
13. Pregnant offenders will not be restrained unless there are mitigating circumstances that necessitate the use of restraints in accordance with AR 407 Use of Handcuffs and Restraints.
- A. 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. A correctional staff member who applies restraints to a pregnant offender or an offender in the postpartum period, shall notify a supervisor immediately. A written report, including the reason that restraints were used, shall be submitted to the Warden of the institution or the Manager of the facility within five (5) hours of the use of restraints. This report must thoroughly explain the reason for the restraints were used on the offender.
 - C. "Postpartum period" means the period of time an offender is recuperating from delivering a baby, as determined by the physician of the offender, immediately following delivery and directly related to the birth, including the period an offender is in a hospital or infirmary after birth.
14. Offenders will be restrained according to the custody level of the highest offender being transported in the same vehicle, unless the vehicle used has the ability to separate offenders from one another.
15. Operational Procedures shall include provision for medical conditions which prevent the use of conventional restraint practices.
- A. Medical conditions, which do not permit the full utilization of a routine restraint apparatus, will be evaluated on a case-by-case basis.

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- B. To the extent possible, the arrangement of restraints will be modified to accommodate the medical condition. In any event, public safety will remain the overriding concern.
16. Operational Procedures shall make provisions for the use of enhanced restraint devices in the event an offender presents a significant control or behavioral problem.
- A. These enhanced restraints may include, but are not limited to handcuff covers, a control chain, or restraint belt.
- B. Institutions may utilize restraint belts for transporting high risk offenders at the discretion of the Warden or Associate Warden.
- C. Any such use of these enhanced restraints on pregnant offenders or those offenders in postpartum must only be used if in compliance with AR 407.
17. Unclothed body searches conducted by the transporting officer are required for persons being transported for any reason other than scheduled outside work for minimum or TH offenders. In addition to the general provisions outlined below, the specific requirements of the Department's AR 422 (Search and Seizure Standards) should be followed.
- A. All unclothed body searches will comply with the Prison Rape Elimination Act (PREA) requirements. Refer to AR 494 (Transgender, Intersex, and Gender Diverse Offenders) when conducting unclothed body searches of Transgender or Intersex offenders.
- B. After the unclothed body search, the offender shall be isolated from offenders who have not yet had an unclothed body search and will remain under direct supervision. If any contact is made between the searched offender and any other offender who has not been searched, a second search will be conducted.
- C. Offenders shall have nothing in their pockets, nor be in possession of any personal property, before being presented to the transportation correctional officer for search and placement in restraints.
- D. During transportation, articles that may be in an offender's possession are limited to Keep on Person (KOP) medications, approved medical appliances, (no canes, crutches, etc.), and wedding rings. .
- E. Legal papers being transported with the offender for court hearings will be inspected (not read) for contraband by the transporting correctional officers in the presence of the offender and will be carried in the driver's compartment of the transportation vehicle.
- F. All other property to be transported will be thoroughly searched and appropriately boxed in accordance with AR 711 (Offender Personal Property) prior to being

placed in the vehicle. All property will be stored separately in the transportation vehicle and under no circumstances will an offender be allowed access to any property. The offender's property will be re-issued at the receiving institution.

18. Operational procedures will conform to the specific requirements of AR 422 (Search and Seizure Standards).
19. Random unclothed body searches of minimum offenders may be conducted.
20. Medium and Minimum security offenders will generally be transported using the following clothing requirements:
 - A. Blue issue shirt;
 - B. Blue pants;
 - C. Appropriate underwear;
 - D. Appropriate footwear; and
 - E. A jacket or outside coat appropriate to the weather.
21. Maximum security offenders who are transported outside of an institution should be dressed in orange coveralls in lieu of shirts and pants.
22. Male and female offenders may be transported in the same vehicle.
 - A. When transporting female offenders, a female correctional officer shall be present unless extenuating circumstances prevent a female correctional officer to conduct the transport.
 - B. If a female correctional officer is unavailable to join the transport team, two male officers may transport two or more female offenders simultaneously. However, a single male officer or two male officers cannot transport a single female offender.

430.05 TRANSPORTATION OF NDOC ESCAPES

1. After the recapture of an escaped offender by authorized agents of the Office of the Inspector General, (OIG), and only from point of recapture to a secure facility by OIG Criminal Investigators, the following transportation guidelines apply.
 - A. Transportation of the recaptured offender may occur in any state vehicle.
 - B. Two (2) qualified peace officers must be present in the transporting vehicle.

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- C. The offender may be transported in wrist restraints when waist and leg restraints are not practical or available.
 - D. All transporting peace officers may be armed.
 - E. The Transportation Order Request (DOC 2042) is not required for this transportation of recaptured offenders.
 - F. The requirement for the unclothed body search prior to transportation is waived, however, a clothed body search (pat-down) will be performed before the beginning of transport, and the unclothed body search should be performed as soon as possible after reaching a secure facility.

430.06 TRANSPORTATION OF OFFENDERS TO COURT

- 1. Each officer or supervisor selected for court detail must meet the following requirements:
 - A. Demonstrate good judgement and an understanding of written and verbal orders.
 - B. Shall be neat in appearance.
 - C. Shall be thoroughly familiar with courtroom security and transportation procedures.
 - D. Shall be currently qualified on weapons that will be used during the transport.
- 2. Security Precautions
 - A. Prior to an offender's court appearance, the Department of Corrections shall determine if additional security measures need to be taken.
 - B. Additional security precautions may be necessary for those offenders who are considered high escape risk, extremely dangerous, or if other exigent circumstances exist to include:
 - 1) Confer with the presiding judge to decide the type of action to be taken.
 - 2) The presiding judge shall have the final authority over courtroom security.
- 3. The officer in charge will ensure that offenders are escorted directly from the transportation vehicle to the designated courtroom or specified area by court staff.

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4. Offenders who are known enemies, associated with opposing Security Threat Groups (STGs), testifying against others, or classified as Protective Housing offenders will be kept separate.
 5. Offenders must constantly remain under the personal observation and control of the transporting officers. This duty cannot be reassigned or transferred from the officer assigned to that specific detail, unless the offender is handed over to another law enforcement agency for court supervision.
 6. During in-court proceedings, the offender shall be seated in the chair designated by the court. The transporting officer shall position themselves as directed by court staff and maintain visual contact of the offender at all times.
 7. Transporting officers may assist bailiffs/court marshals in the following:
 - A. Allow no unauthorized movement of the offender.
 - B. Prohibit any physical material from passing between the offender and the court visitors. No one will be permitted to give the offender anything unless it is directed by the court and the item is carefully searched.
 - C. Inhibit any verbal communication between the offender and court visitors.
 - D. Be alert for any directions from the court or other appointed authority regarding the activity or orders to the offender.
 8. At no time should the transporting officer assist in any emergencies not involving the offender if, by doing so, the security of the offender is neglected.
 9. An Offender Record of Court Appearance (DOC 2031) will be completed by the transporting officer and uploaded in NOTIS for any further court proceedings.
 10. Officers assigned to court transportation details are deemed to be disinterested parties to the court proceedings. Conversations between offenders and attorneys are confidential.
 11. The escorting officers must be neatly groomed and comply with the uniform regulations. Staff assigned to scheduled court details shall wear the Class A uniform in the correct and prescribed manner unless directed by the Central Transportation Lieutenant, , designee, or the judge overseeing the court proceedings.

430.07 TRANSPORTATION OF OFFENDERS FOR MEDICAL TREATMENTS

1. Medical staff will determine which 24-hour medical facility will be utilized for emergency or non-scheduled medical transports.

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2. It is the responsibility of the DON or the DON's designee to schedule outside medical appointments and to coordinate transportation to and from the appointment with Central Transportation and/or institutional staff.
 3. Medical emergencies will take priority over transfers between institutions.
 4. During times of heavy transportation requirements (i.e. court appearances, transfers between institutions), it may be necessary to reschedule non-essential medical appointments to make maximum usage of transportation resources.
 - A. It is the sole responsibility of the Medical Division to make the determination of which appointments are medically essential and which appointments are to be rescheduled.
 - B. Offender appointments deemed medically essential by the Medical Division staff will be kept on the scheduled date and time.
 5. Emergency medical transportation of offenders.
 - A. Emergency medical transfers will be made by department vehicles and officers, ground ambulance or air ambulance to the appropriate emergency room or trauma center determined by the Medical Director/designee.
 - B. The Medical Director/designee will be responsible for notifying the Shift Supervisor of the medical transfer.
 - C. The Shift Supervisor shall notify the Warden or Associate Warden in the event an offender requires emergency medical transport
 - D. Any medical staff who are requesting an offender to be sent to a community emergency room for treatment shall complete a separate Incident Report (IR) and identify in the report the following:
 - 1) Reason for the emergency transport.
 - 2) Was emergency transport absolutely necessary?
 - 3) Were there any other options available in lieu of the emergency transport to the community hospital?
 - 4) Could there have been an alternative to treatment in a community hospital?
 - E. If an unclothed body search cannot be conducted prior to a medical emergency transport due to the offender's condition, a thorough clothed body search will take place.

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- F. Restraints will be utilized in accordance with AR 407 Use of Handcuffs and Restraints.
6. Except for the provisions of AR 407 Use of Handcuffs and Restraints relating to pregnant offenders, transporting correctional officers will remove restraints only in cases where medical professionals determine that removal is necessary, and the Shift Supervisor approves the removal.

430.08 USE OF FORCE IN THE COMMUNITY

1. The use of force in the community calls for exercising extreme caution and making careful decisions in accordance with AR 405 Use of Force.
- A. The level of force utilized in any particular situation must be based on the physical surroundings, the threat posed, and the proximity of civilians to ensure that uninvolved civilians are not accidentally or inadvertently harmed while employing force.
 - B. The least amount of force necessary to gain compliance with a lawful order will be employed.
 - C. The use of force shall be in compliance with departmental policy.
2. Anytime force is used it shall be reported to the immediate supervisor and the sending institution as soon as possible.

APPLICABILITY

1. This regulation requires an Operational Procedure for the Central Transportation Division and for all institutions and facilities.

REFERENCES

ACA Standards 5th Edition: 5-ACI-1A-06; 5-ACI-1A-12; 5-ACI-1A-14; 5-ACI-3A-14-17; 5-ACI-3A-35; 5-ACI-3B-15; 5-ACI-6A-05; 5-ACI-6A-06; 5-ACI-6A-08; 5-ACI-6B-08 and 5-ACI-6D-06.

James E. Dzurenda, Director

Date