NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
431

TRANSPORTATION OF INMATES TO COURT

Supersedes: AR 431 (Temporary, 07/07/10)
Effective Date: 08/13/10

AUTHORITY

NRS 209.131

RESPONSIBILITY

All designated transportation officers are responsible to comply with this regulation.

The Central Transportation Lieutenant is to ensure compliance with this regulation and to provide the training for transportation officers.

Shift supervisors are responsible for compliance with the requirements established within the Department's Administrative Regulation 430.

The Deputy Director or designee is responsible for the operation and management of inmate transportation.

431.01 SELECTION OF OFFICERS

1. The shift supervisor will assign an officer to be in charge for each transportation run not handled by Central Transportation.

   A. The assigned officer in charge will have had prior experience in both transportation and in security coverage of inmates during court proceedings unless exception is granted by appointing authority.

   B. Whenever possible, the officer in charge will hold the rank of at least Senior Correctional Officer.

2. Each officer or supervisor selected for court detail must meet the following requirements:

   A. Have completed at least one (1) year of custody experience.

   B. Demonstrated good judgment and an understanding of written and verbal orders.

C. Shall be neat in appearance.

D. Shall be thoroughly familiar with courtroom security and transportation procedures.

3. All inmate transports from one location to another shall be controlled and supervised by staff at all times.

4. Guidelines for transporting inmates shall emphasize safety and be made available to all personnel involved in transporting inmates.

431.02 SECURITY PRECAUTIONS

1. Prior to an inmate's court appearance, the Department of Corrections shall determine if additional security measures need to be taken.

A. Additional security precautions may be necessary for those inmates who are considered high escape risk, extremely dangerous or if other exigent circumstances exist.

B. If additional security precautions are deemed necessary, the Department shall:

(1) Confer with the presiding judge to make a determination of the type of action to be taken.

(2) The presiding judge shall have final authority over courtroom security.

C. A chase vehicle may be utilized at the discretion of the Warden or Associate Warden.

2. All inmates will submit to an unclothed body search prior to being transported to court. All items including legal materials the inmate takes to court will be carefully searched. Legal material will not be read.

3. Prior to moving an inmate into the courthouse, the officer in charge will make a tour of the building and in particular the courtroom where the hearing is to be held with the approval of court staff.

A. Any situation or occurrence, which is out of the ordinary, will be reported by telephone to the appropriate supervisor.

B. When transporting high-risk inmates, as part of the transportation order, a complete security search of the area, with approval of court staff, will be ensured by the appropriate appointing authority as part of the transportation order.

4. A portable metal scanner may accompany staff assigned to provide courtroom security for maximum-security inmates or as otherwise deemed necessary. It will not be used unless prior approval is obtained from court staff.

5. All armed NDOC personnel will strictly adhere to Departmental procedures concerning the carrying and use of firearms.

431.03 TRANSPORTING VEHICLE

1. Inmates shall be transported to court hearings in state owned vehicles only. The transporting vehicle will be safely parked in an authorized area and securely locked before it is left unattended.

431.04 COURTROOM HOLDING AREAS

1. The officer in charge will ensure that inmates are taken directly from the transportation vehicle to the appropriate courtroom or other area as designated by the presiding judge. When more than one inmate is required to be present in the courtroom simultaneously, the group will be kept together in a designated section separate from the general public.

2. Inmates will be held in the designated holding area until summoned by the bailiff. No visiting by attorneys or other associates will be allowed in the holding area except as may be specifically ordered by the presiding judge. When an inmate is ordered removed from the courtroom, he will be placed in the holding area until released or recalled by the presiding judge.

431.05 OFFICER RESPONSIBILITIES

1. The inmate shall be under the personal observation and control of the transporting officers at all times. This responsibility shall not be delegated or transferred from the officers assigned to that specific detail unless the inmate is placed into the custody of another agency for court supervision.

A. A minimum of one (1) officer shall be in personal contact with the inmate(s) at all times.

B. A minimum of two (2) officers shall be present when an inmate is moved for any reason.

C. Inmates who require using the restrooms will be under the direct visual observation of an escorting officer at all times. Restrooms will be cleared and searched for contraband prior to access by inmates.

431.06 IN-COURT PROCEDURES

1. Duties of the Transporting Officers:

A. The inmate shall be seated in the chair designated by the court. The transporting officer shall take seats in the chairs provided behind or to the side of the inmate, or as directed by court staff, officers shall maintain visual contact of the inmate at all times and assist bailiffs in the following:

(1) Allow no unauthorized movement of the inmate.

(2) Prohibit any physical material passing between the inmate and the court visitors. No one will be permitted to give the inmate anything unless it is directed by the court and the item is carefully searched.

(3) Inhibit any verbal communication between the inmate and court visitors.

(4) Be alert for any directions of the court or other appointed authority regarding the activity or orders to the inmate.

2. The use of restraints during court proceedings will correspond to the inmate's custody level and as determined by the court.

3. The first consideration and duty of the transporting officers is the security of the inmate.

A. Except upon orders of the presiding judge, physical restraint will not be used against an inmate who becomes verbally disruptive. However, the transporting officers shall restrain any inmate who becomes physically disruptive, or attempts to leave his assigned place and necessary assistance will be requested from the bailiffs.

B. Courtroom disruptions by visitors shall be the responsibility of the bailiffs. At no time shall transporting officers assist in these emergencies when by doing so the security of the inmate is neglected. The inmate shall be maintained in a secure manner or removed from the courtroom if directed by the court.

C. In the case of emergencies occurring at the court, the following order of jurisdiction will apply:

(1) In the courtroom, the presiding judge and bailiff have jurisdiction.

(2) Outside the courtroom, but inside the courthouse, the Sheriff's Department or U.S. Marshals have overall responsibility.

(3) Once the inmate leaves the courthouse itself, the jurisdiction is vested in the Nevada Department of Corrections, whose staff then has total responsibility for the security of the inmate.

4. Court Appearance Record:

A. The Court Appearance Report, Form DOC-2031 will be completed by the transporting officer and distributed to the designated institutional Associate Warden, institutional transfer coordinator and the Central Transportation Lieutenant.

B. The court detail supervisor shall determine the following from the proceedings:

(1) Next court appearance date;

(2) Courtroom to appear in;

(3) Nature of pending proceeding;

(4) Behavior of the inmate; and

(5) Any other facts as may apply to hearings or security.

C. If Central Transportation does not provide the transportation of the inmate to court, the transporting institution must notify Central Transportation of the outcome of the court proceedings in writing on Form DOC-2031 to the Central Transportation Lieutenant within one working day.

431.07 RETURN TRANSPORTATION PROCEDURES

1. Upon completion of the court proceedings, the inmate shall be removed from the court.

A. The inmate will be returned to the institution as soon as can be safely accomplished.

B. All restraint equipment will be inspected for damage or tampering prior to transporting the inmate.

C. The Sheriff's Department will be notified of the departure time if their assistance is required.

D. Transporting officers will inspect, and search the transportation vehicle for contraband prior to the inmate being loaded.

E. Any weapons secured will be retrieved

F. Upon departure, the receiving institution shall be notified, if requested, by radio or the departure time and estimated time of arrival.

G. The inmate and all property will be searched for contraband upon return to the institution. When searching legal materials, the officers shall not read the materials.

H. Weapons and restraint equipment will be checked as per procedure.

431.08 COURTROOM DEPORTMENT

1. Officers assigned to court transportation details are deemed to be disinterested parties to the court proceedings.

2. Conversations between clients and attorneys are confidential.

3. Intervention in proceedings may be instigated only when there is probable cause to believe the security of the inmate is being compromised.

4. Officers shall maintain a professional attitude before the court.

5. Inappropriate interaction with an inmate may adversely influence the court or jury and reduces the officer's effectiveness in controlling the inmate.

6. Every effort shall be made to cooperate with the courts, bailiffs, county sheriff's deputies and jail personnel.

7. Directions and requests by the court or county officials shall be honored except as may conflict with state and institutional orders or where the safety and security of the inmate is jeopardized.

8. The escorting officers must be neatly groomed and comply with the uniform regulations.

   A. Supervisors and officers assigned are visual representatives of the Department of Corrections.

   B. Staff assigned to scheduled court details shall wear the Class A uniform in the correct and prescribed manner.

431.09 USE OF FORCE IN THE COMMUNITY

1. The use of force in the community calls for exercising extreme caution and making careful decisions.

   A. The level of force utilized in any particular situation must be based largely on the physical surroundings and the proximity of civilians.

   B. Anytime use of force is used it shall be reported to the sending institution as soon as possible, and submitted on, Use of Force Form DOC-1664.

REFERENCES

ACA Standards 4-4013, 4-4188, 4-4189, 4-4206, 4-4192, 4-4201 and 4-4204

Howard Skolnik, Director

7/20/10
Date