NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
455

USE OF HANDCUFFS AND RESTRAINTS ON PREGNANT INMATES (TEMPORARY)

Supersedes: NEW
Effective Date: 02/12/14

AUTHORITY

NRS 209.131; NRS 209.376

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 (Institution/facilities) or the Transportation Lieutenant/Sergeant (Central Transportation).

2. The Warden at each institution will:

   A. Develop an Operational Procedure (OP) which specifies the use of restraints on a female offender who is pregnant, in labor, or is in postpartum recovery.

   B. Ensure that the Operational Procedure lists under what conditions each restraint can and can not be applied on a female offender who is pregnant, in labor, or is in postpartum recovery.

   C. Ensure that the Operational Procedure identifies the authorization needed to use a particular restraint on a female offender who is pregnant, in labor, or is in postpartum recovery.

   D. Ensure that Institutional Staff are trained in the prohibited use of restraints on a female offender who is pregnant, in labor, or is in postpartum recovery.

   E. Ensure that Institutional Staff report and document all incidents of restraint use when applied to a female offender who is pregnant, in labor, or is in postpartum recovery.

3. All Custody personnel are responsible to use restraints only when authorized to do so; and only when they have been trained on the restraint procedures used for female offenders who are pregnant, in labor, or during postpartum recovery.

455.01 RESTRAINT DETERMINATION

1. Once NDOC Medical staff determines that a female inmate is pregnant, the pregnant inmate will only be placed in handcuff restraints from that point forward. The handcuffs will be to the front side of the inmate (leg irons will not be used) for the duration of her pregnancy unless compelling reasons exist, as supported by credible evidence, that the inmate presents:

A. A serious and immediate threat of harm to herself, staff, or others; or

B. A substantial flight risk and cannot be reasonably confined by other means.

Unless exigent circumstances are present requiring immediate restraint, restraints other than handcuffs will not be used without prior approval from the Warden or Warden's designee.

2. The Shift Supervisor, in consultation with the Warden or designee, will determine the least restrictive restraints necessary. While transporting/escorting the inmate in restraints the escorting officer will ensure they maintain constant contact with the inmate by firmly grasping either the inmates left or right arm near the elbow to maintain stability and control. Restraints shall be immediately removed once the inmate has been escorted to the desired location within the facility.

3. The Warden shall provide notice of the rights enumerated in NRS 209.376 to all pregnant inmates at the time the institution becomes aware of the pregnancy and the inmate is delivered a prenatal informational packet. This same notice must also be posted in the institution's infirmary.

455.02 INMATES IN LABOR AND POSTPARTUM RECOVERY

1. Once NDOC Medical staff determines that a female inmate maybe in labor, pursuant to NRS 209.376, the female inmate will not be placed within any type of restraint unless compelling reasons exist, as supported by credible evidence that the inmate presents:

A. A serious and immediate threat of harm to herself, staff, or others; or

B. A substantial flight risk and cannot be reasonably confined by other means.

Unless exigent circumstances are present requiring immediate restraint, no restraints will be applied while an inmate is in labor without prior approval from the Warden or Warden's designee. The shift supervisor, in consultation with the Warden or designee, will determine the least restrictive restraints necessary.

2. While the inmate is delivering the child or recuperating from the delivery, pursuant to NRS 209.376, the inmate will not be placed within any type of restraint unless compelling reasons exist, as supported by credible evidence, that the inmate presents:

A. A serious and immediate threat of harm to herself, staff, or others; or

B. A substantial flight risk and cannot be reasonably confined by other means.

Unless exigent circumstances are present requiring immediate restraint, no restraints will be applied while an inmate is delivering the child or recuperating from delivery without prior approval from the Warden or Warden's designee. The shift supervisor, in consultation with the Warden or designee, will determine the least restrictive restraints necessary.

3. During the recovery time after the birth the inmate will be allowed to walk around inside the room unrestrained under direct supervision of the assigned NDOC custody officer.

455.03 DISCHARGE FROM HOSPITAL

1. Upon discharge from the hospital, if medical staff determines that an inmate is still recuperating from delivery, the inmate will not be placed in any type of restraint unless, pursuant to NRS 209.376, compelling reasons exist, as supported by credible evidence, that the inmate presents:

A. A serious and immediate threat of harm to herself, staff, or others; or

B. A substantial flight risk and cannot be reasonably confined by other means.

Unless exigent circumstances are present requiring immediate restraint, no restraints will be applied if the inmate is still recuperating from delivery without prior approval from the Warden or Warden's designee. The shift supervisor, in consultation with the Warden or designee, will determine the least restrictive restraints necessary.

455.04 REPORTING PROCEDURES

1. In the event a prison official uses or authorizes the use of restraints on an inmate during labor, delivery, or recuperation, the supervising official must submit an incident statement explaining:

A. The type of restraints used;

B. When the restraints were used;

C. Who authorized the use of restraints; and

D. What compelling reason, in accordance with NRS 209.376, mandated the use of restraints and why the restraint utilized was selected.

2. An incident statement submitted pursuant to this section will be forwarded to the Inspector General's Office. Every incident reported pursuant to this subsection shall be investigated by the

Inspector General's Office, and include the gathering of all written reports, materials, and evidence relating to the incident. It shall also include witness interviews. After conducting its investigation, the Inspector General's Office shall prepare a written report that includes an evaluation of the policies, procedures, and training involved in the incident, and forward a copy of it to the Director for review.

3. Unless an emergency situation exists that requires immediate restraint removal, if a doctor, nurse, or other health professional treating the pregnant inmate requests removal of restraints, the corrections officer shall immediately communicate the request to remove restraints to the Warden or Warden's designee prior to restraint removal.

455.04 TRAINING AND NOTIFICATION REQUIREMENTS

1. The Warden shall ensure all new and existing prison officials, including medical and nonmedical staff, correctional personnel, and others who are involved in the transportation or supervision of pregnant inmates receive training on the prohibited use of restraints on inmates during labor, delivery, and recuperation in accordance with NRS 209.376.

A. Florence McClure Women's Correctional Center (FMWCC) basic training and general restraint training must include specialized training on NRS 209.376.

B. Signed copies of all trainings shall be kept in the training files for FMWCC and Central Transportation staff, and prison officials must be able to provide these records upon request.

C. Unless an emergency situation exists that would prevent otherwise, no prison official shall supervise an inmate during labor, delivery, or recuperation unless that individual has received training on NRS 209.376 and signed the relevant acknowledgement form.

2. The Warden shall be notified when an inmate is pregnant or in postpartum recovery. Once the Warden has received notification that an inmate is pregnant or in postpartum recovery, relevant institutional staff will be informed that the policies and procedures that apply to pregnant inmates apply to the inmate.

3. Any prison official who fails to comply with NRS 209.376 and the relevant policies shall face investigation and review pursuant to NRS Chapter 289.

4. The Department and its Director shall have an affirmative duty to investigate and ensure compliance with the policies pertaining to pregnant inmates.

APPLICABILITY

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

2. This regulation requires an audit.

REFERENCES

ACA Standard, 4th Edition, 4-4405

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Director Date

(a, f, g)

NRS 209.376 Limitations on use of restraints on offender who is in labor, delivering her baby or recuperating from delivery.

1. 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:
   (a) A serious and immediate threat of harm to herself, staff or others; or
   (b) A substantial flight risk and cannot be reasonably confined by other means.
2. If an offender who is in labor, delivering her baby or recuperating from delivery is restrained, only the least restrictive restraints which are necessary to ensure safety and security may be used.

(Added to NRS by 2011, 307)