I. SUMMARY

Staff in the Division of Child and Family Services (DCFS) shall utilize force only when it is objectively reasonable, necessary, and proportional to effectively resolve a conflict. Force may be used if and only if de-escalation has been ineffective, and when it is required to prevent physical harm to youth, staff, or others.

Use of force may be used as a last resort in situations related to:

- Justifiable self-defense
- Protection of youth from self-injury
- Protection of others from injury (e.g., staff, other youth, visitors, vendors on property)
- Prevention of significant property damage when damage could cause a safety hazard
- Prevention of escape or an escape in progress
- Subduing a riot or substantial disturbance
- Overcoming the physical resistance of a youth for failing to comply with a reasonable directive by staff resulting in substantial disruption of regular programming
DCFS recognizes three types of use of force: physical restraint, mechanical restraint, and chemical restraint.

No employee shall engage in choking, strangling spanking, shoving, pushing, kicking, striking, hitting, pinching, cuffing (hitting with an open hand), or corporal punishment of any kind. Under no circumstance is use of force justifiable as a punishment.

II. PURPOSE

To provide guidelines on when use of force may be used, and how to use force in an effective way.

III. DEFINITIONS

A. Chemical Restraint: The use of Oleoresin Capsicum aerosol spray (OC spray) which is derived from compounds found in plants in the Capsicum genus, such as chili peppers. This may include a spray canister or a fogger which releases OC spray.

B. Child Welfare Agency: The agency in the relevant jurisdiction to which reports of child abuse and neglect are made – Clark County Department of Family Services, Washoe County Human Services Agency, or DCFS Rural Region.

C. Corporal Punishment: The intentional infliction of physical pain, including, without limitation, hitting, pinching, or striking.

D. De-escalation: Actions used, when safe, which seek to minimize the likelihood of the need to use force during an incident. De-escalation slows down and/or stabilizes situations so more time, options, and resources can be made available for incident resolution.

E. Excessive Force: The amount of force, when applied, is unreasonable in relation to the incident.

F. Imminent Threat: An immediate danger which must be instantly met, which cannot be guarded against by calling for assistance of others. The appearance of threatened or impending injury which would put a reasonable and prudent person to their instant defense.

G. Incident Review Team (IRT): A team of facility staff whose function is to review all facility uses of force.

H. Mandated Reporter: DCFS staff are mandated reporters and must report to the appropriate child welfare agency or law enforcement agency when they know of or suspect child abuse or neglect. The report must be made within 24 hours of the suspected or witnessed abuse or neglect.

I. Mechanical Restraint: The use of devices, including wrist restraints, leg restraints, or waist restraints used to limit a youth’s movement or hold a youth immobile.

J. Physical Restraint: The use of physical contact to limit a youth’s movement or hold a youth immobile.

K. Property Damage: The willful damage or destruction of property.
L. **Reasonable Force:** The amount of force which when applied, is not excessive and is appropriate within the facts and circumstances known to the staff at the time and place, in order to defend oneself, or in the defense of others.

M. **Security Equipment:** Equipment used in use of force/restraint including wrist restraints, waist restraints, leg restraints, spit masks, and OC spray.

N. **Shift Supervisor:** The Assistant Head Group Supervisor or the next highest ranking or most senior staff member on duty.

O. **State Review Team (SRT):** A team comprised of facility and non-facility staff, led by non-facility staff, whose function is to complete reviews of all Youth Parole Bureau uses of force and secondary reviews of all facility uses of force.

P. **Substantial Disruption of Program:** When a youth engages in loud, aggressive, or significantly disruptive behavior over an extended period of time despite appropriate de-escalation attempts, to the extent resources of the staff are focused on the disruptive youth which prevents the delivery of programming services to other youth, or which directs an excessive amount of supervision to disruptive youth at the expense of adequately supervising other youth.

Q. **Use of Force:** Physical, mechanical, or chemical restraint used in instances of justifiable self-defense, protection of others, protection of property, prevention of escapes, or substantial disruption of programming. Includes physical contact or the use of equipment to control the movement of the youth. Use of force includes:

1. **Planned Use of Force:** Utilized in situations which do not warrant immediate action although a response is still required. In these instances, the Superintendent or designee shall be notified for further instructions and appointed staff members may take action.

2. **Spontaneous Use of Force:** Force utilized because there is an immediate need to act based on the authorized situations within this policy.

R. **Use of Force Continuum:** A spectrum of increased force used to control a youth’s behavior, based on best practices of de-escalation measures and detention practices.

IV. **PROCEDURES**

A. **Levels of Threat (Youth Behavior):**

1. Compliant – No resistance.

2. Passive Resistance – Does not respond to verbal commands but also offers no physical form of resistance; expressing an intent to resist is not considered resistance.

3. Active Resistance – Physically evasive movements to defeat, avoid, or prevent an attempt to control; expressing an intent to resist control is not considered active resistance.

4. Assaulitive – Aggressive or combative; actively attempting to assault staff or another person; expressing an intent to assault is not considered assaulitive.
B. Use of Force Continuum:

1. Compliant
   a. Prevention

2. Passive Resistance
   a. De-escalation

3. Active Resistance
   a. De-escalation
   b. Low/Intermediate Level Force
      i. Physical Restraint
      ii. Mechanical Restraint

4. Assaulitive
   a. High Level Force
      i. Physical Restraint
      ii. Mechanical Restraint
      iii. Chemical Restraint (in facilities certified by Deputy Administrator)

C. Preventing Use of Force

1. Use of force shall be used as the last resort and only when necessary, after attempts at de-escalation have failed, as outlined by this policy.

2. All facility staff shall be trained within 90 days of hire, and annually throughout their employment, on pre-emptive measures to avoid use of force (NRS 62B.250).

3. Staff will use a positive approach to build healthy relationships with youth, including trauma-informed care, effective communication, and establishing a structured, consistent environment.

4. Staff may prevent use of force by maintaining a professional presence at all times including:
   a. Defensive stance
   b. Dynamic movement
   c. Constant visual contact with youth

5. When maintaining a professional presence is insufficient, additional prevention methods shall be used including:
   a. Verbal requests for compliance
   b. Reminders regarding the positive consequences for compliance
   c. Reminders regarding the negative consequences for noncompliance
   d. Requesting and providing the physical presence of the Shift Supervisor
   e. Using verbal de-escalation techniques aimed at assisting the youth in regaining self-control and complying voluntarily with expectations
   f. Re-directing the youth away from the inappropriate behavior, moving their energy and attention towards more pro-social behavior/activity
   g. Using other members of the team to shift the youth’s focus.
      i. This may include enlisting a staff member who may have a strong or positive relationship with the youth.
Use of Force

D. Determining the Need for Force

1. In situations not requiring immediate intervention, staff should consider the following:
   a. Is it likely the youth’s inappropriate behavior will occur, continue, or escalate if the use of force is not taken immediately?
      i. How imminent is the risk?
      ii. To what extent has the youth voluntarily ceased the behavior?
      iii. How effective have de-escalation techniques been?
   b. Under the circumstances existing at the time, is use of force justified and a prudent course of action?
      i. What might be the extent of harm which could result if the youth is not subject to a use of force now and the behavior continues or escalates?
      ii. What is the extent of potential risk of harm to both the youth and staff by implementing use of force at this time?

E. General Guidelines for Use of Force

1. Prior authorization from the Superintendent shall be obtained to use force unless an emergency situation requires immediate and decisive action, such as:
   a. Justifiable self-defense
   b. Protection of youth from self-injury
   c. Protection of others from injury (e.g., staff, other youth, visitors, and vendors on property)
   d. Prevention of significant property damage when damage could cause a safety hazard
   e. Prevention of escape or an escape in progress
   f. To quell a riot or substantial disturbance
   g. To overcome the physical resistance of a youth for failing to comply with a reasonable directive by staff which results in substantial disruption of regular programming

2. The amount of force used shall only be as much as is reasonably necessary to regain control of the situation and assure the safety of the youth and others. Staff will consider the age, size, gender, level of physical skill and/or disability, and other significant differences between the staff and the youth which should influence the use of force necessary.

3. Staff shall recognize threat levels may escalate and de-escalate suddenly and modify the level of force appropriately for the changing situation.

4. Once the objective of control is achieved, staff shall decrease use of force proportionally to a level sufficient to maintain control.

5. Staff are mandated reporters and therefore shall be responsible for reporting any excessive use of force as potential child abuse (NRS 432B.220; Child Abuse and Neglect Reporting [DCFS/JJS 300.06]) to the relevant child welfare agency and/or law enforcement.
6. Any staff present and observing another staff using force which is clearly beyond which is objectively reasonable under the circumstances shall safely intervene to prevent the use of such excessive force.

   a. If it is unsafe to physically intervene, staff shall notify the Shift Supervisor immediately.

   b. Staff who fail to intervene or notify the Shift Supervisor in any way in such situations may be subject to disciplinary action.

7. Under no circumstance shall any staff member utilize any of the following as a means of restraining youth:

   a. Restricting respiration/breathing in any way.

      i. This includes using a chokehold or applying any pressure to a youth’s back, chest, or throat, or by physically placing a youth in a position which may hinder breathing or reduce intake of air. This includes placing a knee on the youth’s back, chest, or neck.

   b. Using any method which has the potential to result in a loss of consciousness or cause harm to the neck.

   c. Using methods which result in the youth being pinned down with knees and/or ankles to their torso, head and/or neck.

   d. Using methods of fastening together the hands and feet (i.e., hog-tie)

   e. Slapping, punching, kicking, pinching, or hitting a youth.

   f. Dragging or lifting a youth by their hair or by any type of mechanical restraint.

   g. Enlisting the assistance of another youth to help with a restraint.

   h. Securing a youth to a fixed object.

8. Restraint shall not be used as a punishment, to inflict pain, as a disciplinary measure or as a convenience for the staff. Neither shall staff use restraints to harass or intimidate youth (NRS 62B.510).

9. No restraint of any kind shall be allowed on a youth who is pregnant or in labor, delivering a baby or recuperating from delivery (NRS 63.145). Exceptions include:

   a. If the youth presents a serious and immediate threat of self-harm or harm to staff or others.

   b. If the youth is determined to be a serious flight risk and the youth cannot be reasonably confined by other means.

10. If a youth is restrained who is in labor, delivering and recuperating from delivery, only the least restrictive restraints which are necessary for safety and security may be used.
11. Facility staff shall wear a body camera (if available) to record all planned and spontaneous use of force incidents continuously until the restraint is ended.

F. Physical Use of Force

1. Only DCFS approved methods of physical intervention and crisis management shall be used in state facilities as outlined in the model chosen by DCFS.

2. While the youth is restrained:
   a. Staff shall determine whether the restraint also qualifies as confinement per the Confinement (DCFS/JJS 300.13), and if so, follow the Confinement policy at the same time as this Use of Force policy.
   b. The head shall be able to rotate freely, the airway must be unobstructed at all times, and the lungs must not be restricted by excessive pressure on the back, neck or chest.
   c. The situation shall be visually supervised by at least one staff other than the staff physically restraining the youth (by live video is acceptable where available).
   d. Staff shall verbally and visually assess the safety of the youth being restrained for consciousness and breathing.
   e. Once the staff has ensured the safety of the youth and the situation, the restraint shall be ended.

3. The Shift Supervisor or designee shall re-assess the situation every 10 minutes to determine if the youth is ready to be released from the restraint; these checks shall be documented on the Confinement Observation and Check Form per Confinement (DCFS/JJS 300.13).

G. Mechanical Restraints

1. Mechanical restraints shall only be carried and applied by staff designated by the Superintendent and properly trained to use the security equipment.

2. While mechanical restraints are applied:
   a. Staff shall determine whether the restraint also qualifies as room confinement per Confinement (DCFS/JJS 300.13), and if so, follow the Confinement policy at the same time as this Use of Force policy.
   b. The staff shall check the mechanical restraints for appropriate fit.
   c. The situation shall be visually supervised by at least one staff other than the staff who placed the mechanical restraints (by live video is acceptable where available).
   d. Staff shall verbally and visually assess the safety of the youth being restrained including consciousness and breathing.
Use of Force

e. Once the staff has ensured the safety of the youth and the situation, the restraint equipment shall be removed.

3. The Shift Supervisor or designee shall re-assess the situation every 10 minutes to assess appropriate fit, and to determine if the youth is ready to be removed from the restraints; these checks shall be documented on the Confinement Observation and Check Form per Confinement (DCFS/JJS 300.13).

4. Staff are not authorized to leave the facility, off-duty, with any mechanical restraint equipment.

5. Restraint equipment shall be stored in secured areas designated by the Superintendent.

6. The Superintendent shall designate a staff member to be responsible for inventory, maintenance and replacement of all restraint equipment.

7. At shift change, the Shift Supervisor or designee shall inventory all restraint equipment. This count shall be documented electronically or on paper.

H. Chemical Restraints/Oleoresin Capsaicin (OC Spray [MK4]/OC Fogger [MK9])

1. Only facilities certified to use OC shall be permitted to have it on campus.
   a. The Deputy Administrator of Residential Services shall provide certification for the use of OC.
   b. Certification shall be renewed annually, and the Deputy Administrator shall consider at the following in determining certification and/or recertification:
      i. Appropriate use of OC
      ii. Appropriate response using OC
      iii. Sufficient training on OC

2. Only staff who have successfully completed the DCFS approved course of instruction for Chemical Restraint/Oleoresin Capsicum spray (OC certified) shall be authorized to carry and dispense OC.

3. OC certified staff shall complete an annual refresher training regarding OC in order to continue to carry and dispense the chemical agent.

4. OC certified staff are authorized to carry and dispense only the OC canisters and foggers issued by the DCFS facility.

5. Staff shall not use OC spray or foggers in the following situations:
   a. When a youth is already in a physical restraint and/or mechanical restraints
   b. Inside a closed vehicle

6. In addition to the restrictions in IV. H. 5., staff may not use an OC fogger in the following situations:
   a. To subdue one youth
   b. In a youth’s bedroom
7. OC may be used to gain and maintain control of an unsafe or potentially imminent unsafe situation when verbal de-escalation has not worked, and physical restraint techniques would be unsafe to apply.

8. When deploying OC spray, DCFS staff shall announce a warning to the youth and others in the area of the intent to deploy the OC spray if the youth fails to comply with the staff’s demand.
   a. For example: “Do what I am asking you to do, or I will spray you with OC spray.”
   b. Staff member shall give the youth a reasonable opportunity to voluntarily comply to the demand before deploying OC spray.

9. Once order has been regained, decontamination procedures shall occur immediately.

10. Once a staff member deploys OC, the staff member shall not carry or use OC again until the IRT and SRT reviews are complete.

11. Staff are not authorized to leave the facility, off-duty, with any OC canisters or foggers. Any chemical agents shall be returned, weighed, and logged in a designated space at the DCFS facility.

12. OC equipment shall be stored in secured areas designated by the Superintendent.

13. The Head Group Supervisor or designee shall be responsible for inventory, maintenance and replacement of all OC equipment.

14. At shift change, the Shift Supervisor or designee shall inventory all restraint equipment. This count shall be documented electronically or on paper.

I. Medical Treatment

1. The Shift Supervisor shall notify the nurse on duty a use of force occurred as soon as practical following the incident but no later than 1 hour.

2. If the use of force occurs after hours, such as in the middle of the night, and no immediate medical intervention is needed, the Shift Supervisor shall email the nursing staff regarding the incident.

3. Immediate medical attention shall be given to both youth and staff if injuries were sustained in a use of force, up to and including calling medical professionals to the facility, and/or transport to the hospital or via facility state vehicle or ambulance.

4. Appropriate referrals by the nursing staff shall be made for youth or staff sustaining an injury.
   a. The nurse shall provide necessary medical treatment and make referrals based on the need for each incident.
   b. The nurse shall complete an Injury Body Chart (Attachment A) on every youth involved in a use of force.
c. The nurse shall provide information to the youth’s living unit in writing regarding any follow up care the youth may need after a use of force.

V. REPORTING AND DOCUMENTATION

A. The Shift Supervisor shall be notified immediately when any type of force is used.

B. The Superintendent shall be notified by the Shift Supervisor immediately.

C. The family of all youth involved in the incident shall be notified within 24 hours.

D. The Deputy Administrator of Residential Services shall be notified within 24 hours.

E. All staff who witnessed the incident shall complete an Incident Report in Tyler Supervision before the end of their shift.
   1. The Shift Supervisor or designee shall document the use of force in the Incidents section by creating a New Incident.
   2. In the Incident Characteristics, staff shall note all restraints used (physical, mechanical, chemical) along with any other characteristics.
   3. Staff shall note any threats to use OC spray, even if not deployed.

F. The nursing staff shall complete an exam on each youth whenever force is used and shall complete an Injury Body Chart (Attachment A) on each youth involved as soon as possible or on their next assigned shift.

G. All video footage shall be noted in the Shift Supervisor Report Use of Force Information Sheet (Attachment B) and sent to the facility-designated Use of Force Investigator and Superintendent for review.

H. All use of force video footage shall be uploaded into the designated database for use of force documentation on a monthly basis for review by the State Review Team (SRT).

I. Video footage shall not be altered, edited or erased at any time.

J. The Shift Supervisor shall review and approve all Incident Reports in Tyler Supervision as soon as possible (before the end of their shift) and shall be shared with the Superintendent.

K. The Shift Supervisor shall complete the Shift Supervisor Report Use of Force Information Sheet (Attachment B) before the end of their shift. Report should contain at least the following:
   1. Date
   2. Name of primary youth
   3. Name(s) of other youth involved, if applicable
   4. Name of staff who initiated the use of force
   5. Name(s) of other involved staff
   6. An account of the events leading up to the use of force
   7. A description of any de-escalation attempts employed
   8. Whether a warning was given before deploying OC spray/fogger
9. A detailed explanation of the incident and the reasons for employing force
10. A description of the restraint devices used and the manner they were used
11. An explanation of why the type of force was used (physical, mechanical, and/or chemical)
12. A description of any injuries sustained and if treatment was provided
13. A list of all participants in the incident, including youth and staff
14. A description of the youth’s behavior, as either witnessed or gathered from reports throughout the incident

L. Facilities shall report all incidents involving use of physical, mechanical and chemical restraints during the Performance-based Standards (PbS) data collection period each April and October per PbS (DCFS/JJS 100.14).

M. The facility Superintendent or designee shall complete a monthly Facility Use of Force Report, included in the Superintendent’s Report, to include:
   1. Total uses of force, broken down by type (physical, mechanical, and chemical)
   2. Total use of force investigations completed within seven business days of incident
   3. Total uses of force found warranted by the IRT
   4. Total uses of force found not excessive by the IRT
   5. Total uses of force found to be in compliance with policy by the IRT
   6. Total uses of force found to be in compliance with training by the IRT
   7. Consequences for any inappropriate use of force (e.g., remedial training, disciplinary action, procedural changes)

N. The Facility Use of Force Report shall be distributed to the Division Administrator, the Deputy Administrator of Residential Services, and the Chief of the Juvenile Justice Programs Office.

VI. BODY WORN CAMERAS (IF APPLICABLE)

A. All direct care staff shall wear a body worn camera while on official duty.

B. All direct care staff shall activate their body camera, when safe to do so, when a use of force event appears imminent.
   1. The body camera shall stay activated during the entirety of the use of force event.

C. All direct care staff shall deactivate their camera once the use of force event has concluded.

D. No direct care staff shall activate their body cameras to record activity other than use of force events, except in exigent circumstances approved by a supervisor and/or during events specifically approved in facility procedures.

E. Direct care staff shall be prohibited from deleting any video footage.
   1. If direct care staff have reason to believe video footage was taken which would not comply with policy or procedure, they shall notify their direct supervisor immediately.

F. Video footage shall be viewed only by approved internal staff per facility procedures, use of force investigators, and members of the IRT and SRT.
G. Facility staff shall secure and upload all use of force video footage to the designated database for use of force documentation per Use of Force Review (DCFS/JJS 300.04), for review by the IRT and SRT. All video footage shall be stored for a minimum of 3 years.

H. All video footage shall be used for internal review only, unless criminal conduct is suspected, in which this footage may be shared with local law enforcement and/or child welfare agencies.

I. Staff not turning their body camera on for use of force events they are involved in may be disciplined on a case-by-case basis.

VII. REVIEW

A. The Superintendent shall complete an initial review of every use of force by the end of their first shift following the incident including, but not limited to:
   1. Review of all video of the incident and surrounding areas
   2. Review of all reports in Tyler Supervision

B. All instances of any type of use of force shall be reviewed within 60 days at two levels: Incident Review Team and State Review Team. Refer to the Use of Force Review Policy (DCFS/JJS 300.04).

C. Data from IRTs and SRTs shall be aggregated by the Juvenile Justice Programs Office and reported to the Administrator, the Deputy Administrators, Superintendents, and the Chief of the Youth Parole Bureau.

VIII. TRAINING (NRS 62B.250)

A. Staff not trained in use of force will only physically intervene in a life-threatening event when no other trained staff are available to respond, or in non-life-threatening events when trained staff require the level of assistance.

   1. Untrained staff will use the minimum level of intervention necessary to safely manage the situation.

B. All staff designated by the Superintendent shall be trained in an evidence-based physical restraint model and shall maintain certification as required by the facility, annually, at a minimum.

   1. The Superintendent, Assistant Superintendent, Head Group Supervisor, Correctional Lieutenant (if applicable), and Training Officer of each facility shall all be trained.

C. All staff designated by the Superintendent shall be trained in CPR and First Aid and shall maintain certification as required by the facility.

   1. The Superintendent, Assistant Superintendent, Head Group Supervisor, Correctional Lieutenant (if applicable), and Training Officer of each facility shall all be trained.

D. All staff designated by the Superintendent shall be trained in the use of mechanical restraints.

   1. The Superintendent, Assistant Superintendent, Head Group Supervisor, Correctional Lieutenant (if applicable), and Training Officer of each facility shall all be trained.
E. In facilities which use OC, all staff (including administration) shall complete the OC Spray classroom training.

F. All staff designated by the Superintendent shall be required to participate in practice training to be certified for carry and using OC MK4 and MK9 (fogger) canisters (as applicable).

G. All staff designated by the Superintendent shall be trained in OC decontamination procedures.

H. Additional staff trainings shall focus on helping staff develop the skills needed to assess risk and trauma, identify escalating behaviors and effectively help youth learn safer ways of dealing with, but not limited to, anger, stress, fears and frustrations.

I. Upon hire, all Group Supervisors and appropriate staff shall be trained in the proper and expected use of camera/body camera equipment (if applicable) and storage of video footage.

J. All staff shall attend annual training on appropriate documentation for the purpose of report writing.

IX. STANDARD OPERATING PROCEDURES

A. All facilities shall create Standard Operating Procedures consistent with this policy, including but not limited to:

1. Training on use of force, including the continuum.

2. Training on body camera usage (if applicable):
   
   a. Additional privacy issues related to body camera usage, including which facility staff are authorized to view video footage.

   b. Parameters of usage related to body camera customizability (e.g., automatic turn-on under certain circumstances, remote access functionality).

   c. Storage of body camera equipment for security and sustainability purposes.

3. Availability of various restraint equipment, including the use of spit masks.

4. Use of verbal de-escalation.

5. Documentation.