


Use of Force Review

Division of Child and Family Services (DCFS)
Juvenile Justice Services (JJS)
Statewide Policy

POLICY NUMBER:	DCFS/JJS 300.04
EFFECTIVE DATE:	August 31, 2023
APPROVED BY:	Sharon Anderson, Deputy Administrator – DCFS 
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SUPERSEDES:	DCFS/JJS 300.04 effective July 24, 2020
APPROVED BY:	Dr. Cindy Pitlock, Administrator – DCFS 
DATE:	8/10/2023
REFERENCES:	Program Reporting (DCFS/JJS 100.03); Use of Force (DCFS/JJS 300.02); Medical Services (DCFS/JJS 400.10)
ATTACHMENTS:	Attachment A: Incident Interview – Youth Attachment B: Incident Interview – Staff Attachment C: Incident Investigation Summary Attachment D: Use of Force Incident Review Team Attachment E: Witness Statement Attachment F: State Review Team Meeting Summary Attachment G: Incident Review Team Monthly Summary

I. SUMMARY

The Division of Child and Family Services (DCFS) shall have established review teams whose function is to review all uses of force which occur within facilities. There shall be two levels of review, one at the facility level and one at the state level.

II. PURPOSE

To outline facility and state level reporting and reviewing practices for uses of force which occur in state juvenile justice facilities. The information obtained from incident reviews shall be used to improve facility functioning, training, and daily practices.

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III. DEFINITIONS

As used in this document, the following definitions shall apply:

- A. Conflict of Interest: A situation with the potential to undermine the impartiality of another person because of the possibility of a clash between the person's self-interest and professional interest or public interest.
- B. Incident Review Team (IRT): A team of facility staff whose function is to review all facility uses of force.
- C. 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.
- D. 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 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. The Superintendent or their designee shall be notified for further instructions and appointed staff members may take action.
 - 2. Spontaneous Use of Force: Force utilized because of an immediate need to act based on the authorized situations within this policy.

IV. FACILITY INCIDENT REVIEW TEAM

- A. All use of force incidents shall be reviewed by the IRT within 30 calendar days of the incident.
- B. The Deputy Administrator or designee shall appoint Use of Force Investigator(s) and/or a Lead Facility Incident Review Team (IRT) member (DCFS/JJS 300.02, Use of Force).
- C. The Deputy Administrator or designee shall appoint staff members to the Facility IRT, which shall include, at a minimum, the:
 - 1. Facility Superintendent or Assistant Superintendent
 - 2. Lieutenant, if applicable
 - 3. Head Group Supervisor or designated Assistant Head Group Supervisor
 - 4. Nursing staff representative
 - 5. Use of Force Investigator
 - 6. Mental Health staff representative

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- D. The Investigator/Lead Facility IRT member shall investigate each use of force incident occurring at the facility within seven business days of the use of force incident.
1. The Investigator/Lead Facility IRT member shall not have or appear to have a conflict of interest in conducting the investigation with youth or staff.
 - a. If there is or appears to be a conflict of interest, the Deputy Administrator of Juvenile Services or designee shall assign a replacement investigator for the investigation.
 2. The Investigator/Lead Facility IRT member shall collect, review, conduct, and complete all use of force related documentation, including but not limited to:
 - a. Incident Interview – Youth (Attachment A)
 - b. Incident Interview – Staff (Attachment B)
 - c. Incident Investigation Summary (Attachment C)
 - d. Closed-circuit or body camera video footage
 - e. DCFS web-based case management system Incident Report (including all personnel incident reports)
 - f. Witness Statements, if applicable (Attachment E)
 - g. Injury Body Chart(s) (DCFS/JJS 400.10 Attachment H)
 - h. Dorm/living unit logs, if applicable
 3. The Investigator/Lead Facility IRT member shall conduct interviews with youth (Attachment A) and staff (Attachment B) involved or who witnessed the use of force (Attachment E).
 - a. Investigator/Lead Facility IRT member may interview others as appropriate who may have relevant information about the incident or involved youth/staff.
 4. The Investigator/Lead Facility IRT member shall complete the Use of Force Investigation Summary (Attachment C) within seven business days of the use of force incident. At a minimum, the report shall include:
 - a. Completion of all form information
 - b. Trends identified during the investigation.
 - c. Summary of steps or actions taken during the investigation
 - d. Summary of relevant facts surrounding the incident
 5. The Investigator/Lead Facility IRT member shall provide the IRT members with all relevant materials at least two business days prior to the IRT meeting.
 6. The Investigator/Lead Facility IRT member shall schedule and convene a Facility IRT meeting to review the findings of their investigation within seven business days of its completion.

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7. The Investigator/Lead Facility IRT member shall present a brief verbal overview to the Facility IRT, summarizing the incident and the steps taken during the investigation. The IRT members are encouraged to discuss the findings and may request additional information.
8. At no time shall the Investigator/Lead Facility IRT member attempt to lead the IRT towards a specific outcome but shall present the facts as clearly and neutrally as possible and facilitate conversation among IRT members.
 - a. The IRT shall agree upon an outcome for each incident. Questions the team shall answer on the Use of Force Incident Review Team (Attachment D) include:
 - i. Are there any issues needing further investigation?
 - ii. Any there any recommendations and/or corrective action needed?
 - iii. Is there any direct action a supervisor is recommended to complete with staff?
 - iv. Was the use of force warranted?
 - v. Was the use of force deemed excessive?
 - vi. Was the use of force consistent with policy?
 - vii. Was the use of force consistent with training?
 - b. Any further information, prior to the issuance of a finding, requested by the Facility IRT, must be submitted to the Facility IRT by the Investigator/Lead Facility IRT member within three days of the request for additional information.
 - i. The Facility IRT shall reconvene if additional information was requested as quickly as possible after receiving the additional information, at which time shall complete the Incident Review Team form.
 - c. Each Facility IRT member shall sign the UoF Incident Review Team form (Attachment D).
- E. The IRT shall determine whether any use of force incident requires reporting to DCFS Human Resources, Child Protective Services, or other relevant agencies for review or investigation.
- F. The facility superintendent shall be notified if timeframes are not being met and may provide additional time on an as needed basis.
 1. Requests and approvals for additional time to complete reviews shall be clearly documented and included with the completed use of force packet if such need arises.
- G. The Investigator/Lead Facility IRT member shall notify the superintendent and the training officer of the outcomes of the IRT including deficient areas requiring corrective action and/or remedial training, and whether a referral to DCFS Human Resources, Child Protective Services, or other relevant agencies is required.

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- H. The Training Officer or designee is responsible for verifying remedial training was completed as required and reporting completion to the Investigator/Lead Facility IRT member.
- I. The Investigator/Lead Facility IRT Member shall upload completed IRT reviews with supporting documentation to the designated database for use of force documentation no later than the 20th of each month. Documentation required to be uploaded includes:
 - 1. UoF Incident Review Team (Attachment D)
 - 2. Incident Investigation Summary (Attachment C)
 - 3. Incident Interview – Youth (Attachment A)
 - 4. Incident Interview – Staff (Attachment B)
 - 5. DCFS web-based case management system Incident Report (including involved parties and all personnel incident reports)
 - 6. Injury Body Chart(s) (DCFS/JJS 400.10, Attachment H)
 - 7. Witness Statements, if applicable (Attachment E)
 - 8. Dorm/living unit logs, if applicable
 - 9. Closed-circuit or Body Camera video footage (may have to be uploaded to DCFS Shared Drive instead of the designated database for use of force documentation depending on video format)
- J. The superintendent or designee is responsible for:
 - 1. Reviewing and signing IRT documentation within three business days of the IRT meeting.
 - 2. Assigning corrective action or disciplinary action for any inappropriate use of force incident pursuant to NAC 284.650.
 - 3. Ensuring the incident is reported to DCFS Human Resources, Child Protective Services, or other relevant agencies for review or investigation, if necessary.

V. STATE REVIEW TEAM

- A. The Deputy Administrator or designee shall appoint the members of the Use of Force State Review Team (SRT) to include, at a minimum:
 - 1. At least one representative from each facility
 - 2. Deputy Administrator or designee
 - 3. Planning and Evaluation Unit Psychologist or designee
 - 4. Director of Nursing or another Medical Representative appointed by the Deputy Administrator
 - 5. Parole Unit Manager
- B. The Deputy Administrator or designee shall appoint a Lead SRT Member, not to be a facility staff member.

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- C. The Lead SRT member shall be responsible for:
 - 1. Granting access to the designated database for use of force documentation and the DCFS Shared Drive to all SRT members.
 - 2. Scheduling and facilitating SRT meetings.
 - 3. Communicating deadlines for uploading materials into the designated database for use of force documentation.
- D. The SRT shall meet monthly.
 - 1. The Chief of the Youth Parole Bureau shall convene a SRT meeting to review a Youth Parole Bureau use of force incident which included the use of an expandable baton and/or OC Spray.
- E. SRT members shall review all documentation for each completed use of force or other reportable incident in the designated database for use of force documentation prior to the scheduled monthly meeting.
- F. Any member of the SRT may request to place any use of force incident on the agenda for discussion at the SRT meeting.
- G. The Lead SRT member shall facilitate the discussion of use of force incidents.
 - 1. When Youth Parole Bureau uses of force are being reviewed, a facility representative SRT member shall lead the discussion for the incident review.
- H. The SRT shall determine if the facility Incident Review Team completed their review adequately.
- I. The SRT may make recommendations to facility staff on corrective action, remediation, or training, as well as make recommendations for policy or practice changes to improve outcomes.
- J. The Lead SRT member shall complete the State Review Team Meeting Summary (Attachment F) within seven business days of the SRT.
- K. The State Review Team Meeting Summary (Attachment F) shall be distributed to:
 - 1. Members of the SRT
 - 2. Facility Superintendents
 - 3. Chief of Youth Parole Bureau
 - 4. Chief of Juvenile Justice Programs Office
 - 5. Deputy Administrator
 - 6. Division Administrator

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VI. REPORTING

- A. The facility Superintendents or designees shall complete a Facility Use of Force Report, to be included in the monthly Superintendent Report (DCFS/JJS 100.03, Program Reporting, Attachment A), to include:
1. Total uses of force, broken down by type (physical, mechanical, and chemical)
 2. Total uses 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)
- B. The Facility Use of Force Report shall be distributed to the Division Administrator, the Deputy Administrator, and the Chief of the Juvenile Justice Programs Office.
- C. The Chief of the Youth Parole Bureau or designee shall complete a monthly Youth Parole Use of Force Report to include:
1. Total uses of force, broken down by type (physical, mechanical, and chemical)
 2. Total uses of force found warranted by the SRT
 3. Total uses of force found not excessive by the SRT
 4. Total uses of force found to be in compliance with policy by the SRT
 5. Total uses of force found to be in compliance with training by the SRT
 6. Consequences for any inappropriate use of force (e.g., remedial training, disciplinary action, procedural changes)
- D. The Youth Parole Use of Force Report shall be distributed to the Deputy Administrator and the Chief of the Juvenile Justice Programs Office.
- E. The Juvenile Justice Programs Office shall complete quarterly use of force reports on a state fiscal year to include the following data by facility and aggregated at the state level:
1. Total uses of force broken down by type (physical, mechanical, and chemical)
 2. Total use of force investigations completed within seven business days
 3. Total uses of force found warranted
 4. Total uses of force found not excessive
 5. Total uses of force found to be in compliance with policy
 6. Total uses of force found to be in compliance with training
 7. Total uses of force by staff
 8. Total uses of force by youth
 9. Demographics of youth affected by use of force (e.g., age, gender, race/ethnicity)

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- 10. Number of staff trained in each type of restraint by facility
- 11. Summary of inappropriate use of force incidents to include:

- a. Staff involved
- b. Youth involved
- c. How the use of force was inappropriate (e.g., unwarranted, excessive, not per policy and/or training)
- d. Consequences for staff
- e. Procedural changes made in response to use of force incidents

- F. The Juvenile Justice Programs Office Report shall be distributed to the Division Administrator, the Deputy Administrator, and the facility Superintendents at the end of the month following the end of each quarter of the state fiscal year.

VII. STANDARD OPERATING PROCEDURES

- A. Each facility shall create standard operating procedures consistent with this policy, to include, at a minimum:
 - 1. Assigning staff to the facility Incident Review Team, including positions designated as alternates when required staff may be unable to attend.
 - 2. Documentation and reporting requirements.
 - 3. Process for obtaining further information requested by the IRT.
 - 4. Process for the IRT to request remedial training or supervisor follow-up, when deemed necessary.
 - 5. Process for assigning corrective action or disciplinary action for any inappropriate use of force.
- B. The Youth Parole Bureau shall create standard operating procedures consistent with this policy, to include:
 - 1. Process for scheduling a review of a Youth Parole Bureau use of force incident which included the use of an expandable baton and/or OC Spray.
 - 2. Documentation and reporting requirements.
 - 3. Process for assigning corrective action or disciplinary action for any inappropriate use of force.
- C. The Juvenile Justice Programs Office shall create a process to collect and aggregate data.
- D. This policy shall be reviewed every two years or sooner if deemed necessary.