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Use of Force

I. Introduction

This policy will set the standards for staff to follow to ensure the physical safety and security of the youth, staff, and visitors within the facility.

A. Definitions

1. Force

Force is defined as the use of hands, other parts of the body, objects, instruments, chemical devices, or other physical methods by an objective, trained, and competent Institutions Peace Officer staff to subdue an attacker, overcome resistance, effect custody or gain compliance with a lawful order.

2. Reasonable Force

The amount of force that an objective, similarly trained, experienced and competent Peace Officer, faced with similar facts and circumstances, would consider necessary and reasonable to ensure safety and security of youth, staff, others and the facility, including but not limited to, the force necessary and reasonable to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order.

3. Unnecessary Force

The use of force that an objective, trained, and competent Institutions Peace Officer would consider unnecessary to maintain safety or internal order and security, including but not limited to the force necessary and reasonable to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order.

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4. Excessive Force

The use of more force than an objective, trained, and competent Institutions Peace Officer would use to maintain safety or internal order and security, including but not limited to the force necessary and reasonable to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order. The use of force for the purpose of punishment is excessive force.

5. Deadly Force

Any use of force that is likely to result in death.

6. Great Bodily Injury

An injury that creates a substantial risk of death.

7. Non-Deadly Force

A use of force option, as defined in California Code of Regulations Section 4034.2, subsection (b), which is greater than verbal persuasion, but less than force that is likely to result in death.

Reference:
Sections 147,
149, 830.5(b),
835, and 843,
Penal Code.

II. Purpose and Scope

- A. Use of force in non-emergencies should be used to gain compliance with a lawful order and only after clear, specific and understandable verbal directives are not followed. The amount of force used shall be reasonable and appropriate to the situation.
- B. When dealing with aggressive youth, it is necessary that staff use **ONLY** the level of physical intervention/restraint (defensive force control tactics) that is needed to stop the aggressive behavior and ensure the safety of others. If physical intervention/restraint becomes necessary, staff should exert only the level of physical intervention/restraint on the aggressive youth which is needed to bring the situation under control and help ensure that no further injuries are suffered by staff or by youth.

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- C. The immediate safety and security of staff and youth is our primary responsibility.
 - 1. The level of defensive force deployed should only be that level appropriate to control a resistive, aggressive, or violent youth/ward and/or overcome said resistance, while ensuring the safety and security of staff, other youth present and the involved youth.
 - 2. The primary objective in any deployment of defensive force and/or defensive force tactics is the safety of staff, non-aggressive youth, and involved youth.
 - 3. All defensive force strategies and/or tactics will always be based upon what is reasonable, available, and appropriate given the immediate circumstances.
 - 4. The use of force **SHALL BE AVOIDED** when unnecessary. Force shall never be deployed for reasons of discipline, treatment, punishment or in retaliation for a youth's resistive, aggressive, or violent acts, or any other acts. When applying physical intervention/restraint, staff must not allow adrenaline, anger or emotion to cause a loss of control and judgment. It is important that staff develop and utilize professional strategies according to the options of force that stress and reinforce emotional control, judgment, and quality decision-making abilities under stress.
 - 5. **Corporal punishment is prohibited under any circumstances. Any use of corporal punishment or improper application of force will result in disciplinary action.**
 - a. All staff observing unnecessary or excessive use of force or corporal punishment are required to intervene, and to stop the inappropriate use of force or corporal punishment, and report it immediately to the shift supervisor on duty in the facility.
 - b. Staff will document their observations on a Worker's Special Report (WSR) prior to leaving the facility at the end of their

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- shift, unless otherwise directed by a supervisor. The supervisor will report the event up the chain of command.
- c. The Manager will be notified **immediately** of any improper application of force or any use of force which results in injury.
 - d. All allegations of unnecessary or excessive force will be taken seriously and will be investigated by the department.
6. Training
- a. On an annual basis all staff shall review the Use of Force, OC/ Personal Defense Unit (PDU) and Restraint Policy. This annual review will be documented at the facility with a copy submitted to the Professional Standards Unit (PSU).
 - b. Annual training in areas such as verbal judo, verbal assertiveness, motivational interviewing and crisis counseling emphasize this department's stance on using alternatives to force whenever possible. Staff will attend as directed.
 - c. Use of Force and OC training will include the following topics:
 - i. Known conditions, both medical and mental health, that would contraindicate certain types of force, including restraints and OC spray.
 - ii. Approved chemical agents and their correct methods of use.
 - iii. Signs and symptoms that should result in an immediate referral to medical or Behavioral Wellness.
 - iv. The Constitutional Limitations of Use of Force.
 - v. Physical training and refresher courses for those skills that are perishable and defined intervals.

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III. Restraint/Control Policy

- A. In restraint and control situations, staff may utilize only those control and restraining techniques and devices which are approved and/or provided by the Santa Barbara County Probation Department and in which the employee has successfully completed approved training.
- B. The use of force should be avoided whenever practical. **Youth will not be physically restrained in situations where control can be gained through the use of staff presence or dialogue/counseling.**
- C. It is expected that staff will use good judgment, decision-making skills, and teamwork to control a situation.
- D. Staff can always increase the degree of force of a particular control option if needed to control the situation without going to another, higher force option. For example, staff presence may be used by one staff and be increased by including more than one staff member. In another example, verbal negotiation may begin by giving instructions softly to a youth and escalated by giving clear direction or commands in a loud voice.
- E. When a physical restraint is used, staff members must escalate or de-escalate the use of force as the youth's resistance or behavior changes. The amount of force used will not exceed the amount of force necessary and reasonable to control the youth.
- F. Juvenile institutions staff may restrain or control a youth under the following circumstances:
 - 1. For self-defense
 - 2. For defense of another staff member or youth
 - 3. To prevent escape
 - 4. To overcome resistance when a youth is physically aggressive
 - 5. To effect an arrest
 - 6. During transportation of a youth from one location to another

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7. When there is a documentable, articulable threat to the safety or security of staff or the facility as a result of a youth's actions.
 8. To prevent the youth from harming himself.
- G. Strategies for physical restraint and control or immobilization of a youth through the use of hands-on defensive force control instruments include, but are not limited to:
1. Staff presence (or multiple staff)
 2. Dialogue/counseling
 3. Verbal commands
 4. Control and search techniques
 5. Oleoresin Capsicum (OC) pepper aerosol sprays (OC Personal Defense Unit--PDU)
 6. Mechanical restraints
 7. Unarmed defensive tactics
- H. The above listing is not to be construed as meaning that the force options are to be used only in the order listed. Force used is to be appropriate to the individual event. Mechanical restraints, OC-PDUs, control and search techniques, unarmed defensive tactics, or other techniques requiring training, are to be utilized only after staff members have successfully completed departmental approved training in the specific topic.

IV. Use of Force Options and Protocol

A. Staff presence:

This is the first option to the maintenance of a good institutional facility and the prevention of situations requiring physical intervention. It is the effect that staff's honesty, professionalism, integrity, pride and reputation for fairness has on a youth's behavior. These characteristics, to be effective, must be consistently maintained. When needed to control behavior, the involvement of multiple staff members is encouraged.

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B. Dialogue and counseling:

This option is the staff's ability to gain control of the situation through the use of verbalized techniques. Dialogue properly used on a daily basis can become the only option necessary in most control situations. Dialogue, including counseling efforts, may also be the single most successful option available. Staff may find it useful to consult with Behavioral Wellness clinicians stationed at the facility for input on effective approaches to gaining compliance with a particular youth, or to coordinate intervention.

C. Verbal commands:

Staff should give clear, direct verbal commands to youth while employing command presence. During volatile situations, dialogue/counseling may not be sufficient to control a situation.

D. OC (PDUs):

The use of departmentally issued PDUs is permitted under Section 12403 of the California Penal Code. After having completed the required training on use of OC, juvenile institutions staff may use PDUs under the following conditions:

1. OC may be used within the scope of staff peace officer when there is an imminent threat to the safety of the youth, staff or others and only when de-escalation efforts have been unsuccessful or are not reasonably possible.
2. Before OC may be used, consideration must first be given to the gravity of the situation, the consequences that may reasonably be expected to occur if the behavior does not cease.
3. OC will be used only after making a reasonable effort to verbally obtain voluntary compliance and after giving a clear warning that OC will be used if such voluntary compliance is not forthcoming.
 - a. The only exception to the above is when the behavior exhibited is of such nature that even momentary delay would result in further injury to a person.

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4. OC shall **not** be dispensed within a moving vehicle. During transportation of youth, OC will be used only in physically threatening situations or escapes/attempted escapes.
5. OC may be used prior to employment of “empty hands” (hands-on restraint) or mechanical restraints in order to gain control of an aggressive youth if there is an imminent threat to the safety of youth, staff, or another. Staff may elect to use empty hands or mechanical restraints if they can do so without risking injury to themselves or to the youth, or if OC is not immediately available.
6. OC shall not be used for punishment, retaliation, or disciplinary purposes. Staff are to ensure that no greater amount of OC is used than is necessary to gain control of the situation and subdue the youth. OC shall not be used on youth who are resistive but not physically aggressive.
7. If possible, staff should avoid deploying OC against youth who have the following medical histories or profiles:
 - a. Severe Asthmatic
 - b. Pregnancy
 - c. Cystic Fibrosis or other chronic lung disease.
 - d. Eye/ocular issues, including corneal abrasions/ulcerations.
8. The facility Manager or Deputy Probation Officer, Supervising (SPO) shall designate those persons authorized to use OC (PDUs) within the scope of their employment. The staff must:
 - a. Have completed the approved 832 PC and chemical agents course that includes OC spray training.
 - b. Be on duty and authorized through the chain of command to have possession of OC (PDUs)
 - c. Have read and signed for the Santa Barbara County Probation Department Institutions Policy on OC/PDUs

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- d. Be aware that OC spray use and safety training is given annually in this department. It is offered as refresher training to experienced officers, but is required of those Institutions Officers who have yet to receive OC training.
- 9. Specifically, the following positions are authorized to possess and utilize OC/PDUs while on duty after meeting the requirements of section 8 (above):
 - a. Probation Manager
 - b. SPO
 - c. Deputy Probation Officer, Senior (Sr. DPO)
 - d. Juvenile Institutions Officer, Senior (Sr. JIO)
 - e. Juvenile Institutions Officer (JIO)
 - f. Extra help staff may be considered for authorization to carry OC/PDUs following the completion of mandated training.
- 10. Canisters of OC/PDUs shall be controlled and accounted for as follows:
 - a. The SPO or designee will issue a new canister to approved staff. Empty or expired canisters will be collected by the SPO or designee and forwarded to PSU.
 - b. The Sr. DPO or designated Sr. JIO is responsible for the count of canisters for his/her shift and that authorized/qualified staff are in possession of required duty equipment.
 - c. A designated storage place will be securely made in the front office or other suitable location.
 - d. Canisters must be secured in the designated storage location if not in use or issued to authorized staff.

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- e. Under no circumstances are staff to utilize department issued canisters outside of the institution, unless they are in pursuit of an escapee, participating in transportation duties, supervising a court-approved youth work detail, or are LPBC personnel who are off-site with youth.
- f. Each staff member receiving a canister is responsible for determining that it is more than half full. While on shift, OC canisters must be secured on duty belt when not actively in use.
- g. Stored canisters are not to be in an area of extreme heat.
- 11. For optimum usage, OC/PDUs should not be activated at a target distance of less than 6-10 feet. An effort should be made to hit the facial area with the spray.
- 12. MK-9 OC/PDUs are 12 ounce canisters that may be issued for use by a Sr. DPO, Sr. JIO, or designated lead staff (LSP) when authorized by the facility administration.
 - a. The MK-9 shall be used in a manner consistent with this policy section.
 - b. MK-9 OC/PDUs are designated for use during larger scale responses wherein the Sr. JIO or LSP determines that a broader distribution of OC is necessary to control, restrain, or subdue ongoing violent behavior.
 - c. Staff selected by Institutions Administration to carry MK-9 will complete training on OC use, review and sign off on the Use of Force manual section (5108), and participate in weapons retention training when offered.
 - d. MK-9 OC/PDUs are to be holstered on the designated staff duty belt and secured in a manner that minimizes the risk of staff losing control of the device (i.e. on the waist, not on the lower leg).

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- i. When securing the MK-9 OC/PDU in the designated holster, staff will ensure that the pin handle is located on the body side of the canister in order to minimize the potential for accidental pin removal or discharge.
 - e. MK-9 OC/PDUs are to be deployed at a minimum distance of 6 feet.
 - f. Careful consideration will be given to the location of the incident and the impacts of the greater amount of OC distribution. (See 7, above)
 - g. Staff deploying OC from the MK-9 canister will document the factors leading to use of the MK-9 in a WSR to be reviewed by the SPO.
 - h. MK-9 OC/PDUs are not to be removed from the institution.
13. Aftercare/Decontamination procedures:
- a. In all cases where OC is deployed, once the youth has been controlled and restrained and the immediate environment is contained and safe, the youth must be immediately removed to a safe area where decontamination can take place.
 - b. The decontamination process for OC/PDUs involves fresh air and water. The youth should be provided with a clean towel. Water should be sprayed into the face of the youth while the eyes are closed. The youth should not wipe his/her face but may blot dry. This process should be repeated as needed.
 - c. Youth should be advised not to decontaminate by washing with warm water and soap. Warm water will open skin pores and increase discomfort. Using soap or any oil or cream-based products will also increase discomfort. Advise the youth to decontaminate first by using cool water alone. After decontamination, use warm water only. Warm water and soap may be used the following day or later the same evening.

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- d. If water decontamination is not immediately available, youth should be provided the alternate method of Sudecon wipes.
 - i. Retrieve the Sudecon wipe and open the package, handing the wipe to the youth.
 - ii. Direct the youth to squeeze the contents onto his face and then wipe it off, wiping only over the affected areas. If necessary, help the youth if he is unable to do this on his own.
 - iii. Youth will be provided with additional wipes if other parts of his body received OC Spray.
 - iv. As soon as possible, be sure the youth is afforded an opportunity to shower.
- e. All youth sprayed with OC must be referred to medical personnel. If no medical staff are available on site, medical staff at juvenile hall or the county "On-Call" Physician should be contacted for instructions.
- f. No youth shall be left unattended until he is fully decontaminated or is no longer suffering from the effects of the OC exposure.
- g. Any staff contaminated with OC/PDUs should follow the same basic regimen.
- h. Sudecon Decon is also available for staff use.
 - i. Rinse affected area with water to remove excess OC spray.
 - ii. Place a small amount of Step 1 Cleanse soap onto your hands and apply it to your face for 30 seconds, avoiding rubbing the soap over your eyes.

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- iii. Rinse the soap off with water for approximately 10 to 15 seconds.
- iv. Repeat the same step four more times for a total of five times.
- v. Dry your face completely with a towel and apply the Step 2 Soothe ointment all over the affected area and continue to rub it until it dries.
- vi. If burning returns after a few minutes, repeat the steps as needed.

E. Documentation

- 1. The use of force and/or OC/PDUs shall be reported in writing on a Worker's Special Report (WSR). The individual applying the force or restraint shall be responsible for completing the incident report before the end of his/her shift during which the use occurred and before leaving the premises, unless directed otherwise by the Sr. DPO or Administration. The WSR will be submitted to the Sr. DPO, SPO and/or the Manager for review. Other officers who assisted with the event shall write a WSR as to their observation or participation in the incident.
- 2. The Sr. JIO or Sr. DPO will approve the report(s) before the end of his/her shift during which the use occurred and before leaving the premises. The Sr. JIO /Sr. DPO will submit the incident report to the SPO and Manager within 24 hours of the event.
- 3. Use of force reports will articulate:
 - a. The immediate threat reasonable perceived by the Officer.
 - b. The need for the use of force (youth actively resisting)
 - c. The amount of force relative to the need for force.
 - d. Efforts made to de-escalate and mitigate the force used.

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- e. Names of all youth and staff involved.
- f. Date, time and location of the force use.
- g. The extent of injury or injuries related to the use of force.
- h. Other factors that should be considered and included when applicable:
 - i. Whether a warning was given, if time allowed
 - ii. Whether there was a reasonable period of time for the youth to react to the warning.
 - iii. Describe completely the aftercare procedures and/or medical referral/treatment and decontamination procedures applied
- i. All notifications have been made:
 - i. Medical
 - ii. Behavioral Wellness
 - iii. Parents/Legal Guardian
- 4. All incidents of Use of Force, if captured on video, will be reviewed by facility SPO and Manager.
- 5. A debrief will be conducted with the involved parties by the Manager, SPO or Sr. DPO by the end of the shift.
 - i. An additional formal debrief may be conducted if deemed necessary.

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6. All youth have the right to grieve any use of force and may do so by completing a grievance form. They may also report their concerns directly to Camp administration via a confidential grievance. Youth may also report their concerns to Behavioral Wellness or Medical personnel.
- F. Use of force/restraint referrals
 1. In any instance when a youth is physically restrained, force is deployed, and/or they are exposed to the use of OC/PDUs, referrals will be made to the medical and Behavioral Wellness staff, as well as notification made to the youth's parent or guardian.
 2. In any instance when a youth is injured through the use of empty hands or mechanical restraint, a referral will be made to the medical and Behavioral Wellness staff.
 3. If as a result of any restraint, the youth appears to have significant injuries that cannot wait until he is seen by clinical staff, the shift supervisor will contact the on-call doctor immediately or arrange for Emergency Room transport. In an extreme emergency, if the injury is severe and/or life threatening, 9- 9-1-1 resources should be utilized.
- G. Use of Force Review
 1. In addition to on-site review of all use of force events by the SPO and Manager, use of force events will be reviewed on a department level monthly by the Use of Force Review Team.
 - i. The Committee is comprised of Deputy Chiefs, Managers, SPOs and training officers for the Institutions, Adult and Juvenile Divisions.
 - ii. All events are logged and tracked by the designated Administrative Office Professional, Sr. for the Use of Force Review Team.