

USE OF FORCE - FACILITIES

- AUTHORITY:** Administrative Directive
 California Penal Code (CPC) 196, 832.7, 832.8, 835, 835a, 836.5(b), 3407, 6030(f), 6035, and 6036
 Government Code Section 7286, 12525.2
 Welfare and Institutions Code 222
 Title 15 Minimum Standards for Juvenile Facilities Sections 1302, 1357, and 1358
- RESCINDS:** Procedure Manual Item 3-1-015, 2/20/2015 (Major Revision)
- FORMS:** Restraint Report (F057-6305)
 Special Incident Report (F057-7018)
- PURPOSE:** To establish written policies and procedures for the use of force options available to Deputy Juvenile Correctional Officers (DJCOs), Senior Juvenile Correctional Officers (Senior JCOs), and Supervising Juvenile Correctional Officers (SJCOs) in the course and scope of their duties. For the purposes of this Procedural Manual Items (PMI), the acronym DJCO will apply to DJCOs and Senior JCOs. The term “youth” refers to individuals under the jurisdiction of the juvenile court up to the age of 25.

I. GENERAL INFORMATION

A. Scope and Philosophy

1. The purpose of juvenile facilities is to provide a safe and secure environment for incarcerated youth, staff and visitors.
2. DJCOs are peace officers as defined by CPC § 830.5 and have limited peace officer authority. Through the normal course and scope of their duties, they may be called upon to use force for lawful purposes.
3. The authority to use physical force is a serious responsibility that shall be exercised judiciously and with respect for human rights, dignity, and the sanctity of every human life.
4. *Title 15 Minimum Standards for Juvenile Facilities* provides a definition of force and the parameters for when force can be used.
 - a. Pursuant to Section 1302, use of force is defined as an immediate means of overcoming resistance and controlling the threat of imminent harm to self or others.
 - b. Section 1357 restricts the use of force to that which is deemed reasonable and necessary to ensure the safety and security of youth, staff, others, and the facility.

- (1) Section 1302 defines “reasonable and necessary force” to mean the amount and type of force that an objective, similarly trained, experienced and competent youth supervision staff, faced with similar facts and circumstances, would consider necessary and reasonable to ensure the safety and security of youth, staff, others, and the facility.
5. According to CPC Section 835a(b), a peace officer may use objectively reasonable force for the following reasons:
 - a. to effect an arrest
 - b. to prevent escape
 - c. to overcome resistance
6. DJCOs shall only use a level of force that they reasonably believe is proportional to the perceived level of actual or threatened resistance.
 - a. The department will not tolerate excessive force.
 - b. Under no circumstances, shall force be used as punishment, discipline, retaliation, or as a substitute for treatment.
7. The use of force options and responses have been developed in consultation with the Juvenile Orange County Health Care Agency physician.
8. DJCOs shall carry out their duties, including the use of force, in a manner that is fair and unbiased.
9. Every person has the right to be free from excessive use of force by officers acting under color of law.
10. Pursuant to Government Code Section 12525.2, the department is required to report specific use of force incidents through the California Department of Justice application URSUS. Specific to DJCOs’ duties and use of force options, the following use of force events will be reported:
 - a. An incident in which the use of force by a peace officer against a client resulted in a serious bodily injury or death.
 - (1) “Serious bodily injury” means a bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ.
 - b. An incident in which the use of force by a client against a peace officer resulted in serious bodily injury or death.
11. DJCOs shall intercede when present and observing another officer using force that is clearly beyond that which is reasonable and necessary, as determined by an objectively reasonable officer under the circumstances,

taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

12. Employees shall comply with Policy Number C-16 Employee Conduct – On Duty, which requires any employee who observes or is aware of an employee violating the law and/or departmental policy and procedure to report this to a supervisor at the earliest possible opportunity. Further, all employees are responsible for reporting any situation that poses a threat to the health and safety of staff and clients under the Probation Department’s jurisdiction. Specific to the use of force, DJCOs are required to report potential excessive force when present and observing another officer using force that the DJCO believes to be beyond that which is reasonable and necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer.
13. The activities listed below are not considered use of force events. However, in the event the activity results in injury, the appearance of injury, or complaint of pain, the incident should be reported to the DJCO’s supervisor.
 - a. The use of handcuffs, shackles, transportation belts, martin chains, or flex cuffs when used to restrain youth for movement or transportation.
 - b. Using a firm grip to control while performing routine functions such as searching, handcuffing, or escorting.
 - c. Using a firm grip/hand hold to assist or escort a restrained person.
 - d. Performing reasonable interventions necessitated by the physical incapacity of a youth (e.g., steadying or lifting an intoxicated or disabled person).
14. Consistent with Procedural Manual Item (PMI) 1-1-A Probation Department Procedure Manual, this PMI will be reviewed and updated at a minimum of every two years, or when directives change based on legislation, court decisions, county directives, or practice.

II. Training

- A. DJCOs must complete the following departmentally authorized training before being authorized to utilize any use of force option:
 1. Juvenile Corrections Officer (JCO) core course approved by the Board of State and Community Corrections and the Standards and Training for Corrections (STC) Program authorized by Title 15, Division 1, Subchapter 1, Articles 1-9, Section 100-358 of the California Code of Regulations (CCR). Currently, the JCO core course includes 168 hours of required training. The following topics, related to use of force, working with vulnerable populations (e.g. individuals who are pregnant, individuals with physical, mental, and developmental disabilities, etc.), and de-escalation are addressed in the JCO core course:

- a. Defensive Tactics and Restraint Techniques (33 hours) including modules on use of force, control holds, falling, footwork and balance, take-downs, ground control, personal body weapons, person searches, use of restraints, and room extractions.
 - b. Behavioral Health (24 hours) including signs and symptoms of substance abuse, trauma, interventions and resources, stigma and bias, roles and responsibilities, liability, suicide prevention, foundations and definitions: signs and symptoms, safety, and emotional survival.
 - c. Communication (9 hours) including interpersonal communication, crisis communication and de-escalation, and effective communication.
 - d. Cultural Awareness (4 hours) including cultural diversity and ethnic disparity and gender identity.
2. Prior to authorization to carry Oleoresin Capsicum Spray (OC Spray), DJCOs must complete 8 hours of Chemical Agents training. Thereafter, DJCOs must successfully complete the Facility Safety Review training and Defense and Control Tactics training at the frequencies noted below in section II.A.3.d. and II.A.3.e.
 3. In addition to completing the JCO core course, DJCOs are required to complete 24 hours of STC training annually. Specifically, DJCOs are required to complete the following classes:
 - a. Mental Health: We Can't Escape It, So Let's Handle It (8 hours biennially)
 - b. Crisis Intervention and Behavioral Health Training (8 hours, biennially)
 - c. Tactical Communication and De-escalation (8 hours, annually)
 - d. Facility Safety Review (8 hours, biennially)
 - e. Defense and Control Tactics (8 hours, biennially)

III. De-escalating and Obtaining Voluntary Compliance

- A. Voluntary compliance is the preferred means of achieving resolution to potential use of force encounters. When reasonable to do so, DJCOs should ask for and allow reasonable time for compliance.
- B. When feasible, DJCOs shall utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force.
 1. "Feasible" means reasonably capable of being done or carried out under the circumstances to successfully achieve the lawful objectives without increasing risk to the officer or another person.

2. "De-escalation" means the use and application of non-force efforts and techniques to discourage, decrease or prevent threatening, disruptive or violent behavior.

C. Non-force options available to overcome resistance include the following:

1. Reputation/Rapport/Command Presence

Reputation Bearing and Appearance are the first and most often used options in the maintenance of good institutional control and the prevention of situations requiring physical intervention. This option is defined as the effect of a staff member's demonstrated honesty, professionalism, integrity, pride and reputation for fairness, on a youth's behavior. Rapport, cooperation and respect are also necessary ingredients. These characteristics, to be effective, must be consistently maintained.

2. Dialogue/Counseling

- a. Dialogue refers to a staff member's ability to engage a youth in conversation, which will result in a de-escalation of defiance.

- b. Counseling refers to the ability to use dialogue or two-way communication, to gain control of a situation through reasoning, rapport and insight. Counseling is intended to provide staff with information necessary to de-escalate a youth's emotional condition.

3. Enlisting the assistance of behavioral health staff (Clinical Evaluation and Guidance Unit, CEGU).

4. Asking for other staff to intervene (e.g. when a youth is resistive or is continually defiant with a particular staff).

5. Removing the youth from the group.

IV. Force Options

A. Before utilizing a use of force option, the DJCO shall have completed departmentally approved training, be authorized to use the tactic, and shall have successfully completed the required updates.

B. Given that no policy can realistically predict every possible situation a DJCO may encounter, it is recognized that each DJCO must be entrusted with well-reasoned discretion in determining the appropriate use of force and tactics used. However, according to Government Code Section 7286.5(a), the department cannot authorize the use of a carotid restraint or choke hold.

C. A DJCO must believe the use of any force option is necessary to further a legitimate purpose as detailed in Section I.A.

D. Individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during law enforcement interactions, as their disability may affect their ability to understand or comply with commands. A DJCO shall be cognizant of this and endeavor to employ

non-force options with vulnerable populations before resorting to any use of force. Training specific to working with vulnerable populations is listed in Section II.

- E. The following are the available force options for DJCOs. They are not to be construed as a use of force continuum that require an escalating series of actions a DJCO must take to resolve a situation.
1. Physical Force
 - a. Refers to the use of techniques by a trained DJCO to use bodily force to overcome resistance of an individual.
 - b. The application of any physical force technique shall be discontinued once the DJCO determines that compliance has been achieved.
 - c. DJCOs using physical force should consider the following:
 - (1) Whether the individual has been given reasonable/sufficient opportunity to comply.
 - (2) The possibility of unintended or increased injury to special populations including visibly frail, pregnant or recovering from delivery, and individuals with pre-existing medical conditions.
 - d. DJCOs may utilize any departmentally approved hold in which the DJCO has been formally trained. The following are examples of departmentally approved control holds.
 - (1) Accordion Squeeze
 - (2) Wrist Lock/Come Along
 - (3) Cross-Hand Wrist Lock
 - (4) Controlled Escort
 - (5) Hand Control Technique
 - (6) Arm Control Technique
 - (7) Foot Block Shoulder Drag
 - (8) The Turtle Calf Roll
 - (9) The Controlled Figure Four
 2. Defense Techniques

Defense techniques are tactics to protect oneself or others in a dangerous encounter with an aggressive or resistive individual.
 3. Mechanical Restraints

- a. Mechanical Restraint refers to the use of devices to restrict an individuals' free movement.
- b. Mechanical restraints include handcuffs, transportation belts, martin chains, shackles, institutional shields, soft-leather restraints, and tubes. The use of mechanical restraints is strictly regulated in the following PMIs:
 - (1) PMI 3-1-006 Handcuffs/Transportation Belts/Shackles
 - (2) PMI 3-1-048 Room Extraction, Use of Institutional Shield, and Property Removals. Institutional protective shields are only authorized for use by staff who have been trained and are authorized to use the shields.
 - (3) PMI 3-2-110 Soft-Leather Restraints/Tubes and Martin Chain Status. The use of soft-leather restraints, tubes, or martin chains is an extreme measure where a youth is a serious and immediate physical danger to him/herself or others.
- c. Only department authorized and issued equipment shall be used.

4. Chemical - Oleoresin capsicum (OC) spray

Please refer to PMI 3-1-056 for specifics on the training, authorization, discharge, and decontamination requirements for the use of OC spray.

V. Prohibited Restraint

The use of restraint devices that attach a youth to a wall, floor, or other fixture, including a restraint chair, or through affixing of hands and feet together behind the back (hogtying) is prohibited.

VI. Deadly Force

- A. Deadly force is defined as any use of force that creates a substantial risk of causing death or serious bodily injury and is prohibited unless the peace officer believes, based on the totality of circumstances, that such force is necessary for either of the following reasons:
 - 1. To defend against an imminent threat of death or serious bodily injury to the officer or to another person.
 - a. A threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the DJCO or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.

any difficulty breathing, emergency medical personnel (e.g. 911) shall be called immediately.

- D. DJCOs shall refer any youth involved in a use of force incident for medical assessment, regardless of any visible injury or complaint of injury, when reasonable and safe to do so.
- E. DJCOs shall refer any youth involved in a use of force incident to a mental health clinician as soon as reasonably possible. As required in Title 15 Section 1357 and PMI 3-1-106 Deaths, Serious Suicide Attempts, and Other Serious Incidents Related to Youths In Custody, youth involved in a use of force incident shall be offered a debrief session with mental health services.

VIII. DJCO Responsibilities

- A. Exercise options necessary to overcome resistance of youth.
- B. When a youth displays behavior that makes use of force a possibility, staff are to notify an SJCO/Duty Officer (DO) immediately. The contacted supervisor will immediately report to the location. Absent imminent danger to the youth, staff, or other, staff must contain the youth until a supervisor arrives.
- C. Request immediate assistance from available staff by utilization of the radio, intercom, emergency button or personal duress system.
- D. Upon arrival of staff, advise staff of the situation and the level of assistance needed. Direct responding staff in their response.
- E. If OC spray was deployed, follow the protocols established in PMI 3-1-056 including referring the youth to the Medical Unit, assisting with decontamination and aftercare procedures, and referring the youth to the Clinical Evaluation and Guidance Unit (CEGU). If the youth is at YGC, the youth must be transported to JH for evaluation by the Medical Unit and a mental health clinician.
- F. Any DJCO involved in or a witness to a use of force as described in Section IV, or as directed by an SJCO/DO or administrator shall write and submit a Special Incident Report (SIR) including all relevant facts related to the circumstances leading up to the incident, the DJCO's perceptions at the time of the incident, level of resistance, tactics attempted prior to the use of force, and why force appeared necessary.
 - 1. A DJCO may consult with their union representative when writing/submitting the SIR.
 - 2. A DJCO involved in a use of force incident shall submit his/her SIR to their assigned SJCO or the DO.
 - 3. If circumstances delay the submission of the SIR past the end of the DJCO's shift, approval must be granted from the assigned SJCO, DO, or Administrator in Charge (AIC). The assigned SJCO, DO, or AIC will consider the circumstances of the incident, injuries sustained, etc. when granting an extension for the submission of the report.
 - 4. Juvenile hall is equipped with video cameras throughout the common areas

of the facility. Due to the age of the system, the ability to pull video recordings from the system is extremely limited. A DJCO may request through their SJCO/DO an opportunity to view video of the incident. Upon request, the SJCO/DO will forward the request to the JH DD, or designee. The JH DD, or designee, will respond to the requestor within two (2) business days as to if a video recording is available for review.

- G. In addition to writing an SIR, any DJCO directly involved in a use of force shall complete a Restraint Report and submit with the completed SIR.

IX. Supervising Juvenile Correctional Officer/Duty Officer Responsibilities

- A. Immediately respond to the location of the incident. Assess the situation and determine the level of control required. Direct DJCOs response and actions. If mechanical restraint is necessary, immediately involve Mental Health staff in the decision-making process. Do not become physically involved with the youth unless exigent circumstances dictate direct involvement in a situation.
- B. Ensure involved youth have been seen by medical and mental health staff.
- C. Notify the assigned and respective facility manager or AIC.
- D. Determine appropriate housing for involved youth.
- E. In the event the involved DJCO(s) suffered an injury, initiate Workers' Compensation paperwork. Human Resources Return-to-Work staff will notify AOCDS upon receipt of the Worker's Compensation paperwork.
- F. The SJCO/DO will notify the youth's parent or legal guardian of the incident specifically addressing any injuries and the medical care provided.
- G. Collect, review for completeness, and forward all SIRs and Restraint Reports to the Assistant Division Director (ADD) directly overseeing the location of the incident.

X. Management Responsibilities and Review

- A. The assigned ADD shall review all use of force reports within their division.
- B. The decision for a DJCO to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force.
 - 1. The use of force should be consistent with law and departmental policies.
 - 2. The decision should be evaluated from the perspectives of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the DJCO at the time, rather than with the benefit of hindsight. The "totality of circumstances" shall account for occasions when officers may be forced to make quick judgments about using force. "Totality of the circumstances" means that all facts known to the DJCO at the time, including the conduct of the DJCO and the youth leading up to the use of force.

- C. All use of force incidents involving the discharge of OC spray will be referred to the Use of Force Review Board. The primary function of the Use of Force Review Board is to determine if the force was consistent with training and within departmental policy and procedures. Refer to PMI 1-4-108 Use of Force Review Board for the purpose, function, and parameters of the Use of Force Review Board.
- D. In the event there is a concern or complaint alleging the amount of force used was not objectively reasonable or otherwise outside of departmental policy, the matter will be referred to the Professional Standards Division for further review.
- E. During the review process, the assigned ADD will identify incidents that would be appropriate for debriefing with the involved staff for the purposes of training as well as mitigating the effects of trauma on staff. A stress debrief may be coordinated immediately after the incident. Tactical debriefs shall not occur prior to the findings of the Use of Force Review Board.
- F. The ADD, overseeing JH's Institutional Security Unit, will track all use of force incidents and provide a quarterly summary to the Chief Probation Officer (CPO) through his/her chain of command providing the following metrics in a searchable spreadsheet/document:
 - 1. An itemized list of use of force events including the following information:
 - a. The individualized master list number (e.g. L#) of the youth
 - b. Gender, age, and race/ethnicity
 - c. Location of incident (e.g. Unit I dayroom, classroom # 13, etc.)
 - d. Injuries sustained by youth
 - e. Injuries sustained by staff
 - f. Staff members physically involved in the restraint

XI. Disclosing Public Records

Pursuant to PC 832.7, peace officer records related to the report, investigation, or findings of the following use of force incidents shall be made available for public inspection:

- A. An incident involving the discharge of a firearm at a person by a peace officer.
- B. An incident in which the use of force by a peace officer against a person resulted in death, or in great bodily injury. Pursuant to Penal Code 12022.7(f), great bodily injury means a significant or substantial physical injury.
 - 1. Records may be redacted pursuant to CPC 832.7(b) (5) and (6).
 - 2. Release of the records may be delayed pursuant to CPC 832.7(b) (7).

XII. Complaints Against Personnel (CAP)

The investigation process for CAPs is outlined in PMI 1-3-404 Complaints Against Personnel.

REFERENCES:

Procedures:	1-1-A	Probation Department Procedure Manual
	1-2-006	Peer Support and Assistance Program
	1-3-404	Complaints Against Personnel
	1-4-105	Use of Force – Field Services
	1-4-106	Oleoresin Capsicum (OC) Spray – Field Services
	1-4-108	Use of Force Review Board
	3-1-003	Deterrence of Unacceptable Behavior
	3-1-006	Handcuffs/Transportation Belts/Shackles
	3-1-048	Room Extraction, Use of Institutional Shield, and Property Removals
	3-1-056	Oleoresin Capsicum (OC) Spray – Facilities
	3-1-106	Deaths, Serious Suicide Attempts and Other Serious Incidents Related to Youths in Custody
	3-1-303	Special Incident Reports
	3-1-404	Referral of Youth to Mental Health
	3-2-002	Prevention and Control of Inappropriate Behavior
	3-2-035	Juvenile Hall Video Surveillance System
	3-2-110	Soft-Leather Restraints/Tubes
	3-2-111	Safety Rooms
Policies:	C-16	Employee Conduct on Duty
	D-2	Use of Physical Restraint/Corporal Punishment
	D-9	Tear Gas

C.Stiver

APPROVED BY: