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USE OF FORCE CHEMICAL AGENTS, BODY WORN CAMERA, REPORT WRITING

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A **Use of Force** is any instance where Staff use their hands or other parts of their body, objects, instruments, chemical agents, electronic devices, firearms, or any other physical method to restrain, subdue, or compel an Inmate to act or stop acting in a particular way. The term “Use of Force” does not include moving, escorting, transporting, or applying restraints to a compliant Inmate.

- When using force, staff shall always use the minimum amount necessary to stop or control the resistance or threat encountered and it must be proportional to the resistance or threat encountered.
- The department has a zero tolerance policy for excessive and unnecessary force.
- Staff shall cease use of all force when control of the inmate has been established.
- The use of excessive and/or unnecessary force is expressly prohibited.

THE DEPARTMENT STRICTLY PROHIBITS THE USE OF HIGH IMPACT FORCE, INCLUDING:

1. Strikes or blows to the head, face, groin, neck, kidneys, and spinal column;
2. Kicks; and
3. Choke holds, carotid restraint holds, and other neck restraints

III **WHEN FORCE MAY BE USED**

When reasonable, and in accordance with Department policy and law, force may be used on an Inmate as follows:

1. As a last resort and where there are no practical alternatives available to prevent physical harm to Staff, visitors, Inmates, or other persons; or
2. To prevent or stop the commission of crimes, including riot, assault, escape, or hostage taking; or
3. To prevent or stop the throwing or spitting of any liquid substance, including but not limited to saliva, blood, seminal fluid, urine, and feces; or
4. To prevent the destruction of property that raises a safety or security risk; or

III **WHEN FORCE MAY BE USED** CONT.

5. To effect an arrest when resistance is encountered; or
6. To enforce Departmental or Facility rules, policies, regulations, and/or court orders where lesser means have proven ineffective and there is an immediate need for compliance; or
7. To prevent an Inmate from inflicting self-harm; or
8. As a last resort, when an Inmate in restraints is still dangerous to oneself and/or others.

III **RESTRICTIONS ON USE OF FORCE AND OTHER PROHIBITED CONDUCT**

Staff is prohibited from using force:

1. To punish, discipline, assault, or retaliate against an Inmate;
2. In response to an Inmate's verbal insults, threats, or swearing;
3. After control of an Inmate has been already established;
4. To employ unnecessarily painful escort or restraint techniques without lawful purpose;

Staff are also prohibited from engaging in the following actions

1. Provoking Inmates to commit an assault (in order to justify the Use of Force, or for any other reason);
2. Using racial, ethnic, homophobic, or otherwise derogatory slurs or obscenities towards any Inmate;
3. Subjecting an Inmate to harassment or public humiliation;
4. Causing, instigating, or facilitating Inmate-on-Inmate violence;
5. Pressuring or coercing Inmates, Staff, or Non-DOC Staff to not report a Use of Force Incident;

III BODY WORN CAMERA

All uniformed staff assigned to posts within active jail facilities, court and hospital commands, and all uniformed staff assigned to posts that have routine interactions with incarcerated individuals, visitors and members of the public, must wear their body-worn cameras turned on stand-by mode and ready to activate at all times. All other staff must wear their body-worn cameras turned on stand-by mode and ready to activate while conducting business within or touring active jail facilities, court and hospital commands, conducting perimeter checks, or when in contact with incarcerated individuals, and/or visitors and/or members of the public.

All uniformed staff are required to activate their body-worn camera when such use is appropriate to the proper performance of their official duties, and where the recordings are consistent with this policy.

Every body-worn camera will be configured with a 60-second pre-event video recording buffer, i.e., the duration of time and scope of the footage preserved prior to its activation. When the body-worn camera is activated, the preceding 60-seconds of video footage will be captured without audio and become part of the official recording. Audio recording will begin only at the time the body-worn camera is activated.

Throughout the tour, unless it is unsafe or impractical to do so, or when a malfunction or other mechanical issue impeding the use of the device exists, staff must activate their body-worn camera to record the following interactions with incarcerated individual(s), visitors and/or other members of the public:

- a. Initiation, participation in, or witness of any use of force incident and/or anticipated use of force incident;
- b. Witness or response to any physical or verbal altercation;
- c. Witness or response to an assault on staff, or other criminal act;

- d. Use of interpersonal communication skills to de-escalate and/or to resolve an active conflict without the use of physical force;
- e. Observation of any individual engaged in a criminal act or conduct which may result in a disciplinary infraction and/or arrest;
- f. Escort of incarcerated individuals;
- g. Witness or response to an incident of self-harm;
- h. Witness or response to an individual showing signs of medical distress or injury;

- i. Witness or performance of any search of facility living quarters, including Tactical Search Operations and random searches;
- j. Refusal of any individual to participate in programming or mandated services,
- k. Application or use of mechanical restraints or interaction with an individual who is in mechanical restraints; and
- l. Any interaction with an incarcerated individual, regardless of context, that escalates and becomes adversarial

The body-worn camera may not be activated in any of the following circumstances

- a. Personal or administrative duties, including but not limited to, personal conversations or interactions with fellow staff members; completion of paperwork following an incident; official meetings, or during a break;
- b. Places where a reasonable expectation of privacy exists such as, but not limited to, clinic areas dedicated to treatment of incarcerated individuals, hospital emergency rooms, locker rooms and restrooms, unless an individuals' resistance in one of these locations reasonably causes an officer to believe that a use of force incident or an assault on staff is about to occur, or occurs;
- c. Strip searches unless the individuals' resistance during one of these searches reasonably causes an officer to believe that a use of force incident or an assault on staff is about to occur or occurs.

III **PRIOR TO A USE OF FORCE**

Conflict Resolution Alternatives and De-Escalation Techniques

1. Act and speak in a deliberate manner in an attempt to verbally persuade the Inmate to comply (this is different than simply repeating direct orders);
2. Keep a safe distance and consider distance to minimize confrontational position;
3. Listen to the Inmate and ask for their cooperation;
4. Explain the consequences of the Inmate's behavior;
5. Request the assistance of a supervisor and additional Staff.



Where practical, Staff shall withhold employing physical force until the following condition have been met.

1. A warning or command has been given, and if practical, repeated.
2. The Inmate has had time to comply with the warning or command.
3. It appears that the Inmate is going to continue to resist the order or the Staff's effort to control the situation.
4. Additional non-force alternatives, including crisis intervention methods and specific defusing techniques are not reasonably available or have been unsuccessful, and the situation cannot be reasonably allowed to continue.

III ANTICIPATED USE OF FORCE

“Anticipated Use of Force” is a situation in which it is apparent that Staff Members will likely need to use force to address the situation and there is time to prepare a plan of action prior to using force.

1. Refuses to go to court;
2. Refuses to leave a cell or lock-in when ordered to do so;
3. Is not complying with search procedures.
4. Extractions

III INQUIRY CONCERNING MEDICAL CONTRAINDICATIONS

Prior to the use of any chemical agent(other than the hand-held units) against an inmate(s) the **Tour Command** or his/her designee shall notify facility health services/ mental health staff to determine from such staff whether there is a medical reason why chemical agents should not be used.

III DURING A USE OF FORCE USE OF FORCE TECHNIQUES

1. Force may be used in accordance with Departmental training and this Directive.
2. The need for physical force is established by considering all elements of the situation confronting Staff and by the type and amount of resistance exhibited by the Inmate and applying an **objective “reasonableness” standard**. The Department acknowledges that Staff decisions must be based on their perceptions during the situation, rather than on analysis after the fact; however, the reasonableness of the force must be judged from the perspective of a reasonable Staff Member on the scene at the time of the incident.
3. The Inmate’s level of resistance will always determine a Staff Member’s response. The amount of resistance exhibited by an Inmate may vary during the incident and as such, the amount of force that may be applied will vary in accordance with the Inmate’s resistance level. Staff shall cease use of all force when control of the Inmate has been established.

III LEVELS OF RESISTANCE

Passive resistance ex: Being verbally abusive or by refusing an order

Active resistance ex: An Inmate may pull or push away from staff, or tense or brace his/her body to prevent or avoid a Staff Member's control of the Inmate

Aggressive resistance ex: An Inmate (with or without a weapon) attempts to push, throw, strike, tackle, or otherwise physically harm a Staff Member or another person, appropriate force is authorized

Deadly resistance whereby his/her actions will seriously injure or kill the Staff Member or another person, the Staff Member is authorized to respond with appropriate force



III **LEAST TO GREATEST DEGREE OF FORCE**

1. Employing Interpersonal Communication skills
2. Seeking intervention by Mental Health staff, when appropriate.
3. Using of soft-hand techniques or use non-contact control techniques such as hand-held chemical agents.
4. Applying a combination of control holds or take-down techniques, to gain compliance and control over the Inmate.
5. Employing an authorized weapon ex: EIS
6. Applying a combination of blocks and/or strikes to the Inmate's body

7. Employing an authorized weapon ex: Baton
8. Kicking an Inmate or striking an Inmate with institutional equipment is prohibited
9. Employing a choke hold, or intentionally striking an Inmate's head against the wall, floor, or other object, is prohibited.

III THE USE OF A HAND-HELD DISPENSER IS AUTHORIZED IN THE FOLLOWING SITUATIONS:

- a. As a last resort and where there are no practical alternatives available to prevent physical harm to staff, visitors, inmates, or other persons;
- b. To prevent or stop the commission of crimes, including riot, assault, escape, or hostage taking;
- c. To prevent or stop the throwing or spitting of any liquid substance including, but not limited to, saliva, blood, seminal fluid, urine, and feces;
- d. To prevent the destruction of property that raises a safety or security risk;

- e. To effect an arrest when resistance is encountered;
- f. To enforce Departmental or Facility rules, policies, regulations, and/or court orders where lesser means have proven ineffective and there is an immediate need for compliance;
- g. To prevent an inmate from inflicting self-harm;
- h. As a last resort when an inmate in restraints is still dangerous to himself/herself and/or others.

III THE USE OF A HAND-HELD CHEMICAL AGENT IS PROHIBITED IN THE FOLLOWING SITUATIONS:

- a. To force an inmate to comply with an officer's verbal orders
- b. To solicit information;
- c. To discontinue an argument between inmates;
- d. As a threatening gesture;
- e. In response to an inmate's verbal insults, threats, or swearing; or
- f. To punish, discipline, assault, or retaliate against an inmate.

The **MK-3, MK-4, MK-4 Gel, and MK-6** handheld units should not be used at a distance of **less than three (3) feet**. Dispersion directed at an inmate shall be limited to **three (3), two (2.) second bursts**.

The Sabre Aerosol Projector **MK-9** liquid hand-held units have a minimum deployment range of **six (6) feet and a maximum effective range of twenty-five (25) feet**. Dispersion directed at an inmate shall be limited to **three (3), two (2) second bursts**.

The Sabre Aerosol Projector **MK-9 OC** may be used in conjunction with the Cell Buster attachment (hose and insertion wand). The prescribed method of delivery is to insert the wand under a cell door or via the food slot and deploy the chemical agent for **three (3) continuous seconds**. If the desired effect is not achieved, staff may apply **one (1) additional application for three (3) continuous seconds**. **No more than two (2) applications** of chemical agent as prescribed above may be used. The Cell Buster is only to be used against potential assailants behind cell doors.



III VIDEO CAMERAS

Handheld video cameras shall be used in the following situations, except where safety or security concerns require an immediate response that would make waiting for the provision of a camera a risk to the safety, security, and good order of the institution.

1. Responding to a Use of Force Incident;
2. All cell extractions;
3. All probe team actions; and
4. Facility living quarter searches conducted by the Emergency Services Unit

III **MECHANICAL RESTRAINTS MAY NOT BE USED:**

1. To punish an Inmate by leaving the restraints applied for an excessive period of time or using them in an unauthorized manner (such as HogTying);
2. About the head or neck of an Inmate;
3. To restrict the blood circulation or breathing of an Inmate.

III **A GURNEY OR OTHER AUTHORIZED CARRYING DEVICE MUST BE USED WHEN:**

1. The application of mechanical restraints alone will not sufficiently prevent injury to an Inmate resisting a transfer from one location to another, or to Staff.
2. When an Inmate has removed his or her clothing and refuses to reclothe him or herself (in which case the Inmate will be covered after being secured on the gurney or other authorized carrying device).
3. A gurney or other authorized carrying device may be used when necessary to transfer a physically resisting Inmate from one location to another.
4. Whenever a gurney or other authorized carrying device is used, Staff shall make an effort to position the Inmate on his or her side or back to reduce the risk of positional asphyxia

- a. Staff shall attempt to monitor the breathing of any Inmate placed facedown on the floor or ground during the application of restraints, and, if an Inmate is observed having difficulty breathing, or reports not being able to breathe, Staff shall call for medical assistance immediately;
- b. If an Inmate is facedown on the ground or floor and resisting restraint, Staff shall not compress the Inmate's chest by placing weight on their upper back.
- c. As soon as an Inmate is restrained, Staff shall place the Inmate on his or her side on the floor or ground (or sitting up) until the Inmate is moved. Inmates transported by gurney or stretcher shall be placed on their sides if practical or on their backs as a second choice if necessary. Nothing shall prevent Staff from placing the Inmate face down on a gurney, a stretcher, or the floor to protect themselves or others from assault

Deadly physical force may be used against an Inmate in accordance with the law and may only be used as a last resort in the situations listed below when all other means have been attempted or it is reasonably believed that any other means would be ineffective

1. To prevent imminent death or Serious Physical Injury to one's self or another person.
2. To prevent escape by an Inmate from a correctional facility or from custody while in transit to or from such facility.
3. To suppress a riot when there is reason to believe that an Inmate(s) poses an imminent threat of escape, death, or Serious Physical Injury to another person.

4. To prevent unauthorized persons, vehicles, or aircraft from attempting to breach the perimeter fence of a facility in order to assist in an escape or insurrection by Inmates(s).
5. To prevent or stop extensive damage of property if, and only if, it is determined that its loss or damage would directly lead to escape, loss of life, or Serious Physical Injury.
6. In situations involving hostages, deadly force may be used to prevent an escape, or to prevent death or Serious Physical Injury to the hostage(s), whether an employee, Inmate, or civilian.

III PREPARATION OF WRITTEN REPORTS

1. Staff shall prepare a written report concerning the incident based on their own observations and personal knowledge and written independently from other Staff that were involved or were alleged to have been involved in the incident.
2. Staff shall not review video footage of the Use of Force Incident prior to completing their Use of Force Report. If Staff review video footage at a later time, they shall not be permitted to change their original Use of Force Report, but may submit a supplemental report, which shall document that the video was reviewed prior to preparing the supplemental report.

3. Staff shall independently prepare their Use of Force Reports based on their own recollection of the Use of Force Incident. Staff involved in a Use of Force Incident shall not collude with each other regarding the content of the Use of Force Reports. Staff involved in a Use of Force Incident shall be separated from each other, to the extent practical, while they prepare their Use of Force Reports.
4. Any Staff Member who engages in the Use of Force or witnesses a Use of Force Incident in any way or has been ordered to submit a Use of Force Report by competent authority (Uniform supervisor, ID, etc.) and either (a) fails to verbally notify his or her Supervisor, or (b) fails to prepare and submit a complete and accurate Use of Force Report, shall be subject to instruction, retraining, or appropriate discipline, up to and including termination.