

Use of Force

948.1 PURPOSE AND SCOPE

The purpose is to establish and implement written policies and procedures for the use of force, which includes physical restraint techniques, defense techniques, physical restraint devices, and chemical agents. This policy applies to all juvenile facility staff.

948.1.1 DEFINITIONS

Definitions related to this policy include:

██████ - A code used to communicate "officer needs assistance." For juvenile facility purposes, it represents a request for additional staff presence requiring an immediate response from the duty officer (DO) and all available staff.

Handie-Talkie (HT) radio communication system - A handheld, portable two-way radio transceiver (transmitter/receiver) which allows all juvenile facility staff to communicate with one another. HT is an abbreviation for "Handie-Talkie," a commonly used term for this type of radio transceiver.

Inappropriate/excessive force - Force which is in excess of what is deemed reasonable to overcome resistance and maintain control of situations wherein youth pose a threat to the safety of themselves and others.

Interventions - Defined as the use of non-physical options and/or an ██████ radio call to gain compliance from youth.

Reasonable and necessary force - The amount and type of force that an objective, similarly trained, experienced and competent staff, faced with similar facts and circumstances would consider reasonable and necessary to ensure the safety and security of youth, staff, others, and the facility.

Use of force - Defined as the use of physical restraint techniques, defense techniques, physical restraint devices, and chemical agents to overcome resistance and maintain control of situations wherein youth pose a threat to the safety of themselves and others.

- (a) **Physical restraint techniques** - The use of department authorized control holds.
- (b) **Defense techniques** - Department authorized techniques utilized to protect oneself.
- (c) **Physical restraints** - Restraint devices such as handcuffs, shackles, waist chains, and the WRAP. These devices are designed to be attached to the human body to limit mobility and/or restrict movement.
- (d) **Chemical agents** - The application of oleoresin capsicum (OC) sprays.

948.2 AUTHORITY AND REFERENCES

- Board of State and Community Corrections Title 15 §§ 1357 & 1358;
- California Penal Code §§ 3407 & 6030 (f);

Riverside County Probation Department

Policy Manual

Use of Force

- Juvenile Facility Services Policies: H.T. Radio Communication System and Emergency Codes; [REDACTED]; Recording Incidents in Juvenile Facilities; Use of Physical Restraints; Grievance Procedure; Reporting of Incidents and Other Information; Care of Pregnant Youth & Reporting Suspected Child Abuse;
- Peace Officers Bill of Rights;
- Welfare and Institutions Code 210, 222 & 885.

948.3 POLICY

Riverside County Probation Department recognizes and respects the value of human life and treats all persons with dignity. While several force options exist, the level of force selected shall always be based on what is reasonable, necessary, and appropriate given the circumstances faced by staff. The appropriate level of force may escalate or de-escalate as staff encounter changing circumstances and/or changes in the youth's behavior. This is a dynamic process requiring staff to constantly reassess, react and counter the youth's behavioral changes.

Staff are not authorized to use physical restraint techniques, defense techniques, or restraint devices until they have successfully completed the appropriate training, unless exigent circumstances exist.

948.4 REQUIRED TRAINING

Using physical force options are perishable skills. Staff shall receive initial defensive tactics/force options training during STC certified Juvenile Corrections Officer Core training and annual refresher training afterwards. Staff shall be required to meet all department-approved training standards. Training will include the following:

- (a) Discussion of applicable policy and procedures;
- (b) Instruction on the Constitutional Limitations of Use of Force;
- (c) Instruction in the de-escalation of defiant/aggressive behavior;
- (d) Instruction in control holds, after which staff must demonstrate proficiency to the trainer's satisfaction;
- (e) Instruction in department authorized defense techniques, including standing and ground self-defense techniques, after which staff must demonstrate proficiency to the trainer's satisfaction;
- (f) Instruction regarding known medical and behavioral health conditions, to include past trauma, that can contraindicate certain types of force;
- (g) Acceptable chemical agents;
- (h) Methods of application;
- (i) Instruction regarding signs or symptoms which should result in immediate referral to on-site health care or behavioral health staff, including but not limited to: mental illness, and drug or alcohol abuse;

Use of Force

- (j) Instruction in requirements of the decontamination of chemical agents, if such agents are utilized; and
- (k) Appropriate response if the current use of force is ineffective.

948.5 INTERVENTIONS

Prior to using force and absent exigent circumstances, staff shall attempt to de-escalate situations by using one or more of the following non-physical options:

- (a) Establishing rapport;
- (b) Using command presence;
- (c) Verbal commands;
- (d) Counseling and dialogue;
- (e) Asking other staff to intervene;
- (f) [REDACTED] radio call;
- (g) Enlisting the aid of behavioral health staff; and/or
- (h) Separating the youth from the group.

948.6 USE OF FORCE

In the continuum of care for youth, there is a wide range of intervention techniques available to staff, and every effort shall be made to avoid the use of force. When determining whether or not to apply any level of force, staff shall consider the following factors:

- (a) The youth's immediate threat to the safety of themselves, staff and/or other youth;
- (b) The youth's active resistance or evasion of control;
- (c) Whether the youth's behavior is influenced by mental illness, past trauma, drugs or alcohol;
- (d) The risk of escape; and
- (e) The youth's known medical condition(s) identified by on-site health care staff that would contraindicate certain types of force.

948.7 PHYSICAL RESTRAINT TECHNIQUES

Absent imminent danger, physical restraint techniques shall be initiated only when interventions have failed and the DO/supervising probation officer (SPO) has been informed of the situation. Staff may use the department authorized physical restraint techniques only after receiving department-approved training.

If staff use any form of physical restraint techniques, the DO/SPO and on-site health care staff shall be called, whether or not there is a complaint of pain. The youth shall be transported for medical

Use of Force

treatment as deemed necessary. The DO/SPO may also request the assistance of behavioral health staff.

The following are physical restraint techniques that are authorized for use in juvenile facilities:

- (a) Firm grip;
- (b) Wrist lock;
- (c) Arm bar; and
- (d) Figure-four foot hold.

948.8 DEFENSE TECHNIQUES

Defense techniques shall be used only as a means for staff to stop an attack upon themselves or others by a youth.

If staff use any defense techniques, the DO/SPO and on-site health care staff shall be called, whether or not there is a complaint of pain. The youth shall be transported for medical treatment as deemed necessary. The DO/SPO may also request the assistance of behavioral health staff.



948.9 PHYSICAL RESTRAINTS

Physical restraints shall only be used for those youth who present an immediate danger to themselves or others, who exhibit behavior which results in the destruction of property, or reveals the intent to cause self-inflicted physical harm. Refer to Juvenile Facility Services Policy: Use of Physical Restraints.

948.10 CHEMICAL AGENTS/OLEORESIN CAPSICUM (OC) SPRAY

OC spray is authorized to be carried and utilized by all sworn probation staff authorized to work within Riverside County Probation juvenile facilities and are present in that capacity.

The authorized department-issued OC canister for use in juvenile facilities is the [REDACTED], stream type pepper spray. Deputy Probation Officers (DPO) and SPOs that are assigned to

Riverside County Probation Department

Policy Manual

Use of Force

field divisions may utilize their department-issued [REDACTED], stream type pepper spray when working within the juvenile facilities for youth supervision purposes.

948.10.1 OC SPRAY TRAINING

Staff must complete the appropriate initial chemical agents training before being issued OC spray. Refresher training shall be conducted every two years. Should the department determine a particular staff is in need of remedial training due to the misuse of OC spray, attendance in OC spray refresher training shall be mandatory.

948.10.2 WHEN TO USE OC SPRAY

Staff are authorized to deploy OC spray when there is an imminent threat to the youth's safety or the safety of others and only when de-escalation efforts have been unsuccessful or are not reasonably possible.

948.10.3 PRIOR TO USING OC SPRAY

Absent exigent circumstances prior to using OC spray, if time permits, staff shall:

- (a) Announce an [REDACTED] call via the Handie-Talkie (HT) radio. Refer to Juvenile Facility Services Policy: H.T. Radio Communication System And Emergency Codes;
- (b) Contact the DO/SPO;
- (c) Give an "OC warning"; and
- (d) Consider the potential effects on bystanders.

948.10.4 ONCE STAFF DECIDE TO USE OC SPRAY

Once the decision to use OC spray has been made, staff shall:

- (a) Ensure appropriate minimum application distance of 3 feet from spray nozzle to the target;
- (b) Seek to minimize space available for movement;
- (c) Assume a position of defense, in an attempt to spray accurately;
- (d) If time permits, wear gloves;
- (e) Dispense spray with caution;
- (f) If possible, allow a brief time for the chemical agent to take effect;
- (g) Secure the youth with handcuffs, so as to ensure a smooth transition to a safe decontamination area.

Prior to moving a youth to a decontamination area, the DO/SPO and on-site health care staff shall be called. Absent on-site health care staff on duty, the youth shall be provided first aid and/or medical treatment as deemed necessary. The DO/SPO may also request the assistance of behavioral health staff. If behavioral health staff are not on duty, a referral for services shall be made as soon as practicable.

Use of Force

948.10.5 OC SPRAY AFTERCARE PROCEDURES

- (a) In all cases where OC spray is deployed, once a youth has been assessed, he/she shall be moved to a safe area in a timely manner.
- (b) Youth who have been exposed to OC spray shall not be left unattended until they have been fully decontaminated or are no longer suffering from the effects of the OC spray.
- (c) Decontamination for OC spray is fresh air or cool water, which shall be sprayed onto the youth's face. Youth shall blot dry, not wipe their faces.
- (d) Youth who have been sprayed with OC shall be seated and assisted with decontamination procedures and not allowed to lie in a prone position.
- (e) Do not allow youth to decontaminate by washing with warm water and/or soap. Warm water will open skin pores and increase discomfort. Warm water may be used only after a thorough rinse with cool water.
- (f) If OC spray is ingested, allow youth to rinse their mouth with cool water.
- (g) Youth sprayed with OC shall be referred to the on-site health care staff. If no health care staff is available on site, the DO/SPO may call the on-call nurse for instructions, or refer the youth to the on-site health care staff for further evaluation on the following day.
- (h) Youth shall be placed on close observation for one hour after being placed in a room. This shall be documented at least every 5 minutes on a Close Observation Safety Checks form (attachment).
- (i) Staff shall complete the OC Spray Checklist.
- (j) Any staff cross-contaminated with OC spray shall follow the same aftercare regimen.
- (k) Youth who refuse to cooperate with decontamination, or who refuse to be assessed by on-site health care staff shall be placed on close observation for a minimum of two hours. During this time, and thereafter, staff shall provide decontamination first aid when the youth indicates he/she is ready to cooperate with decontamination, or until on-site health care staff determines that decontamination is no longer required. The youth's refusal and staff's subsequent attempts to decontaminate the youth shall be documented in the duty log and an incident report in the JAMS.

948.11 USE OF FORCE INVOLVING PREGNANT YOUTH

Staff shall supervise pregnant youth in the same manner as other female youth; however, the safety of the fetus shall be given primary consideration in any potential use of force situation. Refer to California Penal Code (PC) Sections 3407 and 6030 (f).

Department authorized control holds, physical restraint devices (handcuffs only), and OC spray shall be utilized only when a pregnant youth poses an immediate threat to the physical safety of herself or others (including the fetus), or attempts to escape custody.

Handcuffs shall only be applied in front of a pregnant youth's body, and the youth shall be supported by staff on each side of her body while being escorted to her room, outside her living unit, or outside the juvenile facility. Shackles and/or waist chains shall not be applied to

Use of Force

pregnant youth. Refer to Juvenile Facility Services Policies: Use of Physical Restraints; and Care of Pregnant Youth.

On-site health care staff shall be contacted regarding any use of force incident involving a pregnant youth. In the absence of on-site health care staff, the on-call nurse shall be consulted or the youth shall be taken to a local hospital for a medical evaluation.

948.12 INAPPROPRIATE USE OF FORCE BY STAFF

Force shall never be applied as punishment, discipline, retaliation or treatment. Intentional lethal force is strictly forbidden.

A choke hold is not acceptable, and staff shall never apply a hand, arm or any object to the throat of a youth.

Any staff who observes that another staff using inappropriate force, including the misuse of OC spray, shall immediately take affirmative action to stop the inappropriate use of force and report the incident to the DO/SPO.

Staff who violate this policy may be subject to disciplinary action and/or criminal prosecution.

Youth who wish to file a complaint regarding any force options exercised by staff may express their concerns to the DO/SPO or submit a written grievance as outlined in Juvenile Facility Services Policy: Grievance Procedure.

948.13 INCIDENT REPORT DOCUMENTATION

All instances involving the use of force shall be documented in an incident report in the JAMS pursuant to Juvenile Facility Services Policy: Reporting of Incidents and Other Information.

948.13.1 DUTY OFFICER (DO)/SUPERVISING PROBATION OFFICER (SPO)

If time and circumstances permit, the DO/SPO shall be present before, during and after a use of force incident. The DO/SPO shall ensure and determine that:

- (a) Staff are in compliance with the provision of Juvenile Facility Services Policy: Reporting of Incidents and Other Information concerning incident reports.
- (b) Staff are in compliance with all policies, procedures and protocols.
- (c) On-site health care staff and/or behavioral health staff were summoned for an assessment, or a referral for further services was made.
- (d) Staff were debriefed as a group immediately after the incident and any necessary training issues were incorporated into this process and ensure any effects of trauma the staff may have experienced are mitigated.
- (e) The DVD/video recording of the incident was secured as outlined by Juvenile Facility Services Policy: Recording Incidents in Juvenile Facilities.
- (f) The incident was reviewed with the youth, and the youth was provided counseling if needed to ensure any effects of trauma that the youth may have experienced are mitigated.

Riverside County Probation Department

Policy Manual

Use of Force

- (g) If the seriousness of the incident could justify new criminal charges against the youth, the DO/SPO shall either forgo any questioning pending a criminal investigation or read the youth his/her Miranda Warning prior to any questioning, if there is a need to question the youth. If the youth is under the age of 15, the youth shall not be interviewed without their legal representative present.
- (h) All staff and witnesses have completed their incident reports in the JAMS prior to the conclusion of their shift, unless excused by the DO/SPO. If necessary, the DO/SPO can have another SPO or senior probation corrections officer (SPCO) temporarily assume his/her duties in order to thoroughly review each incident report.
- (i) The facility manager(s) shall be notified in a timely manner regarding any staff requiring remedial training and/or corrective action.
- (j) The DO/SPO shall submit all documentation to the facility manager(s) at the end of his/her shift.
- (k) If a youth is involved in a use of force incident resulting in his/her injury, or use of force involving chemical agents, the youth's parent(s)/legal guardian(s) shall be notified by the DO/SPO once the incident has been resolved and the safety/security of the facility has stabilized. If the DO is a Senior Probation Corrections Officer (SPCO), the notification shall be delegated to any SPO on duty.

948.13.2 FACILITY MANAGER(S) RESPONSIBILITIES

- (a) Review all incident reports thoroughly.
- (b) Review and certify the incident report indicating the finding of the review.
- (c) Discuss any training concerns with the DO/SPO.
- (d) If the facility manager(s) determines that a department policy and procedure has been violated by an employee, a separate administrative investigation may be requested.
- (e) The facility manager(s), after conferring with the Probation Department Human Resources (HR) Director and Chief Deputy - Probation Officer (CDPO) for Institutions, may complete their own fact finding report prior to referring the matter to HR. If the facility manager(s) initiates a fact finding report, caution needs to be taken not to violate the subject employee's rights under the Peace Officers Bill of Rights (POBR) if the employee is a sworn peace officer.

Date(s) revised:

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07/18/2016

07/16/2010

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Attachments:

[1. OC Spray Checklist](#)

Use of Force

2. Close Observation Safety Checks



RIVERSIDE COUNTY PROBATION DEPARTMENT

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OC Spray Checklist

(Refer to Juvenile Facility Services Policy: Use of Force)

YOUTH NAME/CID: _____

STAFF NAME: _____

DATE/TIME SPRAYED: _____ I.R. # _____

DO/SPO: _____

TIME TO DECONTAMINATION AREA: _____

RN: _____

TIME RN ARRIVED: _____

_____ 1. Seat youth in a chair. Staff shall remain with youth to prevent him/her from falling.

_____ 2. Provide fresh air and cool water. Water is to be sprayed/splashed onto face. Do not rub. Do not provide soap. Blot dry. Do not provide lotions/creams/oils.

Time cool water provided: _____

Length of time cool water provided: _____

_____ 3. Method of decontamination: _____
(Spray bottle/decontamination bucket/shower)

_____ 4. Total time observed by decontamination staff: _____
Time returned to unit: _____
Time to E.R. (if applicable): _____

_____ 5. Incident report prepared.

_____ 6. Contaminated clothing placed in a plastic bag, labeled and delivered to housekeeping.

NOTE: If change of staff occurs during the decontamination, each staff shall complete a separate checklist for only the actions he/she took/observed.

NOTE: Close observation by staff of a youth sprayed with OC, at least every five minutes for a minimum of one hour, is required by Juvenile Facility Services Policy: Use of Force.

Close Observation Safety Checks

Name of Youth: _____ CID: _____ Date: _____ Room #: _____

Complete With Actual Times At Least Every 5 Minutes

Time	Init	Time	Init	Time	Init	Time	Init	Time	Init	Time	Init	Time	Init	Time	Init

Any time a youth is placed in or removed from a room, the time and "in" or "out" shall be noted on the Close Observation Safety Checks form. "V" or vacant is only used when the room is not housing anyone.

All staff entering information on this form, shall legibly print their first initial and last name and sign their initials below

Print Name	Initial	Print Name	Initial	Print Name	Initial