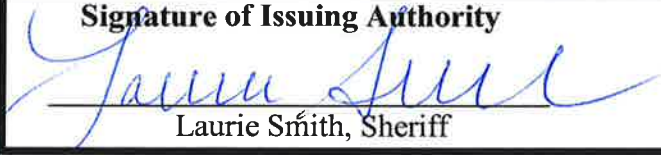


Office of the Sheriff Custody Bureau Policy and Procedure Manual		Policy Number: 9.01
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Chapter: Security and Control	Subject: Use of Force	
Supersedes: Policy 9.01, Use of Force and Restraints rev. 10/20/14 05/24/10 08/19/08	Distribution: Unrestricted	
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Signature of Issuing Authority  Laurie Smith, Sheriff		Current Policy Review Date of Review: 29 Aug 2017 Revisions Made: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

I. Policy Introduction

It is the Office of the Sheriff's responsibility to provide a safe working environment for staff and a safe custody environment for the inmates, and to provide for community safety. The purpose of this policy is to provide guidance and direction in the use of force by sworn staff in the lawful performance of their duties.

It is the policy of the Office of the Sheriff to only authorize force in the type, amount, manner, and circumstances specified by this policy.

Moreover, to ensure strict compliance with this policy, it is the intent of the Office of the Sheriff to continuously supervise, monitor, review, and evaluate the force used by staff. Violation of any provision of this policy may subject staff to discipline, up to and including termination.

Staff is expected to treat inmates with respect, maintain professionalism, and prevent the use of force when possible, through positive interaction and effective communication with inmates. The best way to manage potentially dangerous situations is to resolve them without the need for physical force.

When force must be used, sworn staff shall only use that amount of force that is objectively reasonable and minimally necessary to control the situation or stop the threat, and the force must be in the service of a legitimate correctional objective.

II. Scope

This policy applies to all Office of the Sheriff staff working in the Custody Bureau. The portions of the policy involving the applications of force and restraints only apply to sworn staff; however, the mandatory reporting of use of force also applies to all Custody Bureau staff.

Non-physical forms of intentional cruel punishment, such as public humiliation, are prohibited under any circumstances. Attempting to intimidate an inmate out of reporting a use of force is also prohibited, as is retaliating against an inmate. Staff should not underestimate the number of situations in which force can be avoided through the use of some combination of “time and distance”

To the greatest of extent possible, staff shall not personalize conflicts with inmates. When staff allow inmate conflicts to become personal, it may lead to force that is unnecessary or excessive.

III. Exclusivity

This policy supersedes all prior policies covering the use of force. This policy may not be modified, contradicted, or otherwise altered by staff, or by facility-level directives. Staff who attend non-department approved training from an outside provider on any topic covered by this policy that contradicts or conflicts with this policy must follow this policy.

IV. Training on This Policy

- A. Every sworn staff member within the Custody Bureau shall receive a copy of this policy, and shall sign for the receipt of same.
- B. Every sworn staff member in the Custody Bureau shall receive a minimum of 8 hours of training initially on the nature, meaning and interpretation of this policy. At the end of such training, each employee shall demonstrate adequate comprehension of the relevant provisions of this policy.
- C. Every sworn staff member of the Custody Bureau shall receive a minimum of 2 hours of refresher training on this policy every other year following completion of their initial 8 hour training on this policy.
- D. Academy cadets shall be given a copy of this policy, acknowledge receipt by signing and be trained on this policy within a reasonable period of time prior to their appointment.
- E. The Custody Bureau shall, whenever feasible, provide its own training on use of force.

V. Zero Tolerance

The Sheriff's Office has zero tolerance for inmates being subjected to excessive force, intimidation, or retaliation.

VI. Retaliation Against Inmates Prohibited

A. Staff Shall Not Retaliate Against Inmates

1. The use of force for discipline (corporal punishment) or retaliation is prohibited. Staff shall not retaliate against an inmate for any reason. For example, staff shall not:

- a. Threaten, intimidate, mistreat, or physically, verbally, or mentally abuse an inmate in retaliation for an inmate's conduct, speech, or expression of ideas;
 - b. Retaliate by denying an inmate privileges or access to programs/services, advocacy organizations, officials or any investigative entity.
2. Staff shall not prohibit inmates from contacting outside organizations or persons through authorized methods, including correspondence, or attempt to discourage complaints or grievances in any way.
 3. When an inmate's conduct requires discipline or other corrective action, it shall be handled by staff through the inmate disciplinary system, criminal justice system, classification system, or other methods consistent with the policies and procedures of the Office of the Sheriff.
 4. Inmate verbal requests to speak to a supervisor shall be conveyed to a supervisor within a reasonable time
 5. Group punishment (e.g., turning off TV's, denial of showers, or recreation time, etc.) is prohibited, whether in response to, an individual inmate, a small group of inmates or a large group of inmates who are blamed for the punishment.

VII. Definition of Physical Force:

Physical force is defined as the use of hands, other parts of the body, objects, instruments, chemical devices, firearms, electric devices or other physical methods to restrain, subdue, or to compel persons to gain compliance.

VIII. Reportable Force

A. Any physical force used by staff against an inmate or other person is reportable except:

1. Routine and unresisted use of handcuffs or other restraints for escort / transportation, unresisted use of control holds, and unresisted searching are not reportable force within the meaning of this policy.
2. If an inmate initially refuses to be placed in restraints but is subsequently talked into compliance by staff, then that is not a use of force within the meaning of this policy as long as neither the inmate nor the staff member used physical force.
3. Moving an inmate who is inactively resisting but cannot or will not move (e.g. unconscious, lying down refusing to move) requires documentation but are not reportable uses of force.

IX. Two Use of Force Situations

A. All uses of force are either "Planned" or "Reactive." The distinction between "Planned" uses of force and "Reactive" uses of force is fundamental to this policy because there are several requirements for planned uses of force that are not required for reactive uses of force.

B. A “Reactive” use of force is a situation where time and circumstances do not permit approval by higher-ranking staff or consultation and planning.

C. Planned Use of Force

1. A Planned use of force refers to situations where time and circumstances allow for consultation with and approval by higher ranking staff, and when there is some opportunity to plan the actual use of force.
2. A Planned use of force must be used when there is no immediate physical threat from the inmate, no immediate threat of the destruction of a substantial amount of county property, no threat of escape, or when waiting for assistance will not jeopardize the safety of inmates or staff. Examples of situations where Planned uses of force are appropriate include prolonged passive resistance of inmates or planned inmate cell extractions.
3. Planned uses of force require the following, unless there are compelling and documented reasons to the contrary:
 - a. Approval by Watch Commander, or if no Watch Commander is on duty, then approval by the facility captain must be obtained.
 - b. An on-scene supervisor directing the actual use of force;
 - c. Medical staff either on-scene or notified and on stand-by;
 - d. Video recording by hand-held device;
 - e. A reasonable series of different attempts to gain the inmate(s) compliance without physical force.

X. Standards for Use of Force

A. Need for Force

1. Staff shall avoid using physical force whenever possible. Before using any force, non-force alternatives such as verbally resolving situations shall be attempted to the extent time and circumstances reasonably permit. De-escalation and defusing techniques and crisis intervention methods are different from orders to comply or warnings.
2. Staff are required to use some combination of time and distance whenever reasonable to avoid the need for physical force.
3. In actual or potential use of force situations, staff shall call a supervisor to the scene as soon as possible.
4. Staff shall not create a need to use force. Staff shall not provoke an inmate to assault staff in order to create a need to use force against an inmate. Also, staff are prohibited from using racial, ethnic, homophobic or gender-based language, or conduct that is used in a manner that is intended to degrade, taunt, or antagonize an inmate.

B. Staff must have a legitimate correctional objective to use force

1. Staff may use force only when the correctional objective to be attained is legitimate. In general, staff are authorized to use force:
 - a. To prevent or stop the commission of crimes, including riot, assault, escape, hostage taking, etc.
 - b. To prevent an individual from injuring or killing himself or herself;
 - c. To prevent or stop the destruction of a substantial amount of county property; and
 - d. To enforce institutional policies, rules, and regulations.
 - e. To defend oneself against assault.
2. It is permissible to use force to achieve a legitimate correctional objective provided that the following factors are also met:
 - a. When possible, a warning or command has been given and, if practical, repeated;
 - b. If practical, the inmate has had sufficient time to comply with the warning or command;
 - c. Additional non-force alternatives, including crisis intervention methods and specific de-escalation techniques, are not reasonably available, or have also been tried unsuccessfully, and the situation cannot reasonably be allowed to continue; and
 - d. The inmate is continuing to resist the order or resist the staff taking control of the situation. Resistance to the attainment of the objective is evident and shall be documented.

C. Use of Force Continuum and Levels of Force

1. The "level of force" used is determined both by the type of force used and by the amount of that type of force used.
2. There is no requirement to begin at any particular type or amount of force and there is no requirement that, in order to reach some given type and amount of force, every lesser amount and lesser type of force must have first been exhausted.
3. The use of force requires frequent reevaluation. If the amount of resistance decreases and the incident de-escalates, the force must be reduced and/or terminated as soon as possible, consistent with maintaining control of the situation. However, if the resistance increases, the level of force may also increase.
4. The Office of the Sheriff recognizes that staff decisions about the need for force and level of force to be used are based on their perceptions of the situation at the time and the objective reasonableness of those decisions. In most situations requiring force, there will be a range of reasonable alternatives, rather than a single acceptable choice.

5. If a situation involves self-defense or the protection of others, staff shall be prepared to act quickly and decisively to preserve life and/or to prevent injury.

D. Staff Are Responsible for Preventing Excessive Force

Sworn staff have an affirmative duty to prevent excessive force. Within safety considerations, sworn staff witnessing excessive force shall attempt to stop, reduce, or control the force being used and to document the situation.

E. Instruments of Force

1. Staff shall only carry instruments of force or weapons that have been issued or approved by the Custody Bureau. A current list of approved instruments of force is in Appendix B of this policy. Staff are prohibited from applying force through the use of tools, equipment, or other items not designed as instruments of force (e.g., flashlights, radios, etc.).
2. Staff using an instrument of force (e.g., approved chemical agent etc.) must be properly trained and/or certified in the use of that instrument of force.
3. There is an exception to E.1 and E.2, above. In a situation where a staff member or other person is in imminent danger of death or serious bodily injury, and where departmentally authorized types and instruments of force are unavailable or inadequate, staff members may use the most reasonable means readily available to control the situation.

F. Prohibited Use of Force Techniques

1. Except where deadly force is justified, the following use of force techniques are prohibited:
 - a. Striking an individual's head against a hard, fixed object (e.g., concrete floor, wall, jail bars, etc.);
 - b. From a standing position, kicking an inmate above the knee. Lifting ones leg to create a barrier between the officer and the inmate is not kicking.
 - c. Kneeing an individual in the head, face, neck, spine or groin unless there is an imminent threat of great bodily injury or death to staff or others, and there is no more reasonable means of control available.
 - d. Carotid restraints and choke holds.
2. Strikes with a personal body weapon (fist, elbow, etc.) are prohibited in response to passive resistance.
3. Strikes or chemical weapons shall not be used against an inmate in restraints unless the inmate is assaultive and presents an imminent danger to the safety of staff and there are no lower levels of force that are practical.

4. Force is prohibited as a response to an inmate's swearing at, yelling at, or verbally threatening staff.
5. Punching an inmate in the head, face, neck, spine or groin is prohibited unless there is an imminent physical assault and no other means of stopping or controlling the inmate is readily available. Punching inmates is discouraged in use of force situations and staff should use other types of force where possible.

G. Preventing Positional Asphyxia

1. Staff shall reduce the risk of "positional asphyxia" in use of force situations.
2. Staff shall attempt to monitor the breathing of any inmate placed face down on the floor or ground in order to apply restraints. If an inmate is observed having difficulty breathing, or says that he or she can't breathe, medical assistance shall be called for immediately.
3. Staff shall avoid, to the extent possible under the circumstances, placing their weight on an inmate's upper back or in a way that compresses the chest and/or impairs the inmate's breathing.
4. Once an inmate is controlled, they should be placed in a recovery position (on their side, to allow the mouth to drain, and with limbs bent to prevent the inmate from rolling onto their stomach) to minimize breathing problems and the risk of medical distress. Inmates placed on a gurney or stretcher should be placed in the recovery position or, as soon as practical, in the sitting position.

H. Escort after Use of Force or Confrontation

1. Following a use of force or a serious verbal confrontation, the staff member escorting an inmate to medical, holding, or segregation shall not be the same staff member involved in the confrontation or use of force. Exception(s), and the reasons for the exception(s), shall be documented.
2. Should the need arise to confront, search and/or handcuff a hostile or aggressive inmate, they may be pat searched but not taken to secluded areas (e.g. cells, recreation yards, dayrooms, or laundry rooms) without the direction and approval of an on-scene supervisor. The supervisor shall accompany the deputy/officer, if practical, but shall in all cases document the direction given.

XI. Inmate Extractions

A. When Permissible

1. Inmate extractions are accomplished through planned use of force situations when it becomes necessary to remove an inmate who refuses to exit a confined area. The goals of an inmate extraction are to restore order, maintain the security of the facility, and safely remove the inmate without force or, if non-force alternatives are unsuccessful, use only the force minimally necessary and reasonable to accomplish the objective.

2. Any area may be considered to be a “confined area” as long as the inmate can be safely contained there long enough for staff to summon a supervisor to the site and safely plan the response required to control and resolve the situation.

B. Immediate Extractions

1. An immediate extraction may be necessary when the behavior of an inmate constitutes an immediate and serious threat to the safety of that inmate, staff, visitors, other inmates (e.g. inciting behavior, assaults), or to the facility.
2. Additionally, staff must ensure radio communication of the emergency before entering the cell and that sufficient staff are present to safely enter the cell.

C. Planned Extractions

1. Planned extractions may only be authorized by the Watch Commander or by the On-scene Supervisor if the Watch Commander is unavailable in certain situations:
 - a. To ensure safety or security;
 - b. Welfare & Institutions 5150 holds;
 - c. Rehousings;
 - d. Court orders; or
 - e. Due to violations of jail rules which require the inmate to be transferred to a segregation module.
2. The use of force during a cell extraction shall not be used to punish an inmate for refusing to comply.
3. Whenever a cell extraction or other planned use of force is precipitated by a medical or mental health clinician’s order, the prescribing clinician should be notified and allowed an opportunity to intervene in an effort to de-escalate the situation and/or to determine if the clinician’s order should remain in effect. If the prescribing clinician is unavailable, then another medical or mental health clinician should be notified to carry out these duties.

D. Court Orders

1. In the event an extraction is based upon a court order, the on-scene supervisor shall contact the judge of the concerned court. The judge shall be advised of the circumstances and given a description of force (and possible injury) that may be necessary to extract the inmate from a confined area to ensure the court appearance.
2. The judge will be offered an opportunity to enforce, rescind, or delay the court appearance. If the judge orders the inmate to appear in court, the inmate shall be extracted on the verbal order of the court in which the inmate is to appear. The court’s position on whether the inmate must appear may be relayed and accepted via the court clerk or bailiff.

3. Following the communication with the court, staff will request that the court send a facsimile of a minute order requiring the inmate's appearance in court to the Assistant Division Commander of the custody facility.
4. In the event that the judge of the concerned court is not available, the Watch Commander/On-scene supervisor shall make every effort to contact the presiding judge of the court and follow the same procedures.
5. A record of all communications between custody facilities and courts along with copies of minute orders shall be included in any subsequent use of force documentation.

E. Extraction Teams

1. Controlled extractions shall only be carried out by the Emergency Response Team (ERT), unless extenuating circumstances dictate otherwise, in which case those circumstances shall be documented.
2. The Watch Commander shall periodically evaluate the ERT and provide feedback to the Facility Commander for team selection purposes, based on staff performance and prior history of use of force incidents and/or discipline.

F. Supervisors' Responsibilities in Cell Extractions:

1. Respond to the location and assume the role of incident commander and determine that a cell extraction is appropriate based on the circumstances.
2. Confer with Emergency Response Team Leader to plan for an inmate extraction.
3. Appoint someone to document events.
4. Ensure that best efforts are made to videotape the entire extraction process, including all contact with the inmate, all negotiations, the extraction rehearsals, and any subsequent interviews with the inmates.
5. Confirm Watch Commander and/or ADC approval if unavailable, the On-Scene Supervisor may approve.
6. Personally try to talk the inmate into compliance and ensure that at least two other verbal attempts at compliance have been attempted by uniformed staff, including some de-escalation, defusing or other crisis intervention methods.
7. Consult with Medical and Mental Health personnel, (as necessary and if available) allowing them an opportunity to communicate with the inmate(s) in an attempt to resolve the situation.
8. When possible, ask staff to stand far enough back to provide a level of privacy for all conversations with the inmate.

9. Plan the extraction and tactics to be used with the team leader.
10. Consult with medical and mental health personnel after their assessment of the inmate's current mental and/or physical condition.
11. Determine the appropriateness of utilizing chemical weapons based on any existing medical and/or mental conditions.
12. Approve the plan (incorporating information provided by medical and mental health personnel) and stand by during team and supporting personnel (e.g. safety officers, medical personnel) briefing, deployment, and completion of the extraction. If at any time the inmate indicates a willingness to comply, stop the planned extraction.
13. Ensure that an on-scene deputy/officer directs medical personnel to the extracted inmate;
14. Ensure that the inmate is immediately escorted to medical personnel by a supervisor and the appropriate number of personnel who were not directly involved with the extraction, with the exception of ERT members.
15. Ensure that best efforts are made to document all injuries. Ensure that best efforts are made so that each inmate is questioned relative to his/her injuries on the video recording.
16. Specifically identify in the Supervisor's Summary of the Use of Force those staff and inmates who were injured and the nature and extent of their injuries.
17. Document the decision factors that led to the utilization of the extraction team, their methods and the tactical equipment used.
18. Ensure that extractions initiated in response to information provided by medical or mental health personnel are fully documented in the Supervisor's Summary of Use of Force.
19. Ensure that any injured staff are given the opportunity to complete a "First Report of Injury" (DWC 1 – California State Worker's Compensation Claim form) as required by law.
20. When practical after the extraction has been completed and after all involved parties have been medically assessed and after all written Use of Force reports and Use of Force witness reports have been completed, meet with extraction team personnel and staff on duty in the area where the incident began, and conduct a critical incident review.

F. Extraction Process

1. Initial on-scene staff shall contain the situation and immediately notify a supervisor. They may continue to attempt to talk the inmate into compliance.

2. If the inmate indicates a willingness to comply at any time, the on-scene supervisor shall reassess the situation and allow the inmate to safely comply with instructions.
3. If the inmate exits the confined area as the result of negotiations, or verbal commands only, the incident shall be documented in the Daily Reporting Log as an "Inmate Extraction, Verbal Resolution."
4. If the inmate refuses to comply, the on-scene supervisor shall ask other staff to stand far enough back to provide a level of privacy for the conversation, whenever possible, and attempt to reason with the inmate to comply with orders to avoid the necessity of force.
5. If the on-scene supervisor is unable to gain compliance, a mental health staff member shall be brought to the scene and shall be given time and space to attempt to talk with the inmate and secure his or her compliance.
 - a. A Chaplain or other clergy shall only be used only when: 1) they are readily available, and 2) the person that Chaplain or clergy has an established relationship with the inmate, or 3) when the inmate is known to be religious and the clergy is of the same or related faith.
 - b. In all other cases a mental health staff member shall be used.
 - c. At no time shall custody staff place undue pressure on the medical or mental health staff member or clergy to conclude their efforts to gain the inmate's compliance, absent dangerous, life threatening circumstances or serious bodily injury.
6. In the event all attempts at non-force resolution fail, the inmate will then be given a "cooling off" period of at least 10 minutes, during which staff will not warn, threaten or otherwise interact with the inmate. After the "cooling off" period, the supervisor on scene will make a last attempt to secure the inmate's cooperation. If that fails, an extraction using force may proceed.
7. Unless circumstances dictate otherwise, a cell extraction team shall not be dressed, equipped and brought to the scene until non-force alternatives have been fully tried and have failed. The traditional approach of mobilizing an extraction team as soon as possible places too much pressure on those attempting verbal resolution and often foreshortens those efforts.
8. Staff who have been involved in the events or conflict with the inmate(s) leading to the need for an extraction may not be part of the extraction team. If it is necessary to include involved deputies in an extraction team, the decision must be approved by the Watch Commander and must be explained in the documentation of the incident.
9. Throughout the entire extraction planning process, best efforts shall be made to video record all negotiations between the involved inmate(s) and custody staff. See **Appendix C** for video protocol.

10. Mental health and/or medical, conversations with the inmate shall not be recorded.
 - a. Staff shall record the medical/mental health clinician who shall only be asked to state their name and that they are going to talk to the inmate privately.
 - b. When the medical/mental health clinician's attempted intervention is completed, he or she will indicate on video the current time, and a brief description of whether the intervention was successful or unsuccessful, and the inmate's willingness to comply with staff.
11. In situations involving anticipated multiple extractions; the supervisor shall carefully evaluate all circumstances prior to authorizing the extraction team's deployment.
 - a. Multiple inmate extractions require verbal approval of the Watch Commander or higher prior to the operation (unless there is an immediate risk of loss of life or an extreme threat to institutional security).
 - b. "Serial extractions" (the extraction of every inmate from every cell on a tier or living unit without regard to the involvement or threat posed by each inmate) are prohibited.

G. Use of Chemical Agents during Inmate Extractions

1. After reasonable efforts to gain the inmate's compliance have been exhausted and no medical or mental health issues have been identified to preclude their use, approved chemical agents shall generally be considered as the initial tools of choice in extractions and shall, when possible, be employed before any other physical force methods are used.
2. The goal is to remove the inmate from the confined area without physical contact by the extraction team members, if possible, thus reducing the risk of injury to staff and inmates.
3. Except in circumstances requiring an immediate extraction, the Watch Commander and/or On-scene supervisor shall ensure that, prior to the deployment of any chemical agents, medical personnel are on-scene or notified and on standby, and are prepared to provide decontamination treatment to the affected inmate(s).
4. Staff shall use the Decontamination Procedures detailed in this policy regarding the Use of Chemical Agents.

H. Use of Less-than-lethal Munitions during Cell Extractions

1. The Watch Commander if unavailable, the On-scene Supervisor may authorize the use of any weapon, except the FN303, as indicated in Less-than-lethal Munitions Policy as an "Authorized Special Weapon." The use of an impact munition during extractions (including the use of the pepper ball system as an impact weapon) shall be used only after all other options have been unsuccessful, or are impractical, and then only with the Watch Commander's prior approval. The FN303 is not authorized for use during a cell extraction

and is restricted to situations in which the overall security of a facility is at risk, and/or situations justifying lethal force. Approval for use of the FN303 must be at the level of Captain or higher, time and circumstances permitting.

2. Authorization of the FN303 will be by a Captain unless time and circumstances do not permit, in which case the Watch Commander can authorize.

XII. Special Considerations with Use of Force and Seriously Mentally Ill Inmates

- A. Some seriously mentally ill inmates demonstrate behaviors that are difficult, unpleasant or even dangerous. It is important for staff to recognize that the inmate's behavior is the result of mental illness.
- B. The initial response of custody staff faced with a planned use of force situation involving a seriously mentally ill inmate is to try to talk the person into compliance. Failing that, a mental health staff member shall be called to the scene both to consult and to try to talk the inmate into compliance. If there is a behavior plan for the individual, the mental health staff member should use that. If the mental health staff member cannot achieve compliance, and a subsequent "cooling off" period, which is also mandatory, is also ineffective, and physical force must be used, then aerosol Oleoresin Capsicum is the best initial choice.
- C. If staff are aware that the particular inmate has an adverse medical history indicating an allergic reaction or a negative mental health response to Oleoresin Capsicum, then the use of hands-on physical force to control and/or move the inmate may be preferable.
- D. Cell extraction procedures from Unit 8A may be modified on a case-by-case basis. Some of these modifications may include, but are not limited to:
 1. More time than usual when communicating with the inmate to ensure he or she understands the compliance orders being given;
 2. Involvement of mental health personnel to assist in communicating with the inmate, to reach voluntary compliance, and to get a better understanding of the inmate's behavior and possible reactions; or
 3. Considering an inmate's partial compliance to an order as a sign of voluntary compliance. The inmate may have the intention of complying but their mental limitation may affect full compliance, such as sitting on the floor rather than lying on the floor as instructed.
- E. A self-harming inmate who is actively trying to cause harm to his/her self can cause serious and permanent harm at any moment. In those situations staff should stop or control the inmate with aerosol Oleoresin Capsicum or hands-on physical force immediately or as soon as an initial attempt at verbal compliance fails.

XIII. Types of Force

- A. Authorized Control Holds, Pain Compliance Holds, Pressure Point Control Tactics (PPCT) and Take-downs.
 - 1. These include the use of physical grips or bodily holds and the use of pressure points, which may generate pain if the offender continues to resist, but which are not reasonably expected to cause serious injury.
 - 2. When using the kinds of hold in which increased pressure from staff generally produces increased pain, staff shall use only that amount of pressure necessary to control, restrain and/or move the offender consistent with the objective being achieved.
- B. Other Authorized Hand to Hand Physical Force Methods
 - 1. In addition to compliance holds, there are a wide variety of hand-to-hand physical methods which may be available to staff members based on their training, their background, their experience, and the nature of the situation. It is not possible to specify all of these additional methods and techniques, but they include wrestling, punching, and a wide range of other possibilities.
 - 2. In general, these methods should be restricted to situations involving self-defense or the immediate defense of others where no *safer method of control or defense is available*.
 - 3. In situations where physical force must be used, staff are generally expected to consider chemical agents, control and pain compliance holds, takedowns, and/or PPCT as the lowest levels of physical force. It is recognized that there may be situations in which these types of force may not be available, may not be appropriate or may not constitute the lowest level of reasonable force.
 - 4. Strikes against an inmate who is assaulting staff are not prohibited. Staff are expected to use alternatives to strikes when possible.

XIV. Use of Restraints

A. General Principles for Use of Security Restraints

- 1. Security Restraint devices shall be used when there is a potential threat of physical harm, destruction of property, escape, or to escort or transport inmates.
- 2. Security restraints include handcuffs, waist chains, leg shackles, and the restraint chair, and their use shall be authorized by sworn staff.
- 3. Therapeutic restraints including 4 point and other leather and/or cloth soft restraints, and their use shall be determined by medical or mental health staff.
- 4. Restraints shall never be used for punishment, and restraints shall not be intentionally applied in a manner that will cause unnecessary pain, nor applied continuously for an unreasonable length of time, nor be allowed to create a substantial risk of a serious medical problem.

5. Restraints may never be placed about the head or neck, or in any manner that restricts blood circulation or breathing, nor may tape be placed around the mouth or neck.
 6. The use of restraints does constitute a use of force within the meaning of this policy, except for the situations in which handcuff, leg shackles and/or other security restraints are used for routine escort or transportation of inmates, or in other situations where security restraints are used as standard procedure and in which no resistance is encountered.
 7. It is the responsibility of the staff member approving or applying restraints (other than restraints used to escort or transport inmates) to ensure that there is frequent, careful, and documented monitoring of the condition of the inmate(s) in restraint.
 8. Caution shall be used to guard against the risk of medical distress when using restraints, e.g. positional asphyxia, excited delirium, or other high risk medical conditions. Medical assistance shall be summoned immediately whenever an inmate appears to be experiencing medical distress or complains of difficulty breathing.
 9. An inmate placed in restraints shall be dressed in clothing appropriate to the temperature.
 10. Staff shall not strike, use chemical agents, or use force against an inmate who is restrained unless the inmate is assaultive and there is an immediate threat of serious injury to themselves, other staff, or other inmates and there are no other reasonable means to control the inmate.
 11. When force may be necessary, and when time and circumstances permit, an on-scene Supervisor shall be notified immediately and every effort shall be made to plan, supervise, and direct any force used against a restrained inmate.
- B. The current list of Sheriff's Office approved security/restraint devices is in Appendix B to this policy
- C. Handcuffing
1. Staff shall handcuff inmates only when it is reasonably necessary or when required by policy or written procedure.
 2. It may be advisable to use handcuffs when: (a) transporting an inmate in public or from one facility to another; (b) as an alternative to waist chaining; (c) an inmate is violent or gives an indication of confrontational behavior; or (d) an inmate may likely cause injury to himself or others, or (e) in escort or transport situations in which handcuffing is specified by policy or is standard practice.
 3. Staff must use handcuffs that are of a type specified by the Custody Bureau.
 4. Inmates shall be handcuffed behind their backs when possible, with the exception of pregnant inmates or those with medical and/or ADA concerns that contra-indicate rear handcuffing.

5. Male and female inmates shall not be handcuffed together except in an emergency. Once the emergency no longer exists, the female and male inmates will no longer be handcuffed together.
6. Handcuffs shall be double locked. If a situation exists whereby double locking cannot be reasonably accomplished, the handcuffs will be double locked after the situation no longer exists.

D. Waist Chains

1. Waist Chains shall be applied in situations specified in policy or during movement when there are articulable facts justifying the need for additional security measures, and the waist chains shall only be applied in a manner consistent with departmental training.
2. The decision to use single person waist chains shall be at the discretion of the staff member handling the inmate.
3. Inmate(s) restrained in single person waist chains and /or handcuffs shall not be left unattended with any inmate not similarly restrained.

E. Fixed and In-Cell Restraints

1. Fixed restraints are the application of any handcuffs, shackles or waist chains permanently or temporarily affixed to an immovable object (e.g. tables, chairs, benches, stools, rail, ring, or bolt) which are designed to limit the movement of an inmate.
2. The utilization of fixed restraints is a security tactic intended to provide additional safety for staff, inmates and others. Fixed restraints are appropriate for high-security inmate visits with family, attorneys, or clergy, and contacts with medical or mental health providers or in circumstances that require direct observation of the inmate within the intake booking area.
3. Inmates shall not be placed in fixed restraints in an area that jeopardizes the safety and security of the inmate or staff, such as a high traffic area frequented by unescorted inmates not in restraints. Inmates in fixed restraints shall be placed in a location that is visible from an assigned staff station or be placed under direct visual supervision of a staff member.
4. When an inmate is isolated in fixed restraints, inmate safety checks shall be conducted and documented every 30 minutes in the Daily Observation Log.
5. Inmates in fixed restraints shall be periodically assessed by staff to allow the inmate to use the restroom (if needed), and/or to get water.
6. When an inmate in fixed restraints becomes uncooperative, an on-scene supervisor shall be notified immediately. The on-scene Supervisor shall respond immediately to the

location. Staff shall not remove fixed restraints from an uncooperative inmate except at the direction and in the presence of a supervisor, or in the event of an urgent medical situation.

7. "In-cell restraints" refers to leaving an inmate in a cell while in security or therapeutic restraints, or restraining an inmate to a fixed object in a cell. This practice is prohibited except under urgent or emergency conditions, and then only for as short a time as possible with frequent checks on the inmate's welfare. Any use of in-cell restraints shall be approved by a supervisor as soon as practical and shall be documented.
8. "In-cell restraints" shall not be a general practice and shall never be used for punishment.

F. Restraint Chair

1. The Restraint Chair shall only be used when other less restrictive alternatives have failed, or it is apparent that they will be ineffective in controlling the inmate.
2. During incident planning, staff shall consider the use of a Safety Cell in lieu of the Restraint Chair.
3. The Restraint Chair is a security restraint. It is to be used for short term security, temporary control and transportation of an inmate identified as violent, self-destructive, or who refuses to comply with a court order for blood draw pursuant to Penal Code 296.
4. Only trained personnel shall be authorized to perform, assist, or supervise the placement of an inmate in or removal from the Restraint Chair. The concerned facility's training unit shall maintain a record of custody staff trained in the use of the Restraint Chair.
5. Without exception, all inmates placed in the Restraint Chair shall be expedited to their final destination.
6. Restrictions on Use of Restraint Chair:
 - a. The Restraint Chair shall not be used for persons who are housed in 8A, on a Welfare & Institutions 5150 hold, severely mentally ill and/or under conservatorship, without approval of a mental health clinician.
 - b. Pregnant inmates shall not be placed in the Restraint Chair.
7. Permission for Use and Supervision During Use:
 - a. Unless time and circumstances do not permit, authorization from the on-duty Watch Commander is required prior to the use of the Restraint Chair.
 - b. A supervisor shall be present during the inmate's placement in the chair.
 - c. The on-scene supervisor shall notify medical as soon as possible and, unless time and circumstances do not permit, medical staff shall be on-scene during the inmate's placement.

- d. It is the responsibility of the on-scene supervisor to ensure that the entire procedure is video recorded consistent with the Video Protocol in Appendix C of this policy.
 - e. At least once every fifteen (15) minutes, staff shall check the inmate and document any comments regarding the health and physical condition of the inmate. All straps shall be physically checked to ensure they are properly secured and present no obvious physical signs of circulatory restriction to the inmate's extremities. All observations and actions taken shall be documented on the "15 Minute Check Observation Log" and the Daily Log Book.
 - f. When the Restraint Chair is ordered, a medical staff member must check the individual prior to placement or as soon after placement as possible to make sure that the restraint straps are not interfering with blood flow or breathing, and must also check the person's vital signs. This assessment shall be documented and shall be repeated at least once per hour as long as the individual remains in the chair. Medical assistance shall also be summoned immediately whenever an inmate complains of pain, has visual signs of an injury, appears to be experiencing medical distress, or complains of difficulty breathing.
8. The maximum time an inmate shall be secured in the Restraint Chair is two hours.
 9. The removal process should allow enough time to ensure the inmate is completely removed from the Restraint Chair within the two-hour time limit.
 10. Inmates are not placed in the Restraint Chair for a set period of time. That is, as soon as the inmate has regained self-control and shows indication that he or she is no longer an immediate threat to himself or herself, or others, the inmate shall be released from the restraints. A supervisor shall be summoned to observe the inmate and make the determination if the inmate should be removed from the Restraint Chair. If the individual then resumes out of control behavior aimed at harming himself or herself, or others, the person may be placed back in the same restraints for up to the remainder of the two (2) hours.
 11. Inmates secured in the Restraint Chair shall not be denied beverages, or access to a bathroom (unless deemed unsafe and approved by the on-scene supervisor) and any of these occurrences shall be documented.

G. Spit hood/spit mask

1. Spit hood/spit masks are temporary protective devices designed to prevent the inmate from spitting and thereby transferring or transmitting fluids (saliva and mucous) to others.
2. Spit hood/spit masks may be used on inmates that present or have previously demonstrated a tendency to spit or bite during the application of restraint(s) or when physically restrained.
3. Staff shall ensure that the spit hood/spit mask is fastened properly to allow for adequate ventilation and that the restrained inmate can breathe normally.

4. Staff shall provide assistance during the movement of an inmate in the spit hood/spit mask due to the potential for impaired or distorted vision on part of the inmate.
5. Staff shall avoid comingling individuals wearing spit hood/spit masks with other inmates.
6. Staff shall not use spit hood/spit masks when the inmate is: bleeding profusely from the area around the mouth or nose, having difficulty breathing, vomiting, or on any inmate who has been sprayed with Oleoresin Capsicum (OC) spray, unless the decontamination process has been completed.
7. Those inmates who have been placed in a spit hood/spit mask shall be continually monitored and directly observed until the spit hood/spit mask is removed.
8. The use of a spit hood/spit mask, in and of itself, is not a reportable use of force unless the inmate resists, but any use of a spit hood/spit mask shall be documented on an Employee's Report.
9. The spit hood/spit mask requires supervisory approval except where time and circumstances do not permit.

H. Use of Restraints for Pregnant Inmates

1. An inmate known to be pregnant or in recovery after delivery shall not be restrained by the use of leg irons, waist chains, or handcuffs behind the back.
2. A pregnant inmate in labor, during delivery, or in recovery after delivery, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the inmate, staff, or the public and requires the approval of the Watch Commander. If the Watch Commander is not available then approval is required from the facility Captain or the Assistant Sheriff of Corrections.
3. Restraints shall be removed when a medical staff member who is currently responsible for the medical care of a pregnant inmate during a medical emergency, labor, delivery, or recovery after delivery determines that the removal of restraints is medically necessary.
4. Pregnant inmates may not be handcuffed to other inmates for transportation or for any other purpose.
5. The use of Electronic Control Devices (ECD) is prohibited with pregnant inmates.

XV. Chemical Agents

A. Use of Chemical Agents

1. No staff member shall employ approved chemical agents unless he or she has been trained in the use of that specific approved chemical agent. This general principle is subject to the exception in X.E.3., above.

2. Prior to the use of any chemical agent, and when time and circumstances permit, the inmate(s) against whom it is to be directed shall be warned that chemical agents will be used.
3. Due concern must be given to the possibility that innocent bystanders may be victimized by the use of such chemical agents. However, in emergency situations, the need to use such agents may outweigh the protection of bystanders.
4. When time and circumstances permit, persons other than those against whom the chemical agents are to be directed shall be removed from the area before chemical agents are used.
5. Time and circumstances permitting, staff shall be equipped with protective equipment prior to using chemical agents.
6. Chemical agents shall not be used against inmates in the following situations:
 - a. When the inmate no longer presents a danger to staff or other inmates;
 - b. When the inmate is no longer actively resistive;
 - c. In a manner that contradicts the manufacturer's recommendations or Sheriff's Office training;
 - d. Repeatedly (more than twice) against the same inmate(s) in a short period of time.
 - e. An inmate shall not be restrained or held for the sole purpose of rendering him/her relatively immobile, in order to present a more stationary target for a chemical agent.
7. When time and circumstances permit, staff should consult medical staff prior to the use of chemical agents about whether the inmate is known to suffer from medical conditions that may be aggravated or affected by such an agent. If medical staff determine that chemical agents are inadvisable (because of asthma, for example) then other force alternatives shall be used.

B. Use and Types of Chemical Agents

1. The use of any chemical agent constitutes a reportable use of force.
2. A list of approved Chemical Agents and its use is presented in Appendix B of this policy.
3. Staff are authorized to use departmental issued Oleoresin Capsicum (OC) without prior authorization in reactive force situations and its use is permitted in planned use of force by this policy.
4. All incidents involving aerosol chemical agents shall be recorded on the Daily Jail Log.
5. Staff are not authorized to carry Custody Bureau issued Oleoresin Capsicum when off duty.

C. Decontamination from Chemical Agents

1. Any inmate exposed to a chemical agent shall be afforded an opportunity to decontaminate as soon as practical and decontamination shall be documented. Staff shall provide reasonable accommodation to disabled inmates who require assistance exiting a contaminated area and during the decontamination process.
2. If an inmate refuses to decontaminate, that shall be documented.
3. Inmates in an adjacent cell or in the general area where chemical agents are used shall be questioned by custody staff to determine if decontamination is warranted. Decontamination of those inmates not directly exposed to chemical agents will be based upon obvious, physical effects of the chemical agent and upon reports of pain or difficulty breathing.
4. Inmates exposed to chemical agents shall be allowed to change their clothes as soon as practical. Inmates exposed to chemical agents in a cell shall be afforded the opportunity to exchange linens and bedding, including the safety blanket, when applicable.

D. Decontamination from Oleoresin Capsicum

1. Decontamination from Oleoresin Capsicum may be accomplished by exposing the individual to fresh moving air, or flushing the affected body area with cool copious amounts of water, e.g., shower, sink water, or wet cloths and by providing clean clothing.
2. Except if removing an inmate from a cell would result in the use of additional force the inmate will be provided an opportunity to decontaminate outside of a cell in which Oleoresin Capsicum has been used.
3. Force shall not be used to decontaminate inmates from the effects of Oleoresin Capsicum unless a serious threat to the inmate's health is present and medical staff determines the inmate must be decontaminated.
4. After decontamination, the inmate should not be returned to a contaminated cell until sufficient time has elapsed to allow for dissipation of the Oleoresin Capsicum or until the cell has been cleaned.

XVI. Use of Less-than-lethal Weapons

A. General

1. The Sheriff's Office authorizes the use of designated less-than-lethal weapons in accordance with guidelines set forth in General Order #12.04 and applicable laws.
2. Less-than-lethal weapons are those devices that are designed to or have been converted to expel or propel less-than-lethal ammunition by any action, mechanism, or process for the purpose of incapacitating, immobilizing, or stunning an individual being through the infliction of any less than lethal impairment of physical condition, function, or sense, including physical pain or discomfort.

B. Authorized Less-than-lethal Weapons

1. The Personnel and Training Division Captain and the Sheriff's Jail Administrative Services Captain shall maintain a list of less-than-lethal weapons that may be stored in the facilities' armories and used within the secure perimeters of Custody Bureau facilities. See **Appendix B** of this policy.
2. Less-than-lethal weapons will be issued or stored in a separate and secure storage area within each Custody Bureau facility's armory.
3. No other Less-than-lethal weapons may be stored in Custody Bureau armories without prior approval from the Sheriff's Jail Administrative Services Captain.
4. Staff firing these weapons shall avoid deliberately shooting anyone in the head, neck, or spinal column, or at a less than safe distance recommended by the manufacturer. Additionally, these weapons shall not be fired at anyone above the knees unless there are life threatening circumstances.
5. Less-than-lethal weapons shall not be used to fire warning shots under any circumstances.
6. Less-than-lethal weapons shall only be used as part of a tactical plan, and shall not be used against passive resisters or to punish an inmate.
7. Yawara sticks may be used in accordance with Sheriff's Office training for active Emergency Response Team members only to administer strikes to non-vital areas of the body, which can subdue an aggressive subject.
 - a. Restricted uses: Unless an imminent danger of loss of life or serious bodily injury exists, active ERT members shall not:
 - 1) Use head strikes
 - 2) Intentionally strike vital areas, including the head, neck, face, throat, spine, groin, or kidney.
 - b. Prohibited Use: Active ERT members shall not use the Yawara stick to intimidate an individual.

C. Use and Deployment of Less-than-Lethal Weapons

1. With the exception of the FN303, authorization to utilize and deploy less-than-lethal weapons shall be the responsibility of the Watch Commander, time and circumstances allowing for such approval. If time and circumstances do not allow for Watch Commander approval, the on-scene supervisor may authorize less-than-lethal weapons, but not the FN303.

2. Assignment and direction of a correctional deputy utilizing less-than-lethal weapons will be the responsibility of the on-scene supervisor.
3. The Watch Commander/On-scene supervisor shall ensure that medical personnel is summoned and available, as time and circumstances permit, prior to an actual deployment of less-than-lethal ammunitions. If deemed necessary by medical staff, inmates who have sustained impact from impact munitions may be transported to the hospital for further medical evaluation, treatment and observation.

XVII. Electronic Control Devices (ECD)

- A. See ECD Policy (to be developed at a later time)

XVIII. Deadly Force

- A. Deadly force is force that has a substantial risk of causing death. The Office of the Sheriff recognizes the sanctity of human life; therefore, deadly force will be authorized under the following circumstances:
 1. To prevent imminent death or serious bodily injury to one's self or another person.
 2. To prevent escape by an inmate from a secure perimeter when the person using lethal force has personal knowledge that the individual escaping has a weapon, has just committed a violent felony or presents an imminent danger of death or serious bodily injury to others.
 3. To suppress a riot or arson when there is reason to believe that an inmate(s) pose(s) an imminent danger of death or serious bodily injury to another person.
 4. To prevent unauthorized persons or vehicles from attempting to breach the perimeter fence of a facility in order to assist in an escape or insurrection by inmate(s). Helicopters or fixed wing aircraft shall not be shot at even if it appears they are attempting to assist in an escape attempt.
 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 loss of life or serious bodily injury.
 6. In situations involving hostages, lethal force may be used to prevent an escape, or to prevent death or serious bodily injury to the hostage(s), whether an employee, inmate or civilian.
 7. Lethal force is prohibited if its use will endanger persons other than the individual against whom the lethal force is intended. This provision applies not only to situations in which bystanders or victims may be endangered by a shot, but also to situations in which the perpetrator inmate (target) is clear of bystanders and victim(s), but the shot would be in the direction of a housing unit, or a residential neighborhood.

8. When it is necessary to shoot at a person or persons, the shooting shall be to stop the threat.

XIX. Video Recording

- A. Absent extenuating circumstances, which shall be documented, it is mandatory that planned uses of force shall be video recorded with a hand-held camcorder. A complete video protocol is included as **Appendix C** of this policy.

XX. Reporting Use of Force

A. Staff Reports

1. Staff shall make a verbal notification to their immediate supervisor as soon as safely possible after using or witnessing reportable force. If their immediate supervisor used or directed force, staff shall provide their verbal notification to the Watch Commander.
2. Each staff member who uses or witnesses reportable force and each supervisor who directed the force shall complete a written Employee's Report of the force incident prior to going off duty, unless the Watch Commander/On-scene supervisor determines that the staff member's medical condition substantially impairs their ability to complete the report. The report shall be completed as soon as the staff member's medical condition allows, and the reasons for the delay should be documented.
3. Staff are prohibited from collaborating with each other in writing use of force reports and, to the extent practical, staff writing use of force reports shall be separated from each other until their reports are submitted. Supervisors and managers reviewing use of force reports shall document and report for investigation any instances in which reports appear to be plagiarized or arrived at through collaboration.
4. Staff witnessing reportable force used by employees of another law enforcement agency shall, as soon as safely possible, advise their immediate supervisor and write an Employee's Report documenting the incident.
5. The Departmental use of force form is to be used for all use of force situations.
6. The use of force form shall be used instead of, rather than in addition to, the unusual incident report form unless some other aspect of the situation mandates use of an unusual incident report form as well. Other necessary forms, such as a disciplinary report, will still be used in addition to the use of force form when necessary.
7. All use of force reports shall include:
 - a. A list of all staff that employed force.
 - b. A list of all persons on who force was used.

- c. A list of the names of all bystanders and/or potential witnesses, whether staff, members of the public or inmates.
 - d. A detailed description of the incident, the events leading to the use of force, and the reasons for employing the force, including a description of the resistance and/or assaultive behaviors of the inmate(s), in detail.
 - e. A detailed description of the weapon, restraint, chemical agent, other security device, control hold or other type of force that was used, and the manner in which it was used. Staff members must report in detail not only the force they used but also, to the best of their ability, the force observed being used by every other staff member.
 - f. A description of every other attempt to resolve the situation, including all non-force methods attempted and other levels of force employed prior to the level of force that was successful in controlling the situation.
 - g. A description of any injuries suffered by staff, inmates, or others, as observed on scene by the staff using force or witnessing the use of force, and a description of the medical assessment and/or treatment given, if known.
 - h. Identification of the staff member authorizing and/or deciding to use force and any staff member supervising the use of force.
 - i. Staff shall interview non-sworn witnesses to provide verbal statements of what they witnessed.
8. When time and circumstances permit, but as soon after an incident as possible, staff shall obtain detailed color pictures of any injuries, and video footage in addition if practical, (excluding medical exams). When an inmate or other person complains that a staff member used excessive force or when an inmate or other person appears to be uninjured but claims to have sustained an injury as a result of use of force by a staff member, efforts shall be made to take color photographs of the person or persons upon whom force was used, as quickly as is practical and video footage in addition if practical (excluding medical exams). Any such photographs shall have the time and date of when the photograph was taken and the name of the photographer printed in ink on the back of the photograph. When the photographs are not taken by a Polaroid camera or similar instant camera, the staff member arranging or taking the photographs shall document the date, time, and name of the photographer in the use of force report or in an addendum to that report.

B. Unreported Use of Force

1. Staff receiving an allegation of unreported use of force or of excessive force, from any source, shall document the allegation and immediately notify a supervisor for investigation.
2. This shall apply to: (1) verbal reports from inmates; (2) inmate grievances via Inmate Grievance Form; (3) Inmate requests via Inmate Request Form; (4) Phone calls or letters

from inmate family members; (5) third party reports/inquiries from the Public Defender Office or inmate advocacy attorneys or groups; (6) or "Hotline" complaints or complaints to Internal Affairs.

C. Reportable Force Categories

1. All use of force incidents shall be identified by the Watch Commander as one of the following three reportable categories:
 - a. Category 1: Reportable force where there is no injury: and where no chemical agents or other instruments of force were used except OC spray.
 - b. Category 2: Force involves any of the following: (1) any identifiable injury below the level defined as Category 3; (2) Any cell extraction; (3) Any use of chemical agents other than OC spray; (4) Any use of instruments of force except those defined as Category 3; (5) Any allegation of force; (6) Any use of force against an inmate in restraints; any other use of force other than defined as Category I that does not rise to the level of Category III.
 - c. Category 3: Force involving any of the following: (1) All shootings in which a shot was fired at an inmate by staff; (2) Force resulting in a transport to a hospital; (3) Any death following a use of force by any staff; (4) All head, throat, spine, or groin strikes with impact weapons; (5) Kick(s), delivered from any position; (6) Strike(s) to an inmate's head, throat, spine, or groin; (7) Striking an inmate's head against a hard, fixed object; (8) Fractures caused by the use of force; (9) Significant injuries requiring medical treatment; (10) Any other use of force in which a Less-than-lethal weapon was used.

D. Responsibility for Reporting Force

1. The Watch Commander shall notify Custody Control of any Use of Force or allegation of Use of Force within two hours of the incident or allegation, and the Custody Operations desk Control shall enter the incident or allegation into the chronological Use of Force log, Jail Information System (JIS), assigning a unique number to the incident or allegation.
2. The log entry shall include the time and date of the incident, the staff and inmates involved, the Supervisor reporting the incident, the time and date of the notification, the Force Category (1, 2 or 3), and a brief summary of the incident, including any known injuries.
3. The Category of a use of force incident may be changed based on updated medical information about injuries.

XXI. Staff responsibilities after use of force incidents

A. General

1. The Watch Commander, or if no Watch Commander is on duty, then approval by the On-scene Supervisor, shall determine who should complete the initial investigation.

2. If a non-involved Supervisor is not available, the Watch Commander should consider the totality of the initial factors, including the severity of the force in determining whether the supervisor who directed the force should complete the initial investigation. If necessary, the initial investigation should be completed by the Watch Commander.
3. If, in the rare event, a non-involved Supervisor is assigned to complete the initial investigation, the supervisor who directed the use of force shall prepare a supplemental report or memo detailing his or her actions for inclusion with the use of force document package.
4. When a supervisor has reviewed video of an incident and determined that there is evidence of potential misconduct or it appears that a Department member failed to follow policy and make proper notifications of the incident, he or she shall notify the Watch Commander who shall then contact the facility Captain who shall decide if an administrative and/or criminal investigation is warranted and whether an immediate response by Internal Affairs is necessary.
5. If an inmate is injured in a use of force incident, the supervisor assigned to the initial investigation shall conduct a videotaped interview of that inmate immediately after the incident or within 24 hours, unless the inmate refuses or is unable to be interviewed because of medical treatment. If the inmate refuses to be interviewed, a second staff member shall make a second attempt within 24 hours of the first.
6. All interviews and requests for interviews of inmates involved in or witnessing use of force incidents shall take place in private, off the tier or living unit, and staff involved in the use of force shall not be present for those requests and/or interviews.

B. Investigating Supervisor's Responsibilities

1. The investigating Supervisor shall:
 - a. Assume control of the scene and ensure sufficient staff are available to handle the incident.
 - b. Ensure that evidence is logged and secured and that the scene is preserved if appropriate.
 - c. Ensure that medical personnel have been notified and are available to evaluate and treat anyone who has been injured.
 - d. Notify the Watch Commander when the incident involves a crime.
 - e. Complete a supervisor's summary report. Also complete a Critical Incident Worksheet if directed to do so by the Watch Commander/On-scene supervisor.
 - f. Approve all reports for form, completeness and level of detail but not for content. Verify all reports have been submitted by the end of the shift following the incident.

- g. Separate all staff who are involved in or who witness use of force incidents until all reports are completed.
 - h. Advise other staff that communications with any witnesses or other staff members involved in the use of force incident are prohibited until reports are complete and submitted.
 - i. Provide medical attention to those injured and those possibly injured as soon as possible following any use of force. Medical assessment of all individuals upon who force was used and all those using force must be documented by the Watch Commander/On-scene supervisor. Any inmate who refuses medical assessment after a use of force, must refuse to a medical staff member and that refusal shall be documented.
- 2. Once the investigating supervisor has reviewed all completed reports and video, and there is no evidence of misconduct or a failure to properly notify, staff may be afforded the opportunity to review the video documentation to facilitate recollection of additional details of the incident. Staff may write a supplemental report explaining inconsistencies between the video and the staff member's original report, and/or additional relevant details. The supplemental report must state at its beginning that it is written after the member reviewed the video footage. The investigating supervisor shall submit the initial and supplemental report(s) with the use of force document package to the Watch Commander. This shall apply to Appendix C (Video Recording Device (Camcorder) Protocols.
 - 3. Investigating Supervisors are responsible for collecting the "Use of Force Document Packages."
 - 4. The on-scene supervisor shall ensure that the complete use of force package (reports, video, photos, medical records, interviews, etc.) is forwarded to the on duty Watch Commander prior to the end of shift unless approved by the Division Captain or above.

C. Watch Commander Responsibilities

- 1. Ensure the incident is investigated and documented. When the incident involves a crime, the Jail Crimes Unit detective shall ensure a Crime Report is completed along with all other non-criminal reports.
- 2. When notified of an Incident, the Watch Commander, when reasonably possible, shall take command of the scene when the incident is a major disturbance, riot or other large scale threat to facility security.
- 3. Initiate requests as needed, through the Chain of Command, for assistance from special units or staff such as the Emergency Response Team, the Sheriff's Office Critical Incident Response Team, the Hostage Negotiation Team, the Internal Affairs unit, or other Sheriff's Office Staff.

4. Verify compliance with existing policy and procedure.
5. Review and approve all completed reports. Verify all required reports have been submitted and ensure the reports were completed by the end of shift, absent exigent circumstances, but in no case longer than 24 hours.
6. Investigate any apparent inconsistencies that appear between the reports, video documentation or other evidence.
7. Make the appropriate notifications to facility administrators.
8. Make entry on the Department of Correction Watch Commander's Log.
9. Complete a summary report of any Critical Incident as requested by the Division Commander.
10. When the Incident involves a Crime, the Watch Commander shall respond to the scene and shall be a liaison between Sheriff's personnel and Department of Correction personnel. The Jail Crimes Unit detective shall keep the Watch Commander informed of all actions and intended actions.

XXII. Use of Force Investigations

- A. All use of force incidents are subject to review and/or investigation. The purpose of use of force investigations are not for discipline but to determine whether the force used was within this policy.
- B. Levels of investigations:
 1. The investigating supervisor shall be responsible for the initial processing of the incident to include; assign and review all required staff use of force reports and use of force witness reports, gather all pertinent evidence and statements, and provide the below listed items of the use of force package within 24 hours:
 - a. Investigating supervisor's summary
 - b. All associated reports (reviewed by the investigating supervisor)
 - 1) Employee's Report
 - 2) Victim/witness statements
 - 3) Inmate Injury Report
 - 4) Rehousing
 - 5) Infraction
 - 6) Custody Input
 - c. Housing list (HFACA)
 - d. Fixed/handheld video footage
 - e. Photos

2. Facility Investigation: After reviewing the use of force package, the Watch Commander will either refer it back to the investigating supervisor for missing or additional information or to reconcile discrepancies, or forward the package to the Division Captain.
 3. The Division Captain will review the investigation and will evaluate the information for policy compliance and unlawful acts.
 4. Internal Affairs Investigation: Any investigation requiring further review after the Division Captain reviewed the Use of Force Package. At any point following a use of force incident, if there is any indication that staff has violated policy, The Undersheriff and the Assistant Sheriff of Corrections shall be notified and recommended to Internal Affairs, if necessary.
 5. All significant use of force incidents will be reviewed by the Jail Crimes Investigations Unit to determine if the force used was lawful and whether a referral for potential prosecution is warranted.
- C. Investigation of uses of force shall be objective and unbiased.
1. Substantial discrepancies in staff reports or versions of events shall not be ignored.
 2. An inmate's disciplinary history is relevant to a disciplinary report or hearing but shall not be reviewed in a use of force investigation in order to discredit the inmate's version of events.
 3. An inmate's criminal record shall not be part of a use of force investigation.

XXIII. Use of Force Review Committee (UFRC)

- A. All category II and category III use of force incidents will be reviewed by the Use of Force Review Committee ("UFRC").
1. The UFRC will be comprised of the Under Sheriff or Assistant Sheriff of the Custody Bureau, Training Unit Captain or Lieutenant, Support Services Captain, and the Captain from a facility other than that, in which the use of force incident occurred. No person involved in an actual use of force incident shall sit on the UFRC or participate in the review in any other way.
 2. Within ten working days of the incident or of the availability of the last piece of documentation necessary to the review, the UFRC shall receive the completed use of force package from the Commander of the facility involved.
 3. Each use of force package shall include a dated statement from the Investigating Supervisor, the Watch Commander and the Facility Commander with regard to whether staff actions were within policy or not, and whether there are other factors (equipment,

policy, training, etc.) that should be addressed by the Department in reviewing the incident in question.

4. The UFRC shall generally have 30 days from its receipt of a completed use of force package in order to finish reviewing the incident. A brief extension of this review-completion may occur, but the reason(s) for any extension shall be documented.
5. In addition to the Category II and Category III uses of force, the UFRC shall, every six months, review five randomly selected Category I use of force packages from each of the three major jail facilities; total of 15 reports.
6. With the exception of those Category I use of force packages sampled by UFRC on a random basis, all other Category I use of force packages shall be reviewed at the facility level and the Facility Commander shall be the highest level of review for those Category I use of force incidents.
7. If, at any point in the review or investigative process, it becomes apparent that there is a potential criminal violation by staff, the matter will be referred to the Sheriff's Office Jail Crimes Unit for consideration of whether to conduct a criminal investigation.
8. Similarly, a decision to refer a particular use of force incident to Internal Affairs for a staff investigation, may be made at the facility level by the Facility Commander, Assistant Division Commander or, subsequently, by UFRC.
9. If a use of force incident is referred to IA or to the Jail's Crime Unit, then the UFRC review shall be held in abeyance until the IA investigation and/or the criminal investigation is completed, so as not to compromise those investigations.

B. Use of Force Review Standards

1. Whether a use of force incident is reviewed at the facility level or by UFRC, the review shall determine whether the use of force was reasonable, and in compliance with policy, procedures and training.
2. The Facility Commander or UFRC shall also recommend changes to policy, procedure, equipment and training where appropriate.
3. In reviewing a use of force package, the Facility Commander or UFRC may recommend remedial training or other corrective action, as well as potentially recommending an IA investigation for the purpose of potential staff discipline.
4. Upon review of the force package, should the UFRC determine that the package is incomplete or there are unexplained discrepancies in the evidence, a written notice will be sent to the investigating supervisor requesting the required supplemental information to answer the UFRC's concerns.

5. The UFRC and Facility Captains shall pay particular attention to: (a) unexplained injuries; (b) prohibited uses of force; (c) incomplete or conflicting reports; (d) use of higher level weaponry than similar situations would typically call for; (e) evidence of collaboration in staff reports; (f) patterns of injuries or lack of injuries inconsistent with staff use of force reports.

C. All Use of Force allegations shall result in an investigation that shall be reviewed by UFRC.

XXIV. Audits

- A. All Sheriff's Office policies will be periodically reviewed by the Operational Standards and Inspection Unit (OSIU).

Appendix A

DEFINITIONS

- A. Cooling off Period: An interval of no less than 10 minutes during which an inmate refusing to exit a cell is left alone in the hope the inmate will agree to comply without the need for force, unless there is an immediate threat of life or safety.
- B. Deadly force: An amount of force that is likely to cause either serious bodily injury or death to one's self or another person.
- C. Excessive Force: A type or amount of force beyond that which is reasonably necessary to control the situation and achieve the correctional objectives; or the continued use of force after it is no longer reasonably necessary. "Excessive force" includes unnecessary force, force in situations in which no force was necessary.
- D. High risk/Assaultive: An inmate actively attacking or otherwise attempting to use force on staff or others.
- E. Inmate Injury: any obvious injury, any other injury reported by medical staff or any continuing complaint of pain by an inmate.
- F. Imminent Danger: Imminent danger is any situation or circumstance that immediately jeopardizes the safety of persons or compromises the security of the institution, requiring immediate action to stop the threat.
- G. Less-than-lethal Force: Physical force other than lethal force. A type and amount of force that does not carry a substantial risk of causing death.
- H. Lethal Force: A level of force, which creates a substantial risk of serious bodily injury or death.
- I. Objectively Reasonable Force: That level of force, which is appropriate when analyzed from the perspective of a reasonable Correctional Deputy/officer in the same situation and possessing the same information as the deputy/officer who actually used force. . Objectively reasonable force must be used in the service of a legitimate correctional objective, e.g.; prevent or stop an assault, escape or riot.
- J. Physical Force: Physical force is defined as the use of hands, other parts of the body, objects, instruments, chemical devices, firearms, electric devices or other physical methods to restrain, subdue, or to compel persons to gain compliance.

- K. Planned Use of Force: The use of force in situations where time and circumstances allow for consultation with, and approval by, higher ranking personnel, and where there is some opportunity to plan the actual use of force.
- L. Prohibited Use of Force: Any physical force utilized against a person in a situation where the use of physical force was not required or appropriate, or was excessive. This also refers the inappropriate use of restraints and/or instruments of force.
- M. Positional Asphyxia: The term used when an individual is unable to expand his or her lungs and dies because they cannot breathe. It appears this has occurred most frequently when, after a struggle, an inmate is kept on his or her stomach for an extended period while restraints are applied; or when an inmate has been held face down on the floor by staff sitting on or placing knees on the individual's upper back (to prevent movement and to allow restraint to be applied).
- N. Reactive Use of Force: Reactive use of force is the force used to respond without delay to a situation or circumstance that constitutes an imminent danger to institution/facility security or the safety of persons. Employees may use reactive force without prior authorization from a higher official. Reactive force may be necessary to subdue an attacker, overcome resistance, or affect custody. If it is necessary to use force solely to gain compliance with a lawful order, controlled force shall be used.
- O. Reasonable Force: The amount of force that is objectively reasonable to overcome resistance and maintain control.
- P. Security Restraints: Mechanical devices used to immobilize, restrict or control the movements of individuals.
- Q. Serious Bodily Injury: A serious impairment of physical condition, including, but not limited to, the following: loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring substantial suturing, or serious disfigurement.
- R. Seriously Mentally Ill (SMI): Any inmate who has been diagnosed as such by Mental Health.
- S. Significant Injury: Any injury which cannot be managed by basic first aid alone, including fracture, need for sutures or staples, concussion, etc.
- T. Supervisor: When this use of force policy refers to supervisory approval or supervisory direction, it is intended to include Sergeant's and higher ranks within the security (uniformed)

series. Non-uniformed institution personnel are not included as "supervisors" for the purposes of this policy even though they may be of supervisory or management rank.

- U. Reportable Force: Any situation in which a personnel member uses physical force against an inmate or other person, with the exception of those situations in which security restraints are used in a standard manner for escort, transportation, or to immobilize, and in which no active or passive resistance was present.
- V. Use of Force Package: a completed use of force investigative package that may include reports, videos, interviews, photos, medical records, disciplinary reports and more. The package is assembled in a standard order and format.
- W. Use of Force Review Committee, or "UFRC": a three person panel appointed by the Sheriff that reviews and adjudicates Full Investigation of use of force situations.

Appendix B

I. Departmentally Approved Instruments of Force, Chemical Agents, Security/Restraint Devices and Less-than-lethal Weapons for Custody Division

A. Approved Instruments of Force

1. Custody Personnel:

- a. Pepper Spray

2. ERT Members:

- a. Plexiglas Shield
- b. Wooden Baton
- c. Yawara Stick
- d. Pepper Spray

3. Gun Bearers:

- a. Sidearm
- b. Shotgun
- c. Expandable Baton
- d. Wooden Baton
- e. Pepper Spray

B. Approved Chemical Agents

1. MK-3/MK-4: The MK-3 or -4 SIZES is a low volume personal use stream delivery system canister that contains approximately three to four ounces of Oleoresin Capsicum formula.
2. MK-9: The MK-9 SIZE is a medium volume canister that is designed to deliver larger quantities of Oleoresin Capsicum into areas from further distances than that of the MK-3 or -4. The Department considers the MK-9 a mass Oleoresin Capsicum delivery system.
3. MK-46 Riot Extinguisher: The MK-46 is a high volume stream delivery canister that, when fully charged, contains approximately 46 fluid ounces of Oleoresin Capsicum formula. The MK-46 can deliver Oleoresin Capsicum directly from the canister or through an attachable discharge hose/wand assembly.
4. CS/OC Chemical Agent Formula and Delivery system: The CS/OC chemical agent is a non-pyrotechnic spray aerosol blend of Oleoresin Capsicum and CS (Ortho/Chlorobenzal-Malonitrile) that is deployed from a canister.
 - a. The deployment of incendiary CS agents shall be authorized by the Watch Commander/On-scene supervisor, or higher ranking staff.

- b. The possibility of a structure fire should be considered when making the decision for the use of such incendiary CS agents. For this reason, fire equipment shall be requested to the scene prior to the use of incendiary types of gas inside a structure. In situations where the potential to start fires is a concern but the need to use chemical agents exists, consider using a non-incendiary agent.
5. Pepper Ball System: The pepper ball launcher is a recoilless launching device that utilizes compressed air to launch PAVA (a microscopic Oleoresin Capsicum based powder) filled projectiles. When the projectiles impact an object or person, they break open and PAVA is dispersed. The pepper ball system is both an impact weapon and a chemical agent delivery system.
 6. FN303 Less-than-lethal Launcher: The FN303 is a compressed air powered launcher designed to fire less-than-lethal projectiles which can be either marking rounds or a delivery method for PAVA filled fin-stabilized projectiles. The FN303 is use of force option and will be utilized in accordance with applicable Custody Bureau policies. The use of the FN303 must be approved by a Captain or above, except in extenuating circumstances, in which case the Watch Commander/On-scene supervisor can authorize, but must notify the Captain or above and document as soon as practical.
- C. Custody Bureau Approved Security/Restraint Devices:
1. Handcuffs
 2. Leg shackles
 3. Waist chains
 4. Daisy chains
 5. Leather restraints 4/5 Point Restraint
 6. Plastic flex cuffs
 7. Plexiglas shields or mattresses
 8. Restraint Chair
 9. Spit hood/spit mask/Mask
- D. The following less-than-lethal munitions and ammunitions may be stored in Custody Bureau armories and accessed, as authorized:
1. Sage SL-6 Projectile Launcher (Sage weapon)
 2. #15 Stinger Grenade (sting ball grenade)
 3. 37mm Stinger Round Launchers (pistol and gas gun)
 4. #25 Distraction Device (flash-bang grenade)
 5. Pepperball Launcher
 6. FN303 Less-than-lethal Launcher
 7. CS/OC Chemical Agent Formula and Delivery system

Appendix C

I. Video Recording Device (Camcorder) Protocols

- A. Video recording, using a handheld device or camcorder, is required for cell extractions and other planned uses of force except if the use of the camcorder would subject staff to increase danger or likely escalate the situation.
- B. If these or other factors lead to a decision not to video record, the decision and the reasons should be documented.
- C. Video recording with a camcorder can also be very helpful in situations that may not be planned uses of force, such as disturbances or riots. In those situations, the primary objective of using the camcorder will likely be the identification of individual inmates involved in the situation. However, the protocols below are for planned use of force incidents.
- D. At least two working camcorders shall be maintained in a specified location at each Jail facility.
- E. No less than weekly, each camcorder shall be tested to ensure that it is working properly and that the batteries are fully charged. At least one extra battery shall be maintained with each camcorder.
- F. Each facility shall train a sufficient number of sworn staff, so that there will be an acceptable number of camcorder-trained individuals on each shift without regard to leaves, special assignments and the like.
- G. Only staff members trained in the use of a camcorder shall be assigned to videotape actual planned uses of force, unless no such trained camcorder operator is available. In that case, a staff member without training shall start the videotaping and a trained individual shall replace that initial operator as soon as possible.
- H. Videotaping should be continuous, without stopping and restarting the camera. When there is a stop in the taping, whether by accident, to change batteries, or for some other reason, the video operator should clearly state on camera the approximate time the videotape was stopped and then restarted and provide the reason for the stoppage.
- I. To the degree possible, the video operator should keep the camera focused on the use of force situation and avoid pointing the camera at floors, ceilings or walls.
- J. In general, videotaping is best accomplished with a relatively wide angle point of view but it is important at some points to go to a more telephoto view if that provides details of the inmate's actions and/or staff actions. Excessive panning and zooming should be avoided and, when possible, pans and zooms should be done slowly.
- K. Particularly for cell extractions, it is important that the video operator position himself or herself and the camera with the best possible view of the situation without interfering with the staff who are actually trying to talk to the inmate(s), or who are implementing the use of force.

- L. In cell extraction, and in most other planned uses of force, it is important to record the discussions or negotiations with the involved inmate(s) and the specific attempts to talk the inmate(s) into compliance without physical force.
- M. If an extraction team is deployed to the scene, it is required that the team members, the team strategy and the team leader be recorded by the camcorder.
- N. The video operator shall state the date, time, their name, rank, employee number, location, and provide factual narration during the incident, i.e. "Watch Commander is on scene," "Emergency Response Team is on scene," "facility is on lock down", name civilians on scene such as a nurse or mental health clinician evaluating the inmate. Only factual information shall be narrated.
- O. The camcorder operator should then individually film each member of the team. Team members should identify themselves by rank, name and employee number, and then state their position on the extraction team and then state whether they have or have not been trained for cell extractions.
- P. Following that, the team leader should provide the inmate(s) names (if known), the nature of the situation, the current status of the situation and the team's plan for last attempts to talk the inmate(s) into compliance and the plan for using physical force to control and extract the inmate(s), if necessary.
- Q. The video recording of the team members should be accomplished after the team has donned its protective gear.
- R. If an inmate is physically extracted from a cell, then the camcorder should continue to record the situation as the inmate is escorted away from the living unit and should follow the inmate as he or she is escorted into the medical area, and then stop.
- S. The camcorder operator should state the date, time and identity of the medical person providing initial attention to the inmate and then state that the recording is finished.
- T. A copy of the video recording shall be retained in accordance with applicable laws, and with Custody Bureau policies and procedures regarding handling of video and/or evidence.
- U. Video recordings will be preserved by the Custody Bureau for official use; each video recording shall be saved on the server and to a video medium, such as a compact disc (CD), digital video disc (DVD), or secure digital (SD) card.
- V. Video recordings copied to CD, DVD, SD card, or other memory storage device should be properly labeled with the following: inmate's name and booking number; Crime report number (if any), Employee's Report number, and/or Administrative Case Number; Date, time, and location of incident; Brief description of incident; Name, rank, and employee number of video operator, or person who created the copy.