

Use of Force

948.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner. This policy applies to all juvenile facility staff.

948.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/ herself to be searched, escorted, handcuffed or restrained.

█ - 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.

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- (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 and 1358;
- California Penal Code §§ 835a, 3407 & 6030 (f);
- Welfare and Institutions Code 210, 222 & 885.
- 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; and,
- Peace Officers Bill of Rights.

948.3 POLICY

This policy was developed in collaboration with Riverside University Health System-Behavioral Health (RUHS-BH) and Correctional Health Services (CHS) hereafter referred to as behavioral health staff and on-site health care staff respectively.

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

The use of force is restricted to circumstances only a reasonable and necessary level to ensure the safety and security of youth, staff, others and the facility in accordance with established policies.

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.

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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 procedure;
- (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;
- (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.

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948.6 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance, considering the totality of the circumstances.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable 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. Vascular neck restraints or other similar restraints or holds or other defensive tactics in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render a person unconscious are not authorized. Additionally, restraints or holds or other defensive tactics in which direct pressure to the person's trachea or windpipe are not authorized. 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.

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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 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.



- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

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

Department issued OC spray is authorized to be carried and utilized by all trained sworn probation staff authorized to work within Riverside County Probation juvenile facilities.

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948.10.1 OC SPRAY TRAINING

Staff must complete the appropriate initial chemical agent and PC 832 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; and,
- (f) If possible, allow a brief time for the chemical agent to take effect.

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.

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.

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- (c) Youth options for decontamination for OC spray is fresh air or cool water applied through spray bottle or shower. Youth shall blot dry, not wipe their faces. Youth may continue with process for as long as needed.
- (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 monitored by direct visual observation for one hour after the decontamination process is completed.
- (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 Client Management System (CMS).

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

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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 wishing 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 CMS 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, and/or a referral for further services was made.
- (d) Staff and/or youth were debriefed after the incident to ensure any effects of trauma are mitigated.
- (e) Any necessary training issues are identified.
- (f) The DVD/video recording of the incident was secured as outlined by Juvenile Facility Services Policy: Recording Incidents in Juvenile Facilities.
- (g) 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.
- (h) 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

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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 17, the youth shall not be interviewed without their legal representative present.

- (i) All staff and witnesses have completed their incident reports in the CMS 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.
- (j) The facility manager(s) shall be notified in a timely manner regarding any staff requiring remedial training and/or corrective action.
- (k) The DO/SPO shall submit all documentation to the facility manager(s) at the end of his/her shift.
- (l) If a youth is involved in a use of force incident (refer to definition) 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

The following procedure should be used by managers to review and track use of force incidents:

Review all incident reports thoroughly.

- (a) Review and certify the incident report indicating the finding of the review.
- (b) Discuss any training concerns with the DO/SPO.
- (c) 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.
- (d) 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 Preliminary Investigative Assessment (PIA) prior to referring the matter to HR. If the facility manager(s) initiates a PIA, 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.
- (e) A Use of Force Review Board comprised of facility managers will meet monthly to review use of force incidents for debriefing, tracking, and training purposes.

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Attachments:

- 1. [OC Spray Checklist](#)
- 2. [Direct Visual Supervision OC Check Form](#)