

POLICY AND PROCEDURES

NUMBER: 823

SUBJECT: Use of Force

ACA STANDARDS: 4-ALDF-2B-01, 07, 08; 7B-16

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I. POLICY

The St. Louis County Department of Justice Services shall maintain a policy which describes the circumstances and conditions under which staff will be permitted to use force. The policy will also define what to do before, during and after force is used. Physical force shall not be used as punishment.

II. RESPONSIBILITIES

All St. Louis County Department of Justice Services' Custody staff are responsible for the following procedures.

III. DEFINITIONS

Supervisor: The Watch Commander, Intake Supervisor, Transportation Supervisor or Housing Unit Supervisor who is responsible for controlling the situation.

Active Resistance: Any overt act that resists the order or directive of staff, e.g., combative stance, refusal to surrender objects that could be used as weapons, attempting to strike or struggle with officers, fighting with other inmates.

Passive Resistance: Any covert act such as verbally resisting an order or directive made by staff; a mere refusal to obey a directive, e.g., verbally refusing to enter a cell or verbally refusing to be frisked or strip searched or verbally stating he/she will fight.

Show of Force: The presence of all available officers who respond to a “call for assistance” during a disturbance for the purpose of suppressing the situation without a physical confrontation.

Dialogue: Persuasion, advice, warnings and commands given in a manner to control the behavior of a non-compliant or disobedient inmate. Used most often at the first response step.

IV. PROCEDURES

A. General Guidelines

- 1.** The key to effective inmate management is to recognize potential problems and take corrective actions which result in non-violent solutions.
- [2.]** Custody staff shall not use any form of force or restraint for which they have not been trained. Chemical agents or the *X26 or X2* Advanced Taser may be used by staff trained by a certified instructor and only when absolutely necessary.]
- 3.** Force, restraints and riot equipment shall be used as a control measure, only when absolutely necessary. In Use of Force situations only the least amount of force necessary to overcome resistance shall be used.
- 4.** Due to the potential consequences of the use of force, strict compliance with departmental policy and the “Use of Force Continuum” must be maintained to minimize the department’s exposure to the potential of serious injury to staff and/or inmates or civil liability, while ensuring that a safe and secure environment is preserved.
- 5.** The “Use of Force Continuum” is as follows:
 - a.** Presence - Show of force to have an inmate respond and cooperate with direction
 - b.** Verbal Instructions - Use of Interpersonal Communication (IPC) skills to have an inmate respond and cooperate to direction
 - c.** Soft Empty Hand - Able to place a compliant inmate in a cell, restraints or restraint chair without physical force

- d. Pepper Spray - Force other than physical used for the protection of self or others in order to restrain an inmate
 - e. Taser - Force other than physical used for the protection of self or others when pepper spray has failed, is not medically appropriate or is not immediately available in order to restrain an inmate
 - f. Hard Empty Hand- Minimal physical force used for the protection of self or others when other options have failed or are not immediately available in order to restrain an inmate which may cause physical injury
 - g. Deadly Force- Maximum force used to the protection of self or others when all others have failed which may cause serious physical injury or death
6. The Department of Justice Services adheres to the principles and philosophies of the American Correctional Association regarding the Use of Force which in part states, “The control and management of offenders should be by sound scientific methods stressing moral values and organized persuasion rather than primarily depending upon physical force.”
7. Authorization for the use of force and the use of security or riot equipment shall rest with the supervisor.
8. In all cases where force is used, the inmate must first show active resistance and the supervisor must justify in writing:
- a. The overt act conducted by the inmate
 - b. The need for physical force
 - c. The circumstances involved.
9. All other staff members involved in the Use of Force situation must submit a written report.
- B. Circumstances in Which Force May be Needed
- 1. The following circumstances may require force:
 - a. In defense of yourself

- b.** To prevent escapes
- c.** To prevent the destruction of County property
- d.** To restrain an inmate who poses an immediate danger to himself/herself or others or who persistently throws water, urine, feces or spits on staff and will not cease this behavior after verbal counseling and warnings are given
- e.** To conduct a search of an uncooperative inmate who refuses to be searched. Remember an employee's attitude in approaching an inmate is a definite factor in the response you will receive.
- f.** To move an uncooperative inmate who is mandated to move to a different housing location, to court or to medical appointments, etc.
- g.** To break up a physical altercation between inmates.

C. Assessing Situations/First Response

- 1.** An officer who encounters a situation which in his/her judgment may require some degree of force to maintain order, will utilize the following as guidelines:
 - a.** Upon observation of an incident the officer will first assess the situation and talk to the inmate(s) in a calm, straightforward manner.
 - b.** When an officer is dealing with an upset or insubordinate inmate, the officer's tone of voice should be calm. His/her language should be professional and not hurried. If the officer is talking to an inmate in a hallway or open area, the inmate should not be crowded. A safe distance should be maintained between the officer and inmate. If the inmate does not feel threatened by an officer's close physical presence, the inmate may not become aggressive. A safe distance will also allow the officer time to react if the inmate does become aggressive.
 - c.** If required, the supervisor and back-up officers will be summoned to the area by the most expedient means available, (i.e., two-way radio, personal duress alarm, panic alarm, telephone).

- d. Upon arrival, the supervisor shall assist with talking to the inmate and assessing the situation. He/she will attempt to isolate the offending inmate to keep others from becoming involved and to keep the inmate from performing for other inmates. The supervisor will also remove any staff member who might be the target of the inmate's aggression. If the supervisor is the cause of the problem he/she shall remove himself/herself from the area.
- e. If the inmate fails to comply with the verbal commands and shows active resistance towards the directives, the supervisor may initiate the 'use of force' to control the situation.
- f. In all incidents involving more than one inmate, or where a degree of force greater than dialogue may be required to neutralize an incident, assistance shall be summoned. In some cases a 'show of force' will suppress the situation.
- g. Prior to making the decision to use force, the supervisor shall have sufficient back-up officers present to ensure the successful 'use of force' and to minimize injury to all subjects involved. All potential use of force situations must carefully be evaluated. Things to consider:
 - (1) Has the inmate shown active resistance toward an order or directive?
 - (2) Is the inmate an immediate danger to himself/herself or others?
 - (3) Can the inmate be isolated from others? If so, move him/her away from his/her audience.
 - (4) Does the inmate have a history of violence and aggression?
 - (5) What alternatives are available to resolve the situation?
 - (6) Is the inmate secured in a cell? If so, is it necessary to enter the cell immediately? Does the cell need to be entered at all? Would giving the inmate time to "cool off" help?
 - (7) Is there proper and adequate back-up officers?

- (8) Are restraints and protective riot equipment available? (i.e., restraint chair, handcuffs, leg irons, riot helmets, riot shields, etc.)
 - (9) Is the inmate armed with a weapon?
 - (10) Is the inmate so disruptive that immediate action is required?
2. The Supervisor shall ensure appropriate restraining devices are present and that only enough force is used to place the inmate in restraints. (See Policy #824 Use of Restraints)
3. Personal Duress Alarms will be used for the following reasons:
 - a. When a staff member's personal safety is at risk

NOTE: If possible, the officer will also use his/her two-way radio and make an emergency broadcast after using his/her personal duress alarm.
 - b. When a staff member has made an emergency broadcast on his/her two-way radio at least two (2) times due to an emergency situation that has occurred and there is no radio response from Master Control Officers
 - c. When there is an immediate need to shut down the control panel in that housing unit or unit control.

D. Decision to Use Force

1. The supervisor shall approve the Use of Force as a last resort only after sufficient back-up is available. Corrections Officer I's may deploy pepper spray when it is used in defense of self or other staff.
2. When necessary, officers will prepare themselves with protective gear (e.g., helmets, shields, etc.) prior to coming in contact with the inmate.
- [3. Whenever possible, Pepper Spray or the X26 or X2 Advanced Taser shall be used before any physical contact is made. Prior to the use of Pepper Spray or the X26 or X2 Advanced Taser, the supervisor shall ensure that all available means to resolve a situation peacefully have been exhausted. Pepper Spray or the X26 or X2 Advanced Taser will not be used until an inmate displays

some form of active resistance, (e.g. combative stance, refusal to surrender object that could be used as weapons, attempting to strike or struggle with officers, fighting with other inmates, etc.).]

- [4. The mere refusal to obey a directive is passive resistance and force should not be used until the inmate commences to physically resist or it becomes quite apparent to the supervisor on duty that force is going to be necessary to gain compliance. For example, if an inmate verbally refuses to enter the cell, or verbally refuses to be frisked or strip searched, or verbally refuses to be removed from his/her cell and states he/she will fight, that alone is not sufficient to immediately use Pepper Spray or the X26 or X2 Advanced Taser. The reason for using force must be clearly documented in the Incident Report.

NOTE: In a situation where the inmate is isolated and the need to gain compliance is not immediate, the nurse is called to ensure the inmate has no health problems that make the use of pepper spray a danger to him/her. The Watch Commander is called and will report to the area prior to the deployment of pepper spray. The Watch Commander will shine the light of the X26 or X2 Advanced Taser on the inmate in an attempt to gain compliance before pepper spray is deployed. If the X26 or X2 Advanced Taser light does not gain inmate compliance, pepper spray can then be deployed.]

- [5. Isolation of the inmate is strongly recommended prior to the use of Pepper Spray or the X26 or X2 Advanced Taser to avoid involvement of other inmates.]
6. Officers shall avoid physical contact with an inmate until after the initial use of Pepper Spray. The supervisor or authorized trained officer shall spray the inmate or inmates involved in the altercation and wait a few seconds to allow the Pepper Spray to become effective. The affects of the Pepper Spray will begin approximately 1-5 seconds after being properly sprayed.
7. Pepper Spray shall be used in accordance with product instruction training techniques and the current Use of Pepper Spray Policy, #828.
- [8. The X26 or X2 Advanced Taser shall be used in accordance with product instruction training techniques and the current Taser Policy #817.]
- [9. Officers will immediately enter the area after the X26 or X2 Advanced Taser is used in order to restrain or assist the inmate.

The action of the Taser may cause an inmate to fall to the floor and officers will try to assist the inmate from injuring himself/herself.]

10. Before using force to place an inmate in restraints, the supervisor in charge of the situation will assign points of control which the officers will use to restrain the inmate. (See Policy #304 Specialized Training/Emergency Response Team)

E. Deadly Force

1. Deadly force is the application of any type of force which when used, would lead a reasonable person to believe the proximate outcome could result in death or serious physical injury.
2. The discharge of a firearm is an example of possible deadly force. Only those officers trained and certified to use these weapons will be allowed to use them as a means for deadly force when it appears necessary to:
 - a. Protect themselves or others from an immediate threat of death or serious bodily harm.
 - b. Prevent a crime where the subject's actions place person(s) in jeopardy of death or serious physical harm.
 3. Use of deadly force is at the discretion of the individual and must comply with policy and procedure and all applicable state and federal laws governing its use. (See Policy #822 Firearms, Armory and Weapons Storage)

F. First Aid

1. All persons (inmates and officers) injured in a 'use of force' incident shall receive immediate medical attention and treatment as needed.
2. All persons injured shall be noted on the Use of Force Report with the name of the injured person along with a description of the injury sustained. An Incident Report will also be written with documentation of injured parties and their injuries. Proper injury reports shall be completed for officer injuries. (See Policy #129 Employee Injury/Reports)
- [3. After a 'Use of Force', the Corrections Medicine staff will evaluate the inmate's medical situation. See Use of Pepper Spray Policy #

828 for first aid after deploying Pepper Spray. See Taser Policy # 817 for first aid after use of the *X26 or X2* Advanced Taser.]

G. Documentation

- [1. A written incident report will be submitted by all participating staff no later than the end of the shift when any of the following occur:
 - a. Use of a chemical agent to control inmates
 - b. Use of the *X26 or X2* Advanced Taser
 - c. Use of physical force to control inmates
 - d. Discharge of a firearm.]
2. All staff involved shall complete a detailed Incident Report describing what happened and their participation in the incident.
3. The supervisor or designee shall investigate the incident and may obtain witness statements from all witnesses and from participants.
4. The supervisor shall fill out a Use of Force Report, (See Attachment 1) immediately and submit it, along with all other related reports, to the Unit Manager assigned to the housing unit where the 'use of force' took place.
5. The Unit Manager is responsible for starting the review process when use of force is used. (See Attachment 2)
- [6. The Watch Commander will also complete a Supervisory Taser Report when the *X26 or X2* Advanced Taser is used. See Attachment #3)]