
NEVADA COUNTY
SHERIFF'S OFFICE



CORRECTIONS
DIVISION DIRECTIVE

74
Effective Date 01/01/2020

SUBJECT

USE OF FORCE

POLICY

The Sheriff's Office has a responsibility to provide a safe working environment for staff, a safe custody environment for the inmates, and to provide for community safety. The use of force will sometimes be necessary to accomplish these goals. The use of force is governed by Constitutional statutory, **and California Penal Code Section 835a, judicial decisions, case law** and is only authorized by the Sheriff's Office as specified by this policy. Any use of force must be objectively reasonable given the totality of the circumstances perceived by the deputy or correctional officer at the time the force was used. The decision to use force shall be evaluated from the perspective of a reasonable deputy or correctional officer in the same situation, based on the totality of the circumstances known to or perceived by the deputy or correctional officer at the time. Deputies and correctional officers will fully document every use of force, including their perceptions at the time the force was used, document notification of injuries to the appropriate medical staff, and document any efforts made to avoid or limit the amount of the force used.

The Sheriff's Office shall review every use of force and hold employees accountable when the force used was objectively unreasonable from the perspective of a reasonable deputy or correctional officer in the same situation given the totality of the circumstances perceived by the deputy or correctional officer at the time. Unreasonable force includes any force used for an improper purpose, and any force which would be considered excessive or unnecessary from the perspective of a reasonable deputy or correctional officer in the same situation based on the totality of the circumstances known to or perceived at the time. A violation of any provision of this policy may be grounds for corrective training and/or discipline, up to and including termination. **It is never acceptable for a deputy or correctional officer to use force for retaliation, intimidation, or punishment.**

PURPOSE

Sheriff's Office employees are expected to treat inmates with respect, maintain professionalism, and prevent the use of force when possible through constructive interactions and effective communication with inmates. The Sheriff's Office expects that deputies and correctional officers will be able to manage many challenging situations without the need for physical force.

This policy also applies specifically to staff working inside any jail facility, when supervising inmates, and during the transportation of inmates.

CASE

APPLICABLE LAW

United States Constitution, **California Penal Code Section 835a**; **Graham v. Conner, 490 U.S. 386 (1989)**; **Tennessee v. Gardner, 471 U.S. 1 (1985)**; **Wilkinson v. Torres, 610 F. 3d546 (9th Cir. 2010)**; **Kinglsey v. Hendrickson 135 S. Ct. 266.**

DEFINITIONS

(1) “Deadly force” means 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.

(2) A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of **possible** future harm, no matter how great the fear and no matter how great the likelihood of the harm, but **is a harm that appears likely to occur in the next moment or next few seconds and the immediate use of force, rather than de-escalation or other techniques, is necessary to prevent that harm.** ~~one that, from appearances, must be instantly confronted and addressed.~~

(3) “Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and **what actions the subject took or is in the process of taking, that would require the immediate use of force** ~~leading up to the use of~~ **or** deadly force.

PROCEDURE

A. REASONABLE FORCE

- a. The use of force must always be objectively reasonable from the perspective of a reasonable officer in the same situation given the totality of the circumstances at the time the force was used. Deputies or correctional officers may use force only when it is a reasonable response to a particular situation, and even when force is justified, deputies or correctional officers must use only the amount of force that is appropriate under the circumstances.
- b. When reasonable alternatives, other than the use of force, are impractical, unavailable, or have been tried and were unsuccessful an objectively reasonable amount of force may be used to:
 - i. To defend against an imminent threat of death or serious bodily injury to the officer or to another person;
 - ii. To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury;
 - iii. Overcome resistance or attempts to evade arrest or lawful detention;
 - iv. Prevent ~~injury, death,~~ **the escape of someone in custody** or the commission of a crime;
 - v. Maintain safety and security including compelling compliance with jail regulations or a lawful and reasonable order after the inmate has demonstrated a refusal to comply voluntarily after **repeated requests, over a reasonable time, with reasonable efforts or techniques to obtain compliance without force;**
 - vi. Assist medical staff with the lawful administration of involuntary anti-psychotic medication; and:
 - vii. Enforce a lawful court order **after repeated requests, over a reasonable time, with reasonable efforts or techniques to obtain compliance without force;.**
- c. Even in the situations listed above, if, based on the circumstances, no amount of force is

reasonable, then a deputy or correctional officer is not permitted to use force.

- d. There must be a **causal and reasonable** relationship between the need for the use of force and the amount of force used. The level of force used by the deputy or correctional officer must be justified by the necessity of the objective and additionally, in some cases, the inmate's level of resistance.

B. SELF-DEFENSE OR DEFENSE OF OTHERS

A deputy or correctional officer may always use objectively reasonable force to protect himself or herself or others from bodily injury. If a deputy or correctional officer reasonably believes that an inmate poses an imminent threat of death or serious bodily injury and conventional force options are impractical, unavailable, or have been tried and were unsuccessful, the deputy or correctional officer is justified in using that force which is reasonable based on the totality of the circumstances **as described in Subsection A.**

C. LEVEL OF FORCE

The level of force is determined by considering both the type of force used and the amount of force used. A lower level use of force can be used to reduce the need for greater force, but a deputy or correctional officer is not required to attempt a lower level use of force before resorting to greater force, so long as the force used is ~~objectively reasonable~~ **meets the criteria under Subsection A.**

D. PROHIBITED FORCE

- a. A deputy or correctional officer may not use force (1) when there is no legitimate need for force, (2) in an amount or in a manner that is excessive, or (3) after force is no longer necessary to control the inmate. It is never acceptable for a deputy or correctional officer to use force for retaliation, intimidation, or punishment. Unless an inmate has made clear, immediate, unconditional, or specific verbal threats and poses an immediate physical threat to the deputy, correctional officer or others, it would be a violation of this policy for a deputy or correctional officer to use force solely in response to an inmate's swearing at, yelling at, or otherwise verbally provoking the deputy or correctional officer, **or delaying compliance with an order when such delay does not pose a significant security risk at that time.**
- b. Except when a deputy or correctional officer reasonably believes that an inmate poses an imminent threat of death or serious bodily injury and other types of force are impractical, unavailable, or have been tried and were unsuccessful, deputies and correctional officers shall not:
 - i. Direct punches, knee strikes, or kicks to the head, face, neck, spine or groin;
 - ii. Intentionally strike an inmate's head or face **or push an inmate's head or face** against a wall, floor, or other hard fixed object;
 - iii. Use force that restricts the inmate's ability to breathe;
 - iv. Use an unconventional or unauthorized weapon **or control hold** against an inmate; or
 - v. Use an authorized weapon **or control hold** against an inmate in an unauthorized manner or if the deputy or correctional officer has not been trained in the use of that weapon **or control hold.**

E. EFFORTS MADE TO AVOID OR TEMPER THE SEVERITY OF A FORCEFUL RESPONSE

- a. Deputies and correctional officers should not unnecessarily provoke or worsen a volatile situation by antagonizing an inmate or inmates. Deputies and correctional officers may not:
 - i. Intentionally incite inmate-on-inmate, inmate-on-staff or staff-on-inmate violence;
 - ii. Intentionally degrade, taunt, or antagonize an inmate;
 - iii. Direct racial, ethnic, homophobic, or other slurs at an inmate; or
 - iv. Continue to interact with an inmate when such interaction is unnecessary and is

antagonizing the inmate (for example, following a use of force or a serious verbal confrontation between a deputy/correctional officer and an inmate, if staffing levels permit, it is preferable to have an uninvolved deputy/correctional officer escort the inmate to medical, holding, or segregation).

- b. Deputies and correctional officers should make reasonable efforts to avoid a use of force or to minimize the force that is needed by using techniques that involve some combination of communication, time and distance in an attempt to gain voluntary compliance. For example, deputies and correctional officers should consider:
 - i. Giving an inmate time to calm down and become less agitated;
 - ii. Attempting to de-escalate or defuse the situation by utilizing de-escalation communication techniques, such as tactical communications, with an inmate, as opposed to only giving orders;
 - iii. Giving clear and direct orders to inmates and giving them a reasonable amount of time to comply; and/or
 - iv. Using a lower level of force.
- c. In any situation where a use of force has occurred or can reasonably be anticipated, staff shall call a supervisor to the scene as soon as practicable and safe to do so.

F. SPECIAL CONSIDERATIONS WITH USE OF FORCE WITH INDIVIDUALS WITH PHYSICAL MENTAL HEALTH, DEVELOPMENTAL, OR INTELLECTUAL DISABILITIES AND SELF-HARMING INMATES

- a. When faced with a potential use of force situation, including a cell extraction, involving an inmate with physical, mental health, developmental, or intellectual disabilities, deputies and custody staff should attempt to use de-escalation techniques or Crisis Intervention Training (“CIT”) to gain voluntary compliance. If de-escalation techniques or CIT are unsuccessful, if practicable and safe to do so, a mental health professional should be called both to consult with staff and attempt to talk the inmate into compliance. If the inmate is the subject of a behavior plan, the mental health professional should follow the plan if practicable and safe to do so. If appropriate, an inmate may be given time to calm down and become less agitated. If the inmate is secured in a cell, nonessential staff should withdraw from the immediate area if safe to do so.

~~In the case of 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 deputies and correctional officers are authorized to use reasonable force immediately.~~

- b. The Conducted Energy Device (“Taser”) should not be used when the subject is obviously, or known to be, pregnant except in extraordinary circumstances. 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 body. 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, the staff, or the public. In such cases, the Captain, or his or her designee when he or she is not available, shall be advised as soon as possible. Whenever practical and safe to do so, staff should seek approval from the Captain, or his or her designee when he or she is not available, prior to applying restraints to a pregnant inmate in labor, during delivery, or in recovery after delivery. Restraints shall be removed when a **medical** professional 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.
- c. Use of the restraint chair on an inmate known to be pregnant is prohibited.

G. STAFF RESPONSIBILITY TO AVOID, PREVENT, AND REPORT EXCESSIVE FORCE

- a. Any employee who becomes aware of possible misconduct by another employee of this Office or violation of this policy shall immediately notify a supervisor and document it in a written report. Inmate verbal requests to speak to a supervisor shall be conveyed to a supervisor within a reasonable time.
- b. Deputies and correctional officers have a duty to prevent each other from using excessive force. In those circumstances, a deputy or correctional officer shall take appropriate action based on the information known to the deputy or correctional officer at the time, consistent with safety and security, in an effort to reduce or stop the force being used, and must notify a supervisor immediately after the incident.
- c. Any reports of excessive force shall be documented and investigated, **and all evidence of the alleged excessive force, such as video recordings, shall be preserved according to County retention policies and submitted with the report.**
- d. When a complaint of excessive force is submitted as an inmate grievance, the standard published grievance process ~~may~~ **shall** be used to document the complaint., **and all evidence of the alleged excessive force, such as video recordings, shall be preserved according to County retention policies and submitted for review of the grievance.**
- e. If a supervisor conducting a use of force investigation (pursuant to the standard published grievance process) receives a complaint of excessive force arising out of the incident under investigation, then the supervisor shall document and investigate the complaint as part of the use of force investigation **and preserve all evidence according to County retention policies.** If it appears to the supervisor conducting the use of force investigation that a complaint of excessive force may be substantiated or requires substantial additional investigation, the supervisor shall notify the Facility Commander or his or her designee when he or she is unavailable. The term "Facility Commander" as used in this policy refers to the Captain of the Correctional Facility.
- f. The Facility Commander shall ensure the allegation of excessive force is documented, **all evidence preserved according to County retention policies,** and shall determine how such complaints will be investigated pursuant to the Undersheriff's instruction. The Undersheriff may choose to conduct an administrative investigation at the facility or may request that the Professional Standards Unit conduct the investigation. Except in extraordinary circumstances, excessive force investigations at the facility level shall not be conducted by a supervisor who participated in, or witnessed, the use of force.
- g. All reports of use of force whether in the form of grievances or complaints involving excessive force shall be brought to the Facility Commander's or his or her designee's attention when he or she is unavailable. In investigating the reporting of alleged excessive force or an investigation into excessive force and after the supervisor's investigation is complete, the Facility Commander shall review and either approve the completed investigation or refer the incident for further action **and shall preserve all evidence according to County retention policies.**

H. MEDICAL TREATMENT

- a. Staff shall ensure medical personnel are notified after any intermediate or significant use of force (defined below). Medical **Services** personnel shall assess the condition of every inmate involved in the Use of Force incident, as soon as practical following the incident. Staff should document in the IR which medical **service** personnel responded and whether or not the inmate needed additional treatment or was cleared for housing.
- b. An inmate who refuses medical assessment or treatment must make the refusal to a member of Medical Services. An inmate's statement to a deputy or correctional officer

that the inmate intends to refuse medical treatment will not justify the deputy's/correctional officer's failure to notify Medical Services. Medical Services personnel shall document an inmate's refusal of assessment or treatment in the inmate's medical record.

- c. If a Use of Force is first reported by an inmate to a member of Medical Services, the member of Medical Services shall promptly document the claim in the inmate's medical record and notify a Jail Supervisor/Sergeant. The Jail Supervisor/Sergeant shall ensure that a grievance form is promptly provided to the inmate.

I. COMPRESSIONAL ASPHYXIA

During use of force incidents, staff shall be aware of, and attempt to mitigate, the risks associated with "compressional asphyxia." Staff shall avoid, to the extent possible under the circumstances, placing their weight on an inmate's upper back or torso in a way that compresses the chest and/or impairs the inmate's breathing. If a deputy or correctional officer places his or her weight on the inmate's upper back or torso in order to apply restraints, once the inmate is secured and compliant, staff shall place the inmate in a recovery position. In any use of force, but particularly in those instances in which staff may have placed weight on the inmate's back or torso, staff shall look for signs that the inmate is having difficulty breathing. If an inmate has difficulty breathing, or says that he or she cannot breathe, medical assistance shall be called for immediately.

J. PLANNED ENCOUNTERS

There are situations where deputies or correctional officers have some opportunity to plan prior to an encounter that is reasonably expected to lead to a use of force, such as a cell extraction. When practical and safe to do so, deputies or correctional officers should use this opportunity to attempt to resolve the situation without the need for force. A supervisor shall be present to direct deputies or correctional officers in any planned encounter. Unless circumstances dictate otherwise, the following should occur in a planned encounter:

- a. Reasonable attempts to gain compliance with verbal communication;
- b. Video recording of the entire encounter, up to its resolution or termination, including any de-escalation attempts, orders or warnings (video should be archived and preserved according to County retention policies);
- c. Consultation with medical staff;
- d. Medical staff on-scene or on stand-by during the encounter;
- e. Use of de-escalation techniques/Crisis Intervention Training;
- f. Giving an inmate a reasonable amount of time to calm down and become less agitated (what constitutes a "reasonable" amount of time may vary under the circumstances);
- g. The use of Oleoresin Capsicum ("OC") first, if time and circumstances permit unless OC is not medically advisable;
- h. Waiting a reasonable amount of time between applications of OC to give the OC time to work;
- i. Consideration of whether or not the purpose of the encounter is important enough to justify a potential use of force and
- j. Use of appropriate protective equipment.

K. USE OF FORCE REPORTING

The reporting responsibilities for each level of reportable force is as follows. Note that a supervisor may change the level of a reportable use of force based on updated medical information.

Any use of force that is greater than what is necessary to guide, direct, or assist an inmate is a reportable use of force. The use of the Emergency Restraint Chair, takedowns, control holds/pressure points, OC, Conducted Energy Device, batons or expandable batons, extended range impact weapons (less-lethal shotgun or 40 mm launcher), or any firearm are always reportable. A reportable use of force can be Minor, Intermediate or Significant.

- a. **MINOR USE OF FORCE:** A minor use of force includes any reportable use of force that does not result in injury, or a complaint of persistent pain, and does not involve the use of a takedown or less-lethal or non-lethal device (OC, Conducted Energy Device, Baton, or extended range impact weapons). Any deputy or correctional officer engaging in, or witnessing, a minor use of force shall submit a detailed written account of the incident prior to going off shift, unless a supervisor orders otherwise. Every minor use of force shall be reported to the chain of command by the supervisor for the deputy or correctional officer involved in the use of force using internal tracking procedures.
- b. **INTERMEDIATE USE OF FORCE:** An intermediate use of force includes any use of force that results in a complaint of persistent pain or any injury other than serious bodily injury or death or, or any use of a takedown, OC, Batons and/or Expandable Batons, Conducted Energy Device™ or extended range impact weapons that does not result in serious bodily injury or death. Any deputy or correctional officer engaging in, or witnessing, an intermediate use of force shall submit a detailed written account of the incident prior to going off shift, unless a supervisor orders otherwise. Every intermediate use of force shall be reported to the chain of command by the supervisor for the deputy or correctional officer involved in the use of force using internal tracking procedures.
- c. **SIGNIFICANT USE OF FORCE:** A significant use of force includes any use of force that results in serious bodily injury or death. Serious bodily injury means any injury causing serious impairment of physical condition and includes, but is not limited to: loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement. Any deputy or correctional officer engaging in, or witnessing, a significant use of force shall submit a detailed written account of the incident prior to going off shift, unless a supervisor orders otherwise. Every significant use of force shall be reported to the chain of command by the supervisor for the deputy or correctional officer involved in the use of force using internal tracking procedures.
- d. In any instance in which a supervisor has ordered or authorized a deputy to refrain from submitting a written report of a use of force, the authorization and the reason for the authorization shall be documented in an incident report.

L. GUIDELINES FOR DOCUMENTING A USE OF FORCE

- a. The Incident/Crime Report must accurately document, to the best of the deputy's or correctional officer's ability, and to the extent applicable:
 - i. Time, date and location of the incident;
 - ii. Identity of all participants and witnesses known to the deputy or correctional officer;
 - iii. The threat perceived by the deputy or correctional officer;
 - iv. The specific type(s) and amount of force used and why that level of force was used;
 - v. The inmate's specific actions and statements before and during the incident which created the need for force, and/or changed the level of force required;
 - vi. Any efforts made to avoid or temper the severity of the forceful response;
 - vii. The extent of any obvious injuries and/or complaints of pain;
 - viii. Whether medical care was offered, and what medical care, if any, was provided;
 - ix. Whether any photos, videos, audio recordings or other evidence related to the incident exist and are preserved **according to County retention policies**; and
 - x. Any other factors or information that has a bearing on the incident.
- b. When explaining the justifications for a use of force, a deputy or correctional officer must only rely on the information the deputy or correctional officer knew at the time the force

was used. A deputy or correctional officer shall not use any information that he or she learns after a use of force as a justification for his or her actions. For example, if a deputy or correctional officer did not believe an inmate was armed at the time the deputy or correctional officer used force on the inmate, but the deputy or correctional officer later learned that the inmate had a weapon at the time, it would be a violation of this policy for the deputy or correctional officer to state that force was used because the inmate was armed. It is never acceptable for one deputy or correctional officer to dictate to another deputy or correctional officer what the justification for force was or for a deputy or correctional officer to allow another deputy or correctional officer to influence how he or she reports the use of force. A deputy or correctional officer can always document relevant information he or she learns after a use of force, but the deputy or correctional officer must clearly describe how and when that information was learned. For example, "While reviewing the video after the use of force; I saw..." Submitting an intentionally false or misleading report is grounds for discipline, up to and including termination.

M. INJURY NOTIFICATION

- a. Any time an inmate, deputy, or correctional officer is injured as a result of a use of force, the supervisor shall notify the Captain or his/her designee through the chain of command. The supervisor shall notify the Captain or his/her designee whenever a use of force has resulted in the transportation of an inmate or an employee to the hospital due to injuries.

N. USE OF FORCE REVIEW PROCESS

- a. All minor use of force reports shall be reviewed by a supervisor who holds a rank of sergeant or above. All intermediate and significant use of force reports shall be entered by a sergeant and reviewed by a lieutenant, and the Jail Commander. All significant use of force reports, and intermediate use of force reports, at their discretion, may also be reviewed by the Professional Standards Unit (PSU). Every use of force will be reviewed to determine if the force used was objectively reasonable under PC 835a and within policy. This review will be:
 - i. Based on the totality of the facts and circumstances known to the deputy or correctional officer at the time the force was used;
 - ii. From the perspective of an objectively reasonable deputy or correctional officer in the same situation, ~~based on the totality of the circumstances known to or perceived by the correctional officer or deputy at the time;~~
 - iii. ~~Without the benefit of 20/20 vision of hindsight; and~~
 - iv. That the totality of the facts and circumstances shall take into account for occasions when whether the correctional officers or deputies may be forced needed to make a quick judgments about using force.
- b. In evaluating whether the force used was objectively reasonable as required by PC 835a, the following additional specific factors will be considered:
- c.
 - i. The relationship between the need for the use of force and the amount of force applied;
 - ii. Any efforts made by the deputy or correctional officer to temper or to limit the amount of force;
The effort made by the deputy or correctional officer to use non-violent means to deescalate or resolve the situation;
 - iii. The extent of any injuries;
 - iv. The severity of the security problem at issue;
 - v. Whether the inmate was actively resisting or assaultive; and

- vi. The legitimate governmental interest in managing the facility in which the inmate is detained, and the necessity of maintaining order and institutional security. (Kingsley v. Hendrickson 135 S.Ct. 266))

- d. If at any stage of review the reviewing supervisor identifies possible criminal conduct or policy violations, the division captain, or his or her designee if he or she is unavailable, shall be consulted. Depending on the circumstances, a criminal investigation and/or an administrative investigation may be conducted.
- e. Even when a use of force is objectively reasonable **and within the policy in effect at the time**, there may still be some potential for improvement by an individual deputy or correctional officer or the Sheriff's Office as a whole. Sometimes, in retrospect, new and better approaches can be identified. Even when a use of force is determined to be within policy, the use of force and the events leading up to it should be closely scrutinized. Based on this assessment, supervisors and command staff should develop recommendations for new or revised training, changes or additions to policy, modifications to the facility, or other agency wide improvements. The Undersheriff will review and implement these recommendations whenever appropriate. Any training issues or deficiencies identified during the review process shall be addressed with the involved personnel and any corrective action and/or remedial training documented in accordance with the policy.

O. USE OF FORCE REVIEW

- a. The Professional Standards Unit (PSU) may review any use of force to determine or offer recommendations that may include but are not limited to the following:
 - i. Use of force was within policy **and the bounds of PC 835a**;
 - ii. **Although the use of force was within policy and the bounds of PC 835a**, with there are identified training, supervision, policy, or equipment issues;
 - iii. Use of force was out of policy **and not within the bounds of PC 835a**.
- b. In any instance in which the PSU identifies policies supervision or training issues or determines that the use of force is inconsistent with policy **or PC 835a**, appropriate disciplinary and/or corrective action shall be taken.

P. POLICIES PERTAINING TO SPECIFIC METHODS OF FORCE

All of the foregoing policies apply to every use of force within the Corrections Division. The following additional rules apply to the specific methods of force.

Q. LESS-LETHAL SHOTGUN

- a. Only the Sheriff's Office issued less-lethal shotgun(s) shall be used with less-lethal rounds. Only qualified deputies and correctional officers who have received and successfully passed training on the use of the less-lethal round shall use the less-lethal shotgun.
- b. Depending on the manner of use and/or the nature of any injuries sustained, the deployment of less-lethal munitions may be investigated as a lethal force encounter. But use of the less-lethal shotgun shall always be reported, whether or not there is contact, and will be documented as a use of force.

R. OLEORESIN CAPSICUM ("OC")

- a. OC is available for use by all trained personnel within the Sheriff's Office. OC can be used to reduce the physical force needed to effectively control combative or violent inmates and to minimize or prevent physical injuries to inmates and deputies/correctional

officers. OC should not be used as a replacement for de-escalation techniques. Generally, deputies or correctional officers should:

- i. Give a verbal warning before using OC;
 - ii. Limit the number of applications of OC to three (3) per incident; and
 - iii. Wait a reasonable amount of time, usually at least 30 seconds, between applications of OC to give the OC time to work.
- b. No verbal announcement is required prior to application of OC if making such an announcement would endanger deputies or correctional officers or others, or if an announcement is otherwise impractical.
- c. Deputies and correctional officers shall follow the training guidelines related to safe usage. As soon as it is safe to do so, any inmate exposed to OC should be offered clean clothing and an opportunity to wash/decontaminate exposed areas. The exposed inmate(s) should also be cleared by medical.

S. BATONS AND/OR EXPANDABLE BATONS

- a. Batons and/or Expandable Batons (“Batons”) are available for use by all trained personnel within the Sheriff’s Office. Batons can either be fixed, wooden batons or **metal???** expandable batons used for the purpose of controlling violent subjects who pose an immediate threat to Sheriff’s Office members, inmates or other members of the public.
- b. Appropriate use of a Baton is intended to help reduce the risk of injury to inmates, Sheriff’s Office members and members of the public. Batons shall not be used as a means or method of punishment.
- c. Batons may only be used in a manner consistent with the policy. Generally, the Baton should not be deployed:
 - i. To overcome passive resistance;
 - ii. Outside Sheriff’s Office training recommendations;
 - iii. When the inmate is no longer actively resisting;
 - iv. When the subject is obviously, or known to be, pregnant except in extraordinary circumstances **and then not to the front of the torso in the vicinity of the breasts or stomach of female inmates;**
 - v. With direct and intentional strikes to the face, head, neck, ~~and~~ groin, **or the breasts or stomachs of female inmates;**
 - vi. When the subject is visibly enfeebled due to advanced age or illness; and
 - vii. When subjects are handcuffed or otherwise restrained, absent overtly assaultive behavior that cannot be reasonably overcome by any other less intrusive manner.

T. THE CONDUCTED ENERGY DEVICE (“TASER”)

- a. The term “Conducted Energy Device,” as used in this manual, refers to a class of electronic control devices which discharge probes and deliver an electronic charge to an individual for the purpose of controlling violent or potentially violent subjects who pose an immediate threat to Sheriff’s Office members, inmates or other members of the public.
- b. Appropriate use of the Conducted Energy Device is intended to help reduce the risk of injury to inmates, Sheriff’s Office members, and members of the public. The Conducted Energy Device shall not be used as a means or method of punishment.

- c. A Conducted Energy Device may only be deployed when objective information or intelligence indicates that the suspect poses an immediate threat. Generally, the Conducted Energy Device should not be deployed:
 - i. To overcome passive resistance;
 - ii. Outside Sheriff's Office training recommendations;
 - iii. Without a verbal announcement of the intended use of the Conducted Energy Device (if time permits the making of a verbal announcement);
 - iv. To cause multiple applications or continuous cycling resulting in an exposure longer than 15 seconds (whether continuous or cumulative);
 - v. Without allowing time between applications for the inmate to comply;
 - vi. When the inmate is no longer actively resisting;
 - vii. When the subject is likely to fall from a precarious position, such as at the top of a staircase, or a ledge;
 - viii. When the subject is obviously, or known to be, pregnant except in extraordinary circumstances;
 - ix. With direct and intentional application of the probes or drive stun function to the face, head, neck, ~~and groin~~, **and in females, the breasts and stomach**;
 - x. When the subject is visibly enfeebled due to advanced age or illness; and
 - xi. When subjects are handcuffed or otherwise restrained, absent overtly assaultive behavior that cannot be reasonably overcome by any other less intrusive manner.
- d. Deputies or correctional officers who have successfully completed a Sheriff's Office approved Conducted Energy Device course and have been issued a Conducted Energy Device may carry the Conducted Energy Device while on duty unless otherwise dictated by assignment. Possession of Conducted Energy Devices in the jail facilities by *any other* personnel shall not be permitted.
- e. No verbal announcement is required prior to application of the Conducted Energy Device if making such an announcement would endanger deputies, correctional officers or others, or if an announcement is otherwise impractical.
- f. Probes imbedded in a subject's skin shall be removed as soon as practicable by licensed medical personnel.
- g. Use of the Conducted Energy Device shall always be reported as a Use of Force Incident, whether or not there was contact.

U. USE OF RESTRAINTS

Restraint equipment shall be used only as intended by commercial manufacturers and in a manner consistent with training. Restraints shall not be used as a form of discipline, or as a substitute for treatment.

V. EMERGENCY RESTRAINT CHAIR

- a. The emergency restraint chair shall only be used with the approval of a supervisor to temporarily restrain an inmate for a reasonable amount of time. An inmate may not be placed in the restraint chair for longer than two (2) hours without reauthorization by the supervisor. An inmate shall not be placed in the restraint chair for a determinate length of time but rather must be released by a supervisor as soon as the inmate has established that he or she is able to maintain control. Use of the restraint chair on an inmate known to be pregnant is prohibited.

- b. A video recording device and/or video surveillance camera shall be used to record the placement of the inmate in the emergency restraint chair and to continuously record the inmate in the emergency restraint chair until he or she is finally released from the chair. Video shall be retained as required by County policy.
- c. Medical staff shall assess the condition of an inmate, preferably before placement in the emergency restraint chair, but in all cases within one hour of such placement. Thereafter, a medical staff member shall at a minimum check the inmate's vital signs at least once each hour.
- d. Staff shall check inmates in emergency restraint chairs at least twice every 30 minutes. Medical staff and a supervisor shall be present when inmates are removed for hydration and sanitation reasons. Deputies or correctional officers shall attempt to remove restraints at least once an hour to allow inmates to exercise their extremities in a range of motion exercise (to prevent circulatory problems). A supervisor and medical staff shall oversee the exercise. All such procedures shall be documented on the observation log. Staff shall explain on the observation log why extremities could not be exercised and a supervisor shall be notified.
- e. Water and toileting shall be offered to restrained inmates on an hourly basis and at mealtimes. Such offers shall be documented on the log. A supervisor and health services personnel shall respond if restrained inmates express a need to use a toilet.
- f. Deputies or correctional officers shall note on the log if the inmate refuses or the extremities could not be exercised and why.
- g. Immediate appropriate medical attention shall be summoned in the event an inmate's physical or mental health is compromised or deteriorates while restrained. Automated External Defibrillators ("AED") shall be available at each facility.

W. SPIT MASK

- a. The "spit mask" may be used on an inmate when there is a reasonable expectation the inmate may attempt to spit on or bite any person in his/her proximity.
- b. The spit mask is not reusable on any other inmate and is not an adequate substitute for the medical mask placed on inmates with contagious disease. The spit mask may, however, be used in conjunction with the medical mask to prevent the inmate from dislodging the medical mask.

X. OTHER RESTRAINTS

- a. Generally inmates shall not remain in restraints while confined in cells. In most cases, restraints shall be removed promptly once the cell door is closed. However, for the safety of inmates and staff, it occasionally may be necessary to place an inmate in a cell while still restrained.
- b. Inmates shall be left restrained only with the approval of a supervisor when less restrictive alternatives would be ineffective in controlling the behavior and when one or more of these conditions apply:
 - i. They display behavior resulting in the destruction of property, or reveal intent to cause physical harm to self;
 - ii. Their behavior prevents the removal of restraints or there is a substantial likelihood the removal of restraints would result in a use of force.

- c. Restrained inmates shall be housed alone and shall be subject to the medical and safety observation, review, and logging requirements as well as clothing, water, toileting and exercise requirements.
- d. Waist chains may be used for restraining inmates within the facility and being transported from or to a jail facility based on security requirements.

Y. TRAINING ON USE OF FORCE POLICY

- a. Every deputy and correctional officer within the Corrections Division shall receive a copy of this policy. Every deputy and correctional officer working in the Corrections Division shall receive at least six (6) hours of initial training on this policy and the skills mentioned therein.
- b. After the initial training, every deputy and correctional officer shall receive refresher training every two (2) years to ensure continued knowledge and understanding of this Policy. Such training shall be documented.