

<p align="center">GEORGIA DEPARTMENT OF JUVENILE JUSTICE</p>	<p align="center">Transmittal # 15-06</p>	<p align="center">Policy # 8.30</p>
<p>Applicability: {x} All DJJ Staff {x} Administration {x} Community Services {x} Secure Facilities (RYDCs and YDCs)</p>	<p>Related Standards & References: ACA Standards: 3-JDF-3A-26, 27, 28, 29,30, 3-JDF-3B-14, 4-JCF-2A-27, 4-JCF-2A-28, 4-JCF-2A-29, 4-JCF-2A-30 17-4-20 49-4A-8 NCCHC Juvenile Health Care Standards, 2011: Y-A-10 Aikido Control Tactics Curriculum DJJ 3.26, 8.5, 8.15, 8.31, 20.9</p>	
<p>Chapter 8: SAFETY, SECURITY AND CONTROL</p>	<p>Effective Date: 5/11/15 Scheduled Review Date: 5/11/16</p>	
<p>Subject: Use of Force Continuum</p>	<p>New Policy <u>Replaces:</u></p>	
<p>Attachments: A – Pepper Ball Equipment Inventory Sheet B – Post Chemical Intervention Care C- OC Flow Sheet</p>	<p>DJJ 8.30 Physical Intervention Continuum dated 5/15/12, DJJ 8.33 OC Spray and the Pepperball System dated 5/1/13, DJJ 20.9 Use of OC by Community Services dated 6/15/13</p> <p>Secure Facilities Division</p> <p>APPROVED:</p>  <hr/> <p>Avery D. Niles, Commissioner</p>	

I. POLICY:

Department of Juvenile Justice Staff will use the least restrictive alternative use of force when ensuring the safety of youth in their care. DJJ staff will use only reasonable force to bring an incident or event under control. All uses of force must be objectively reasonable and utilized in the most humane and safe manner.

II. DEFINITIONS:

Authorized weapon: Those weapons issued and assigned by the Department of Juvenile Justice and with which the officer has qualified and received agency training on proper and safe usage.

Behavioral Health Evaluation: A brief mental status exam completed by a Juvenile Detention Counselor or qualified mental health professional following an incident.

First Aid: Initial treatment given by a staff member trained in providing first aid to a sick or injured youth to preserve life, prevent further injury, or promote recovery.

Force: The amount of influence or effort necessary to affect the desired outcome.

Force (Deadly Force): That force which creates substantial risk of causing death or serious bodily injury.

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Force (Non-Deadly): All uses of force other than those likely to cause serious bodily harm or death.

Forcible Felony: (OCGA 16-1-3) Any felony which involves the use or threat of physical force or violence against any person.

Injury Severity Rating: A numerical rating assigned by medical services staff that indicates the extent of a youth's injury.

Least Restrictive Alternative: The least amount of restriction necessary to manage acting-out individuals (Staff presence, direct verbal instructions.)

Mechanical Restraint Device: Any device used to completely or partially constrain a person's bodily movement (See DJJ 8.31 Restraint of Youth).

Objectively Reasonable as it relates to Deadly Force encounters: The legal standard used to determine the lawfulness of a use of force is in the Fourth Amendment to the United States Constitution. (See *Graham vs. Connor*, 490 U.S. 386 (1989)) The force must be reasonable under the circumstances known to the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard, rather than a subjective standard.

Oleoresin Capsicum (OC) Spray: A derivative of the cayenne or chili pepper. An aerosol designed to incapacitate violent or combative subject without causing harm.

Pepperball System: Non-lethal chemical agent delivery system that uses high-pressure air (CO2), and large capacity hoppers (limited capacity magazines) to deliver powder projectiles from a safe distance. This system combines chemical agent exposure with kinetic impact.

Qualified Mental Health Professional (QMHP): Mental health staff with education, training, and experience adequate to perform the duties required in accordance with professional standards. When the QMHP is required to complete assessments or provide individual counseling to youth with mental illness, the QMHP must have at least a master's degree in a mental health related field and training and experience in the provision of mental health assessment and counseling procedures. A mental health intern under the supervision of a QMHP may perform the functions of a QMHP.

Serious Bodily Injury: (18 USC) An injury that creates a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or results in long-term loss or impairment of the functioning of any bodily member, organ, or mental faculty.

Use of Force: Physical force used to compel an individual to take action against his/her will or to prevent a subject from taking action that would be damaging to him/her, other persons, or property directed toward another. This may involve the direct laying on of hands or putting of an object into motion that touches the individual; therefore oleoresin capsicums (OC Spray), Paperball system, ASP Baton, and the use of firearms.

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Use of force Continuum: A graduated system of control measures to be employed by staff as a guide for the purpose of maintaining positive control of an individual enforcing lawful directives and protecting self or others from injury. The Continuum defines the levels of resistance and the levels of control that are available to control the behaviors of individuals. The use of force continuum includes least restrictive alternatives up to deadly force.

Special Incident Report (SIR): A report that provides details regarding an event involving individual, employees, and/or facilities/programs/offices (owned, operated, or contracted) that interrupts normal procedure or precipitates a crisis.

III. GENERAL PROCEDURES:

- A. DJJ staff will use a positive approach to building healthy relationships including effective communication and establishing a structured, consistent environment.
- B. DJJ staff will utilize the use of force continuum as a guide in the course of their job duties as taught by the Office of Training.
- C. DJJ staff has the right to defend themselves. Incidents involving the use of force not approved by DJJ will be investigated and administratively reviewed to determine whether the situation warranted such use.
- D. Untrained staff will only physically intervene in a life-threatening event when no other trained staff is available to respond or in non-life threatening events when the trained staff requires that level of assistance. Untrained staff will use the minimum level of intervention necessary to safely manage the situation.
- E. In all instances where time permits and video cameras are available, the use of force and other incidents involving individuals will be recorded. (See DJJ 8.15, Video Cameras)

IV. USE OF FORCE CONTINUUM:

- A. The safety of the youth shall be the staff's primary concern. The least restrictive alternative will serve as the guideline authorized by DJJ to manage acting-out behavior. Use of force shall never be used as a means of punishment.
- B. It is acknowledged that an individual's escalation/resistance and/or the threat level can escalate or deescalate suddenly. When this occurs, the staff member will be required to respond according to the use of force continuum guideline as taught by Office of Training.
- C. Use of force will be permitted in the following circumstances:
 - 1. Defense of self;

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2. Protection of youth, staff, or others;
3. Prevention of substantial damage to property when that damage could legitimately cause a safety hazard;
4. Escape prevention;
5. Enforcement of lawful orders and directives, and
6. Execute an arrest.
7. Note: Deadly force must not be used to protect property, prevent youth escapes, or execute an arrest.

D. Staff will consider the age, size, gender, level of physical skill and/or disability, and other disparate factors between the staff and the individual then determine the use of force necessary in order to stop or have the subject stop his/her inappropriate, unlawful, or dangerous behavior.

E. When an individual is restrained, physically or mechanically, the head must be able to rotate freely, the airway must be unobstructed at all times, and the lungs must not be restricted by excessive pressure on the back or chest. The individual will remain facedown only for the length of time required to physically subdue an individual and/or secure a mechanical restraint. After the physical or mechanical restraint is secured, the individual will be immediately turned on his/her side or brought to his/her feet. (See DJJ 8.31 Restraint of Youth and DJJ 20.9 Use of security equipment)

V. OC SPRAY AND PEPPERBALL SYSTEM:

A. Only staff specifically trained by the Office of Training will be issued the OC product canister as a part of his/her standard equipment. The employee shall carry and use OC Spray/Pepperball in accordance with the training guidelines.

B. Storage of Pepperball system

In Secure Facilities, the Pepperball Equipment Inventory Sheet (Attachment A) will be posted at the storage location of the Pepperball equipment.

C. Use of OC Products:

The following factors should be considered prior to the use of OC spray:

1. The number of individuals involved;
2. The actions and physical stature of the individual involved;

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3. The setting/surroundings;
 4. The number of staff available to handle the situation; and
 5. If the individual is in possession of a weapon.
- D. Staff will afford individuals the opportunity to comply prior to the use of OC spray by issuing a verbal warning if possible.
- E. Use of OC products will be recorded with a camera. Recording will begin prior to the individual being sprayed. The recording will be held as evidence and given to the Office of Investigations. If the incident is not recorded, written justification must be included in the Special Incident Report (SIR).
- F. The notification process through the chain of command will begin immediately after the use of OC or Pepperball systems.
- G. First Aid:
1. Staff and individuals exposed to OC products will be decontaminated as described in (Attachment B) Post Chemical Intervention Care.
 2. Immediately (30-60 seconds) after the use of OC product, the individual may be mechanically restrained to prevent further aggressive behavior. (Individuals will be restrained only for the time necessary to gain and maintain control.)
 3. In secure facilities, as soon as possible, the following actions will be taken in the order indicated:
 - a) The person who deployed the OC product or Pepperball System or the supervisor will immediately notify the medical services staff on duty or on-call of its use.
 - b) When medical services staff are on site, they will immediately respond with the emergency kit.
 - c) When medical services staff are not on site, the on-call medical services staff will evaluate the individual's status through discussion with the on-site staff. The on-call medical services staff will return to the facility as clinically indicated to evaluate the individual in person, or advise emergency medical treatment. The individual will be evaluated in person by medical services staff as soon as possible, but no later than 12 hours after the use of the OC product.

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4. In Communities, if the individual appears to be experiencing any severe or allergic reaction, (difficulty breathing, shortness of breath, chest pain, facial swelling, etc.) emergency medical treatment will be immediately called.
5. If the individual experiences continuous difficulty breathing, shortness of breath, chest pain, loss of consciousness, or facial swelling, emergency medical treatment will be required. The Director and health care staff will be notified when emergency medical treatment is required.
6. Following the use of an OC product, the individual will not be left unattended while experiencing any symptoms from the OC product, or for a minimum of one hour. The individual will be under the constant observation of a staff member who will document the effects of the OC product every 5 minutes using the OC Flow Sheet (Attachment C). If the individual continues to experience effects from the use of OC product beyond one hour, the medical services staff on duty or on call will be notified, and the constant observation will continue until the individual is medically cleared.

VI. USE OF BATON:

- A. Only staff specifically trained by the Office of Training or an approved certification course shall carry and use a baton in accordance with the training guidelines.
- B. Officers will only carry batons that are issued and authorized by the Department of Juvenile Justice (i.e., Armament Systems and Procedures (ASP)).
 1. The use of Baton will be permitted in the following circumstances:
 - a) Defense of self; and
 - b) Protection of youth, staff or others.
 2. Strikes to the following areas and techniques will not be accepted as defensive techniques and will not be considered proper use of the baton:
 - a) Head and face;
 - b) Spine;
 - c) Groin area; and
 - d) Throat or Larynx.
 3. The only exceptions to the prohibitions listed above will be in a life or death situation.

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4. Flashlights will not normally be used as impact weapons, except in those cases where a sudden, violent attack on an officer precludes the use of other means of defense.

VII. FOLLOWING A USE OF FORCE INCIDENT:

- A. Notification will be made and a Special Incident Report completed in accordance with DJJ 8.5 Special Incident and Child Abuse Reporting.
- B. Medical attention will be given immediately to any injuries suffered because of a use of force incident. If the youth is in distress and medical services staff are not present, the youth will be immediately transported to the emergency room.
- C. Within Secure Facilities:
 1. When the medical services staff is on site, youth must be escorted to the medical unit no later than 2 hours after the time of the incident. When the medical services staff is not present, the on-call medical services staff must be contacted if an injury is present or youth is in distress. If the youth is not in distress, the youth will be examined in the medical unit upon staff arrival, but always within 12 hours of the incident.
 2. In a facility with medical services staff on duty less than 10 hours a day, as authorized in writing by the DJJ Medical Director, the medical services staff must complete the medical evaluations following an incident as soon as he/she arrives or within 16 hours of the incident, whichever comes first. The medical services staff will promptly perform the examination in the medical unit to ensure that the youth does not present injuries received after the actual incident.
- D. Within the community, following the use of force by Community Services staff, the youth/individual will be immediately referred for any needed medical attention.

VIII. USE OF DEADLY FORCE:

- A. In determining the appropriate level of force in a deadly force incident, officers shall evaluate each situation in light of facts and circumstances of each particular case. Factors used to determine reasonableness may include, but are not limited to:
 1. The seriousness of the crime or suspected offense;
 2. The level of threat or resistance presented by the subject;
 3. Whether the subject was posing an imminent threat to officers or a danger to the community;
 4. The potential for injury to citizens, officers or subjects;

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5. The conduct of the subject being confronted (as reasonably perceived by the officer at the time);
 6. The time available to an officer to make a decision;
 7. The availability of other resources;
 8. The training and experience of the officer;
 9. The proximity or access of weapons to the subject; and
 10. The environmental factor and/or exigent circumstances.
- B. Firearms constitute deadly force and may be used only in situations where there is danger of death or serious bodily harm to self or others. Firearms may not be discharged if less extreme measures will suffice. Firearms may not be discharged for the purpose of protecting property.
1. An oral warning can be given by the officer prior to the use of a firearm. However, if doing so would place officer or others in imminent deadly harm, an oral warning is not mandatory.
 2. The officer will not fire a warning shot prior to discharging his/her weapon at the subject.
- C. Circumstances in which the use of deadly force (i.e., discharging a firearm) is authorized:
1. Per O.C.G.A. 17-4-20 (Arrest by law enforcement officers generally), when the officer reasonably believes that the subject poses an immediate threat of physical violence to the officer or others, and that violence is likely to cause serious bodily harm or death; or
 2. To prevent the commission of a forcible felony;
- D. Once the officer has determined that the use of deadly force is necessary; the officer will discharge weapon until the threat is no longer causing harm to officer or others. An officer shall discharge a weapon to stop the threat.
- E. When deadly force is used and results in an injury, upon first opportunity after the scene is secured, the officer shall immediately:
1. When a firearm is involved, holster the weapon, without unloading, or reloading it;
 2. Determine the physical condition of any injured person and render first aid;

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3. Request emergency medical aid;
4. Notify immediate supervisor of the incident and location; and
5. Attempt to detain all witnesses. If they refuse to stay, try to get their names for future reference.
6. Unless injured, the officer will remain at the scene until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (e.g., violent crowd), the ranking officer at the scene shall have the authority to instruct the officer to move to another, more secure location.
7. The officer shall protect his/her weapon for examination and submit to the appropriate investigator.
8. The officer shall prepare a detailed report of the incident in accordance with DJJ 8.5 Special Incident Report.

F. Treatment of Officer

1. In every instance in which an officer (or an employee) uses deadly force, where such use results in death or serious bodily injury to another person, the officer shall be placed on leave with pay and provided with counseling by a licensed mental health professional (See DJJ 3.26 Employee Assistance Program).
2. The officer shall be available at all times for official interviews and statements regarding the case, and shall be subject to recall to normal duty at any time after the preliminary investigation.

IX. AFTER AN INCIDENT INVOLVING A WEAPON:

The following procedures must be followed:

- A. In the event of death or critical injury to a youth, staff member, or third party, the officer on the scene will make every reasonable effort to secure immediate medical treatment.
 1. Call 911 or local law enforcement and secure the scene.
 2. The officer will make the necessary contacts through their chain of command.
 3. The Commissioner or his designee will request the GBI to conduct the investigation.

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4. The Commissioner or his designee will request an Internal Affairs Investigator to respond.
- B. In the event of injury or Complaint of Injury to the youth, a staff member, or third party, the officer shall make every effort to ensure the injury is properly treated. Such efforts may include:
 1. Call 911 or local law enforcement and secure the scene;
 2. Administer CPR/First Aid as appropriate; and
 3. If the youth or other person subjected to a use of force is in custody, a medical examination will be recommended to the Sheriff's Office or custodial agency.
 - C. Assault upon an Employee without a Responding Use of Force

If a DJJ employee is assaulted by a youth or other person in the line of duty or at another time because of their position as an employee of the Department of Juvenile Justice, that incident will also be investigated and reported in the same manner as a Use of Force.

X. PERSONAL LIABILITY AND VIOLATIONS OF POLICY:

- A. DJJ staffs are personally responsible for any violations of constitutional rights of a youth or of any other person who may be affected by an officer's use of force or weapon. Excessive or unnecessary use of force or weapons will not be tolerated. Any unjustified violations of these conditions set forth in the foregoing policy and procedures shall subject the employee to immediate disciplinary actions, which may include termination, prosecution, or both.
- B. Any supervisor who authorizes an employee or knowingly allows an employee to violate the conditions set forth in the foregoing policy and procedures without mitigating justification will be held administratively liable and will be subject to immediate disciplinary action, which may include termination, prosecution, or both.

XI. LOCAL OPERATING PROCEDURES REQUIRED: NO