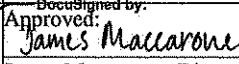


MISSISSIPPI DEPARTMENT OF HUMAN SERVICES DIVISION OF YOUTH SERVICES JUVENILE INSTITUTIONS	
Subject: Use of Force	Policy Number: 1
Number of Pages: 9	Section: VII
Attachments Form VII.1.A- Pepper Spray Protocol	Related Standards & References ACA 3-JTS-3A-18, ACA 3-JTS-3A-16 ACA 3-ITS-3A-28, ACA 3-JTS-3A-31 ACA 4-JCF-2A-17, ACA 4-JCF-2A-29
Effective Date: 10/23/06 Revised: 1/06/2010, 10/03/2011, 6/01/2016, 8/9/2017, 2/16/18	<small>DocuSigned by:</small> Approved:  James Maccarone, Director

I. POLICY

It is the policy of the Mississippi Department of Human Services, Division of Youth Services that, to prevent injuries to staff and youth, only the minimal amount of force necessary shall be used to control a youth or situation in the facility. Any use of force shall be fully documented and reported. Use of mechanical and chemical restraints, (except during transportation) shall be imposed only with authorization by the Facility Administrator/designee. Use of physical force is limited to situations where no alternative is available. In no event is the use of physical force used as punishment.

II. DEFINITIONS

As used in this policy and procedure, the following definitions apply:

- A. **Use of Force:** Intentional physical contact or use of restraint equipment or techniques to control behavior in a confrontational or unsafe situation.
- B. **Excessive Use of Force:** Use of force that exceeds or falls outside of the procedurally authorized response to behavior or an event being managed or the premature use of approved methods when circumstances did not require such interventions.
- C. **Physical Restraints:** Facility authorized and trained holds used by staff to subdue an otherwise uncontrollable youth in order to prevent the youth from injuring him/herself or others. Does not include escort techniques and routine contact with compliant youth.
- D. **Mechanical Restraints:** Mechanical devices such as plastic or metallic handcuffs or wristlets, chains, or anklets, or any other approved or authorized device used to restrict physical movement.
- E. **Chemical Restraints:** Chemical devices used (such as pepper spray, mace, etc.) to prevent an out-of-control youth from injuring him or herself or others.
- F. **Uncontrollable Behavior** — Behavior exhibited by youth that poses a serious threat to the safety of self or others and/or the regular operations of the facility. Behavior that is seriously threatening, assaultive or destructive.

Subject	Policy	Page
Use of Force	VII.1	2 of 9

- G. Incident Reports:** The form used to document that an unusual event or incident, which details relevant information and circumstances.
- H. Administrative Review:** A review of incident details by management staff for accuracy, comprehensiveness and improved institutional practices, including incident reports, videotapes, witness statements and medical reports.

III. PROCEDURE

- A. Use of Force: Any deliberate physical contact with a youth in a confrontational situation is considered to be a use of force. The force can be physical contact or the use of equipment to control behavior in a confrontational situation.
1. Mere touching that includes shaking hands or placing a hand on a youth's shoulder in a non-confrontational situation, body searches for security purposes, or the application of restraints for transportation to court or another facility in a non-confrontational situation are not considered the use of force and do not fall under the incident reporting provisions of this policy.
 2. Only security staff or personnel who have been trained in the, application of physical force and restraints shall take necessary measures. Staff shall only use physical force or mechanical restraints as is necessary to bring the situation under control. As soon as the youth regains self-control, use of physical force and/or mechanical restraints shall cease.
 3. Except for routine transportation, during the time that a youth is in mechanical restraints staff must:
 - a. Provide one on one crisis intervention when youth show signs of distress; this intervention shall be conducted by a supervisor, unit counselor, or QMIIP if available.
 - b. If a youth is placed in a room while wearing mechanical restraints a staff member shall be either in the cell with the youth or directly outside the cell providing constant observation. The individual providing constant observation shall be named in the incident report describing the event. Restraints should be removed as soon as practical after a youth is placed in the cell.
 - c. A Supervisor must check the status of the youth every 15 minutes or until the mechanical restraints are removed by staff.
 - d. Interact as is appropriate; continuing to check the behavior and demeanor of the youth.
 - e. Ensure periodic assessments are performed by mental health and medical professionals, if available. This check should be at least once an hour.

Subject	Policy	Page
Use of Force	VII.1	3 of 9

f. The event will be recorded in the unit log book as well as on an incident report.

B. Prohibitions on the Use of Force 1.

Abusive Institutional Practices:

- a. Restraining a youth as punishment and using techniques such as hog-tying or pole shackling; or the use of any practice or method of control not authorized is strictly prohibited. The following shall never be used as a means of force on youth:
 - i. Restraint chairs;
 - ii. Restraining youths to fixed objects (i.e. beds, pipes or walls);
 - iii. Hitting youth with a closed fist;
 - iv. Shoving, pushing, kicking, or striking a youth;
 - v. Using pressure point holds; or joint manipulations;
 - vi. Using choke holds or prone restraint techniques on youth, as these may cause positional asphyxiation.
- b. Keeping a youth in restraints for a period of time beyond what is necessary for the youth to regain control and begin to comply with the staffs instruction. A supervisor shall check the youth every 15 minutes.
- c. Denying youth reasonable access to toilet and hygiene supplies while they are in restraints.

C. Levels of Force: All authorized forms of restraint are intended to be used only as necessary to regain control of an unsafe situation or one that has become unmanageable by other means. They are not intended for, and shall never be used as a means of punishment. The following levels of force are authorized under the described circumstances:

1. Verbal Commands: Verbal requests or commands shall be given to a youth before and during any use of force situation. If the youth complies with the verbal commands, no further force shall be used. Verbal commands themselves do not constitute a use of force. De-escalation and crisis intervention techniques and skills shall be employed to facilitate verbal commands.
2. Physical Restraints: The first level of force available to a staff member is the use of his or her hands. The employment of physical restraint shall only include the techniques taught by the approved training method. If circumstances require immediate action or non-physical alternatives have failed, staff may physically

Subject	Policy	Page
Use of Force	VII.1	4 of 9

restrain a youth using the following guidelines:

- a. The force used in physical handling shall be only as much as is reasonable and necessary in the circumstances and utilizing the approved techniques taught in training.
- b. The type and amount of force used is consistent with the Division's training on use of force tactics and techniques. The training curriculum currently "Controlled Force", shall be used to teach staff to physically restrain youth. Staff shall use restraint techniques taught in that program and properly document the application of this method on an incident reports in detail.
- c. Use of physical restraint involves application of methods taught in the "Controlled Force" curriculum. Staff using those methods must be appropriately trained and certified in its use and be able to record on Incident Reports the specific methods employed and the sequence in which they were utilized.
 - i. Mechanical Restraints: Unless there is an emergency situation that requires immediate action to prevent the escape, assault upon another or one's self, and/or the destruction of property, every reasonable attempt should be taken to obtain prior authorization. Authorization for the use of Mechanical restraints may only be given by the Shift Supervisor or higher authority, time and circumstance permitting. The application of mechanical restraints may only be exercised by staff trained in the proper use of force. When time and circumstance do not permit prior authorization, the incident must be adequately documented and reported to the Administrator at the earliest possible opportunity. Use of mechanical restraints is restricted to necessary applications:
 - ii. To gain control of out-of-control youths, whose behavior threatens imminent harm to the self or others.
 - iii. As a precaution against escape during transport or movement following an incident.
 - iv. When used as transport, use must be documented in the log book and called into control as "secure transport."
 1. Youth requiring restraints for transportation shall have the need reviewed by the facility administrator every three days. Steps shall be taken to graduate out of restraints within 7 days. If the youth's behavior does not conform to acceptable conduct a written statement must be prepared by the administrator and placed in the youth's Master File.
 2. A youth who continues to be non-compliant shall be evaluated and

Subject	Policy	Page
Use of Force	VIII	5 of 9

treated by a QMHP following the 7 day time period. The treatment shall be daily until the youth can control his/her behavior and graduate out of restraints.

D. Justification for Using Force: The use of force shall be a last resort. Every effort shall be made to manage youth's behavior by lesser means, to remind youth about the rules and expectations of the facility. Supervision of activities and youth shall be provided to discourage and prevent unacceptable behavior. Intervention shall be directed at resolution without force. Utilization of the approved physical control methods shall occur only when time and circumstances require an immediate response. The use of verbal interventions shall be used in lieu of physical force whenever possible. Five situations are recognized that may justify the use of force on a youth exhibiting seriously out of control behavior. They are:

To Prevent Escape: To secure youth attempting to escape from custody or supervision.

2. Justifiable Self Defense: If staff members realize they are in immediate danger of being assaulted or injured in some way, force may be used; and the youth must have the means and the opportunity to inflict harm. Verbal threats are not sufficient justification of the use of physical force.
3. To Protect Another Person(s): Staff shall intervene if a youth is harming or indicates clear intent to harm another youth, staff member, visitor, or member of the public.
4. To Avoid Significant Property Damage: Action should be taken to prevent a youth from continuing to damage or destroy property especially when related to facility security and life safety systems.
5. Seriously Out of Control Behavior: See policy VIT.10: Behavior Management Isolation.
6. The justified causes for use of force are to be noted on the incident report.

E. Storage/Availability of Security Equipment: Restraint equipment shall be stored in a secure area for emergencies, inventoried and inspected before issue. The availability, control, and use of security equipment shall be the responsibility of the Security Administrator. Handcuffs shall be distributed at the beginning of each shift to authorized staff only. Only restraint equipment authorized by written policies and procedures shall be used in a situation requiring the use of force. Staff authorized to use restraint equipment shall be trained in the proper application and use of restraint equipment annually. (See policy IV.I Training Management)

F. Levels of Force: All authorized forms of restraint are intended to be used only as necessary to regain control of an unsafe situation or one that has become unmanageable by other means. They are not intended for, and shall never be used as a means of punishment. Pain compliance techniques are not

Subject	Policy #	Page
Use of Force	VII.1	6 of 9

authorized forms of force at the facility. The following levels of force are authorized under the described circumstances:

1. **Verbal Commands:** Verbal commands shall be given to a youth before and during any use of force situation. If the youth complies with the verbal commands, no further force shall be used. Verbal commands themselves do not constitute a use of force. De-escalation and crisis intervention techniques and skills should be employed to facilitate verbal commands.
2. **Physical Restraints:** The first level of force available to a staff member is the use of his or her hands. The employment of physical restraint shall only include the techniques taught by the approved training method if circumstances require immediate action or non-physical alternatives have failed, staff may physically restrain a youth using the following guidelines:
 - a. The force used in physical handling shall be only as much as is reasonable and necessary in the circumstances and utilizing the approved techniques taught in training.
 - b. The type and amount of force used is consistent with the Division's training on use of force tactics and techniques. The training curriculum currently Controlled Force shall be used to teach staff to physically restrain youth. Staff shall use restraint techniques taught in that program and properly document the application of this method.
 - c. Use of physical restraint involves application of methods taught in the "Controlled Force" curriculum. Staff using those methods must be appropriately trained and certified in its use and be able to record on Incident Reports the specific methods employed and the sequence in which they were utilized.
 - d. All use of physical restraints must be documented on an incident report.
3. **Chemical Restraints:** Approved chemical agents shall only be used as a last resort in circumstances where there is an immediate threat of harm to others, or where a weapon or hostage situation is present, or the potential exists to lose physical control of a unit or area of containment. Use of a chemical restraint can only be authorized by the Facility Administrator and must be used by trained staff under the supervision of a shift supervisor. Refer to Form VII.1 Pepper Spray Protocol.
 - a. **Presence of a Weapon:** Spray may be used when a youth is out of control, and possesses a weapon.
 - b. **Group Disturbance:** Spray may be used if a group of youth is refusing to comply with instructions and one or more of the circumstances justifying the use of force are present including the threat of a loss of the ability to contain and isolate the group.
 - c. **Usage:** Chemical Spray is to be used in a manner consistent with the manufacturer's directions and within the guidelines provided by an agency

Subject	Policy #	Page
Use of Force	VII.1	7 of 9

approved training program. Storage and staff access to chemical agents is defined by policy (VITA- Inventory and Control of Restraint Equipment). Access and possession is limited to staff persons who are properly trained in the appropriate use of such agents in addition to of other approved restraint equipment and techniques. No person may be in possession of chemical agents except that they are trained in the proper use of the device and are working in a post or assignment that is authorized to possess the device.

- d. Staff training must include the proper use of force, proper application of the agent, decontamination of the agent and residual effects, alerts to restrictions on use and medical contraindications, mandatory medical follow up, comprehensive incident reporting and documentation, care and handling of the delivery device and documentation of the devices weight, recording of measured contents of canisters both when issued and returned for storage each shift.
- e. All use of chemical agents shall be independently reviewed by knowledgeable and appropriately trained staff persons from the Office of Program Integrity.

G. Medical Treatment: Medical staff shall be consulted whenever force is used to treat injuries and to assess potential injuries. Medical staff shall exam any youth that has been involved in a use of force incident to determine if any injuries have been sustained. Medical staff shall assess the youth in an area that is out of sight and sound of other individuals. Refer to Policy X1.26 Emergency Response and Services. This assessment shall occur as soon as feasible after the event. This assessment is not required when restraints are used just for transporting on campus.

1. Any suspected, alleged, or declared abuse shall be reported consistent with agency policy and state law related to mandatory reporting of abuse or neglect allegations. These inquiries shall be documented in the medical record and steps taken to preserve evidence including pictures of all injuries observed or reported. Refer to Policy VII.5 Abuse and Neglect Reporting
2. Immediate medical attention shall be given to youths if injuries were suffered or the youth complains of injuries.
- 3 The medical staff shall photograph, all injuries received by youth. This should include any bruises, scrapes, or marks received during the use of force incident. Photos should be dated and time noted. Photos shall also be taken to document the lack of alleged injuries. Photos of youth injuries shall be placed into the medical record. Photos of all injuries shall be attached to the Incident Report.

H. Reporting the Use of Force: The Shift Supervisor shall collect documentation when a use of force incident occurs, via an Incident Report. (For instruction on form completion, see Policy V11.2- Incident Reporting) All staff who witness an incident involving the use of force shall submit written witness statements, The Shift Supervisor is responsible for notifying the Facility Administrator/designee and taking steps necessary to manage the incident, respond to injuries, and protect youth and

Subject	Policy #	Page
Use of Force	VII.1	8 of 9

staff, preserve evidence and restore order.

1. A concise explanation of the events leading to the use of force and the reasons for using such force.
 2. A description of the restraint method used and why it was necessary, including the order of "Controlled Force or other approved techniques used.
 3. A description of the restraining devices, if any, the manner in which it was used and the length of time or duration of its use.
 4. A description of the injuries suffered, if any, and the treatment given and/or received.
 5. A list of all staff and students that were either involved and/or witnessed the incident.
- I. Reporting of Other Uses of Mechanical Restraints: The staff shall document in the log book and call into Control as "secure transport" when mechanical restraints are used in situations other than for Use of Force. Mechanical restraints can be used for transport of a juvenile due to the youth causing or threatening to cause physical harm or substantial property damage that puts in jeopardy the safe operation of the facility.

J. Incident Reviews: All use of force applications shall be reviewed by the Shift Supervisor, and administrative staff. All incidents, including those reported by youth, involving the use of physical force and/or physical, mechanical, chemical, and or shall be reviewed to ensure compliance with the facility's policies and procedures; to ensure that such incidents are reported appropriately, expected practices are upheld and to protect youth from undue restraints. This includes but is not limited to the following standards:

1. Physical force, chemical restraints, or mechanical restraints are not used for punishment, discipline or treatment plans.
2. Documentation of all uses of restraint includes a detailed description of the methods or techniques used by staff, including de-escalation efforts, application of Controlled Force holds (and detailed descriptions of each), and any approved uses of mechanical restraint devices.
3. The Facility Administrator shall regularly review (and document review of) incidents involving use of physical force and maintain a file in the office for at least one year after each incident is reported.

K. Training: Training in the use of force policy shall be provided as follows:

1. Pre-service: New employees shall be trained in the use of force policy before they are assigned to work in areas where youth are housed or present. Such training shall consist of:

Subject	Policy #	Page
Use of Force	VII.1	Page 9 of 9

- a. A comprehensive overview of the Use of Force Policy and Procedure, including a briefing on the legal obligation of staff with respect to protection of youth from harm.
 - b. Instruction on the use of appropriate restraint techniques, which have been approved by the Division.
 - c. Observation and Application of all DYS approved methods of restraint.
 - d. Utilization of videos and the participation of staff in mock drills intended to demonstrate and improve skills in the utilization of approved methods of response.
 - e. De-escalation techniques
 - f. Conflict Resolution/management
 - g. Crisis Intervention management
 - h. Assaultive behavior.
 - i. Use of less restrictive methods of managing and controlling problematic situations.
 - j. Documentation and reporting requirements.
3. How to handle physical evidence caused by an incident:
- a. The evidence shall be documented and placed into containers, sealed and a chain of evidence established in compliance with agency procedures for evidence management, handling and storage by the security/direct care staff.
 - b. Staff shall be trained to handle evidence and properly collect and store evidence and in the proper documentation to support a chain of evidence. Training shall be documented in their training file.
4. Controlled Force and Core Curriculum either initial or refresher shall be received annually. Documentation of afore mentioned training shall be updated on a monthly basis.