



SHAWNEE COUNTY DEPARTMENT OF CORRECTIONS  
ADULT DETENTION CENTER

POLICIES AND PROCEDURES

Institutional Operations  
Section A: Security and Control

Approved By: \_\_\_\_\_

  
Brian Cole, Director

Policy No.: IO-A-25 Title: Use of Force

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General Use  Employees Read Only  Forms/Appendices

**POLICY:**

Employees of the Shawnee County Adult Detention Center (ADC) shall be authorized to use physical force in controlling inmate behavior only as a last resort when necessary to achieve one or more of the following purposes:

- Self-defense;
- Defense of others;
- Maintenance of facility order and security (prevention of facility disturbances);
- Prevention of criminal activity;
- Prevention of suicide or self-mutilation;
- Prevention of escape;
- Recapture of escapee; or
- Prevention of serious property damage.

The level of force applied in a given situation shall be proportionate to the circumstances and shall not exceed the minimum level and duration needed to gain control. Whenever possible, alternative methods of gaining inmate compliance shall be attempted prior to employing force.

**The use of force, including the application of restraints, shall never be authorized for punishment of an inmate.** The application of a restraint for a routine escort purpose with no resistance on the part of the inmate shall not be considered a use of force.

All security employees that supervise inmates shall receive initial and annual training in approved methods of self-defense and in the use of force as a last resort to control inmates.

**DEFINITIONS:**

**Approved Oleoresin Capsicum (OC Spray):** A device that discharges a form of oil and resin of red and cayenne pepper designed to cause temporary discomfort through a burning sensation on the skin and sudden increase in mucous discharge. Approved departmental OC Spray shall be water-based to prevent any type of a potential flash reaction resulting in burning or a flame. OC Spray is considered a non-deadly force that can be used to disable a person temporarily.

**Cell Extraction:** The application of force and/or tactic used by a group of employees trained in the use of force when it is determined a planned use of force is necessary for the control and restraint of an inmate.

**Deadly Force:** The application of force and/or tactic that is likely to result in serious physical injury or death.

**Electro-Muscular Disruption System (Stun Device):** An electrical energy device designed to disrupt the central nervous system and cause temporary loss of muscle control, either by firing two probes into the body or by direct contact (drive stun) with the body. A Taser and a Bandit/REACT transport restraint are two examples of this type of device.

**Impact Control Weapons:** A hard intermediate control device that is generally used in larger-scale disturbances and crowd control to conduct a strike or other type of impact/effect on the body of a person. Examples of this type of weapon are the riot baton, expandable baton, gas or projectile launcher, and hand-thrown grenade.

**Lethal Firearm:** A firearm that will, when discharged, deliver a bullet into a person's body causing potential serious injury or death.

**Mechanical Restraint:** Any device used to restrict the movement of an individual, including but not limited to handcuffs, restraint waist belt, leg irons, leather restraints, and elongated restraints.

**Non-Deadly Force:** The application of force and/or tactics that, when properly applied, are not likely to result in death or serious physical injury.

**Planned Force:** The application of force pursuant to a plan devised by the site supervisor to gain control of an inmate or group of inmates to meet a purpose authorized by this policy.

**Reactive Force:** The application of force in a situation requiring an immediate response by employees to gain control of an inmate or group of inmates to achieve a purpose authorized by this policy.

**Restraint Chair:** A chair designed to restrict an inmate's movements that shall only be used when all other less restrictive measures have been attempted and failed. The use of the restraint chair must be clinically or custody ordered.

**The WRAP:** An ankle strap, leg sleeve and companion upper-body harness designed to immobilize the upper-body and legs. May also be used with nylon wrist cuffs, arm restraining band, or padded latex headgear as designed by the manufacturer.

## **PROCEDURES:**

### **I. Reactive Use of Force**

- A. An employee shall be authorized, without prior supervisory approval, to use the minimum effective level of force necessary:
  1. To gain control of an inmate whose behavior presents an immediate danger to the employee, the inmate, or others;
  2. To foil an escape attempt in progress; or
  3. To prevent severe damage to or destruction of property.
- B. An employee that is involved in the need to use reactive force shall call for assistance prior to utilizing reactive force, unless the employee or another person is under immediate threat of serious injury or death.
  1. Whenever possible, the employee shall wait for assistance to arrive prior to using reactive force.
- C. Examples of instances in which the use of reactive force may be an appropriate response shall include, but not be limited to:
  1. A fight between inmates;
  2. To prevent imminent serious damage to property; or

3. To prevent injury or death to a person.
- D. An employee involved in a reactive use of force incident shall:
  1. Apply the minimum degree of force reasonable and necessary to contain the inmate;
  2. Minimize the amount of time the inmate is placed in physical or mechanical restraint;
  3. Immediately report the incident verbally to the shift supervisor, requesting any further direction or guidance that may be needed in addressing the situation;
  4. Inform the shift supervisor whether the incident involved the emergency use of a stun device, approved OC spray, or mechanical restraint;
    - a. Along with the previously listed use of force equipment, the primary transport officers shall also report the use of an impact control weapon to the court transport supervisor.
  5. Comply with the requirements of this policy for monitoring the condition of any inmate placed in restraint, as well as medical assessment and treatment, if needed, of inmates subjected to the application of force; and
  6. Complete written report requirements contained in Section X.

## II. Planned Use of Force

- A. If an inmate has been identified as seriously mentally ill or is displaying mentally ill behavior or actions, the shift supervisor shall take reasonable steps to utilize an employee who has training to address a mentally ill person in crisis to verbally de-escalate an inmate's behavior or actions.
  1. The decision to continue with the planned use of force shall be made by the shift supervisor.
- B. Whenever the shift supervisor determines that it is necessary to apply force to meet one or more of the purposes authorized by this policy and the nature of the incident provides sufficient time for a planned response, the site supervisor shall:
  1. Contact facility medical personnel to determine if the inmate has any medical condition that would exclude the use of any specific level of force or force device (i.e. stun device, OC spray, mechanical restraint);
  2. Develop a plan for the safest and most efficient use of force in the situation;
    - a. The plan shall be based on the minimum degree of force reasonable and necessary to contain the inmate and the scene.
    - b. The plan shall minimize the amount of time the inmate is placed in physical or mechanical restraint.
    - c. If deemed necessary, a cell-extraction team shall be utilized.
      - 1) The site supervisor shall not be the cell extraction team leader but shall be responsible for designating a cell extraction team leader and remaining cell extraction members.
      - 2) The cell extraction team leader shall be responsible for designating the specific assignments to each cell extraction team member.
  3. Appoint an employee to video-record the planned use of force from the staging process through the completion of the use of force;
    - a. The employee assigned to operate the video camera shall have no direct participation in the application of force.
      - 1) Medical personnel assigned to observe the use of force and to provide any necessary medical care shall not be utilized to operate the video camera or participate in the application of force.
    - b. Prior to the planned use of force, the employee assigned to video-record the event shall record each participating team member with the face shield of his/her helmet up as the team leader describes the assigned duties for the upcoming event.
      - 1) Each team member shall introduce himself/herself and state his/her assigned position for the team on video before placing the face shield of his/her helmet in the down position.

- 2) The medical personnel present for the cell extraction shall also introduce himself/herself on video.
  - c. The team leader shall ensure he/she executes the following on video before instructing the team to enter the cell:
    - 1) Request the inmate's compliance;
    - 2) Order the inmate's compliance; and
    - 3) Warn the inmate that the cell extraction team will conduct a use of force if he/she refuses to comply with all orders.
  - d. The employee assigned to video-record the planned use of force event shall video-record the entire event in a continuous and uninterrupted manner, maintaining an unobstructed view of the application of force throughout the event.
  - e. The Intelligence and Investigation (I & I) Division shall be responsible for retrieving the recorded incident from the camera.
4. Ensure the module is locked down prior to implementing the planned use of force;
  5. Direct and ensure an employee monitors the inmate's condition in compliance with this policy;
  6. Ensure completion of all written reports required in Section X; and
  7. Conduct a debriefing following the event, whereby all participants review and evaluate the manner in which the planned use of force was conducted, the outcome, and suggestions for improvements in procedure.
- C. When an inmate fails to comply with restraining procedures necessary to relocate the inmate to another cell, employees shall attempt to resolve the situation through verbal de-escalation/communication techniques.
1. If the supervisor determines the use of OC spray may be necessary to gain compliance, the supervisor shall attempt to gain the inmate's compliance first through intensive verbal communication, with at least the last verbal attempt recorded by video camera.
  2. If the last verbal attempt fails, the supervisor may discharge OC spray into the inmate's cell to attempt to gain the inmate's compliance for the relocation, depending on the inmate's history of behavior and the current actions of the inmate.
  3. If the site supervisor deems it necessary for the safe relocation of the inmate, the supervisor shall then form a cell extraction team, if not already done so, for a planned use of force to enter the cell and relocate the inmate.
  4. The supervisor directing the relocation shall stand by the cell extraction team, prepared to utilize OC spray or a stun device during the relocation, if deemed necessary.
    - a. If the inmate is relocated to the Special Housing Unit, the supervisor shall ensure he/she is complying with the Management of Segregation Inmates policy, IO-A-29.

### **III. Continuum for the Use of Force**

- A. Except when circumstances warrant the emergency use of reactive force, as described in Section I, a use of force shall not be employed unless authorized by the shift supervisor and directed by the site supervisor.
- B. The Use of Force Continuum, detailed in the table at the end of this section, shall be used as a guide in assessing the appropriate level of employee intervention whenever a planned or reactive use of force becomes necessary to achieve one or more of the purposes authorized by this policy.
- C. Unless circumstances dictate otherwise, attempts to gain inmate compliance through communication and show of force shall be made prior to engaging in the use of force.
- D. Whenever a determination is made that force is required, an employee shall employ the option from the continuum representing the lowest level of force reasonable and necessary to gain control of the inmate(s).
- E. Use of force shall never be authorized or allowed for the purpose of punishing or harassing an inmate.
- F. Each use of force incident shall be documented by the supervisor authorizing and/or reacting to the use of force on a Use of Force Report (IO-A-25 Form 1).

- G. Whenever any type of physical force is applied to an inmate, an employee shall obtain a medical assessment of the inmate from medical personnel immediately following the incident, followed by appropriate treatment as necessary.
1. If the inmate has an alleged and/or visible injury, the shift supervisor shall ensure that a photo(s) of the affected area(s) is taken and attached to appropriate reports.
- H. Use of force and/or restraints for specialized purposes shall be addressed in the following policies:
1. ADC IO-A-22 – Emergency Restraint Devices;
  2. ADC IO-A-24 – Armory Equipment and Storage;
  3. ADC IO-A-28 – Transport of Adult Inmates; and
  4. DOC AM-D-01 – Employee Training and Development Program.

**USE OF FORCE CONTINUUM**

LEVEL OF FORCE (in ascending order)	INMATE BEHAVIOR
<p><b>Officer Presence – No Physical Contact</b></p> <ul style="list-style-type: none"> <li>• Identification of authority/command presence.</li> <li>• Body language/demeanor.</li> <li>• Observation/scene survey.</li> </ul>	<p><b>Attempt at Psychological Intimidation</b></p> <ul style="list-style-type: none"> <li>• Facial expressions/gestures.</li> <li>• Body posturing.</li> <li>• Attempting to harm self.</li> </ul>
<p><b>Communication and Verbal Direction – No Physical Contact</b></p> <ul style="list-style-type: none"> <li>• Dialogue/verbal de-escalation strategies.</li> <li>• Direct order or command, accompanied by show of force (increased security presence).</li> </ul> <p><i>The threat of use of OC spray or stun device shall not be considered verbal de-escalation.</i></p>	<p><b>Verbal Non-Compliance</b></p> <ul style="list-style-type: none"> <li>• Threats.</li> <li>• Response indicating unwillingness to comply.</li> </ul>
<p><b>Contact Control – all prior techniques on continuum plus:</b></p> <ul style="list-style-type: none"> <li>• Soft Empty Hand Control and restraining techniques, such as:             <ul style="list-style-type: none"> <li>○ Strength techniques/arm bar restraining.</li> <li>○ Joint locks.</li> <li>○ Pressure points.</li> </ul> </li> <li>• Mechanical restraints (handcuffs) to assist with control and movement of the inmate to a secure area (removed as soon as inmate has been successfully secured in a cell).</li> <li>• Placement of inmate on the floor should not generally be necessary – escort to secured area with inmate walking.</li> <li>• STARR 3-on-1 Carry of inmate as dead weight may be necessary.</li> </ul> <p><i>These methods do not generally cause bruising or injury.</i></p>	<p><b>Passive Resistance</b></p> <ul style="list-style-type: none"> <li>• Does not take physical action to defeat an officer's attempt to control, but does not comply voluntarily.</li> <li>• Dead weight.</li> </ul>

LEVEL OF FORCE (in ascending order)	INMATE BEHAVIOR
<p><b>Physical Intervention – all prior techniques on continuum plus:</b></p> <ul style="list-style-type: none"> <li>• OC Spray.</li> <li>• Natural counter measures aimed at vulnerable body/pressure points.</li> </ul> <p><i>Minimal probability of injury.</i></p>	<p><b>Defensive Physical Resistance</b></p> <ul style="list-style-type: none"> <li>• Physical action taken to prevent an officer from gaining control but not to inflict harm, such as:           <ul style="list-style-type: none"> <li>○ Pulling or pushing away.</li> <li>○ Evasion.</li> <li>○ Resistance to handcuffing.</li> </ul> </li> </ul>
<p><b>Aggressive Physical Intervention - all prior techniques on the continuum plus:</b></p> <ul style="list-style-type: none"> <li>• Stun device.</li> <li>• Hard Empty Hand Control techniques (only when contact control techniques are ineffective):           <ul style="list-style-type: none"> <li>○ Front ankle kicks.</li> <li>○ Knee strikes.</li> <li>○ Palm heel strikes.</li> <li>○ Shoulder pin.</li> </ul> </li> <li>• Use of impact control weapons such as batons to non-lethal points of the body.</li> <li>• Use of non-lethal weapons such as distraction devices and firearms that deploy non-lethal munitions may be used during disturbances, riots, or hostage-taking.</li> </ul> <p><i>High probability of injury.</i></p>	<p><b>Active Physical Aggression</b></p> <ul style="list-style-type: none"> <li>• Physical action/assault taken against an officer or another person with less than deadly force but which may cause injury, such as:           <ul style="list-style-type: none"> <li>○ Advancing.</li> <li>○ Challenging.</li> <li>○ Punching.</li> <li>○ Kicking.</li> <li>○ Grabbing.</li> <li>○ Wrestling.</li> </ul> </li> <li>• Situations may also include inmate participation in disturbances, riots, or hostage taking.</li> </ul>
<p><b>Deadly Force</b></p> <ul style="list-style-type: none"> <li>• Discharge of a lethal firearm.</li> <li>• Natural and impact weapon strikes to fatal body points.</li> </ul> <p><i>Likely to result in death or serious injury.</i></p>	<p><b>Aggravated Active Aggression</b></p> <ul style="list-style-type: none"> <li>• Any force used against an officer and/or another person that may result in great bodily harm or the loss of human life.</li> <li>• Use of a weapon that would likely cause serious injury or death.</li> <li>• Act of an escaping felon (convicted or charged) that poses an immediate threat to an employee or others, when escape is actively in progress and cannot be stopped by a lesser degree of force.</li> <li>• Act of an escaped felon (convicted or charged) that poses an immediate threat to an employee or others and who is eluding recapture while being pursued.</li> </ul>

**IV. Use of Restraints as Use of Force**

- A. Mechanical restraints may be utilized to control the movements of resistive inmates.
- B. Authorized mechanical restraints used individually or in combination with another shall include:
  1. Handcuffs;
  2. Flex cuffs;
  3. Restraint waist belt;

4. Leg irons;
  5. Elongated restraints;
  6. Leather restraints;
  7. The WRAP; and
  8. Restraint chair.
- C. An employee shall be prohibited from restraining an inmate in any unnatural position in which the inmate's breathing could be restricted.
- D. The shift supervisor may authorize an inmate's placement in mechanical restraints for a period of less than 8 hours.
1. The continued placement of an inmate in mechanical restraints for 8 hours or longer shall require the authorization of the Deputy Director of Operations.
- E. If the shift supervisor determines that a pregnant inmate needs to be placed into mechanical restraints, the restraints shall be utilized in the least restrictive way as possible to ensure the inmate's safety and security.
1. Any mechanical restraint used shall not physically constrict the direct area of the pregnancy.
- F. Any time that an inmate is left in restraints following a use of force, an employee shall conduct checks of the inmate randomly every 15 minutes and document the checks on an Inmate Health and Well-Being Checklist (IS-E-18 Form 3).
1. Security employee checks shall include an assessment of the inmate's general well being and need for food, toilet, and water.
  2. An employee shall specifically check the points of restraint on the inmate's body to ensure that no bruising, bleeding, or swelling is occurring.
  3. If security employees notice anything unusual during each check, the officer shall contact medical personnel and a supervisor immediately for further assessment and potential treatment.
- G. The shift supervisor shall assess the need for the inmate's continued placement in restraints at least every two (2) hours and remove the inmate from restraints as soon as possible.
1. The shift supervisor shall document his/her assessment on the inmate's Inmate Health and Well-Being Checklist (IS-E-18 Form 3).
  2. Any time that an inmate is held in restraints (not to include the restraint chair and The WRAP) as a use of force longer than four (4) hours, medical personnel shall be consulted to determine if any medical or mental health reason may be contributing to the inmate's behavior.
    - a. If a medical or mental health reason exists, medical personnel shall make a determination about the need for medications and the possibility of forced medication, if the inmate refuses such treatment.
    - b. The provisions for use of the restraint chair and The WRAP shall be in accordance with the procedures found in the Emergency Restraint Devices policy, IO-A-22.
  3. Another Use of Force Report documenting the inmate's continued placement in restraints shall be completed any time that an inmate remains in restraints from one shift to another.
- H. No inmate shall remain in restraints longer than 24 hours without Deputy Director of Operations' approval.

**V. Stun Device, Impact Control Weapons and OC Spray**

- A. Stun devices, impact control weapons and/or OC spray shall be carried and used only by personnel who have been authorized to do so by the Deputy Director of Operations and who have been trained and certified in their use.
1. Except in facility emergencies, primary transport officers shall be the only personnel authorized to carry and use impact control weapons.
  2. Authorization shall apply only to the stun device models, impact control weapons and/or the OC spray approved and issued by the department.

3. Authorization shall not apply to any off-duty use of any stun devices, impact control weapons or OC spray.
  4. No employee shall be allowed to carry a stun device, impact control weapon or OC spray unless he/she demonstrates proficiency at the conclusion of initial and required refresher training on use of the device.
  5. Training shall be updated as required by safety standards, and each authorized employee shall maintain current certification with the stun device, impact control weapon and/or OC spray agent, as appropriate to his/her authorization.
    - a. The training curriculum for a stun device shall include the proper use of the device, the effects of the use of the device, and the treatment/removal of probes from a person on which the device has been utilized.
    - b. The training curriculum for impact control weapons shall consist of the proper use of impact control weapons.
    - c. The training curriculum for OC spray shall include the proper use of OC spray, the effects of the spray, and the treatment of individuals exposed to the spray.
    - d. Training for certification shall be in accordance with the department's Employee Training and Development policy, AM-D-01.
  6. Employees authorized to use stun devices, impact control weapons and OC spray shall have discretion to utilize the most appropriate method for the circumstances and in accordance with the provisions of this policy.
- B. Stun devices, impact control weapons and OC spray shall not be tested in the presence of inmates.
- C. Stun devices, impact control weapons and OC spray shall be applied in a manner that minimizes the risk of injury to a target inmate or any person in the proximity of the target inmate.
- D. Any accidental firing/use of either a stun device or OC spray shall be documented immediately on an Officer's Report (IO-A-05 Form 14) form and forwarded to the I & I Division and the Deputy Director of Operations.
- E. Stun devices and/or OC spray shall not be used on an employee except when performed for training and/or certification purposes.
1. The training shall be conducted in a controlled environment and shall only be performed by an instructor certified in the use of stun devices.
  2. The training shall be coordinated and arranged through the department's training division before the training is delivered.

## **VI. Use of Stun Device**

- A. A stun device shall normally not be deployed through a passage opening of a cell door except as the direct contact (drive stun) portion of the device if the inmate is actively displaying aggressive behavior.
- B. Stun devices shall never be aimed at an inmate's eyes, face, or groin area.
  1. In the event stun device probes are fired into an inmate's face, neck, or groin area, medical personnel shall examine the inmate and be responsible for the removal of the probes from the inmate.
- C. Stun devices shall never be used on the following persons, except when the person presents an immediate threat of serious bodily harm or death to another:
  1. An inmate whose movements are already somewhat controlled by fully-applied restraints;
  2. A woman known to be pregnant;
  3. A person who is believed to be less than 80 pounds in weight;
  4. A person with known neuro-muscular diseases such as Multiple Sclerosis or Muscular Dystrophy;
  5. A person with known severe heart disease or a heart pace maker;
  6. A person who has just been sprayed with flammable OC spray or other flammable agent and who has not been decontaminated; nor
  7. A person who is listed on the Do Not Stun (DNS) list by the designated medical provider.



- D. Examples of instances in which a stun device might be used shall include, but not be limited to:
  - 1. After employees have separated fighting inmates where one inmate continues to be combative, potentially harming employees or other inmates;
  - 2. A noncompliant inmate with a documented history of aggressive and combative behavior towards employees;
  - 3. Upon the arrival of an arrestee to booking that is extremely aggressive and combative towards employees; and
  - 4. During a court appearance in which the inmate moves aggressively towards another person or away from the officer in an attempt to escape.
- E. When receiving an inmate from an outside agency, an officer that suspects or has knowledge that any type of spray agent was utilized during arrest shall ask the arresting officer about the ingredients of the spray.
  - 1. If an officer determines that the spray utilized by the arresting agency contains something other than water-based ingredients, use of the department's stun devices in controlling the inmate shall be strictly prohibited until the spray has been completely cleared from the arrestee's body and clothes.
  - 2. When an officer determines that a non water-based ingredient spray has been utilized on the inmate, the officer shall notify a supervisor immediately, and the supervisor shall notify appropriate employees of the prohibition of the use of a stun device.
- F. After an officer deploys a stun device to control an inmate, the officer shall:
  - 1. Ensure the inmate is immediately handcuffed to minimize the threat of injury to either the officer or the inmate; and
  - 2. Remove any stun device probes at the earliest opportunity.
    - a. The stun device probes shall be removed only by an officer who has completed agency-approved training in use of the stun device or by medical personnel, as the situation dictates.
- G. Stun device probes that have struck a person's body shall be considered biological hazards and shall be handled in accordance with the department's Hazardous Materials policy, IO-B-16.
  - 1. After depositing the probes in accordance with IO-B-16, the probes shall be submitted to the department's I & I Division.
- H. The officer who deployed the stun device shall visually examine the area of the body struck and other applicable areas to determine the possibility of potential injury.
  - 1. A photograph shall be taken of all areas of the inmate's body that were struck/touched with the device, regardless of whether or not any injury occurred.
  - 2. Medical personnel shall examine an inmate following the use of a stun device (even if there is no visible injury), treat the inmate as necessary, and document the findings in the inmate's medical record.
  - 3. All injuries or the absence of injuries shall be noted on the Use of Force Report.
- I. Each report regarding a stun device deployment incident shall be forwarded to the Division Manager of Operations and the department's I & I Division for review.
- J. The Deputy Director over I & I shall review on a monthly basis the records of deployment for each stun device to detect and prevent unauthorized use and shall maintain the records of deployment.
- K. A certified stun device training instructor shall be responsible for changing stun device batteries, as necessary.
  - 1. No other person shall be authorized to remove or tamper with a stun device battery.

## **VII. Use of OC Spray**

- A. OC spray shall never be used on the following persons, except when the person presents an immediate threat of serious bodily harm or death to another:
  - 1. A woman known to be pregnant;
  - 2. A person who is believed to be less than 80 pounds in weight;

3. A person with known neuro-muscular diseases such as Multiple Sclerosis or Muscular Dystrophy;
  4. A person with known severe heart disease or a heart pace maker; nor
  5. A person with a known severe lung disorder.
- B. OC spray shall not generally be used on an inmate whose movements are already somewhat controlled by fully applied restraints, unless the inmate is so physically resistive that employees are unable to control/move the inmate otherwise.
- C. Any person affected by OC spray, either intentionally or accidentally, shall be provided post-use care by the officer who delivered the OC spray or by another officer if the officer who delivered the spray is unable to conduct the post-use care.
1. Post-use care shall consist of:
    - a. Rinsing the exposed areas with a saline solution or water as soon as possible following the exposure;
    - b. Placing the exposed person in a well-ventilated area; and
    - c. Observing the person in a manner consistent with the training provided concerning post-use care.
- D. After deployment of OC spray, medical personnel shall immediately examine the inmate to determine if any injury has occurred, provide treatment as required, and document the findings in the inmate's medical record.

#### **VIII. Use of Impact Control Weapon**

- A. The primary transport officers shall be certified in the use of impact control weapons and shall be authorized to carry and use the weapon during transport duties.
1. When a primary transport officer is assigned to work within the facility, he/she shall be prohibited from carrying an impact control weapon.
- B. The primary transport officers shall utilize the Use of Force Continuum, detailed in section III of this policy, to determine when and if the use of an impact control weapon is needed to achieve one or more of the purposes authorized by this policy.
- C. Whenever a primary transport officer utilizes an impact control weapon, he/she shall complete an Officer's Report about the incident and forward the report to the Transport Supervisor prior to the end of his/her shift of duty.
1. The Transport Supervisor shall complete a Use of Force Report and ensure it and all related reports are forwarded to the Division Manager of Operations.
- D. Whenever an impact control weapon has been utilized on an inmate, medical personnel shall examine the inmate as soon as possible after the incident and provide any needed treatment.
- E. The incident commander may authorize the use of an impact control weapon during a facility emergency such as a riot.
1. An impact control weapon may be used to separate fighting inmates or to quell other types of violence such as the throwing of chairs, tables, etc. in larger-scale disturbances.
  2. An impact control weapon shall be utilized only when direct contact alone would be inadequate.
  3. Active members of the Corrections Emergency Response Team (C.E.R.T.) who have received/maintained certification in impact control weapons shall be the only employees authorized to use them, unless primary transport officers are also involved in the facility emergency.
  4. Whenever an officer utilizes an impact control weapon, he/she shall complete an Officer's Report about the incident prior to the end of his/her shift of duty.
    - a. The shift supervisor shall complete a Use of Force Report and ensure it and all related reports are forwarded to the Division Manager of Operations.
  5. Whenever an impact control weapon has been utilized on an inmate, medical personnel shall examine the inmate as soon as possible after the incident and provide any needed treatment.

## IX. Use of Lethal Firearm

- A. The use of a lethal firearm shall take place only when there is no other alternative to prevent loss of life, serious injury, the escape of a dangerous accused or convicted felon, or serious damage/destruction of property when the loss of the property would likely directly lead to an escape and grievous bodily harm or death.
- B. Lethal firearms shall be issued, inspected, stored, and maintained in accordance with the department's Armory Equipment and Storage policy, IO-A-24.
- C. No lethal firearm shall be carried inside the facility except in an emergency situation as authorized by a deputy director or the Director.
- D. No employee shall be issued a departmental lethal firearm unless the employee possesses a valid certification in the use of the weapon and the employee is acting within the scope of his/her official duties.
  - 1. An employee that has been issued a lethal firearm shall follow certification training safety and security procedures to prevent accidental discharge and injury/death while on facility grounds and while on off-site transports.
  - 2. Certification in the use of lethal firearms shall require successful completion of a specific course of training that includes the use, safety, and care of firearms and the constraints on their use and by actual qualification/demonstration of competency on an annual basis.
- E. No employee shall be issued a lethal firearm without proper authorization for its issue from the shift supervisor or higher-ranking employee in the operations chain of command or from the unit supervisor or higher-ranking employee in the special services chain of command.
- F. When an employee is issued a lethal firearm, he/she shall safely ensure that the weapon is loaded with ammunition over the clearing barrel in the armory and unloaded over a clearing barrel at the end of the event.
  - 1. If the use of lethal firearms is authorized within the facility, the firearms shall be transported empty of ammunition, if possible, and by a route that minimizes contact with inmates.
- G. When lethal firearms are taken to the shooting range for training purposes, the firearms instructors shall ensure that the weapons are transported to the site unloaded.
- H. No lethal firearm shall be discharged:
  - 1. In any case where there is reason to believe that the life of an innocent bystander will be endangered by the discharge of the firearm;
  - 2. From any moving vehicle unless such action is reasonably deemed necessary to protect self or another from imminent death or great bodily harm;
  - 3. As a warning shot;
  - 4. Unless an inmate is committing an act of aggravated active aggression as described on the Level of Force Continuum in Section III and no lesser degree of force will control the inmate; and
  - 5. Until the employee is sure of the target and what lies beyond.
- I. Any employee who willfully fires or otherwise discharges a lethal firearm carelessly or at random shall be subject to internal discipline, including potential termination, and may be prosecuted for violation of Kansas law.
- J. Any employee that discharges a lethal firearm for any reason, other than as authorized for training exercises, shall complete a written officer's report and submit it to the shift supervisor prior to the end of his/her shift.
  - 1. The officer who discharged the firearm may be placed on administrative leave pending a full investigation of the discharge.
- K. An employee shall ensure immediate medical examination and treatment to any person injured by a lethal firearm.
  - 1. Whenever an employee shoots a person with a lethal firearm, that employee or any other employee shall be authorized to call for immediate medical treatment via an ambulance.

- L. Any time that a lethal firearm is discharged other than for training purposes, the Use of Force Report and all related reports shall be completed and forwarded to the shift supervisor who shall route the reports through the appropriate chain of command to the Director.
- M. The Firearms Review Board shall evaluate each aspect of the discharge of a lethal firearm.
  - 1. The Firearms Review Board shall include:
    - a. Deputy Director of ADC Operations;
    - b. Division Manager of ADC Operations;
    - c. Special Services Division Manager;
    - d. Special Services Unit Supervisor;
    - e. An officer of the same rank as the officer who discharged the firearm; and
    - f. A firearms training instructor.
  - 2. The Firearms Review Board shall evaluate in explicit, fact-finding fashion, each aspect of the discharge.
    - a. The evaluation shall include the review of all relevant reports and may include interviews with appropriate employees and witnesses.
  - 3. The Firearms Review Board shall provide its findings and rationale in a written report to the Director and shall make recommendations in the following areas:
    - a. Nature of the shooting (within policy? not in policy? accidental?);
    - b. Tactical considerations;
    - c. Training considerations;
    - d. Quality of supervision;
    - e. Recommended discipline of employee, if appropriate; and
    - f. Post-shooting investigation process.
  - 4. The results and/or written report of the review shall be considered confidential.

## **X. Reporting**

- A. The shift supervisor shall ensure a Use of Force Report is completed whenever a reactive or planned use of force incident occurs and/or whenever an inmate remains in restraints at the end of the shift.
  - 1. If a use of force incident occurs outside of normal business hours and there is injury to the inmate or employee and/or if there is evidence of non-compliance with policy, the shift supervisor shall immediately notify the Division Manager of Operations of the incident.
  - 2. The Deputy Director of Operations and the Director shall be notified immediately whenever:
    - a. Deadly force has been utilized;
    - b. An inmate is seriously injured as a result of the use of force; and
    - c. There is evidence of significant non-compliance with departmental policy and procedures related to the use of force.
- B. When a pregnant inmate in the custody of the Federal Government is placed in mechanical restraints, the shift supervisor shall ensure he/she contacts the Division Manager of Operations as soon as possible.
  - 1. The Division Manager of Operations shall inform the United States Marshall Services' local office supervisor of the restraint.
- C. Whenever a reactive or planned use of force incident occurs, each employee who participated in or witnessed the incident shall complete an Officer's Report prior to the end of the shift, including the following information:
  - 1. All facts detailing the employee's involvement in or observations relating to the incident;

2. Identification of all employees and inmates involved;
  3. Location of the incident;
  4. Time of the incident;
  5. Nature and extent of any injury to an employee or inmate, as discovered through examination by the medical health professional; and
  6. Any other relevant information.
- D. The shift supervisor shall review the Use of Force Report and shall ensure its submission—together with all related original Officer Reports and still photos of the incident—to the I & I Division prior to the end of the shift.
1. Copies of all reports related to the incident shall also be provided to the Division Manager of Operations and Deputy Director over Operations.
- E. If the use of force application was taken on an Immigration and Customs Enforcement (ICE) detainee and a non-deadly force device such as pepper spray or stun device was used, local ICE officials shall be notified.
- F. If the use of force application was taken on an ICE detainee, an After-Action Review Team shall conduct an after-action review of each use of force incident to determine if the application of force was consistent with department policy and procedures.
1. The After-Action Review Team shall consist of the Director, the Deputy Director over Operations, the Division Manager of Operations, a member of the I & I Division, and the Health Services Administrator.
  2. The After-Action Review Team shall normally convene on the workday after the incident, excluding holidays and weekends.
  3. The After-Action Review Team shall gather relevant information, determine whether the department's policy and procedures were followed, and complete an after-action report recording the nature of their review and findings.
    - a. If the incident review reveals a violation of policy and procedures, the After-Action Review Team shall determine whether the situation called for improvised action and, if so, whether the action taken was reasonable and appropriate.
  4. The After-Action Review Team shall forward a copy of the after-action report to local ICE officials within two working days of the review team's determination.
- G. If the use of force application was taken on a non-ICE-detainee inmate, the I & I Division shall make an initial determination if the application of force event was consistent with department policy and procedures.
1. The I & I Division shall report their findings to the Division Manager of Operations and Deputy Director over Operations on the incident's Use of Force Report.
  2. The Deputy Director over Operations shall review the findings with the Division Manager of Operations and shall meet with the supervisor(s) involved to discuss any identified deficiencies in the use of force event.
  3. The Deputy Director over Operations shall make a report of his/her review and action on the incident's Use of Force Report.

**REPORTS REQUIRED**

Use of Force Report (IO-A-25 Form 1)  
Officer's Report (IO-A-05 Form 14)

**APPENDICES**

Use of Force Report (IO-A-25 Form 1)

**NOTE:** The procedures set forth herein are intended to establish directives and guidelines for employees, inmates and those entities who are contractually bound to adhere to them. They are not intended to establish state-created liberty interests for employees, inmates, or an independent duty owed by the Shawnee County Department of Corrections to employees, inmates, or third parties. This policy is not intended to establish or create new constitutional rights or enlarge or expand existing constitutional rights or duties.

## Shawnee County Department of Corrections Use of Force Report

**Adult Detention Center**

**Location:**

<b>Name &amp; Case Number of Inmate Involved:</b>  	<b>Race/Sex</b>  	<b>Date/Time of Incident:</b>  <b>Date/Time of Report:</b>						
<b>Other Inmates Involved:</b>  	<b>Race/Sex</b>  	<b>Name/Title of Staff Involved:</b>  						
<b>Type of Force:</b> <input type="checkbox"/> Reactive Force <input type="checkbox"/> Planned Force*  *Print Name and Title of Person Authorizing Force:  Name:  Title	<b>Level of Force/Devices Used:</b>  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> <b>Contact Control</b>  <input type="checkbox"/> Soft Empty Hand  <input type="checkbox"/> Mech. Restraint  <input type="checkbox"/> 3-on-1 Carry           </td> <td style="width: 50%; border: none;"> <b>Physical Intervention</b>  <input type="checkbox"/> OC Spray  <input type="checkbox"/> Counter Measure           </td> </tr> <tr> <td style="border: none;"> <b>Aggressive Physical Intervention</b>  <input type="checkbox"/> Stun Device  <input type="checkbox"/> Hard Empty Hand  <input type="checkbox"/> Impact Control Weapon  <input type="checkbox"/> Distraction Device           </td> <td style="border: none;"> <b>Deadly Force</b>  <input type="checkbox"/> Lethal Firearm  <input type="checkbox"/> Weapon Strike           </td> </tr> <tr> <td colspan="2" style="border: none; text-align: center;"> <b>Four Point Restraint</b>  <input type="checkbox"/> Clinically-Ordered                      <input type="checkbox"/> Custody-Ordered  <input type="checkbox"/> Continuation of Four-Point Restraint to Next Shift           </td> </tr> </table>		<b>Contact Control</b> <input type="checkbox"/> Soft Empty Hand <input type="checkbox"/> Mech. Restraint <input type="checkbox"/> 3-on-1 Carry	<b>Physical Intervention</b> <input type="checkbox"/> OC Spray <input type="checkbox"/> Counter Measure	<b>Aggressive Physical Intervention</b> <input type="checkbox"/> Stun Device <input type="checkbox"/> Hard Empty Hand <input type="checkbox"/> Impact Control Weapon <input type="checkbox"/> Distraction Device	<b>Deadly Force</b> <input type="checkbox"/> Lethal Firearm <input type="checkbox"/> Weapon Strike	<b>Four Point Restraint</b> <input type="checkbox"/> Clinically-Ordered <input type="checkbox"/> Custody-Ordered <input type="checkbox"/> Continuation of Four-Point Restraint to Next Shift	
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<b>Four Point Restraint</b> <input type="checkbox"/> Clinically-Ordered <input type="checkbox"/> Custody-Ordered <input type="checkbox"/> Continuation of Four-Point Restraint to Next Shift								
<b>Medical Assessment of Inmate:</b>  Seen by Medical Staff: <input type="checkbox"/> Yes <input type="checkbox"/> No  Time Seen:  Name & Title of Medical Staff:  Name:  Title:  Hospital Transport: <input type="checkbox"/> Yes <input type="checkbox"/> No  Name of Hospital:  Time of Transport:	<b>Documentation:</b>  Video Recording(s) Made: <input type="checkbox"/> Yes <input type="checkbox"/> No  Printed Name/Title of Person Making Video Recording:  Still Photographs Made: <input type="checkbox"/> Yes <input type="checkbox"/> No  Printed Name/Title of Person Taking Photographs:  Total # of Photos:                      # of Crime Scene:  # of Injuries:  Recordings and Photographs Forwarded To: Name:  Title:							
<b>Other Reports Prepared:</b> (check all that apply - attach copy of each)  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">           Segregation:  <input type="checkbox"/> Protective Custody  <input type="checkbox"/> Admin. Segregation         </td> <td style="width: 50%;">           Incident Report:  <input type="checkbox"/> Disciplinary Report  <input type="checkbox"/> Officer Report         </td> </tr> </table> Follow-up Investigation Requested: <input type="checkbox"/> Yes <input type="checkbox"/> No	Segregation: <input type="checkbox"/> Protective Custody <input type="checkbox"/> Admin. Segregation	Incident Report: <input type="checkbox"/> Disciplinary Report <input type="checkbox"/> Officer Report	<b>List all Witnesses:</b> (Specify Staff or Inmate)					
Segregation: <input type="checkbox"/> Protective Custody <input type="checkbox"/> Admin. Segregation	Incident Report: <input type="checkbox"/> Disciplinary Report <input type="checkbox"/> Officer Report							

**Shawnee County Department of Corrections  
Use of Force Report**

<b>Description of Incident – Reason for Use of Force:</b>
<b>Describe Injuries – Medical Treatment:</b> (Include Time of Treatment)
<b>Other Evidence:</b> (Describe and specify where it is secured)

**Name of Supervisor Filing Report:**

Printed Full Name	Signature	Date
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**Name of Shift Supervisor Reviewing Report:**

Printed Full Name	Signature	Date
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**After-Action Review Team Distribution Checklist (ICE Detainee Only)**

<input type="checkbox"/> I & I _____ Date	<input type="checkbox"/> Operations DM _____ Date	<input type="checkbox"/> Health Services Administrator _____ Date	<input type="checkbox"/> Deputy Director _____ Date	<input type="checkbox"/> Director _____ Date
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<b>Findings of After-Action Review Team (ICE Detainee) or I &amp; I Division Review (Non-ICE Detainee)</b>  <b>Reporting Staff Name:</b> <b>Title:</b> <b>Date:</b>
<b>Report of Follow-Up Action By Deputy Director/Operations DM</b>  <b>Reporting Staff Name:</b> <b>Title:</b> <b>Date:</b>