 <div> IMPERIAL COUNTY PROBATION </div>		JUVENILE HALL	
Approved By: <div>_____</div> FACILITY MANAGER		Subject: Use of Force	
		Authority, Imperial County Juvenile Hall BSCC	
Policy: 206 Title 15 Section, 1357	Effective date: 02/2000	Prepared by: E. Verdugo	Page 1 of 7

USE OF FORCE

- I. **PURPOSE:** To provide guidelines for the intervention/ restraint of minors.
- II. **SCOPE:** All institutional staff
- III. **POLICY:** It is the policy of the Imperial County Juvenile Hall to provide for the physical safety and security of minors, staff and visitors within the facility. Staff shall only use the level of physical intervention/ restraint needed to cease the aggressive behavior and ensure the safety of the facility. Under no circumstances will force be used as a form of discipline or punishment.
- IV. **PROCEDURES:**
 - A. **Definitions**
 1. Use of force: An immediate physical means to overcome resistance to control the threat of imminent harm to self or others, or to bring an incident under control for the safety of staff, residents and others.
 1. Reasonable Use of Force: Force used that is necessary and objectively reasonable given the facts and circumstances of the particular incident or event as judged from the perspective of an objectively reasonable officer on the scene at the time of the incident.
 2. Excessive Force: The use of more force than an objective, trained, and competent Peace Officer, faced with similar facts and circumstances would use to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order.

B. Levels of Force

1. The level of force selected is always based on what is objectively reasonable to staff given the resident and the circumstances. The appropriate level of force used by a staff may escalate or deescalate, depending on whether there are changing circumstances and/or changes in the behavior of the resident(s). Thus, the process is fluid, requiring staff to constantly evaluate and react in a professional manner. Staff should attempt to avoid the use of force whenever possible. All use of force will be based upon what is reasonable, appropriate and available given the circumstances
2. Physical force shall never be used to retaliate against a resident, punish a resident, or discipline a resident. When using physical force, staff must not allow anger or emotions to cause a loss of control.
3. While various degrees of force exist, staff are expected to use only that degree of force reasonable under the circumstances to ensure the safety of residents and others. Moreover, reasonable force should only be used when less restrictive methods have failed.

C. Use of Force:

1. Non-Physical:
 - a. Command Presence
 - b. Counseling/Verbal Diffusion
 - c. Staff Switching
 - d. Show of Force (Calling a Code)
 - e. Verbal Commands
2. Physical Force:
 - a. Chemical (restraints) Agents
 - b. Physical Restraint
 - c. Mechanical Restraint Devices (movement only)

It should be noted that the force options listed above is not to be followed in the listed order but all options should be considered and utilized depending on the situation. In any case staff shall look for the least restrictive means of compliance.

3. Descriptions:

Non-Physical:

- a. Command Presence: The use of physical presence and official authority to attempt to gain compliance.
- b. Counseling/ Verbal diffusion: An option available to staff to deescalate a situation using communication, counseling and /or negotiation. Use of Motivational Interviewing Skills
- c. Staff Switching: The technique of attempting to gain a resident's compliance through counseling while using different staff.
- d. Show of Force: Command presence of multiple staff with a resident using communicative intervention as a deterrent to the use of force.
- e. Verbal Commands: An option available to staff is to give residents clear, concise, and simple instructions, adding to the staff's ability to gain control of a situation.

Physical Force:

- a. Chemical Agents: The authorized utilization of Oleoresin Capsicum (OC) Spray on a resident to control, restrain or subdue imminent or actual violent behavior where such behavior presents a clear danger to any person.
- b. Physical Restraint Techniques: Department approved weaponless defensive tactics, maneuvers, and control holds used to subdue, restrain or escape from violent/out of control residents.
- c. Mechanical Restraint Devices: Devices that restrict the normal movement and function of the body, i.e. handcuffs. Mechanical restraints shall only be used for movement to and from locations within the Juvenile Hall. At no time is a youth locked in a room with handcuffs, leg irons or belly chains. The use of physical restraints (e.g., Restraint Chair and other restraints that immobilize the youths extremities and /or prevent the youth from being ambulatory) is prohibited.
- d. Any youth that present an immediate danger to themselves, who exhibit behavior which results in the destruction of property, or reveals the intent to cause self-inflicted harm shall be monitored closely. If the behavior persists the youth shall be removed from their room and placed in a secure area (e.g., recreation room) with one on one staff supervision until the behavior improves. If applicable, behavior health will be notified and will evaluate the youth. Once it has been determined (behavior health recommendation) that the youth's behavior has improved the youth may be placed in the camera room to supplement supervision.

D. Factors to Consider

When determining whether or not to apply any level of force and evaluating if a staff used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

1. The conduct of the resident being confronted (as reasonably perceived by staff at the time);
2. Staff/Resident factors: Age, size, relative strength, skill level, sophistication, ratio of staff to resident(s);
3. Influence of drugs or alcohol or other medical or mental health conditions;
4. Proximity to weapons or contraband;
5. Availability of other options reasonably available to staff under the circumstances;
6. Training and experience of staff;
7. Potential for injury to staff, residents or others;
8. Seriousness of the incident or reason for contact with the resident;
9. Risk of escape;
10. Other exigent circumstances.

E. Medical Considerations

1. Minors who are pregnant and in labor are not to be fitted with handcuffs, belly chains or leg irons during transport to the hospital, during delivery and while recovering from labor.
2. After the use of physical intervention/ restraint on a minor, staff shall notify the medical nurse and or provide medical attention. The nurse will conduct a physical assessment on the minor involved in use of force incident. After hours, if required the minor shall be transported to the local emergency room for further evaluation. Behavior health staff will also be made available upon request.

F. O.C. Spray / Pepper Spray

The Imperial County Juvenile Hall exclusively uses non-lethal force. Pepper Spray is used to control, restrain or subdue imminent or actual violent behavior. Pepper spray is used only after every non-physical avenue has been exhausted or it is required due to imminent violent behavior towards youth or staff.

1. The aggressive minor shall be first **verbally** ordered to stop the behavior before O.C. / pepper spray is used.
2. Should the minor fail to comply, **pepper spray** shall be used only after making a reasonable effort to verbally persuade voluntary compliance and after giving a verbal warning that pepper spray will be used. Application of pepper spray may be applied without warning when behavior exhibited is of such nature it may result in immediate injury.

G. Physical Restraint:

1. Physical Intervention shall only be used to ensure the safety of minors, staff and visitors, also to prevent property damage, prevent escapes and ensure the safety of the facility.
2. When physical intervention/restraint is required, only sufficient force shall be used to stop violent behavior
3. [REDACTED] shall notify the [REDACTED] prior to the use of physical intervention/restraint. If prior notification is not possible, notification shall be made immediately thereafter.

H. Documentation

1. All staff who participated in or witnessed the use of force intervention/ restraint shall submit an incident report. This form shall be completed and submitted to the [REDACTED] prior to the end of the shift in which the incident occurred. The incident report will contain the following information:
 - a. Type of force used (i.e. chemical, physical verbal etc.
 - b. Factual justification for use of force, including circumstances leading to the use of force.
 - c. Extent of injuries if applicable.
2. Resident's claiming that use of force was abused shall be provided a grievance form to complete. Staff receiving a verbal or written complaint of abuse shall notify a [REDACTED] as soon as possible.

I. Review

1. The [REDACTED] and [REDACTED] shall review use of force incidents and provide a debrief of the incident with all staff involved. The critique shall include discussion of the following:
 - a. Compliance with policy and procedures
 - b. Appropriateness of level of force
 - c. Alternative to use of force.
2. Force shall never be used as a discipline, punishment, or treatment. Unreasonable and/or excessive use of force may constitute a crime, including but not limited to, child abuse.
3. Employees observing violations of this policy shall immediately report the incident to the [REDACTED]. Any incidents of abuse of force will be subject to possible disciplinary action.
4. Any abuse of force allegations, once it has been vetted through the review process may be referred to the department internal affairs investigator for further review.
5. Staff will be subject to administrative discipline, up to and including termination, and/or criminal complaints for the following:
 - a. The application of unreasonable and/or excessive use of force and
 - b. The failure to promptly report known applications of unreasonable and /or excessive use of force.
 - d. Situations involving staff misconduct will be handled in accordance to the County's Personnel Management Regulations and applicable Memorandum of Understanding's (MOU's).

J. Training

1. Training shall be provided to authorized institutional staff in the policy regarding use of force, mechanical and physical restraints and chemical restraints (oleoresin capsicum-OC). Annual training will be provided regarding the use of force options, non-physical options considered and/or in lieu of force and considerations when applying use of force. In addition, use of force information will be disseminated through Bulleting Trainings and staff will participate in hands on drills simulating use of force situations.

Revised/ Updated 02/12/2015

Subject: Restraints

Purpose: To establish the criteria for restraints within the Juvenile Hall Facility.

Policy: It is the policy of the Imperial County Juvenile Hall facility that the restraints shall be utilized only for the purpose as follows. Currently the Imperial County Juvenile Hall utilizes handcuff, leg restraints and belly chains.

Procedures:

- A. Every minor whom exits the entrance of the Juvenile Hall facility to and from another facility, court room, school, work detail, medical appointment, airport etc, shall have restraints to reduce the risk of flight. The [REDACTED] shall direct the staff as to the choice of restraint used.
- B. Restraints shall not be left on a minor when he or she is secured in their room.
- C. In no case shall restraints be used as a means of punishment or discipline, or as a substitute for treatment. The affixing of hands and feet together behind the back (hog tying) is prohibited at all times, this includes when transporting or moving a minor from one area to another.
- D. Restraints shall only be used to temporarily restrain minor until minor is placed in a secured room. At no time shall a minor be left alone with restraints inside minor's room.
- E. Minors posing an immediate threat to the safety of themselves or others due to violent acting out behaviors may be placed in restraints for the time it takes to escort minor to his/her room. Further, any minor who is a threat to themselves or others due to mental illness will be transported to behavioral health for evaluation.
- F. Minors who are pregnant or after it has been determined that the minor is pregnant will at no time be fitted with belly chains or leg irons during routine medical appointments. Pregnant minors are to be transported in the least restrictive way possible depending on security needs (high risk, flight risk or past aggressive behavior). Handcuffs may be used at the discretion of [REDACTED] or [REDACTED]. Minor will be handcuffed in the front in the event that handcuffs are utilized. A written report will be completed documenting the reason why handcuffs will be used. [REDACTED] will be used to transport pregnant minors to ensure the safety and security of the minor.

- G. Minors who are in labor will at no time be fitted with handcuffs, belly chains or shackles during transport to a hospital, during delivery, and while in recovery after giving birth.

Revised: 04/25/2012

Facility Manager

Security Review/Operations

Subject: O.C. Pepper Spray

Purpose: To establish guidelines for storage, issue, repairs and use of chemical agents.

Policy: It is the responsibility of each Juvenile Detention Officer who utilizes O.C. pepper spray to comply with this policy.

Storage:

Any O.C. that is not being used is stored in a locked cabinet in the [REDACTED]. Only [REDACTED] and the [REDACTED] have access to said locked box and cabinet.

Issuance:

Supervisors / Full-Time Staff / Extra-Help

Upon completion of required pepper spray training all staff will be allowed to Utilize O.C. Pepper Spray. They must all possess a valid 832 certificate, which allows them to perform peace officer duties, and must have completed the Juvenile Counselor Core.

Upon completion of required pepper spray training all staff are issued their own O.C. Pepper Spray. The [REDACTED] shall have staff receiving O.C. Pepper Spray sing a document stating they have received O.C. Pepper Spray. Document shall contain;

1. Date and time
2. Statement of issuance
3. O.C. serial number
4. Signature and badge number of officer receiving O.C.
5. Signature of Facility Manager

Maintenance, exchange and Disposal

All staff are responsible to maintain and inspect O.C. Pepper Spray that is either issued or assigned to them. O.C. must at least be shaken once a month and sprayed in a safe area to see if operational. O.C. must also be visually inspected for any leaks or broken parts on canister. All O.C. Pepper Spray that is defective, non operational, or has been finished shall be turned in to the [REDACTED] for exchange or proper disposal.



Department of Justice
Oleoresin Capsicum (OC) Application Report

AGENCY REPORTING: IMPERIAL COUNTY JUVENILE HALL PHONE NUMBER : (760) 339-6217

OFFICER REPORTING: _____ BADGE/ID NUMBER: _____

DATE OF INCIDENT: _____ TIME OF INCIDENT: _____ hrs

CASE REPORT NUMBER: _____ BRAND OF OCEGENT USED: _____

CHECK ALL THAT APPLY

I. APPLICATION WAS:

- ☐ Effective ☐ Ineffective (Explain on Back) ☐ Immediate
☐ In lieu of Greater Means of Force ☐ Other (Explain on Back)

II. DEPARTMENT PERSONNEL WERE:

- ☐ Uninjured ☐ Injured (Explain on Back) ☐ Killed (Explain on Back)
☐ Alone ☐ With Others Incidentally Exposed (Explain on Back)

III. SUBJECT WAS:

- ☐ Uninjured ☐ Injured (Explain on Back) ☐ Killed (Explain on Back)
☐ Alone ☐ With Others Incidentally Exposed (Explain on Back)

IV. DESCRIPTION OF SUBJECT:

GENDER: ☐ Male ☐ Female **AGE:** ____ yrs old.
RACE: ☐ White ☐ Black ☐ Hispanic ☐ American Indian ☐ Other ____

V. FIRST AID WAS:

- ☐ Not Required: Flushing With Water was Sufficient ☐ Required (Explain on Back)

VI. SUBJECT HAD PRE-EXISTING MEDICAL CONDITIONS (DESCRIBE ON BACK):

- ☐ Asthma / Other Respiratory Problems ☐ Eye Condition/Visually Impaired, contact lenses, etc
☐ Heart Condition ☐ Pregnant ☐ Skin lesions / Other Skin condition ☐ None Noted

THE REVERSE SIDE IF FURTHER EXPLANATION IS NECESSARY, COMPLETE AS SOON AS PRACTICAL
FOLLOWING AN INCIDENT AND SUBMIT QUARTELY TO:

CALIFORNIA DEPARTMENT OF JUSTICE
P.O. BOX 820200

Security Review/Operations

Subject: O.C. Pepper Spray

Purpose: To establish guidelines for storage, issue, repairs and use of chemical agents.

Policy: It is the responsibility of each Juvenile Detention Officer who utilizes O.C. pepper spray to comply with this policy.

Storage:

Any O.C. that is not being used is stored in a locked cabinet in the [REDACTED]. Only [REDACTED] and the [REDACTED] have access to said locked box and cabinet.

Issuance:

Supervisors / Full-Time Staff / Extra-Help

Upon completion of required pepper spray training all staff will be allowed to Utilize O.C. Pepper Spray. They must all possess a valid 832 certificate, which allows them to perform peace officer duties, and must have completed the Juvenile Counselor Core.

Upon completion of required pepper spray training all staff are issued their own O.C. Pepper Spray. The [REDACTED] shall have staff receiving O.C. Pepper Spray sing a document stating they have received O.C. Pepper Spray. Document shall contain:

1. Date and time
2. Statement of issuance
3. O.C. serial number
4. Signature and badge number of officer receiving O.C.
5. Signature of Facility Manager

Maintenance, exchange and Disposal

All staff are responsible to maintain and inspect O.C. Pepper Spray that is either issued or assigned to them. O.C. must at least be shaken once a month and sprayed in a safe area to see if operational. O.C. must also be visually inspected for any leaks or broken parts on canister. All O.C. Pepper Spray that is defective, non operational, or has been finished shall be turned in to the [REDACTED] for exchange or proper disposal.

General Use and Guidelines:

Minor's that attack another youth, staff or attempt to injure themselves shall be restrained by staff. Staff shall use that amount of force necessary to restrain and prevent injury. O.C.. Pepper Spray is used in this facility to control, restrain or subdue imminent or actual violent behavior. At no time shall O.C. Pepper Spray be used when a ward is subdued or as a form of punishment or discipline.

In the event of imminent or violent behavior these are the levels of escalation that a staff must abide by.

Escalation of Force:

1. Pepper spray will not be used on those minors with respiratory conditions (asthma). These minors may be identified by a [REDACTED] or it will be [REDACTED].
2. Radio for back up
3. Give verbal warnings "pepper spray" "drop to the floor"
4. Non compliance. Administer O.C. Pepper Spray
5. Once imminent danger or threat is gone, the minor will be given the opportunity to decontaminate. Fresh running water, ice pack, towel and fresh change of clothing will be provided for the minor.
6. Medical staff will assess the minor for signs of respiratory distress and determine if minor should be referred to E.R. for evaluation and treatment. If no medical staff is present the minor will be taken to the emergency room for a medical evaluation.
7. Complete all reports related to O.C. Pepper Spray. (incident report & pepper spray form).

Policy 200 (2015)

OPERATION ADDITION NOTICE

USE OF FORCE/RESTRAINT/PEPPER SPRAY

Staff shall restrain minor(s) that attack another youth, staff, or attempt to injure themselves. Staff shall utilize that amount of force necessary to restrain and prevent injury.

Minor shall be advised and sign a "Pepper Spray" notice as staff will utilize pepper spray after advising minors on the issues listed above.

JUVENILE HALL PEPPER SPRAY WARNING FORM

NAME: _____ DATE OF BIRTH: _____

- (A) I have been advised that "Pepper Spray" is used in this facility to control, restrain, or subdue imminent or actual violent behavior. I have been advised that if I hear the command. **"DROP TO THE FLOOR"** or **"PEPPER SPRAY"**, I am to lie down on the ground with my hands behind my back and my eyes closed.
- (B) Juvenile Hall "rules and Regulations" have been given to me.
- (C) Reasonable force will be used if necessary.

Minors Signature: _____

Date: _____

Witness: _____

Date: _____

Policy 200 (2016)

OPERATION ADDITION NOTICE
USE OF FORCE/RESTRAINT/PEPPER SPRAY

Staff shall restrain youth(s) that attack another youth, staff, or attempt to injure themselves. Staff shall utilize that amount of force necessary to restrain and prevent injury.

Youth shall be advised and sign a "Pepper Spray" notice as staff will utilize pepper spray after advising youths on the issues listed above.

JUVENILE HALL PEPPER SPRAY WARNING FORM

NAME: _____ DATE OF BIRTH: _____

- (A) I have been advised that "Pepper Spray" is used in this facility to control, restrain, or subdue imminent or actual violent behavior. I have been advised that if I hear the command. "DROP TO THE FLOOR" or "PEPPER SPRAY", I am to lie down on the ground with my hands behind my back and my eyes closed.
- (B) Juvenile Hall "rules and Regulations" have been given to me.
- (C) Reasonable force will be used if necessary.

Youths Signature: _____

Date: _____

Witness: _____

Date: _____

IMPERIAL COUNTY JUVENILE HALL - ORIENTATION CHECKLIST

Youths Name: _____

- ☐ Court - You will appear in Juvenile Court within three (3) judicial (working) days after being booked into ICJH.
- ☐ School - You will attend school, including P.E., Monday through Friday.
- ☐ Work - You will participate in daily cleaning of the living unit, dining hall cleanup details and other clean-up details within ICJH.
- ☐ Recreation / Exercise Program - You will participate (unless you have a P.E. restriction) in a variety of recreational and physical exercise programs.
- ☐ Visiting - Only parents and legal guardians are allowed to visit you.
- ☐ Correspondence - You will be given the opportunity to send and receive letters.
- ☐ Health Access - You are allowed access to medical and mental health care during your period of confinement.
- ☐ Legal Access - You are allowed access to a licensed attorney. You are allowed access to telephone communication with your attorney during normal business hours. IMPCJH schedule and limitation of staff may determine the best time for interviews.
- ☐ Personal Care Items - You will be supplied with a new toothbrush, toothpaste, soap, and shampoo.
- ☐ Personal Hygiene - You will be allowed to shower on a daily basis and given the opportunity to brush your teeth after every meal.
- ☐ Religious Counseling - You are allowed to receive religious services and/or religious counseling while at ICJH. You are allowed to participate in normal program activities if you choose not to participate in religious programs.
- ☐ Evacuation/Emergency Procedures – In the event of a fire, an earthquake, or other emergency, ICJH staff will instruct you on proper emergency procedures and where to evacuate. During an earthquake you will be instructed to “Drop, Cover, and Hold” until the evacuation order has been given. Evacuation will be done in an orderly fashion.
- ☐ PREA (Prison Rape Elimination Act of 2003) – I understand Imperial County Probation has a zero tolerance for sexual abuse and/or sexual harassment amongst youth, staff, volunteers, visitors, contractors, and vendors. If I witness, suspect, or become a victim of sexual abuse and/or sexual harassment, I understand I can report it by filing a grievance, tell a staff who I trust, tell a mental health staff or nurse, ask to speak to the supervisor and /or contact Sure Help Line Rape Crisis Center at 1-760-352-RAPE. All reported incidents of sexual abuse and sexual harassment will be taken seriously and will be investigated. The department will take steps to prevent any form of retaliation from staff or youths to you for reporting incidents of sexual abuse and sexual harassment. Any reported incident of sexual abuse and/or sexual harassment will be kept confidential and on a need to know basis.
_____ (youth's initials)
- ☐ O.C. Warning - I have been advised that O.C. (pepper spray) is used at ICJH to control, restrain, and/or subdue imminent or actual violent behavior. If I hear the commands "Drop to the floor" or "Pepper" I will lay face-down on the floor with my hands behind my back and my eyes closed.
_____ (youth's initials)
- ☐ Rules of Conduct - Major Rule Violations
assault and battery; fighting/mutual combat; threats; assault and battery on institutional or teaching staff; destruction of county/personal property; use of illegal drugs and/or intoxicants; possession of and/or bringing drugs, weapons or contraband into ICJH; escape; out of assigned area; persistent or established pattern of repetitive rule violations and/or refusal to obey directives; refusal to following ICJH rules; dangerous acts and horseplay; stealing; sexual misconduct; gang activity; gang oriented or riotous behavior.
I have reviewed and understand the Major Rule Violations.
_____ (youth's initials)

☐ Rules of Conduct - Minor Rule Violations

No combs or tooth brushes outside of the dorm; one pair of shoes outside of youths room; outside of assigned area; no youth is allowed to call out from the dorm; youths are to ask permission to change channels; horse playing and running in the dorm; no talking while in serving line, school line and PE line. Youth must wear complete uniform; no loud noises, screaming or yelling between rooms; no physical contact between youths at any time; youths are to sleep with feet towards door; no standing on beds; only three books and letters; no games allowed in the rooms; only one youth allowed in the room unless double bunk occupancy room and approved by supervisor; no gambling; male and females will not be in the restroom at the same time; horseplay in the kitchen resulting in an untidy table; talking with other tables not your own/meal times.

(youth's initials)

☐ Due Process – If receiving major discipline I understand I have due process rights. I will be advised of allegations, given the opportunity to respond, call witness, given notice of the discipline hearing, given rights of the discipline hearing, and referred to the disciplinary hearing officer.

(youth's initials)

☐ Grievance Procedure – I understand I am allowed to use a grievance as an appeal process for any youth disciplinary action against me. I understand I am allowed to grieve perceived inappropriate treatment either by my peers or staff. I understand I am allowed to grieve any living conditions.

(youth's initials)

☐ Search and Seizure - I understand that I may be searched while at ICJH. I understand that my personal belongings may be searched and items that I am not allowed to have may be taken away from me at ICJH.

(youth's initials)

☐ Your Rights - You have the right to be treated in a humane manner and be respected as a person, no matter what crime you are charged with.

☐ Your Rights - You have the right to clean clothing and bedding, hygienic and grooming aids, recreational programming activity, physical exercise, medical and dental care, mental health services, religious services, weekly visit with my parents/guardians, school and other reasonable services.

THE ORIENTATION ICJH CHECKLIST HAS BEEN REVIEWED WITH ME BY ICJH STAFF. I HAVE HAD THE OPPORTUNITY TO ASK QUESTIONS AND I FULLY UNDERSTAND THE INFORMATION CONTAINED WITHIN THE ORIENTAION CHECKLIST.

Print youth's Name

Youth's Signature

Date

I HAVE FULLY REVIEWED AND EXPLAINED THE ORIENTATION CHECKLIST WITH THE YOUTH.

Print Supervisor Name

Supervisor Signature

Date

Policy 200 (2017-2018)

OPERATION ADDITION NOTICE
USE OF FORCE/RESTRAINT/PEPPER SPRAY

Staff shall restrain youth(s) that attack another youth, staff, or attempt to injure themselves. Staff shall utilize that amount of force necessary to restrain and prevent injury.

Youth shall be advised and sign a "Pepper Spray" notice as staff will utilize pepper spray after advising youths on the issues listed above.

JUVENILE HALL PEPPER SPRAY WARNING FORM

NAME: _____ DATE OF BIRTH: _____

- (A) I have been advised that "Pepper Spray" is used in this facility to control, restrain, or subdue imminent or actual violent behavior. I have been advised that if I hear the command. "DROP TO THE FLOOR" or "PEPPER SPRAY", I am to lie down on the ground with my hands behind my back and my eyes closed.
- (B) Juvenile Hall "rules and Regulations" have been given to me.
- (C) Reasonable force will be used if necessary.

Youths Signature: _____

Date: _____

Witness: _____

Date: _____

IMPERIAL COUNTY JUVENILE HALL - ORIENTATION CHECKLIST

Youths Name: _____

- ☐ Court - You will appear in Juvenile Court within three (3) judicial (working) days after being booked into ICJH.
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- ☐ Recreation / Exercise Program - You will participate (unless you have a P.E. restriction) in a variety of recreational and physical exercise programs.
- ☐ Visiting - Only parents and legal guardians are allowed to visit you.
- ☐ Correspondence - You will be given the opportunity to send and receive letters.
- ☐ Health Access - You are allowed access to medical and mental health care during your period of confinement.
- ☐ Legal Access - You are allowed access to a licensed attorney. You are allowed access to telephone communication with your attorney during normal business hours. IMPCJH schedule and limitation of staff may determine the best time for interviews.
- ☐ Personal Care Items - You will be supplied with a new toothbrush, toothpaste, soap, and shampoo.
- ☐ Personal Hygiene - You will be allowed to shower on a daily basis and given the opportunity to brush your teeth after every meal.
- ☐ Religious Counseling - You are allowed to receive religious services and/or religious counseling while at ICJH. You are allowed to participate in normal program activities if you choose not to participate in religious programs.
- ☐ Evacuation/Emergency Procedures – In the event of a fire, an earthquake, or other emergency, ICJH staff will instruct you on proper emergency procedures and where to evacuate. During an earthquake you will be instructed to “Drop, Cover, and Hold” until the evacuation order has been given. Evacuation will be done in an orderly fashion.
- ☐ PREA (Prison Rape Elimination Act of 2003) – I understand Imperial County Probation has a zero tolerance for sexual abuse and/or sexual harassment amongst youth, staff, volunteers, visitors, contractors, and vendors. If I witness, suspect, or become a victim of sexual abuse and/or sexual harassment, I understand I can report it by filing a grievance, tell a staff who I trust, tell a mental health staff or nurse, ask to speak to the supervisor and /or contact Sure Help Line Rape Crisis Center at 1-760-352-RAPE. All reported incidents of sexual abuse and sexual harassment will be taken seriously and will be investigated. The department will take steps to prevent any form of retaliation from staff or youths to you for reporting incidents of sexual abuse and sexual harassment. Any reported incident of sexual abuse and/or sexual harassment will be kept confidential and on a need to know basis.
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- ☐ Rules of Conduct - Major Rule Violations
assault and battery; fighting/mutual combat; threats; assault and battery on institutional or teaching staff; destruction of county/personal property; use of illegal drugs and/or intoxicants; possession of and/or bringing drugs, weapons or contraband into ICJH; escape; out of assigned area; persistent or established pattern of repetitive rule violations and/or refusal to obey directives; refusal to following ICJH rules; dangerous acts and horseplay; stealing; sexual misconduct; gang activity; gang oriented or riotous behavior.
I have reviewed and understand the Major Rule Violations.
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(youth's initials)

☐ Due Process – If receiving major discipline I understand I have due process rights. I will be advised of allegations, given the opportunity to respond, call witness, given notice of the discipline hearing, given rights of the discipline hearing, and referred to the disciplinary hearing officer.

(youth's initials)

☐ Grievance Procedure – I understand I am allowed to use a grievance as an appeal process for any youth disciplinary action against me. I understand I am allowed to grieve perceived inappropriate treatment either by my peers or staff. I understand I am allowed to grieve any living conditions.

(youth's initials)

☐ Search and Seizure - I understand that I may be searched while at ICJH. I understand that my personal belongings may be searched and items that I am not allowed to have may be taken away from me at ICJH.

(youth's initials)

☐ Your Rights - You have the right to be treated in a humane manner and be respected as a person, no matter what crime you are charged with.

☐ Your Rights - You have the right to clean clothing and bedding, hygienic and grooming aids, recreational programming activity, physical exercise, medical and dental care, mental health services, religious services, weekly visit with my parents/guardians, school and other reasonable services.

THE ORIENTATION ICJH CHECKLIST HAS BEEN REVIEWED WITH ME BY ICJH STAFF. I HAVE HAD THE OPPORTUNITY TO ASK QUESTIONS AND I FULLY UNDERSTAND THE INFORMATION CONTAINED WITHIN THE ORIENTAION CHECKLIST.

Print youth's Name

Youth's Signature

Date

I HAVE FULLY REVIEWED AND EXPLAINED THE ORIENTATION CHECKLIST WITH THE YOUTH.

Print Supervisor Name

Supervisor Signature

Date

Policy 202 (2015)

Read this handbook carefully. You are responsible for its content and can benefit from understanding of what is expected from you while being detained at the facility. If a ward should have trouble understanding the manual staff will be made available to go over orientation with minor. Ward's failing to follow the rules will be subject to discipline. Said discipline shall be decided by Shift Supervisor.

1. Juvenile Hall Rules and Regulations:

- A.** Respect yourself and others. Do not engage in racial and or sexual comments. Do not use profanity or gang slurs to any other persons.
- B.** Avoid touching others. Do not attempt to injure yourself or others.
- C.** Do not be within five feet of outside fence unless authorized to.
- D.** Do not enter any area designated as unauthorized to minor's
- E.** Do not speak of, plan to escape from facility.
- F.** Do not posses cigarettes, matches, lighters, extra clothing, gum, weapons and illegal drugs. Minor's may only posses those items issued by the Juvenile Hall. Three letters of correspondence and any combination of three magazines and or books, and all legal material.
- G.** Minor must follow all staff directions.
- H.** Do not inscribe into or onto any property of Imperial County.
- I.** All minors shall maintain a neat and clean appearance. A gang appearance is unacceptable whether in hair-style or dress.
- J.** Do not remove combs or toothbrushes from the dorm.
- K.** Shoes are not permitted inside the rooms. Shoes are to be placed directly outside the door of their assigned room.
- L.** Minor's shall always request permission to turn on the television, radio or channels on either
- M.** Minor's shall not horseplay or run within the facility.
- N.** Minors shall not speak while in line for feeding, school or physical education.
- O.** Minor's shall address staff as Mr. Mrs. Or Ms.
- P.** With exception of sleeping hours, minors shall at times wear all the Juvenile Hall clothing issued to them. Shirts shall be tucked inside their pants at all times. During sleeping hours, female must wear either shorts or sweatpants and shirt.
- Q.** Do not yell, scream, create loud noises or talk between rooms.
- R.** All minors shall be in their rooms at 3:00 p.m. and 8:30 p.m.
- S.** Minors shall sleep with their feet's towards the door at all times.
- T.** Minor's shall not stand on beds or bang on windows.
- U.** Games shall not be permitted in the room.
- V.** No gambling of any type shall be permitted.
- W.** No minor of opposite sex shall enter the restroom should a minor of the opposite sex be occupied in it.
- X.** Room searches will be conducted at random.
- Y.** No minor is to leave the dorm or call out from the dorm.
- Z.** No food, candy, or wrappers are permitted in the rooms except from m.i.r.'s

Under no circumstances will a minor be used to inform or impose any discipline to another minor

2. Consequences for violation of juvenile hall rules and regulations

- A. Consequences for violation of those rules mentioned shall vary from loss of privileges, segregation from your unit, remaining in your room during activities, and possible prosecution from the district attorney's office. At no time shall a minor's rights as described by Title 15 1390 be imposed as a consequence. Discipline is to be imposed at the least restricted level promotes the desired behavior.

3. Grievance procedure:

At any time a minor can submit a formal grievance to complain about the care during his stay in the facility. The grievance procedure is as follows:

- A. Submit a grievance Appeal from to any staff. The form is located in the recreation area of the dorm. The form is written in both English and Spanish.
- B. The on coming Shift Supervisor shall conduct an investigation of the complaint and respond within five days of receiving the grievance.
- C. The on coming Shift Supervisor shall discuss the out come with the minor. Should the minor agree to the Shift Supervisor response , the minor shall acknowledge by signing the grievance appeal from.
- D. Should the minor agree with the Shift Supervisor response , the minor can submit a written response to the Juvenile Deputy Probation officer.

(If the minor cannot write, a staff will be made available to help he/she write the Grievance)

4. Minors legal Rights:

In accordance with Title 15 1390, the California Board of Corrections has listed those legal rights of minors detained in a Juvenile Facility as Follows:

1. Bed and bedding.
2. Daily shower, access to drinking fountain, toilet and personal hygiene items and clean clothing.
3. Full nutrition.
4. Contract with parents or attorney.
5. Exercise.
6. Medical services and counseling.
7. Religious services.
8. Clean and sanitary living conditions.
9. Right to send and receive mail.
10. Right to an education.

Revised 10/2001

14. Religious Services

Minors have the opportunity of attending religious services at minimum of one hour a week. Availability of a clergy shall be made upon request of the minor. The supervisor has the authority to re-arrange the scheduled religious services to ensure the safety and security of the facility. A minors is allowed to participate in other program activities if he or she elects not to attend religious services.

The Door
(Monday 6:00 p.m. to 8:00 p.m.)
Catholic Services
(Tuesday 6:00 p.m. to 8:00 p.m.)
New Creations
Sunday (9:00 a.m. to 10:00 a.m.)
Christian Services
(6:00 p.m. to 7:00 p.m.)

15. Use of Force

Minors that attack another youth, staff or attempt physically to harm them selves shall be restrained by staff. Staff shall utilize that amount of force necessary to restrain and prevent injury. Staff may also use peppers spray to control the situation. Staff will advise the minor or minors to “drop to the floor” or “pepper pray” before the pepper spray is utilized.

16. Point System

The Imperial County Juvenile Facility has developed a point system, consisting of good behavior, grooming and room maintenance, so that minors can merit privileges such as free phone calls and free snacks. Minors can earn forty points in one day. This includes ten points for participating in school activities. Minors can also lose the daily earned points by having disciplinary action that day. Any minor not serving disciplinary action can earn extra points assisting in daily house keeping duties.

Policy 202 (2016)

I. Education Program & School Attendance

1. During your stay in Juvenile Hall you will attend school daily unless you have already received your diploma. All Juvenile Hall rules apply in the classroom. Once enrolled in school, you will be provided with additional rules from the school staff.

J. Programs and Activities

1. Recreation
Recreation and one hour of outdoor large muscle physical activity will be conducted daily. Youth are encouraged to participate in all facility programs. Some programs will be mandated that you attend and participate pursuant to a court order.
2. Foster Grandparents
The Foster Grandparents are role models, mentors and friends to youth that are detained in the Juvenile Hall. The grandparents will see youth on a daily basis and will provide tutoring, mentoring and counseling.
3. Taking Control
“Taking control” is a social awareness program that is offered to youth who have been in custody for 30 days and have displayed acceptable behavior. Upon entry to the program you will be asked to complete assignments (auto-biography, word puzzles, poems, and an essay). Once you have completed the assignments and the supervisor has reviewed the materials, youth will be eligible to receive an FM radio, pencil and sketching paper.
4. Drug and Alcohol Counseling
Behavioral Health provides youth with drug and alcohol counseling twice a week.

K. Reading Materials

1. Youth have access to books that are located in the dormitories. In addition the Grandparents program has a library where the youth are allowed to check books out. Youth are allowed three books at a time in their room.

L. Point System

1. The Imperial County Juvenile Hall has developed a point system, consisting of good behavior, grooming and room maintenance. A youth can merit privileges such as phones calls and snacks. Youth can earn up to 40 points daily. An additional 50 points daily may be earned if the youth are selected to help with cleaning details.

4. Clothing Roll:

- a. Youth will have in their possession a clothing roll consisting of a white towel, undershirt, underwear (sport bra females) and socks. Clothing roll will be prepared the night before and shall be placed outside of the youth's assigned room.

O. Institutional Sanitation

1. Daily Cleaning

The following areas are to be cleaned daily.

- a. Sleeping rooms (swept, mopped and toilets sanitized)
- b. Bathroom (swept, mopped and toilets sanitized)
- c. Recreations room (swept and mopped)
- d. Dorm Hallway (swept and mopped)

2. General Inspection Day

- a. General Inspection Day is on every Thursday during the evening. On General Inspection day, Youth are to thoroughly clean their Dorm which includes bathrooms, recreation room, and sleeping rooms.

3. Uniform Wash Days

- a. Uniforms which consist of pants and top will be washed twice a week. The following is a schedule for uniform wash days organized by dorm. **Note** Undergarments will be washed daily.

4. Towel & Linen Exchange:

- a. All towels will be washed twice a week and all linen will be washed once a week.

P. Use of Force, Restraints and Chemical Agent

1. Juvenile Detention Officers are allowed to use physical force to restrain and control a youth who is in danger of physically harming him or herself, another youth or staff. The use of force will never be used as punishment, discipline, or treatment. When needed, the Juvenile Hall Counselors may use hand cuffs, shackles, pepper spray, or a spitting hood. Staff shall only utilize the amount of force necessary to restrain and prevent injury.

S. Consequences for Rule Violations

Consequences for violation ICJH rules shall vary from loss of privileges, removal from your unit, remaining in your room during activities and possible prosecution from the District Attorney's Office.

At no time shall a youth's rights as described in Title 15, be imposed as a consequence.

1. Youth's legal rights:
 - a. Bed and bedding
 - b. Daily shower, access to drinking fountain, toilet, personal hygiene items and clean clothing.
 - c. Full nutrition
 - d. Contact with parent or attorney
 - e. Exercise
 - f. Medical services and counseling
 - g. Religious services
 - h. Clean and sanitary living conditions
 - i. Right to send and receive mail
 - j. Right to an education
2. If you choose not to follow the rules or follow a staff directive, you will receive some sort of consequence appropriate to the seriousness of your actions, such as:
 - a. Verbal warning
 - b. Loss of privileges
 - c. 24-72 hour removal (removal from general population)
 - d. ETB (early to bed)
 - e. MIR (meal in room)
 - f. Additional criminal charges

T. Due Process:

1. Upon committing a major rule violation the youth has the right to written notice of violation prior to the hearing, a hearing by a person who is not a party to the incident, an opportunity for the youth to be heard, present evidence and testimony, Provisions for youth to be assisted by staff in the hearing process and Provision for administrative review. In addition, youth that have committed a minor rule violation have the right to a review and appeal by submitting a Institutional Grievance.

U. Grievance Procedures

1. You have the right to submit a grievance relating to any condition of confinement, including but not limited to health care services, classification decisions, program participation, telephone, mail or visiting procedures, food, clothing, bedding, mistreatment, harassment or violations of the nondiscrimination policy. In addition, youth may submit a grievance for any disciplinary action received resulting from a minor rule violation.

Grievance Procedure:

- a. If a youth is unable to write, a staff will be made available to assist the youth in completing the grievance appeal.
- b. Submit a grievance appeal form to any staff. The form is located in the recreation area of the dormitory. The form is written in both English and Spanish.
- c. The oncoming shift supervisor shall conduct an investigation of the complaint and respond within **5 days** of receiving the grievance.
- d. The oncoming shift supervisor shall discuss the outcome with the youth. Should the youth agree to the shift supervisor response, the youth shall acknowledge by signing the grievance appeal form.
- e. Should the youth disagree with the findings; the youth can submit a written response to the Facility Manager.

V. Emergencies and Evacuation Procedures

1. Imperial County Juvenile Hall has regular emergency and evacuation drills to ensure all people in the Juvenile Hall are able to properly respond should a real emergency or evacuation occur. A Juvenile Detention Officer will provide youth with instructions to prepare for these drills. In addition evacuation routes are posted in the dormitories.

In the event of an emergency or natural disaster the evacuation procedure is as follows:

- a. Don't run or panic
- b. If you are high security expect to be handcuffed.
- c. File out in single file, and remain serious at all times.
- d. All youth will assemble on the basketball court by dorm. Dorm IV & V will assemble in the west field.
- e. Staff will conduct a roll call. Be prepared to answer during roll call.
- f. Youth are to remain quiet at all times during evacuation. Speaking between dorms is prohibited.
- g. All youth shall await further instructions from staff, and will remain outside until no further danger or hazards are present.

Policy 202 (2017-2018)

I. Education Program & School Attendance

1. During your stay in Juvenile Hall you will attend school daily unless you have already received your diploma. All Juvenile Hall rules apply in the classroom. Once enrolled in school, you will be provided with additional rules from the school staff.

J. Programs and Activities

1. Recreation
Recreation and one hour of outdoor large muscle physical activity will be conducted daily. Youth are encouraged to participate in all facility programs. Some programs will be mandated that you attend and participate pursuant to a court order.
2. Foster Grandparents
The Foster Grandparents are role models, mentors and friends to youth that are detained in the Juvenile Hall. The grandparents will see youth on a daily basis and will provide tutoring, mentoring and counseling.
3. Taking Control
“Taking control” is a social awareness program that is offered to youth who have been in custody for 30 days and have displayed acceptable behavior. Upon entry to the program you will be asked to complete assignments (auto-biography, word puzzles, poems, and an essay). Once you have completed the assignments and the supervisor has reviewed the materials, youth will be eligible to receive an FM radio, pencil and sketching paper.
4. Drug and Alcohol Counseling
Behavioral Health provides youth with drug and alcohol counseling twice a week.
5. Tai-Chi
Instruction in Tai Chi is given once a week. Tai Chi inspires a better way to live and strengthens both the mind and the body.
6. Garden of Dreams
Youth in the Juvenile Hall receive instruction in gardening and the many phases of the growth cycle. Instruction is provided once a week by a Master Gardner.

K. Reading Materials

1. Youth have access to books that are located in the dormitories. In addition the Grandparents program has a library where the youth are allowed to check books out. Youth are allowed three books at a time in their room.

L. Point System

1. The Imperial County Juvenile Hall has developed a point system, consisting of behavior

and attitude, hygiene and manners room cleanliness, school participation and juvenile hall programs. A youth can merit privileges such as phones calls and snacks. Youth can earn up to 54 points daily. An additional 50 points daily may be earned if the youth are selected to help with cleaning details.

M. Religious Services

1. Religious services and/or counseling will be offered at least once each week. Access to clergy or other religious personnel is permitted. Youth will not be denied any programming if he/she elects not to participate in religious services.

N. Personal Hygiene

All youths are expected to shower daily. Shower schedule is from 7 a.m. to 9 a.m. Shaving is permitted upon request. Haircuts are conducted twice a month and are free of charge. Youth shall be given the opportunity to brush their teeth after every meal.

1. Personal Hygiene Kit:

- a. Upon admittance youths shall be assigned a hygiene kit that includes a tooth brush, tooth paste and deodorant. Feminine hygiene products will also be readily available. Personal hygiene items will be replaced upon request.
- b. It will be the responsibility of the youth that all his personal hygiene items are stored properly in his/her assigned box. **Note** tooth brushes are to be replaced upon reasonable wear.

2. Showers:

- a. Youth shall be given the opportunity to shower once daily. Depending on circumstances (details) youth shall be allowed to shower more than once.
- b. Staff shall provide the youth a 2 in 1 shampoo/body solution prior to entering the shower.
- c. All youth are allotted 5-7 minutes (depending on facility needs) to shower and complete hygiene related tasks.
- d. Youths shall brush their teeth and shower within allotted time.

P. Use of Force, Restraints and Chemical Agent

1. Juvenile Detention Officers are allowed to use physical force to restrain and control a youth who is in danger of physically harming him or herself, another youth or staff. The use of force will never be used as punishment, discipline, or treatment. When needed, the Juvenile Hall Counselors may use hand cuffs, shackles, pepper spray, or a spitting hood. Staff shall only utilize the amount of force necessary to restrain and prevent injury.

Q. Housing Assignments

1. All youth shall be housed according to: offense, legal status, age, gender, criminal sophistication, physical & emotional maturity, medical need, potential for self harm /suicide, gang affiliation, potential for violence, potential for escape, nationality, program needs, public safety concerns.

R. Juvenile Hall Rules and Discipline Procedures

Youth are expected to follow the rules of the facility at all times. You shall comply with staff directives at all times for the safety of yourself and others. You will receive positive incentives for appropriate behavior or consequences when your behavior is inappropriate. Remember, the Juvenile hall is a detention center and the dormitories and rooms within are subject to routine or random searches.

1. Exiting / entering your room:

When exiting or entering your assigned room, there shall be no movement, no talking and all youth shall await staff instructions.

- a. When exiting you will sit next to your room, with your knees close to your chest and arms crossed at the knees.
- b. When entering your room you will stand facing the wall with your arms crossed.

2. Movement within the Juvenile Hall:

- a. Youth are to comply with all staff directives
- b. When exiting your assigned dorm and moving within the facility all youth shall walk in a single file with arm crossed and hands tucked in.
- c. No talking is permitted during movement.

3. Indoor recreation rules:

- a. Maintain a respectful attitude amongst staff and peers and maintain proper sportsmanship during activities.
- b. Comply with staff directives.

S. Consequences for Rule Violations

Consequences for violation ICJH rules shall vary from loss of privileges & removal from your unit, during activities and possible prosecution from the District Attorney's Office.

At no time shall a youth's rights as described in Title 15, be imposed as a consequence.

1. Youth's legal rights:
 - a. Bed and bedding
 - b. Daily shower, access to drinking fountain, toilet, personal hygiene items and clean clothing.
 - c. Full nutrition
 - d. Contact with parent or attorney
 - e. Exercise
 - f. Medical services and counseling
 - g. Religious services
 - h. Clean and sanitary living conditions
 - i. Right to send and receive mail
 - j. Right to an education
2. If you choose not to follow the rules or follow a staff directive, you will receive some sort of consequence appropriate to the seriousness of your actions, such as:
 - a. Special Programming: Youth are placed on a special program where they will program apart from the general population. special programming will consist of dorm only programming, education in classroom 4, and have meals in the dormitory until they're behavior improves.
 - Mitigating factors: Youth is cooperative in fact finding of incident, one of the involved parties has left the institution, youths remains calm and receives no further disciplinary action during special programming, youth's behavior has improved, etc.
 - Aggravating factors: Youth is uncooperative or hindering fact finding, youth remains aggressive or makes verbal threats, receives disciplinary action during separation, no improvement in behavior, etc.
 - b. MID: Meal in dorms
 - c. Time outs: Brief separation from group
 - d. Brief cool off periods : Brief room confinement

T. Due Process:

1. Upon committing a major rule violation the youth has the right to written notice of violation prior to the hearing, a hearing by a person who is not a party to the incident, an opportunity for the youth to be heard, present evidence and testimony, Provisions for youth to be assisted by staff in the hearing process and Provision for administrative review. In addition, youth that have committed a minor rule violation have the right to a review and appeal by submitting a Institutional Grievance.

U. Grievance Procedures

1. You have the right to submit a grievance relating to any condition of confinement, including but not limited to health care services, classification decisions, program participation, telephone, mail or visiting procedures, food, clothing, bedding, mistreatment, harassment or violations of the nondiscrimination policy. In addition, youth may submit a grievance for any disciplinary action received resulting from a minor rule violation.

Grievance Procedure:

- a. If a youth is unable to write, a staff will be made available to assist the youth in completing the grievance appeal.
- b. Submit a grievance appeal form to any staff. The form is located in the recreation area of the dormitory. The form is written in both English and Spanish.
- c. The oncoming shift supervisor shall conduct an investigation of the complaint and respond within **5 days** of receiving the grievance.
- d. The oncoming shift supervisor shall discuss the outcome with the youth. Should the youth agree to the shift supervisor response, the youth shall acknowledge by signing the grievance appeal form.
- e. Should the youth disagree with the findings; the youth can submit a written response to the Facility Manager.

V. Emergencies and Evacuation Procedures

1. Imperial County Juvenile Hall has regular emergency and evacuation drills to ensure all people in the Juvenile Hall are able to properly respond should a real emergency or evacuation occur. A Juvenile Detention Officer will provide youth with instructions to prepare for these drills. In addition evacuation routes are posted in the dormitories.

In the event of an emergency or natural disaster the evacuation procedure is as follows:

- a. Don't run or panic
- b. If you are high security expect to be handcuffed.
- c. File out in single file, and remain serious at all times.

Policy 206 (2015)

Subject: Use of Force

Purpose: To provide guidelines for the intervention/ restraint of minors

Policy: It is the policy of the Imperial County Juvenile Hall to provide for the physical safety and security of minors, staff and visitors within the facility. Staff shall only use the level of physical intervention/ restraint needed to cease the aggressive behavior and ensure the safety of the facility. Under no circumstances will force be used as a form of discipline or punishment.

Procedure: The Imperial County Juvenile Hall escalation of force is as follows:


- a. Verbal
- b. Chemical agent
- c. Physical Intervention/Restraint

When behavior is exhibited that is of such nature that even a momentary delay may result in further injury, staff may use chemical agents or physical intervention/restraints without warning. Otherwise the procedure is as follows:

1. The aggressive minor shall be first **verbally** ordered to stop the behavior before physical intervention/restraint is used.
2. Should the minor fail to comply, **pepper spray** shall be used only after making a reasonable effort to verbally persuade voluntary compliance and after giving a verbal warning that pepper spray will be used. Application of pepper spray may be applied without warning when behavior exhibited is of such nature it may result in immediate injury.
3. **Physical intervention/ restraint** shall only be used to ensure the safety of minors, staff and visitors, also to prevent property damage, prevent escapes and ensure the safety of the facility.
4. When physical intervention/restraint is required, only sufficient force shall be used to restrain. It shall be utilized only as long as absolutely necessary.
5. Staff may utilize those control and restraining techniques and devices approved by the Facility Manager, in which the employee has received approved training in.

6. Minors shall not be physically restrained in situations where control can be gained through the use of non-physical techniques.
7. If a minor is refusing to cooperate and it appears that physical intervention/ restrained may be necessary, the “show of force” concept may be utilized. This involves having several staff members confront the minor to impress upon him that physical resistance is futile.
8. Staff shall notify the Shift Supervisor prior to the use of physical intervention/ restraint. If prior notification is not possible, notification shall be made immediately there after.
9. After the use of physical intervention/ restraint on a minor, staff shall notify the medical nurse and or provide medical attention. The nurse will conduct a physical assessment on the minor involved in use of force incident. In severe cases the P.A. maybe contacted to conduct a medical assessment and a follow up assessment. After hours, if required the minor shall be transported to the local emergency room for further evaluation. Behavior health staff will also be made available upon request.
10. All staff who participated in or witnessed the used of physical intervention/ restraint shall write and submit an Incident Report form. This form shall be completed and submitted to the Shift Supervisor prior to leaving the shift which the incident occurred in.
11. The Shift Supervisor shall review the Incident Report and provide a brief critique of the incident. The critique shall includes discussion of the following:
 1. Compliance with policy and procedures
 2. Appropriateness of level of force
 3. Alternative to use of force.
12. Employees observing violations of this policy shall immediately report the incident to the Shift Supervisor. Any incidents of abuse of force will be subject to possible disciplinary action.
13. Minors who are pregnant and in labor are not to be fitted with handcuffs, belly chains or leg irons during transport to the hospital, during delivery and while recovering form labor.

Policy 206 (2016)

 <div style="display: inline-block; vertical-align: middle;"> IMPERIAL COUNTY PROBATION </div> <div style="display: inline-block; vertical-align: middle; margin-left: 20px;"> JUVENILE HALL </div>			
Approved By: _____ <div style="text-align: center;">FACILITY MANAGER</div>		Subject: Use of Force	
		Authority, Imperial County Juvenile Hall BSCC	
Policy: 206 Title 15 Section, 1357	Effective date: 02/2000	Prepared by: E. Verdugo	Page 1 of 7

USE OF FORCE

- I. **PURPOSE:** To provide guidelines for the intervention/ restraint of minors.
- II. **SCOPE:** All institutional staff
- III. **POLICY:** It is the policy of the Imperial County Juvenile Hall to provide for the physical safety and security of minors, staff and visitors within the facility. Staff shall only use the level of physical intervention/ restraint needed to cease the aggressive behavior and ensure the safety of the facility. Under no circumstances will force be used as a form of discipline or punishment.

IV. PROCEDURES:

A. Definitions

1. Use of force: An immediate physical means to overcome resistance to control the threat of imminent harm to self or others, or to bring an incident under control for the safety of staff, residents and others.
1. Reasonable Use of Force: Force used that is necessary and objectively reasonable given the facts and circumstances of the particular incident or event as judged from the perspective of an objectively reasonable officer on the scene at the time of the incident.
2. Excessive Force: The use of more force than an objective, trained, and competent Peace Officer, faced with similar facts and circumstances would use to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order.

B. Levels of Force

1. The level of force selected is always based on what is objectively reasonable to staff given the resident and the circumstances. The appropriate level of force used by a staff may escalate or deescalate, depending on whether there are changing circumstances and/or changes in the behavior of the resident(s). Thus, the process is fluid, requiring staff to constantly evaluate and react in a professional manner. Staff should attempt to avoid the use of force whenever possible. All use of force will be based upon what is reasonable, appropriate and available given the circumstances
2. Physical force shall never be used to retaliate against a resident, punish a resident, or discipline a resident. When using physical force, staff must not allow anger or emotions to cause a loss of control.
3. While various degrees of force exist, staff are expected to use only that degree of force reasonable under the circumstances to ensure the safety of residents and others. Moreover, reasonable force should only be used when less restrictive methods have failed.

C. Use of Force:

1. Non-Physical:
 - a. Command Presence
 - b. Counseling/Verbal Diffusion
 - c. Staff Switching
 - d. Show of Force (Calling a Code)
 - e. Verbal Commands
2. Physical Force:
 - a. Chemical (restraints) Agents
 - b. Physical Restraint
 - c. Mechanical Restraint Devices (movement only)

It should be noted that the force options listed above is not to be followed in the listed order but all options should be considered and utilized depending on the situation. In any case staff shall look for the least restrictive means of compliance.

3. Descriptions:

Non-Physical:

- a. Command Presence: The use of physical presence and official authority to attempt to gain compliance.
- b. Counseling/ Verbal diffusion: An option available to staff to deescalate a situation using communication, counseling and /or negotiation. Use of Motivational Interviewing Skills
- c. Staff Switching: The technique of attempting to gain a resident's compliance through counseling while using different staff.
- d. Show of Force: Command presence of multiple staff with a resident using communicative intervention as a deterrent to the use of force.
- e. Verbal Commands: An option available to staff is to give residents clear, concise, and simple instructions, adding to the staff's ability to gain control of a situation.

Physical Force:

- a. Chemical Agents: The authorized utilization of Oleoresin Capsicum (OC) Spray on a resident to control, restrain or subdue imminent or actual violent behavior where such behavior presents a clear danger to any person.
- b. Physical Restraint Techniques: Department approved weaponless defensive tactics, maneuvers, and control holds used to subdue, restrain or escape from violent/out of control residents.
- c. Mechanical Restraint Devices: Devices that restrict the normal movement and function of the body, i.e. handcuffs. Mechanical restraints shall only be used for movement to and from locations within the Juvenile Hall. At no time is a youth locked in a room with handcuffs, leg irons or belly chains. The use of physical restraints (e.g., Restraint Chair and other restraints that immobilize the youths extremities and /or prevent the youth from being ambulatory) is prohibited.
- d. Any youth that present an immediate danger to themselves, who exhibit behavior which results in the destruction of property, or reveals the intent to cause self-inflicted harm shall be monitored closely. If the behavior persists the youth shall be removed from their room and placed in a secure area (e.g., recreation room) with one on one staff supervision until the behavior improves. If applicable, behavior health will be notified and will evaluate the youth. Once it has been determined (behavior health recommendation) that the youth's behavior has improved the youth may be placed in the camera room to supplement supervision.

D. Factors to Consider

When determining whether or not to apply any level of force and evaluating if a staff used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

1. The conduct of the resident being confronted (as reasonably perceived by staff at the time);
2. Staff/Resident factors: Age, size, relative strength, skill level, sophistication, ratio of staff to resident(s);
3. Influence of drugs or alcohol or other medical or mental health conditions;
4. Proximity to weapons or contraband;
5. Availability of other options reasonably available to staff under the circumstances;
6. Training and experience of staff;
7. Potential for injury to staff, residents or others;
8. Seriousness of the incident or reason for contact with the resident;
9. Risk of escape;
10. Other exigent circumstances.

E. Medical Considerations

1. Minors who are pregnant and in labor are not to be fitted with handcuffs, belly chains or leg irons during transport to the hospital, during delivery and while recovering from labor.
2. After the use of physical intervention/ restraint on a minor, staff shall notify the medical nurse and or provide medical attention. The nurse will conduct a physical assessment on the minor involved in use of force incident. After hours, if required the minor shall be transported to the local emergency room for further evaluation. Behavior health staff will also be made available upon request.

F. O.C. Spray / Pepper Spray

The Imperial County Juvenile Hall exclusively uses non-lethal force. Pepper Spray is used to control, restrain or subdue imminent or actual violent behavior. Pepper spray is used only after every non-physical avenue has been exhausted or it is required due to imminent violent behavior towards youth or staff.

1. The aggressive minor shall be first **verbally** ordered to stop the behavior before O.C. / pepper spray is used.
2. Should the minor fail to comply, **pepper spray** shall be used only after making a reasonable effort to verbally persuade voluntary compliance and after giving a verbal warning that pepper spray will be used. Application of pepper spray may be applied without warning when behavior exhibited is of such nature it may result in immediate injury.

G. Physical Restraint:

1. Physical Intervention shall only be used to ensure the safety of minors, staff and visitors, also to prevent property damage, prevent escapes and ensure the safety of the facility.
2. When physical intervention/restraint is required, only sufficient force shall be used to stop violent behavior
3. Staff shall notify the Shift Supervisor prior to the use of physical intervention/restraint. If prior notification is not possible, notification shall be made immediately thereafter.

H. Documentation

1. All staff who participated in or witnessed the use of force intervention/ restraint shall submit an incident report. This form shall be completed and submitted to the Shift Supervisor prior to the end of the shift in which the incident occurred. The incident report will contain the following information:
 - a. Type of force used (i.e. chemical, physical verbal etc.
 - b. Factual justification for use of force, including circumstances leading to the use of force.
 - c. Extent of injuries if applicable.
2. Resident's claiming that use of force was abused shall be provided a grievance form to complete. Staff receiving a verbal or written complaint of abuse shall notify a Supervisor as soon as possible.

I. Review

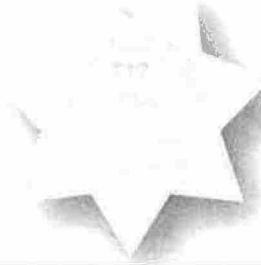
1. The Facility Manager and Shift Supervisors shall review use of force incidents and provide a debrief of the incident with all staff involved. The critique shall include discussion of the following:
 - a. Compliance with policy and procedures
 - b. Appropriateness of level of force
 - c. Alternative to use of force.
2. Force shall never be used as a discipline, punishment, or treatment. Unreasonable and/or excessive use of force may constitute a crime, including but not limited to, child abuse.
3. Employees observing violations of this policy shall immediately report the incident to the Shift Supervisor. Any incidents of abuse of force will be subject to possible disciplinary action.
4. Any abuse of force allegations, once it has been vetted through the review process may be referred to the department internal affairs investigator for further review.
5. Staff will be subject to administrative discipline, up to and including termination, and/or criminal complaints for the following:
 - a. The application of unreasonable and/or excessive use of force and
 - b. The failure to promptly report known applications of unreasonable and /or excessive use of force.
 - d. Situations involving staff misconduct will be handled in accordance to the County's Personnel Management Regulations and applicable Memorandum of Understanding's (MOU's).

J. Training

1. Training shall be provided to authorized institutional staff in the policy regarding use of force, mechanical and physical restraints and chemical restraints (oleoresin capsicum-OC). Annual training will be provided regarding the use of force options, non-physical options considered and/or in lieu of force and considerations when applying use of force. In addition, use of force information will be disseminated through Bulleting Trainings and staff will participate in hands on drills simulating use of force situations.

Revised/ Updated 02/12/2015

Policy 206 (2017-2018)

 <div style="display: inline-block; vertical-align: middle;"> IMPERIAL COUNTY PROBATION </div> <div style="display: inline-block; vertical-align: middle; margin-left: 20px;"> JUVENILE HALL </div>			
Approved By: _____ <div style="text-align: center; margin-top: 10px;">FACILITY MANAGER</div>		Subject: Use of Force	
		Authority, Imperial County Juvenile Hall BSCC	
Policy: 206 Title 15 Section, 1357	Effective date: 02/2000	Prepared by: E. Verdugo	Page 1 of 7

USE OF FORCE

- I. PURPOSE:** To provide guidelines for the intervention/ restraint of minors.
- II. SCOPE:** All institutional staff
- III. POLICY:** It is the policy of the Imperial County Juvenile Hall to provide for the physical safety and security of minors, staff and visitors within the facility. Staff shall only use the level of physical intervention/ restraint needed to cease the aggressive behavior and ensure the safety of the facility. Under no circumstances will force be used as a form of discipline or punishment.

IV. PROCEDURES:

A. Definitions

1. Use of force: An immediate physical means to overcome resistance to control the threat of imminent harm to self or others, or to bring an incident under control for the safety of staff, residents and others.
1. Reasonable Use of Force: Force used that is necessary and objectively reasonable given the facts and circumstances of the particular incident or event as judged from the perspective of an objectively reasonable officer on the scene at the time of the incident.
2. Excessive Force: The use of more force than an objective, trained, and competent Peace Officer, faced with similar facts and circumstances would use to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order.

B. Levels of Force

1. The level of force selected is always based on what is objectively reasonable to staff given the resident and the circumstances. The appropriate level of force used by a staff may escalate or deescalate, depending on whether there are changing circumstances and/or changes in the behavior of the resident(s). Thus, the process is fluid, requiring staff to constantly evaluate and react in a professional manner. Staff should attempt to avoid the use of force whenever possible. All use of force will be based upon what is reasonable, appropriate and available given the circumstances
2. Physical force shall never be used to retaliate against a resident, punish a resident, or discipline a resident. When using physical force, staff must not allow anger or emotions to cause a loss of control.
3. While various degrees of force exist, staff are expected to use only that degree of force reasonable under the circumstances to ensure the safety of residents and others. Moreover, reasonable force should only be used when less restrictive methods have failed.

C. Use of Force:

1. Non-Physical:
 - a. Command Presence
 - b. Counseling/Verbal Diffusion
 - c. Staff Switching
 - d. Show of Force (Calling a Code)
 - e. Verbal Commands
2. Physical Force:
 - a. Chemical (restraints) Agents
 - b. Physical Restraint
 - c. Mechanical Restraint Devices (movement only)

It should be noted that the force options listed above is not to be followed in the listed order but all options should be considered and utilized depending on the situation. In any case staff shall look for the least restrictive means of compliance.

3. Descriptions:

Non-Physical:

- a. Command Presence: The use of physical presence and official authority to attempt to gain compliance.
- b. Counseling/ Verbal diffusion: An option available to staff to deescalate a situation using communication, counseling and /or negotiation. Use of Motivational Interviewing Skills
- c. Staff Switching: The technique of attempting to gain a resident's compliance through counseling while using different staff.
- d. Show of Force: Command presence of multiple staff with a resident using communicative intervention as a deterrent to the use of force.
- e. Verbal Commands: An option available to staff is to give residents clear, concise, and simple instructions, adding to the staff's ability to gain control of a situation.

Physical Force:

- a. Chemical Agents: The authorized utilization of Oleoresin Capsicum (OC) Spray on a resident to control, restrain or subdue imminent or actual violent behavior where such behavior presents a clear danger to any person.
- b. Physical Restraint Techniques: Department approved weaponless defensive tactics, maneuvers, and control holds used to subdue, restrain or escape from violent/out of control residents.
- c. Mechanical Restraint Devices: Devices that restrict the normal movement and function of the body, i.e. handcuffs. Mechanical restraints shall only be used for movement to and from locations within the Juvenile Hall. At no time is a youth locked in a room with handcuffs, leg irons or belly chains. The use of physical restraints (e.g., Restraint Chair and other restraints that immobilize the youths extremities and /or prevent the youth from being ambulatory) is prohibited.
- d. Any youth that present an immediate danger to themselves, who exhibit behavior which results in the destruction of property, or reveals the intent to cause self-inflicted harm shall be monitored closely. If the behavior persists the youth shall be removed from their room and placed in a secure area (e.g., recreation room) with one on one staff supervision until the behavior improves. If applicable, behavior health will be notified and will evaluate the youth. Once it has been determined (behavior health recommendation) that the youth's behavior has improved the youth may be placed in the camera room to supplement supervision.

D. Factors to Consider

When determining whether or not to apply any level of force and evaluating if a staff used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

1. The conduct of the resident being confronted (as reasonably perceived by staff at the time);
2. Staff/Resident factors: Age, size, relative strength, skill level, sophistication, ratio of staff to resident(s);
3. Influence of drugs or alcohol or other medical or mental health conditions;
4. Proximity to weapons or contraband;
5. Availability of other options reasonably available to staff under the circumstances;
6. Training and experience of staff;
7. Potential for injury to staff, residents or others;
8. Seriousness of the incident or reason for contact with the resident;
9. Risk of escape;
10. Other exigent circumstances.

E. Medical Considerations

1. Minors who are pregnant and in labor are not to be fitted with handcuffs, belly chains or leg irons during transport to the hospital, during delivery and while recovering from labor.
2. After the use of physical intervention/ restraint on a minor, staff shall notify the medical nurse and or provide medical attention. The nurse will conduct a physical assessment on the minor involved in use of force incident. After hours, if required the minor shall be transported to the local emergency room for further evaluation. Behavior health staff will also be made available upon request.

F. O.C. Spray / Pepper Spray

The Imperial County Juvenile Hall exclusively uses non-lethal force. Pepper Spray is used to control, restrain or subdue imminent or actual violent behavior. Pepper spray is used only after every non-physical avenue has been exhausted or it is required due to imminent violent behavior towards youth or staff.

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G. Physical Restraint:

1. Physical Intervention shall only be used to ensure the safety of minors, staff and visitors, also to prevent property damage, prevent escapes and ensure the safety of the facility.
2. When physical intervention/restraint is required, only sufficient force shall be used to stop violent behavior
3. Staff shall notify the Shift Supervisor prior to the use of physical intervention/restraint. If prior notification is not possible, notification shall be made immediately thereafter.

H. Documentation

1. All staff who participated in or witnessed the use of force intervention/ restraint shall submit an incident report. This form shall be completed and submitted to the Shift Supervisor prior to the end of the shift in which the incident occurred. The incident report will contain the following information:
 - a. Type of force used (i.e. chemical, physical verbal etc.
 - b. Factual justification for use of force, including circumstances leading to the use of force.
 - c. Extent of injuries if applicable.
2. Resident's claiming that use of force was abused shall be provided a grievance form to complete. Staff receiving a verbal or written complaint of abuse shall notify a Supervisor as soon as possible.

I. Review

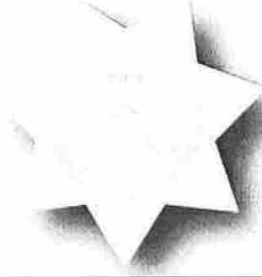
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 - a. Compliance with policy and procedures
 - b. Appropriateness of level of force
 - c. Alternative to use of force.
2. Force shall never be used as a discipline, punishment, or treatment. Unreasonable and/or excessive use of force may constitute a crime, including but not limited to, child abuse.
3. Employees observing violations of this policy shall immediately report the incident to the Shift Supervisor. Any incidents of abuse of force will be subject to possible disciplinary action.
4. Any abuse of force allegations, once it has been vetted through the review process may be referred to the department internal affairs investigator for further review.
5. Staff will be subject to administrative discipline, up to and including termination, and/or criminal complaints for the following:
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 - b. The failure to promptly report known applications of unreasonable and /or excessive use of force.
 - d. Situations involving staff misconduct will be handled in accordance to the County's Personnel Management Regulations and applicable Memorandum of Understanding's (MOU's).

J. Training

1. Training shall be provided to authorized institutional staff in the policy regarding use of force, mechanical and physical restraints and chemical restraints (oleoresin capsicum-OC). Annual training will be provided regarding the use of force options, non-physical options considered and/or in lieu of force and considerations when applying use of force. In addition, use of force information will be disseminated through Bulleting Trainings and staff will participate in hands on drills simulating use of force situations.

Revised/ Updated 02/12/2015

Policy 213 (2015)

 <div style="display: inline-block; vertical-align: middle; margin-left: 10px;"> IMPERIAL COUNTY PROBATION </div> <div style="display: inline-block; vertical-align: middle; margin-left: 100px;"> JUVENILE HALL </div>			
Approved By: _____ <div style="text-align: center; margin-top: 10px;">FACILITY MANAGER</div>		Subject: Discipline Process	
		Authority, Imperial County Juvenile Hall, Board of State and Community Corrections	
Policy: 213 Title 15, Section 1391	Effective date: 09/18/2013	Prepared by: Eloy Verdugo	Page 1 of 5

DISCIPLINE / DISCIPLINE PROCESS

- I. **PURPOSE:** There are written policies and procedures for the administration of discipline.
- II. **SCOPE:** All institutional Staff
- III. **POLICY:** To set forth policy dealing with the administration of ,discipline, outlined major and minor rule infractions, imposed disciplines and due process rights.
- IV. **PROCEDURE:**

A. General Guidelines:

1. After reviewing the incident report, the shift supervisor will be the person designated to incur penalties/discipline.
2. At no time will another minor be used to impose any discipline to another minor.
3. Discipline is to be imposed at the least restrictive level that promotes the desired behavior.
4. Discipline does not include corporal punishment, group punishment, physical or psychological degradation or deprivation of the following:

- a) Bed and clothing
- b) Daily shower, access to drinking fountain, toilet and personal hygiene items and clean clothing.
- c) Full nutrition
- d) Contact with parents or attorney
- e) Exercise
- f) Medical services and counseling
- g) Religious services
- h) Clean and sanitary living conditions.
- i) The right to send and receive mail.
- j) Education.

B. Major and Minor Rule Violations:

1. **Minor rule violations:** may be handled informally by **counseling or advising** the minor of the expected conduct or by the imposition of a minor penalty.
2. **Major rule violations:** any violation that results in separation for 24 hours or more, or extension of time in custody. Major rule violations and the discipline process shall be documented.

Major rule violations and penalties:

- a) **Fighting-** any minor involved in a physical altercation with another minor.
(The imposed discipline for fighting is a 24-72 hour removal)
- b) **Destruction/defacing of county property** – any minor who writes on the walls or willfully destroys county property (sheets, blankets, books, etc.)
(The imposed discipline is a 24 hour removal and 5 E.T.B.)
- c) **Contraband** – any minor in possession of items that are not allowed in their rooms (extra clothing, lighters, drugs, etc.)
(The imposed discipline is a 24hour removal)
- d) **Disobeying staff directions** – any minor who does not follow staff instructions.
(The imposed discipline is a E.T.B.)
- e) **Profanity/racial slurs** – any minor who uses profanity towards another person or who engages in the use of racial or sexual slurs.
(The imposed discipline is a 24 hour removal.)

Minor rule violations and penalties:

- a) No combs or toothbrushes are to be taken out of the dorm at anytime (E.T.B.)
- b) One pair of shoes is allowed outside minors room (E.T.B.)
- c) No ward is to leave the dorm or call out from the dorm to any persons. (E.T.B.)
- d) Wards are to ask permission to turn on T.V., radio or change channels (E.T.B.)
- e) No ward is to be horse playing or running inside of the dorm (E.T.B.)
- f) No talking permitted while in serving line, school line or P.E. line (E.T.B.)
- g) All staff must be addressed by Mr., Mrs. or Ms. (E.T.B.)
- h) All minors must wear a complete uniform. When leaving the dorm. T-shirts and blue shirts are to be tucked in at all times and pants should not drag (E.T.B.)
- i) No loud noises, screaming, yelling or talking between rooms (E.T.B.)
- j) No Physical contact between wards at anytime (E.T.B.)
- k) Wards are to be in their rooms at 1530 hrs and 2030 hrs
- l) All wards are to sleep with their feet towards the door at all times (E.T.B.)
- m) No standing on beds at any time (E.T.B.)
- n) Only three books in room at all times. A Bible is considered a book (E.T.B.)
- o) Only three letters allowed in room, other letters are to be placed in minors property
- p) No games will be allowed in rooms at any time (E.T.B.)
- q) Only one minor is allowed inside a room at a time. (E.T.B.) (unless that double up is in the new wing.)
- r) No gambling allowed in the facility (E.T.B.)
- s) No male is to go into a restroom if a female is in there / no female is to go into a restroom if a male is using it. (E.T.B.)
- t) Horse play in the kitchen resulting in an untidy eating area (M.I.R.)
- u) Talking across dining tables (M.I.R.)

C. Penalties:

1. **24-72 hour removal:** Removal from general population and placed in his/her room for up to 3 days, subject to daily review by the shift supervisors. The following are factors will be considered in determining how long the youth will be separated:
 - a. **Mitigating factors:** Youth is cooperative in fact finding of incident, one of the involved parties has left the institution, youth remains calm and receives no further disciplinary action during separation, youth's behavior has improved, etc.
 - b. **Aggravating factors:** Youth is uncooperative or hindering fact finding, youth remains aggressive or makes verbal threats, receives disciplinary action during separation, no improvement in behavior, etc.
2. **24 hour removal:** Removal from general population and placed in his / room for 24 hours.

3. **E.T.B:** Early to bed. The minor will be placed in his room at 1800hrs and remain in his room during evening recreation.
4. **M.I.R:** Meals in room.

It should be noted that not one factor alone but a combination of factors shall determine the outcome.

D. Due Process:

Upon committing a major rule violation the minor has the right to written notice of violation prior to the hearing, a hearing by a person who is not a party to the incident, an opportunity for the minor to be heard, present evidence and testimony, Provisions for minor to be assisted by staff in the hearing process and Provision for administrative review.

1. **Written Notice:** Upon completion of a disciplinary report (Major rule violation) the Shift Supervisor will initiate the written notice to the minor. Written notice to minor will consist of name of minor, date, time a brief summary of the violation (staff) and discipline imposed (supervisor). The minor will review summary and document if he/she wishes to precede with his/her due process rights. All parties will sign the written notice. If minor continues with due process the on-coming shift supervisor will proceed with the due process form. If minor accepts the consequences all due process will cease.
2. **Due Process:** The on-coming supervisor (not a party to the violation) will initiate the Due Process Form. Due Process form will consist of minor's name, date, minor's statement and supervisors review/findings. The Due Process Form is an opportunity for the minor to present testimony, witness and statements on his/her behalf. Staff will assist the minor in completing the Due Process Form. The supervisor will conduct an investigation and document findings. The supervisor may elect to continue or end disciplinary action. The minor will review the findings and document if he/she wishes to appeal. All parties will sign the due process form. If the minor wishes to appeal a staff will assist in completing The Appeal Form which will be reviewed by Facility Manager or Designee. If minors accepts finding all Due Process will cease.
3. **Appeal:** If a minor chooses to continue with appeal the Shift Supervisor or staff will assist the minor in completing the Appeal Form. The Appeal Form will consist of minor's name, date, minors appeal and Facility Managers/Designee findings. This is the last process of the minors due process rights, any findings will be final. The facility Manager will review the minors appeal and may continue or end disciplinary action depending on the findings. All parties will sign the Appeal form.

Revised 09/18/2013 _____ (5 day removal)

Policy 305 (2015)

Security Review/Operations

Subject: O.C. Pepper Spray

Purpose: To establish guidelines for storage, issue, repairs and use of chemical agents.

Policy: It is the responsibility of each Juvenile Detention Officer who utilizes O.C. pepper spray to comply with this policy.

Storage:

All O.C. Pepper Spray that is used through out the course of the day is stored [REDACTED]

[REDACTED] Any O.C. that is not being used is stored [REDACTED]
[REDACTED]
[REDACTED]

Issuance:

Supervisors/Full-Time Staff:

Upon completion of required pepper spray training all supervisors and full-time staff are issued their own O.C. Pepper Spray. Facility Manager shall have staff receiving O.C. Pepper Spray sing a document stating they have received O.C. Pepper Spray. Document shall contain:

1. Date and time
2. Statement of issuance
3. O.C. serial number
4. Signature and badge number of officer receiving O.C.
5. Signature of Facility Manager

Extra-Help Staff:

Upon completion of required pepper spray training all extra-help staff will be allowed to Utilize O.C. Pepper Spray. They must all possess a valid 832 certificate, which allow them to perform peace officer duties. Shift Supervisors at the beginning of the shift will assign Extra-Help staff a canister of O.C. Pepper Spray. Extra-Help staff is then responsible for that canister for the duration of their shift. At the end of the shift Extra-help staff shall then return the canister to Shift Supervisor for storage. At no time shall Extra-Help Staff remove O.C. Pepper spray from the Juvenile Hall.

Repairs:

All staff are responsible to maintain and inspect O.C. Pepper Spray that is either issued or assigned to them. O.C. must at least be shaken once a month and sprayed in a safe area to see if operational. O.C. must also be visually inspected for any leaks or broken parts on canister. All O.C. Pepper Spray that is defective, non operational, or has been finished shall be turned in to the Facility Manager for repairs or proper disposal.

General Use and Guidelines:

Minor's that attack another youth, staff or attempt to injure themselves shall be restrained by staff. Staff shall use that amount of force necessary to restrain and prevent injury. O.C.. Pepper Spray is used in this facility to control, restrain or subdue imminent or actual violent behavior. At no time shall O.C. Pepper Spray be used when a ward is subdued or as a form of punishment or discipline.

In the event of imminent or violent behavior these are the levels of escalation that a staff must abide by.

Escalation of Force:

1. Pepper spray will not be used on those minors with respiratory conditions (asthma).
[REDACTED]
2. Radio for back up
3. Give verbal warnings "pepper spray" "drop to the floor"
4. Non compliance. Administer O.C. Pepper Spray
5. Once imminent danger or threat is gone, the minor will be given the opportunity to decontaminate. Fresh running water, ice pack, towel and fresh change of clothing will be provided for the minor.
6. Medical staff will assess the minor for signs of respiratory distress and determine if minor should be referred to E.R. for evaluation and treatment. If no medical staff is present the minor will be taken to the emergency room for a medical evaluation.
7. Complete all reports related to O.C. Pepper Spray. (incident report & pepper spray form).



Department of Justice
Oleoresin Capsicum (OC) Application Report

AGENCY REPORTING: IMPERIAL COUNTY JUVENILE HALL PHONE NUMBER : (760) 339-6217

OFFICER REPORTING: _____ BADGE/ID NUMBER: _____

DATE OF INCIDENT: _____ TIME OF INCIDENT: _____ hrs

CASE REPORT NUMBER: _____ BRAND OF OCEGENT USED: _____

CHECK ALL THAT APPLY

I. APPLICATION WAS:

- ☐ Effective ☐ Ineffective (Explain on Back) ☐ Immediate
☐ In lieu of Greater Means of Force ☐ Other (Explain on Back)

II. DEPARTMENT PERSONNEL WERE:

- ☐ Uninjured ☐ Injured (Explain on Back) ☐ Killed (Explain on Back)
☐ Alone ☐ With Others Incidentally Exposed (Explain on Back)

III. SUBJECT WAS:

- ☐ Uninjured ☐ Injured (Explain on Back) ☐ Killed (Explain on Back)
☐ Alone ☐ With Others Incidentally Exposed (Explain on Back)

IV. DESCRIPTION OF SUBJECT:

GENDER: ☐ Male ☐ Female **AGE:** ____ yrs old.
RACE: ☐ White ☐ Black ☐ Hispanic ☐ American Indian ☐ Other ____

V. FIRST AID WAS:

- ☐ Not Required: Flushing With Water was Sufficient ☐ Required (Explain on Back)

VI. SUBJECT HAD PRE-EXISTING MEDICAL CONDITIONS (DESCRIBE ON BACK):

- ☐ Asthma / Other Respiratory Problems ☐ Eye Condition/Visually Impaired, contact lenses, etc
☐ Heart Condition ☐ Pregnant ☐ Skin lesions / Other Skin condition ☐ None Noted

THE REVERSE SIDE IF FURTHER EXPLANATION IS NECESSARY, COMPLETE AS SOON AS PRACTICAL
FOLLOWING AN INCIDENT AND SUBMIT QUARTELY TO:

CALIFORNIA DEPARTMENT OF JUSTICE
P.O. BOX 820200

Policy 305 (2016)

Security Review/Operations

Subject: O.C. Pepper Spray

Purpose: To establish guidelines for storage, issue, repairs and use of chemical agents.

Policy: It is the responsibility of each Juvenile Detention Officer who utilizes O.C. pepper spray to comply with this policy.

Storage:

All O.C. Pepper Spray that is used through out the course of the day is stored [REDACTED]
[REDACTED] Any O.C. that is not being used is stored [REDACTED]

Issuance:

Supervisors/Full-Time Staff:

Upon completion of required pepper spray training all supervisors and full-time staff are issued their own O.C. Pepper Spray. Facility Manager shall have staff receiving O.C. Pepper Spray sing a document stating they have received O.C. Pepper Spray. Document shall contain:

1. Date and time
2. Statement of issuance
3. O.C. serial number
4. Signature and badge number of officer receiving O.C.
5. Signature of Facility Manager

Extra-Help Staff:

Upon completion of required pepper spray training all extra-help staff will be allowed to Utilize O.C. Pepper Spray. They must all possess a valid 832 certificate, which allow them to perform peace officer duties. Shift Supervisors at the beginning of the shift will assign Extra-Help staff a canister of O.C. Pepper Spray. Extra-Help staff is then responsible for that canister for the duration of their shift. At the end of the shift Extra-help staff shall then return the canister to Shift Supervisor for storage. At no time shall Extra-Help Staff remove O.C. Pepper spray from the Juvenile Hall.

Repairs:

All staff are responsible to maintain and inspect O.C. Pepper Spray that is either issued or assigned to them. O.C. must at least be shaken once a month and sprayed in a safe area to see if operational. O.C. must also be visually inspected for any leaks or broken parts on canister. All O.C. Pepper Spray that is defective, non operational, or has been finished shall be turned in to the Facility Manager for repairs or proper disposal.

General Use and Guidelines:

Minor's that attack another youth, staff or attempt to injure themselves shall be restrained by staff. Staff shall use that amount of force necessary to restrain and prevent injury. O.C. Pepper Spray is used in this facility to control, restrain or subdue imminent or actual violent behavior. At no time shall O.C. Pepper Spray be used when a ward is subdued or as a form of punishment or discipline.

In the event of imminent or violent behavior these are the levels of escalation that a staff must abide by.

Escalation of Force:

1. Pepper spray will not be used on those minors with respiratory conditions (asthma).
[REDACTED]
2. Radio for back up
3. Give verbal warnings "pepper spray" "drop to the floor"
4. Non compliance. Administer O.C. Pepper Spray
5. Once imminent danger or threat is gone, the minor will be given the opportunity to decontaminate. Fresh running water, ice pack, towel and fresh change of clothing will be provided for the minor.
6. Medical staff will assess the minor for signs of respiratory distress and determine if minor should be referred to E.R. for evaluation and treatment. If no medical staff is present the minor will be taken to the emergency room for a medical evaluation.
7. Complete all reports related to O.C. Pepper Spray. (incident report & pepper spray form).

Policy 305
Title 15, Section 1327
GT/EV/JC
04/02

Policy 305 (2017-2018)



**IMPERIAL
COUNTY
PROBATION**

JUVENILE HALL

Approved By:

FACILITY MANAGER

Subject: OC Spray

Authority, Imperial County Juvenile Hall
BSCC

Policy: 305
Title 15 Section,
1327

Effective date:
04/27/2002

Prepared by:
E. Verdugo

Page 1 of 5

- I. **PURPOSE:** To establish guidelines for storage, issue, repairs and use of chemical agents.
- II. **SCOPE:** All Staff
- III. **POLICY:** It is the responsibility of each Juvenile Detention Officer who utilizes O.C. spray to comply with this policy.
- IV. **PROCEDURES:**

A. Storage

- 1. Any O.C. that is not being used is stored [REDACTED]

B. Issuance:

Supervisors / Full-Time Staff / Extra-Help

- 1. Upon completion of required O.C. spray training all staff will be allowed to Utilize O.C. spray. They must all possess a valid 832 certificate, which allows them to perform peace officer duties, and must have completed the Juvenile Counselor Core.
- 2. Upon completion of required O.C. spray training all staff are issued their own O.C. spray. The Facility Manager shall have staff receiving O.C. Spray sign a document stating they have received O.C. spray. Document shall contain:

- Date and time
- Statement of issuance
- O.C. serial number
- Signature and badge number of officer receiving O.C.
- Signature of Facility Manager

C. Maintenance, Exchange and Disposal

1. All staff are responsible to maintain and inspect O.C. spray that is either issued or assigned to them. O.C. must at least be shaken once a month and sprayed in a safe area to see if operational. O.C. must also be visually inspected for any leaks or broken parts on canister. All O.C. Spray that is defective, non operational, or has been finished shall be returned to the Facility Manager for exchange or proper disposal.

D. General Use and Guidelines:

1. Minor's that attack another youth, staff or attempt to injure themselves shall be restrained by staff. Staff shall use that amount of force necessary to restrain and prevent injury. O.C. Spray is used in this facility to control, restrain or subdue imminent or actual violent behavior. At no time shall O.C. Spray be used when a youth is subdued or as a form of punishment or discipline.
2. In the event of imminent or violent behavior these are the levels of escalation that a staff must abide by.

Escalation of Force:

- O.C. spray will not be used on those minors with respiratory conditions (asthma). [REDACTED]
- Radio for back up
- Give verbal warnings "O.C." "drop to the floor"
- Non compliance. Administer O.C. spray
- Once imminent danger or threat is gone, the youth will be given the opportunity to decontaminate. Fresh running water, ice pack, towel and fresh change of clothing will be provided for the minor.
- Medical staff will assess the youth for signs of respiratory distress and determine if the youth should be referred to E.R. for evaluation and treatment.
- Complete all reports related to O.C. spray (incident report & O.C. spray form).

Katherine Turner
County Counsel

Geoffrey P. Holbrook
Assistant County Counsel



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June 11, 2018

Via Email (ikysel@ACLUSoCal.org) and U.S. Mail

Ian Kysel, Staff Attorney
American Civil Liberties Union Foundation
1851 E. First Street, Suite 450
Santa Ana, California 92705

RE: Public Records Act Request

Dear Mr. Kysel:

This letter is in response to your public records act request dated April 2, 2018, addressed to Daniel Prince, Chief Probation Officer for Imperial County Probation Department (ICPD).

On April 12, 2018, ICPD provided you with a letter extending time to respond pursuant to California Government Code section 6253. On April 26, 2018, ICPD provided you with a letter outlining what records would be produced and what records were exempt. Please note that ICPD is in the process of revising its policies and procedures to comply with Senate Bill 1143.

1. Policies and Procedures. ICPD has identified and attached the following records responsive to your request (*any confidential or privileged information has been redacted pursuant to Cal. Gov. Code sections 6254(f) and 6255*):

- Imperial County Probation Juvenile Hall Policy No. 213, "Discipline Process"
- Imperial County Probation Juvenile Hall Policy No. 206, "Use of Force"
- Imperial County Probation Juvenile Hall Policy No. 207, "Restraints"
- Imperial County Probation Juvenile Hall Policy No. 305, "O.C. Pepper Spray"

2. Training materials. ICPD has identified and attached the following non-copyrighted records responsive to your request (*any confidential or privileged information has been redacted pursuant to Cal. Gov. Code sections 6254(f) and 6255*):

- Imperial County Juvenile Hall Powerpoint, "Senate Bill 1143, 'Room Confinement'"
- Room Confinement Status form
- Reintegration Contract form

3. Data. As mentioned in ICPD's previous letter, the information requested is specifically exempt.
4. Implementation Documents. As mentioned in ICPD's previous letter, the documents produced pursuant to your first and second requests are responsive to this request. The additional documents requested are exempt pursuant to Cal. Gov. Code sections 6254(a) and (p).

Please be advised that every effort has been made to provide all disclosable records which might fall within your inquiries. Please feel free to contact me with any questions: (442) 265-1120 or SarahSauer@co.imperial.ca.us.

Very Truly Yours,

KATHERINE TURNER
County Counsel

A handwritten signature in blue ink, appearing to read 'SJR' or similar, with a horizontal line extending from the end.

SARAH SAUER
Deputy County Counsel

cc: Daniel Prince, Chief Probation Officer

Katherine Turner
County Counsel

Geoffrey P. Holbrook
Assistant County Counsel



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May 31, 2018

Via Email (ikysel@ACLUSoCal.org) and U.S. Mail

Ian Kysel, Staff Attorney
American Civil Liberties Union Foundation
1851 E. First Street, Suite 450
Santa Ana, California 92705

RE: Public Records Act Request

Dear Mr. Kysel:

This letter is in response to your public records act request dated May 9, 2018, addressed to Daniel Prince, Chief Probation Officer for Imperial County Probation Department (ICPD).

You were previously provided with a letter extending ICPD's time to respond pursuant to California Government Code section 6253(c). At this time, ICPD is asserting the following exemptions and objections to the request that you submitted.

The request as a whole is overly burdensome to ICPD. In addition, the request asks for the creation of records, which is not required under the California Public Records Act.

1. Policies and Procedures. With regard to your first request regarding policies and procedures, we will comply with the request and provide copies of the policies and procedures used at the juvenile detention center between January 1, 2015 and March 31, 2018. Any confidential or privileged information will be redacted pursuant to Cal. Gov. Code sections 6254(f) and 6255.

2. Training materials. With regard to your second request regarding training materials used/in effect between January 1, 2015 and March 31, 2018, many of the training materials that ICPD has used are copyrighted materials and as such are exempted from disclosure pursuant to Cal. Gov. Code section 6254(k). We will provide copies of any non-copyrighted materials responsive to your request for training materials. Any confidential or privileged information will be redacted pursuant to Cal. Gov. Code sections 6254(f) and 6255.

3. Data. You have requested a large amount of data relating to the use of chemical agents between January 1, 2015 and March 31, 2018. You assert in your letter that this request is not asking for any juvenile court case file information. However, this is not correct, and the information you are requesting is specifically exempt pursuant to California Welfare and Institutions Code (WIC) section 827. As was determined in the case of *Wescott v. Yuba County* (1980) 104 Cal.App.3d 103, 106, the Court specifically found that section 827 of the WIC is controlling over the public records act to the extent of any conflict. As such, records contained in the juvenile probation files are not subject to the public records act. Further, the Court also cited to the case of *T.N.G. v. Superior Court* (1971) 4 Cal.3d 767 regarding the scope of section 827's confidentiality requirement which determined it also included police reports pertaining to minors who were not involved in juvenile court proceedings but had never been temporarily detained. The court went on to find a very broad definition of those records covered by 827 and found that 827 was written very broadly to include probation records. In fact, WIC section 827(e) provides for "[f]or purposes of this section a 'juvenile case file' means a petition filed in any juvenile court proceeding, reports of the probation officer, and all other documents filed in that case or made available to the probation officer in making his or her report, or to the judge, referee, or other hearing officer, and thereafter retained by the probation officer, judge, referee, or other hearing officer." As such, despite your definition that the request does not fall within the juvenile case file, the request for data clearly does fall within juvenile case files information and is only available through a request directly to the court. In addition, the data requested is also covered by Cal. Gov. Code sections 6254(a), (f), (k), (p) and 6255. Lastly, ICPD does not track any information in aggregate form.

ICPD will commence compiling the information that they have agreed to produce and will notify you as to any costs exceeding \$200 prior to incurring such costs. ICPD will commence production on a rolling basis as review of documents are completed.

If you would like to discuss this matter, please feel free to contact me at (442) 265-1120 or SarahSauer@co.imperial.ca.us.

Very Truly Yours,

KATHERINE TURNER
County Counsel



SARAH SAUER
Deputy County Counsel

cc: Daniel Prince, Chief Probation Officer

Katherine Turner
County Counsel

Geoffrey P. Holbrook
Assistant County Counsel



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October 2, 2018

Via Email (ikysel@ACLUSoCal.org)

Ian Kysel, Staff Attorney
American Civil Liberties Union Foundation
1851 E. First Street, Suite 450
Santa Ana, California 92705

RE: Public Records Act Request

Dear Mr. Kysel:

On May 18, 2018, you were provided with a letter extending Imperial County Probation Department's (ICPD) time to respond to your Public Records Act request pursuant to California Government Code section 6253(c). On May 31, 2018, you were provided with another letter outlining which documents would be produced and which documents were exempt under the California Government Code.

Please find attached ICPD's relevant Policies and Procedures responsive to your request. Any confidential or privileged information was redacted pursuant to Cal. Gov. Code sections 6254(f) and 6255. The Training Materials that ICPD has used are copyrighted materials and as such are exempt from disclosure pursuant to Cal. Gov. Code section 6254(k). And, as explained in our May 31, 2018 letter, the Data information requested is exempt from disclosure as it falls within juvenile case file information and is only available through request directly to the court. That Data information is also exempt under Cal. Gov. Code sections 6254(a), (f), (k), (p) and 6255.

If you have any questions, please feel free to contact our office at (442) 265-1120.

Very Truly Yours,

KATHERINE TURNER
County Counsel

SARAH SAUER
Deputy County Counsel

cc: Daniel Prince, Chief Probation Officer