

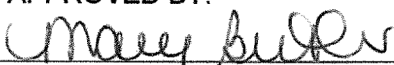


A Tradition of Stewardship
A Commitment to Service

Probation Department
Juvenile Hall

Mary Butler
Chief Probation Officer

POLICY AND PROCEDURE

MANUAL:	POLICY AND PROCEDURE	NUMBER:	4.5.8
SECTION:	JUVENILE HALL	ORIGINAL ISSUE DATE:	7/7/1997
SUB-SECTION:	CLASSIFICATION AND SEGREGATION	REVISED EFFECTIVE DATE:	11/12/2015
		APPROVED BY:	
			CHIEF PROBATION OFFICER

SUBJECT: USE OF FORCE AND RESTRAINT

POLICY: Situations may occur at Napa County Juvenile Hall where it is determined by staff that a youth is out of control and the use of reasonable force and restraint is necessary to restore safety and security within the facility. Use of force and restraints will never be applied as punishment, discipline or treatment. Therefore, Juvenile Hall Counselors (JHC) will use the most objectively reasonable use of force option available that accomplishes the duties of the JHC while ensuring the safety of the JHC and the youth.

DEFINITIONS:

OUT OF CONTROL: behavior and/or actions so uncontrollable so as to constitute an immediate danger to themselves and others; and/or the destruction of property

USE OF PHYSICAL FORCE: an immediate means of overcoming resistance and controlling the threat of imminent harm to self or others by using the minimum amount of force necessary to restore order and control when verbal persuasion has not succeeded; the use of WDI (Weaponless Defense Instruction) techniques and the reasonable amount of force necessary to effect control

MECHANICAL RESTRAINTS OR HARD RESTRAINTS: limited to handcuffs and shackles

PROCEDURE:

- I. Only approved WDI techniques will be used.
- II. Use of excessive physical force not within the above policy may result in disciplinary action by the Probation Department and the possible referral to the District Attorney for criminal complaint filing. Staff who witness excessive physical force on a youth by another staff are required to intervene to stop such action and report it to the on-duty supervisor immediately.
- III. Access to medical care will not be denied or restricted during these procedures.

- IV. Staff will be considerate and/or aware of any known medical conditions a youth may have that would contraindicate the use of certain restraint devices and/or techniques.
- V. All juvenile hall staff will be trained annually on the proper use of force and mechanical restraints.
- VI. There are two restraint options. Whenever possible Option One should be used prior to Option Two. When either option is used the JHC is required to complete an Incident Report.
- A. Option One: Use of Force and Physical Restraint
1. When it becomes necessary to use physical force, staff may use WDI techniques in order to gain compliance. This option should be used when it appears that control can be gained in a short period of time. WDI techniques will be used until the youth has gained self-control and can be safely moved to their room. First Aid is secured for those needing medical attention and the on-duty nurse or on-call doctor will be contacted. The facility is equipped with AMBU bags in all living areas as well as oxygen located in the nurses office if needed. The assistant superintendent and/or the superintendent or designated authority will be contacted regarding the incident.
- B. Option Two: Mechanical (Hard) Restraint
1. Handcuffs and shackles are the only types of mechanical restraints authorized to be used by Napa County Juvenile Hall staff. When control cannot be gained by physical restraint within a short period of time, mechanical restraints are to be employed for emergency movement of a youth to an appropriate room. The on-duty supervisor/senior must authorize the use of restraints.
 2. Mechanical restraints are to be removed as soon as the youth is controllable and no later than thirty (30) minutes after application. Staff will implement Option One using WDI techniques before re-applying mechanical restraint when necessary. A staff member will have continuous direct visual supervision of a youth in restraints to ensure the proper employment of the restraint and to ensure the safety and well-being of the youth. Observations of the youth's behavior and any staff interventions will be documented at least every 15 minutes with actual times recorded. Reasons for continued retention in restraints will be reviewed and documented at a minimum of every thirty minutes.
 3. A medical opinion on the safety of placement and retention will be secured as soon as possible but no later than 2 hours from time of placement. The youth will be medically cleared for continued retention at least every 3 hours thereafter. However, staff will contact medical personnel immediately if the youth exhibits any symptoms of medical distress during the placement or retention of mechanical restraints.
 4. A mental health consultation will be secured as soon as possible but no later than three hours from the time of placement, to assess the need for mental health treatment. The mental health worker may make the determination that the youth be transported to a hospital for observation under 5150 of the Welfare and Institution Code.
 5. If restraints are placed on a youth's hands and feet, the hand and foot restraints are not to be joined.
 6. When in restraints, the youth is not to be attached to any furniture or fixtures.
 7. Food, toilet, and personal hygiene will not be denied a youth who is in restraints. Staff will offer the youth water, which will be provided in a paper cup, and the opportunity to eat a regular meal (served on disposable dinnerware) or a snack when the youth asks. The youth will be allowed to use the toilet with assistance and under close supervision.
- C. The Incident Report completed should include the name of the type of restraints used and the duration of use. The youth is to be checked for injury and appropriate first aid and/or medical

attention secured as needed. The superintendent or assistant superintendent will read the Incident Report no later than the next business day following the incident.

- D. On-duty or on-call medical staff will be notified by Juvenile Hall staff when a youth is injured or complaining of injury.
- E. The on duty supervisor will complete a Critical Incident Review form and conduct a debriefing as soon as possible after each use of force and/or restraint episode. The superintendent or assistant superintendent will review the report no later than the next business day following the incident.
- F. All pregnant youth will not be shackled by the wrists, ankles, or both during labor, transport to a hospital, during delivery or while in recovery after birth subject to security needs deemed necessary for the safety and security of the youth, staff and public. Pregnant youth will be transported in the least restrictive manner consistent with each individual security need.
- G. A youth may request a grievance form if they feel they were treated unfairly. The timelines of review of such grievance will follow departmental policy Grievance, Number 4.5.13.
- H. The application of handcuffs and shackles, when used to restrain youth for movement or transportation reasons do not apply to this section.
- I. Chemical Restraint
 - 1. The Napa County Juvenile Hall does not allow the use of any chemical agent, such as mace or O.C. Pepper Spray, in any facet of its detention operation.

REFERENCES: TITLE 15, SECTIONS 1357 & 1358
NAPA COUNTY PROBATION DEPARTMENT POLICY AND PROCEDURE,
NUMBER 4.5.13, GRIEVANCE

ATTACHMENTS: ATTACHMENT 1: NAPA COUNTY JUVENILE HALL CRITICAL INCIDENT
REVIEW

BACKGROUND: Bulletin # 3.20
Section: Operations and Security
Original Issue Date: 7/7/1997; rev. 5/16/03
New Format/Signature/Renumber: 8/31/2009; rev. 10/12/2009; rev. 10/22/2010;
rev. 7/12/2011; rev. 6/15/2015, 11/12/2015

Napa County Juvenile Hall Critical Incident Review

INCIDENT DATE: _____

INCIDENT TIME: _____

YOUTH INVOLVED:	

STAFF INVOLVED:	

DESCRIBE THE INCIDENT:	

CHECK ALL THAT APPLY:

<input type="checkbox"/> USE OF FORCE	<input type="checkbox"/> RESTRAINTS
<input type="checkbox"/> INJURIES	WHO: _____
TYPE: _____	

- MEDICAL NOTIFIED
- MENTAL HEALTH REFERRAL
- LAW ENFORCEMENT NOTIFIED
- ASST. SUPERINTENDENT/ SUPERINTENDENT NOTIFIED (IF NECESSARY)
- POLICY/ PROCEDURE ISSUES (IF SO DESCRIBE):

DEBRIEFING CONDUCTED

DEBRIEFING NARRATIVE:	

CORRECTIVE ACTIONS (IF APPLICABLE):	

PREPARED BY: _____ TITLE: _____

REVIEWED BY: _____ TITLE: _____

ATTACHMENT 1

NAPA COUNTY PROBATION DEPARTMENT POLICY AND PROCEDURE MANUAL
SECTION: JUVENIL HALL; SUB-SECTION: CLASSIFICATION AND SEGREGATION

From: Ian Kysel
Sent: Wednesday, May 16, 2018 4:01 PM
To: 'Butler, Mary'
Cc: Michelle Ochoa Castañeda
Subject: RE: public records act request

Dear Chief Butler,

Thank you for your note. This is indeed very helpful and I appreciate that the Department has just produced certain documents to the ACLU in response to our 4/2/2018 request. There are certain documents regarding use of force (including use of chemical agents) which we have requested in our 5/9/2018 PRA and which we did not request in our 4/2/2018 PRA. Therefore, we would welcome the production of those documents and understand that the prohibition on the use of chemical agents will save the Department and County Counsel significant time in responding to this most recent PRA.

Separately, however, I would welcome the opportunity to speak further about your views on chemical agents. Would this be something you might be willing to discuss?

Many thanks again and in advance.

Best,
ian

Ian Kysel, Staff Attorney
ACLU Foundation of Southern California

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From: Butler, Mary [mailto:Mary.Butler@countyofnapa.org]
Sent: Thursday, May 10, 2018 9:47 AM
To: Ian Kysel
Subject: public records act request

I received your letter yesterday with your request regarding policies related to chemical agents in our juvenile facility

Napa County does not use nor allow any chemical agents in our facility.

We have no policies related to chemical agents.

Since we do not use this tool, are you still interested in our policies regarding discipline?

We can get those to you although I believe we just responded with those policies to another PRA by the ACLU

Mary Butler
Napa County
Chief Probation Officer
707-259-8115

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