

**SACRAMENTO COUNTY PROBATION DEPARTMENT  
POLICY AND PROCEDURE – YOUTH DETENTION FACILITY**

**USE OF FORCE – TITLE XV SECTION 1357**

**I. Purpose and Authority**

The purpose of this policy is to provide institutional staff with general guidelines for the reasonable use of force. “Reasonableness” of the force used must be judged from the perspective of a reasonable staff on the scene at the time of the incident. The amount or degree of force appropriate in any given situation cannot be defined to satisfy every possible situation that staff may encounter. It is recognized staff may have to use force to humanely and safely control residents in custody or to restore order.

It is the policy of this department that the least restrictive interventions are to be used, including verbal interventions, in order to minimize the use of force. Staff must attempt to de-escalate incidents without force whenever reasonably practical, including specifically when residents are non-compliant. The interpretation of reasonableness must allow for the fact that staff are often forced to make split-second judgments in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation. As a result, it is recognized that staff decisions may be impacted by the time available to evaluate and respond to changing circumstances, to effectively and humanely bring the incident/situation under control and/or to prevent serious harm to the individual, staff or others.

The use of reasonable force shall be defined as the force that an objective, trained, and competent staff, faced with similar facts and circumstances, would consider objectively reasonable to gain compliance. All staff are provided with equipment, training and skills to assist in the supervision and control of residents in the institution; any force applied by staff will be in accordance with trained principles.

**II. Procedure and Guidelines: Use of Force**

**A. Level of Force**

Staff should always perform their job in a manner that minimizes the need for physical force and maximizes voluntary compliance. The level of force selected is

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always based on what is objectively reasonable to the staff given the resident and the situation/circumstances faced by staff. The appropriate level of force used by staff may escalate or deescalate as staff encounter changing circumstances and/or changes in the resident(s) behavior. Thus, the process is fluid, requiring staff to constantly evaluate, react and counter the behavior and changes in behavior of the resident(s) in a professional manner.

Physical force shall never be used to retaliate against a minor, punish a minor, or discipline a minor. When using physical force, staff must not allow anger or emotions to cause a loss of control.

While various degrees of force exist, staff are expected to use only that degree of force reasonable under the circumstances to achieve compliance in accordance with the policy. Staff are expected to respond reasonably to a resident's resistance or staff perception of danger of resistance.

## B. Options

Options include the following techniques:

- Command Presence;
- Communicative Intervention/Staff Switching/Show of Force;
- Verbal Commands;
- Control Position;
- Control Hold / Physical Restraint;
- Chemical Restraint.

## C. Factors to Consider Regarding the Use of Force

Before, during, and after an incident involving the use of force, when appropriate, staff shall make reasonable efforts to take into account Situational, Medical, and Mental Health Issues of a resident.

### 1. Situational issues:

- Conduct of the resident as reasonably perceived by the staff at the time;
- Staff/Resident factors: Age, size, relative strength, skill level, sophistication, number of staff to resident(s);
- Influence of drugs or alcohol;
- Proximity to weapons or contraband;
- Time and circumstances permitting, the availability of other options (what resources are reasonably available to staff under the circumstances);
- Potential for injury to staff, residents or others;

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- Risk of escape;
- Seriousness of the incident or reason for contact with the resident;
- Training and experience of the staff;
- Mental Health related issues: Classification / Placement / Prior Assault / Restraints / Arrests;
- Other exigent circumstances, such as location, availability of back-up staff, or the resident's history of violence.

2. Medical related issues:

- Pregnancy (see YDF Policy entitled "Pregnant Residents");
- Bleeding;
- Dehydration (especially common when taking psychotropic medication);
- Exhaustion, from struggling;
- Respiratory collapse (no breathing);
- Cardiac collapse (no heartbeat);
- Strangulation;
- Aspiration;
- Breathing difficulty;
- Asthmatic;
- Muscular injury;
- Circulatory impairment;
- Fractures;
- Kidney damage;
- Other known medical condition of resident.

3. Mental Health issues:

- Repeated threats to harm self or others;
- Actual harm to self or others;
- Physical evidence of suicidal behavior (e.g. cut wrist);
- Delusional/bizarre behavior;
- Resident's admission that prescribed medication has not been taken;
- Developmentally Disabled.

4. Other Issues to Consider:

- Positional Asphyxia;
- Excited Delirium;
- Compressive Asphyxia.

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## D. Emergency and Non-Compliant Situations

### 1. Emergency Situations

a. When encountering Emergency situations involving residents, staff may exercise the use of physical and/or chemical restraint upon a resident under the following circumstances:

- In his/her self-defense;
- In the defense of another;
- To prevent an escape;
- To prevent the *substantial* destruction of property;
- To protect a resident from *significant* self-inflicted injuries or suicide;
- To overcome resistance;
- To stop the resident's unruly behavior which interferes with the safe operations of the unit/facility and the safety of the staff and/or other residents of the unit/facility;
- To stop a group disturbance.

### b. Supervisor's Role

Supervisors, whenever possible, will respond to each incident involving the use of force.

### 2. Non-Compliant Situations

#### a. Interventions

When encountering *Non-Compliant* situations involving residents, staff shall make reasonable efforts to employ the following options/interventions to gain compliance of a resident and/or situation:

- Command Presence;
- Communicative Intervention/Staff Switching/Show of Force;
- Verbal Commands;
- Other Diffusing options, such as time outs;
- Mental Health Intervention/ Assistance;
- Control Position.

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b. Staff's Role

Non-compliant situations have the potential to escalate to emergencies in a rapid and dynamic fashion. It is imperative for the safety and security of the Institution that all staff recognize these escalating situations and take reasonable action in a timely manner.

Staff shall initiate the following procedures during a non-compliant situation.

1. Record all non-compliant situations with a Video Recording or Photograph System device as soon as possible. Exceptions to this would be situations in which the resident refuses program (i.e. school and meal refusals);
2. Notify and debrief the Supervisor by providing background information regarding the situation (i.e. resident(s) involved, location in unit, etc.);
3. Use Interventions in (2-a) on page 4 in non-compliant situations to de-escalate the situation;
4. Assess the developing situation and the urgency to take reasonable action;
5. Be prepared to use reasonable force options, should the non-compliant event escalate to an emergency situation.

c. Supervisor's Role

Supervisors, whenever possible, will respond to each incident involving the use of force.

E. Chemical Agent

1. Before chemical agents (OC) may be used, staff must first consider the present danger of injury to persons and/or the consequences that may occur if the behavior does not cease. The reasonable application of approved chemical agent upon a resident shall be for purposes of subduing imminent or actual violent behavior where such behavior presents a clear danger to any person.

Staff shall always make attempts to issue a verbal warning prior to dispensing chemical agents; however, there may be situations or circumstances where verbal warnings are not possible. Staff will apply a short burst of chemical agent to a resident to gain compliance and/or to bring the situation under

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control. The facts and circumstances of the incident may dictate re-deployment of the chemical agent.

When a resident has had chemical agent applied, he/she will be decontaminated as soon as it is safe to do so and will remain under direct supervision of staff until he/she is decontaminated.

## 2. Specific Authority, and Control System:

The use of chemical agents is permitted under Section 12403 and 12403.9 of the California Penal Code. Permission to use such chemical agents is solely controlled by the Chief Probation Officer.

The Division Chief of the Juvenile Facilities shall designate those persons authorized to use chemical agents within the Juvenile Facilities. Designated staff must:

- a. Be a peace officer or custodial officer (830.5 or 831 PC) and have completed training pursuant to Section 832 of the Penal Code;
- b. Have completed the P.O.S.T. Certified Chemical Agents Course;
- c. Be on duty and authorized through chain of command to have possession of the chemical agent, and;
- d. Have completed approved departmental training.

## 3. Maintenance, Inspections and Replacement

- a. OC canister units will be maintained in an operational and charged state and are the responsibility of personnel to whom they are issued.
- b. OC canister units are to be tested periodically to ensure the propellant has not dissipated thereby rendering the device ineffective. This is to be done in only in an open-air area, away from buildings or people.
- c. OC replacement units shall done in the event they become damaged, inoperable, empty or/and have expired their shelf life and are the responsibility of personnel to whom they are issued. A supervisor or the training officer should be notified if a replacement unit is needed.
- d. Replacement of OC spray canisters will occur when the unit is less than half full, or the canister has expired. The expiration date is 5 years beyond the manufacture date printed on the canister.

## F. Use of Force in Special Situations

### 1. DNA Specimens, Samples and Impressions:

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Situations where a resident refuses to provide a specimen, sample or impression pursuant to Section 296 of the California Penal Code shall be handled as non-compliant.

In accordance with Section 298.1 (b) (1) of the California Penal Code, authorized law enforcement, custodial, or corrections personnel, including peace officers as defined in Section 830.5, may employ reasonable force to collect blood specimens, saliva samples, or thumb or palm print impressions from individuals who, after written or oral request, refuse to provide those specimens, samples, or thumb or palm print impressions.

*Probation staff will not use force to assist in the blood draw of a resident without a court order providing such direction.*

2. Resident Refusal to be Subject to a Lawful Search:

If a resident refuses to be a subject to a lawful search, this shall be handled as a non-compliant situation. If the resident continues to refuse to be subject to the lawful search, where staff have made reasonable efforts to gain resident compliance and staff options described in this policy have been exhausted, *the use of physical force may be authorized by the Supervisor overseeing the incident when necessary and appropriate.*

Any portion of this type of incident/event shall not be digitally recorded where residents have a reasonable expectation of privacy.

3. Removal of Resident Clothing to Prevent Self-Injurious Behavior:

Reasonable force may be authorized to remove clothing from a resident who has actively demonstrated self-injurious behavior with their own clothing. Use of force in these situations shall only be authorized by the Supervisor overseeing the incident when it has been determined that removing the resident's clothing is the last viable option to stop self-injurious behavior and ensure the resident's safety.

If a resident's clothing is removed to stop self-injurious behavior, the resident shall be provided with a Suicide Prevention Gown (SPG). Force shall never be used to place a resident in an SPG.

G. Documentation

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All incidents involving use of force shall be documented by staff in an Institutional Incident Report and reviewed by a Supervisor (see Institutional Incident Report Policy).

#### H. Decontamination/Aftercare

Whenever force is used, staff shall perform the following:

1. The resident shall be immediately referred to medical staff for assessment;
2. Resident Aftercare Procedure for Chemical Agents Deployment:
  - a. Remove resident from the contaminated area;
  - b. Flush contaminated area with cool water;
  - c. Remove all contaminated clothing;
  - d. Resident should be immediately seen by medical staff;
  - e. Re-issue clean clothing;
  - f. Any youth accidentally exposed or cross-contaminated shall be provided aftercare as stated above.
  - g. Any staff contaminated with chemical agent should follow the same basic regiment. There are eyewash stations available in every housing unit for staff use.

#### Administrative / Supervisory Review

There will be administrative and/or supervisory review of all incidents involving the application of physical force by department members, and appropriate follow-up actions taken, as deemed necessary and appropriate, based on such review. The responding Supervisor or Watch Commander should debrief any use of force with involved staff.

#### Corrective Action:

Force shall never be used as a discipline, punishment, or treatment. Unreasonable and/or excessive use of force may constitute a crime including that of child abuse.

Staff will be subject to administrative discipline, up to and including termination, and/or criminal complaints for the following: (1) the application of unreasonable and/or excessive use of force and (2) the failure to promptly report known applications of unreasonable and /or excessive use of force. If at any time staff observe or become aware that a detained minor is being subjected to any form of abusive treatment, including physical, psychological or verbal abuse; the staff shall make every reasonable effort to ensure the abusive behavior is discontinued and promptly report the incident to the supervisor as soon as practicable. An administrative review will be conducted on all use of force incidents within 24 hours of the incident for determining if the staff should remain in contact with residents or be placed on administrative leave.

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*The Sacramento County Probation Department's Administrative Policy and Procedure manual provides guidelines for placing employees on Administrative Leave. Please refer to the Department's Administrative policy for further detail.*

Attachment: Appendix

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## **APPENDIX**

### **References:**

- Graham v. Connor, 490 US 386 (1989)
- California Penal Code, Sections 296, 298.1, 673, 830.5, 831, 831.5, 832, 835, 835a, 12401-12404 and 12450
- Welfare and Institutions Code Sections 222
- Corrections Standards Authority, Title 15, Sections 1357, 1358, 1363

### **Definitions:**

- A. *Chemical Restraint*: The reasonable application of approved chemical agent upon a resident to restrain or subdue imminent or actual violent behavior where such behavior presents a clear danger to any person.
- B. *Command Presence*: The use of physical presence and official authority to attempt to gain compliance.
- C. *Compressive Asphyxia*: Limiting the expansion of the lungs by compressing the torso, hence interfering with breathing. Compressive asphyxia can occur when the chest or abdomen is compressed backwards toward the spine.
- D. *Communicative Intervention*: An option available to staff to deescalate a situation using communication, counseling and/or negotiation.
- E. *Control Position / Control Hold*:
  - Control Position: Resident in a Control Hold, but no pressure is being applied.
  - Control Hold: Resident in a Control Hold with pressure being applied, or any physical restraint used to gain compliance or overcome resistance.
- F. *Deadly Force*: Any use of force that would tend to result in death or serious bodily injury. Deadly force is permitted only when necessary to protect oneself or others from death or great bodily injury.
- G. *Destruction of Property*: The act of ruining, breaking, tearing down, disabling or rendering property unusable.
- H. *Emergency Situation*: A situation in which a reasonable staff would conclude from the available information that immediate action and/or use of force may be necessary and failure to act or delay action is likely to

result in injury to staff or other persons, an escape, a riotous situation, significant self-inflicted injuries, suicide or substantial destruction of property.

- I. *Excited Delirium*: A condition that manifests as a combination of delirium, psychomotor agitation, anxiety, hallucinations, speech disturbances, disorientation, violent and bizarre behavior, insensitivity to pain, elevated body temperature, and superhuman strength. Excited delirium has been known to result in sudden death (usually via cardiac or respiratory arrest) an outcome that is sometimes associated with the use of physical control measures.
- J. *Mechanical Restraint*: A device that restricts the normal movement and function of the body or portion of the body.
- K. *Non-Compliant Situation*: A situation in which a reasonable staff would conclude from the available information that immediate use of force is not necessary and the failure to act or delay action is not likely to result in harm to resident(s), staff or others, or in an escape, a riotous situation, significant self-inflicted injuries, or substantial destruction of property.
- L. *Positional Asphyxia*: A form of asphyxia which occurs when an individual's position prevents them from breathing adequately. Research has suggested that restraining a person in a face down position is likely to cause greater restriction of breathing. Research measuring the effect of restraint positions on lung function suggests that restrain which involves bending the restrained person or placing body weight on them, has more effect on their breathing than face down positioning alone. Obesity, prior cardiac or respiratory problems, and/or the use of illicit drugs such as cocaine may increase risk.
- M. *Physical Force*: Any amount of force needed to gain compliance or overcome resistance in an emergency or non-compliant situation.
- N. *Physical Restraint*: The physical use of force that restricts the normal movement and function of the body or portion of the body.
- O. *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. (See *Graham v. Connor*, 490 U.S. 386, 109 S. Ct. 1865, 104 L.Ed. 2d 443 (1989)).
- P. *Self-Inflicted Injury*: A behavior or act by which a resident causes or attempts to cause self-injury.
- Q. *Show of Force*: Command presence of two or three staff with a resident using communicative intervention as a deterrent to the use of force.

- R. *Staff Switching*: The technique of attempting to gain a resident's compliance through counseling while using different staff.
- S. *Verbal Commands*: An option available to staff to give residents clear, concise, and simple instructions, adding to the staff's ability to gain control of a situation.
- T. *Voluntary Compliance*: Behavior exhibited by a resident, which demonstrates adherence to rules, guidelines and standards regarding resident behavior within the Juvenile Institutions.



## **GENERAL ORDER**

### **Use of Force**

#### **Purpose and Scope**

This purpose of this order is to provide peace officers with a standard for the reasonable use of force.

#### **Affected Personnel**

All peace officers

#### **Effective Date**

May 1, 2017

#### **I. Preamble**

The Sacramento County Probation Department recognizes and respects the value of all human life. While the Department remains committed to the sanctity and preservation of life, it acknowledges there are those individuals who will not comply with the law or submit to the lawful directives of peace officers and must be compelled to do so by the use of reasonable force.

#### **II. Foundation**

Pursuant to California Penal Code 835a, "Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to affect the arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance." Penal Code Section 835a applies to peace officers working in every division in the department.

#### **III. Use of Force Policy**

It is the policy of this department that peace officers shall use only the force that is objectively reasonable given the facts and circumstances perceived by the peace officer at the time of the event, to effectively and humanely bring an incident under control. The force used must be judged from the perspective of a reasonable officer on the scene at

the time of the incident. Peace officers shall continue to use reasonable measures to de-escalate evolving situations and seek voluntary compliance with lawful directives to resolve situations without using force.

- A. The use of force is defined as any physical effort used to control, restrain, or overcome the resistance of another.
- B. Peace officers may use objectively reasonable force in the performance of their duties when they reasonably believe any of the following conditions exist:
  - 1. In self-defense, or in defense of another person;
  - 2. To prevent the commission of a public offense;
  - 3. To effect a lawful arrest, to prevent escape, or to overcome resistance; or
  - 4. To protect a person from injuring him/herself.
- C. Peace officers may use deadly force in the performance of their duties when they reasonably believe that there exists an imminent threat of death or great bodily injury to themselves or to another person.
- D. The objective to applying reasonable force is to control persons and incidents thereby minimizing injury to all persons involved. Nothing in this policy requires a peace officer to actually sustain physical injury before applying reasonable force, nor must they wait to be attacked before the application of reasonable force.

#### **IV. Application of Force**

The application of force may or may not cause injury, depending upon the resistance level of the subject. In situations of self-defense or defense of another, where standard weapons are not available or practical, peace officers may find it necessary to use unconventional weapons to survive the incident. The policy recognizes that the peace officer never loses the right to self-defense; however the use of weapons other than those issued must be justified in the report.

#### **V. Duty to Intervene**

Any peace officer perceiving another officer using force beyond that which is objectively reasonable under the circumstances should, if necessary, intervene and promptly report his/her observations and actions to a supervisor or manager.

#### **VI. Medical Considerations**

- A. Peace officers shall ensure that medical assistance is promptly obtained for any person who exhibits signs of physical distress, has an observed injury, and/or complains of injury or continuing pain, or who loses consciousness following a use of force event.
- B. If safety permits, an individual exhibiting signs of physical distress after an encounter shall be continuously monitored until he/she can be medically assessed.

**VII. Reporting Use of Force**

- A. All uses of force shall be reported via telephone or in person to a supervisor as soon as reasonably practical.
  
- B. All use of force events shall be documented promptly, completely, and accurately via a written electronic report and, if applicable, shall be documented in any associated arrest/offense report.

**References**

California Penal Code

**Amends/Replaces**

Administrative Policy and Procedure, Use of Force

**Authorized By** \_\_\_\_\_ *Lee Seale* \_\_\_\_\_ **Date** 3/29/17  
*Lee Seale, Chief Probation Officer*



# COUNTY OF SACRAMENTO

## Probation Department

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LEE SEALE  
CHIEF PROBATION OFFICER

May 31, 2018

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

Re: Public Records Act Request

Dear Mr. Kysel,


Attached are the documents you requested for the Public Records Act 18-562, request dated May 9, 2018, to the Sacramento County Probation Department.

The following nine documents enclosed are responsive to your request:

1. Policies and Procedures; and
2. Training Materials
  - Behavior Motivation
  - Chemical Agents Material Binder
  - Chemical Agents PowerPoint Slides
  - Corrective Action and Discipline SPO and Manager Guidelines
  - Discipline Process
  - Due Process
  - Institutional Incident Reports
  - Use of Force General Order
  - Use of Force Policy
3. Data.
  - Probation does not have data associated with this request

Sacramento County considers this a full and complete response to your request for public records.

Sincerely,

*for*   
Lee Seale  
Chief Probation Officer

*Supporting Positive Change*

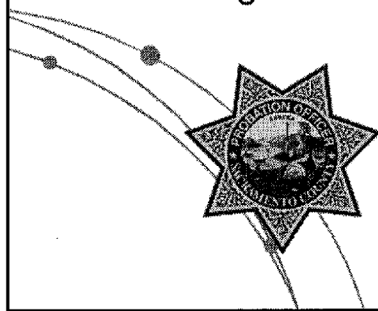
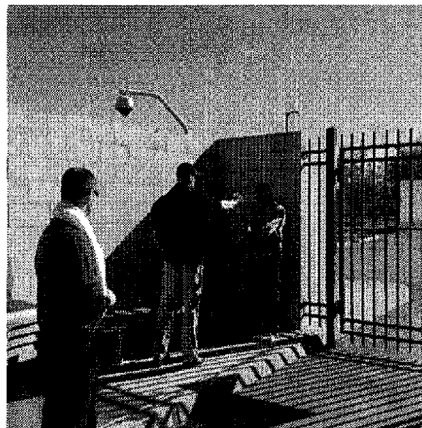
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# Chemical Agents

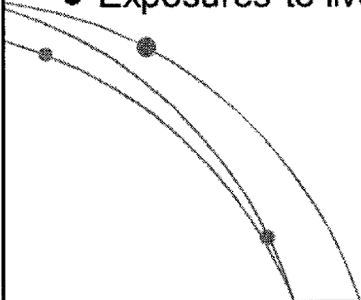
Sacramento County  
Probation Department

Oleoresin Capsicum  
Training PC 22820



# Instructional Goals

- Legal aspects of chemical agents
- Physical and psychological effects
- Practical use of O.C.
- Scenario based training
- Exposures to live O.C. in controlled environment



# Chemical Agents Law

- **California Penal Code 22820**

- Requires that all peace officers, as defined commencing with section 830PC, complete a course of instruction approved by the Commission on POST prior to purchasing, possessing, transporting or using any tear gas or tear gas weapon.

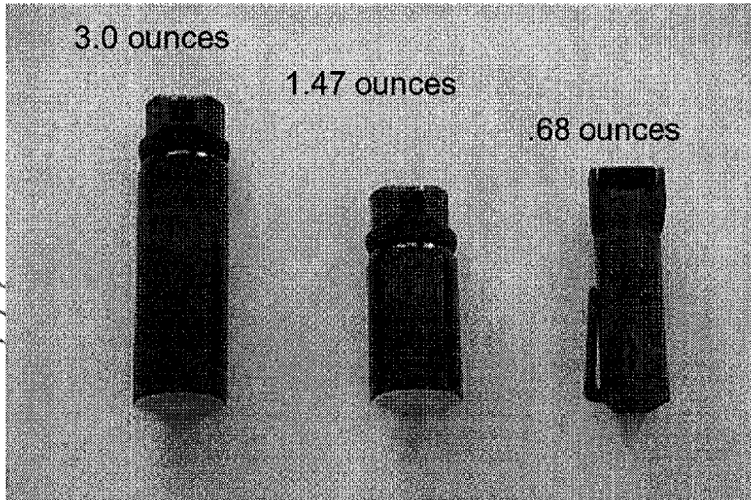
- **Peace officer's use of chemical agents may include:**

- Crowd and riot control
- Overcoming resistance
- Making an arrest
- Prevent escape

## Enforcement Section

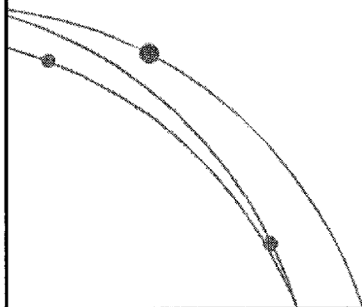
- PC 22840 – Misdemeanor
  - Knowingly bringing chemical agents into a jail or prison
- PC 22810-
- Allows chemical agents for self defense purposes for person 16 and over.
- Felony for a person to use Chemical Agent offensively.
- Felony to use against a peace officer
- No civilian persons are allowed to carry more than 2.5 ounces.

# Hand Held Aerosol Canisters



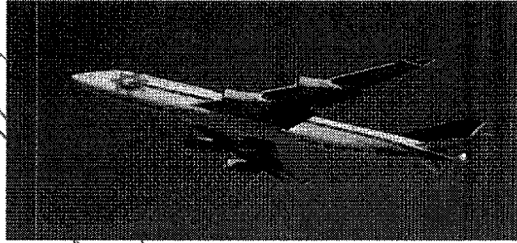
## Who Cannot Possess Tear Gas?

- Persons convicted of misusing tear gas
- Convicted felons
- Persons convicted of crimes (assault)
- Narcotics addicts



## Civilian Use Cont.

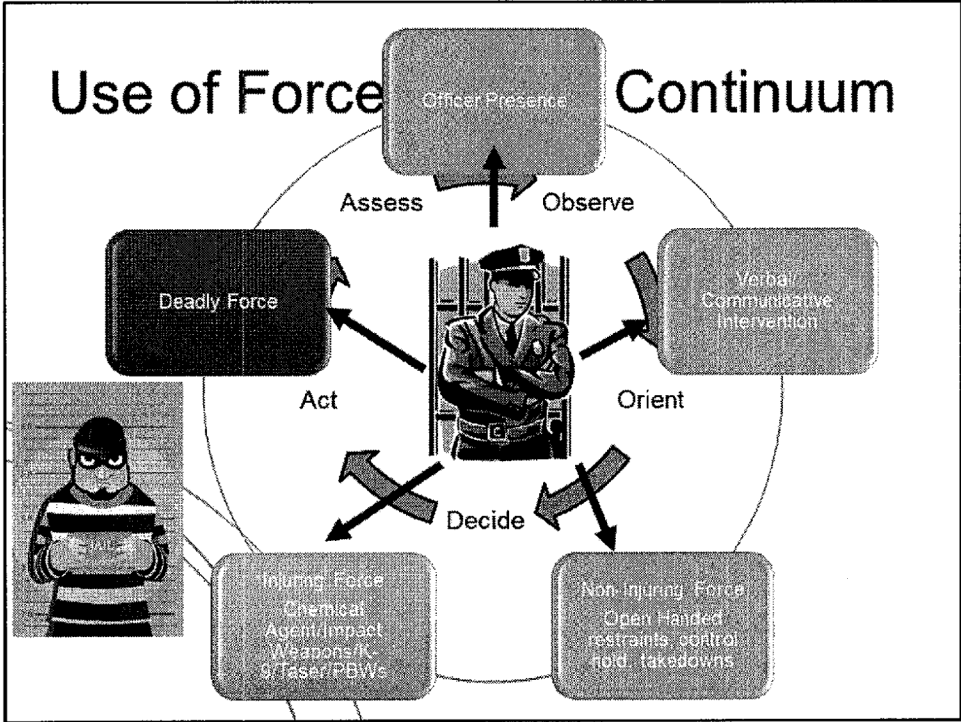
- Minors between 16 and 18 years (PC 22815)
  - May possess tear gas if they have permission from their parent or guardian.
- Carrying or placing a tear gas device on an aircraft is a violation of federal law and is considered a felony.



## Use Of Force

- Chemical agents are considered intermediate force options.
- California Penal Code – 835(a)
  - Any peace officer who has reasonable cause to believe that the person arrested has committed a public offense may use **REASONABLE FORCE** to effect the arrest, prevent escape, or overcome resistance.





# Oleoresin Capsicum

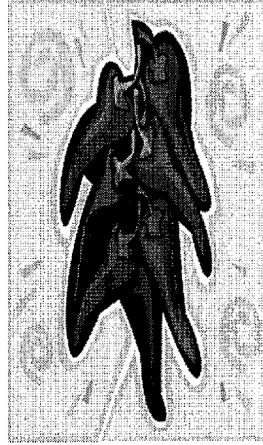
- Color code: Black or Orange
  - Classification: Inflammatory agent
  - Odor: Sweet Pepper
  - Physical and Psychological
- Effects:**

- Involuntary closing of eyes, tearing of eyes, inflammation of the respiratory system, swelling of mucus membranes, and significant panic, disorientation, fear.



## More about Oleoresin Capsicum

- Primary target: Eyes
- Secondary target: nose and mouth
- Time to take affect: Immediate.
- Natural food product
- Capsicum pepper family
- Mixing CN,CS, and OC does not enhance effectiveness.



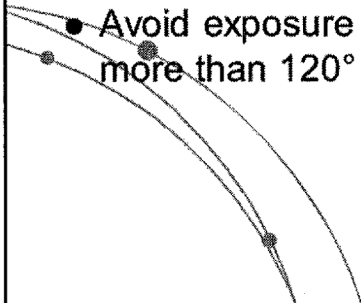
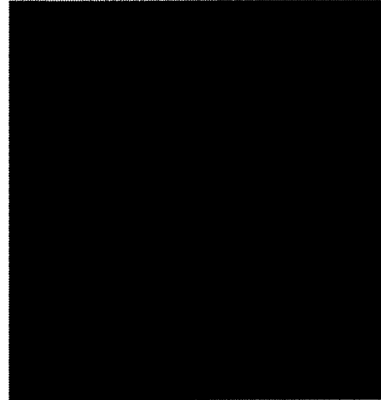
## Defense Technology – First Defense Spray



- 90% Carrier:
  - 5-10% Nitrogen
  - 40-80% Ethyl Alcohol
  - 10-20% Propylene Glycol
- 10% Active Ingredient:
  - 5-10% Oleoresin Capsicum
- Aerosol chemical agent products are known to be flammable.

## Handheld Aerosol Canisters

- Three types of Aerosol sprays:
  - Streams, Spray, or Foam.
- Pressurized: 140 PSI
- Range: 3 to 10 feet
- Avoid exposure to more than 120°



## Factors to Consider Before Using an Aerosol Spray:

- Weather condition and cross contamination
- Aerosol canisters may be held in either hand
- Pistol grip, thumb on actuator
- Aim for eyes using "figure eight" pattern
- After spraying resident, officers should assess the threat and either spray again or use another force option if spray is ineffective.
- Handcuff and render first aid/decontaminate

# First Aid and Decontamination

- **Responsibility of peace officer**

- There has been more civil liability resulting from officers who do not decontaminate properly or who leave suspects unattended after the arrest than with the direct use of the agent itself.

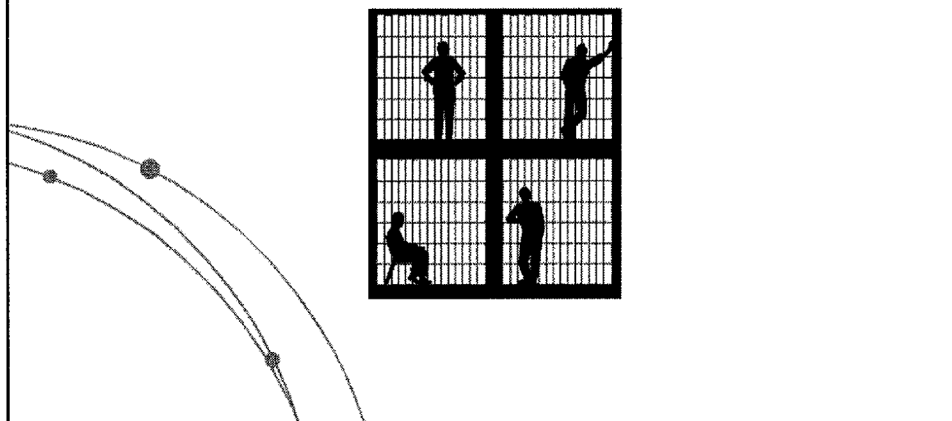
- **Decontamination process:**

- Expose the suspect to fresh air or wind
- Flush the eyes and face with cool water
- Re-assure the person sprayed
- Monitor breathing and consciousness
- Seek Medical attention
- Suspect experiences symptoms of OC beyond 30 minutes or has extreme difficulty breathing, call 911.
- Never leave contaminated suspect unattended.



## Chemical Agents and In-Custody Death

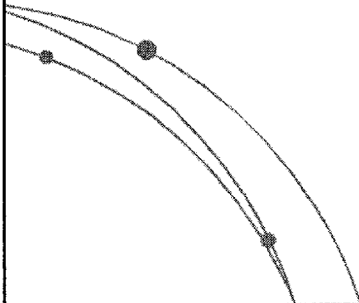
- No one has died from pepper spray.





## Recognized Conditions

- Positional Asphyxia
- Excited Delirium
- Drug Induced psychosis

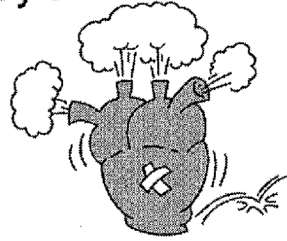
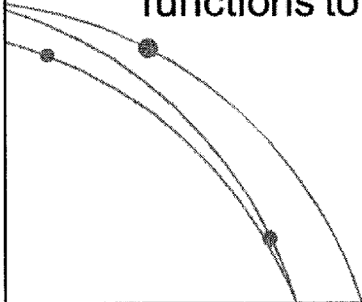


## Positional Asphyxia

- Occurs when body position interferes with respiration, such as when a suspect is restrained and placed face down causing pressure on the diaphragm from the stomach.
- Do not leave suspects on their stomachs once they are properly restrained unless they continue to present an officer safety issue.

## Drug Induced Psychosis

- May occur when the following drugs are used:
- PCP, cocaine, methamphetamines
- These drugs cause the body's normal functions to accelerate.



## Excited Delirium

- Can occur without the use of drugs or alcohol. Fear, physical exertion, poor physical condition and panic can create the same effect. Persons experiencing excited delirium can have heartbeats exceeding 200 beats per minute and body temperatures exceeding 105 degrees.



## Recognizing High Risk Suspects

- Bizarre and or aggressive behavior
- Shouting, Panic, paranoia, and erratic moods
- Profuse sweating
- Drug or alcohol involvement
- Violence towards others
- "Super human" strength
- Sudden tranquility



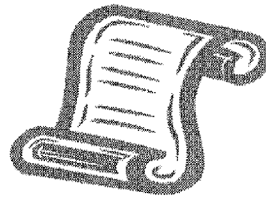
## Recognizing High Risk Suspects Cont'd

- If suspect does not recover from contamination to OC within a reasonable amount of time OR appears to be having any other kind of medical problem, call 911.
- The combination of one or more symptoms above and a confrontation with police involving a use of force, such as chemical agents can result in sudden death.

## Documenting Use of Chemical Agents

- Physical attributes
- Physical condition
- Verbal statements
- Actions of resistance

Document unique aspects that both the officer and suspect bring to the incident.



## Documentation Cont'd

- The report should include what the officer was thinking and perceiving at the time and what the officer did including:
  - All verbal instructions/commands
  - Type and amount of chemical agents used
  - Decontamination procedures used
  - Suspect's condition when turned over to another officer



## Case Law

- **Forrester v. City of San Diego**

- Least intrusive alternative theory case. Officers acted reasonably in using pain compliance techniques on demonstrators. Officers are not required to use the least intrusive degree of force possible, but rather, required to use reasonable force. Ex. Protesters barricaded in front of a clinic and prevented entry of medical employees or citizens seeking service it created extenuating circumstances that allows for the use of pain compliance techniques. .

- **Graham v. Conner**

- Arrests and detentions are governed by the 4<sup>th</sup> amendment and the objective reasonableness standard
  - Facts and circumstances known to the officer at the time force was used
  - Officers state of mind will not be taken into consideration

# The End

