



**City and County of San Francisco
Juvenile Probation Department**

ALLEN A. NANCE
CHIEF PROBATION OFFICER

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Via U.S. Mail and e-mail to ikysel@ACLUsoCal.org

June 8, 2018

Ian Kysel, Staff Attorney
American Civil Liberties Union Foundation (ACLU)
Orange County Office
1851 E. First Street, Suite 450
Santa Ana, CA 92705

Re: Public Records Act Request received 5-15-18 by
San Francisco Juvenile Probation Department ("SFJPD")

Dear Mr. Kysel:

The San Francisco Juvenile Probation Department ("SFJPD") is in receipt of your Public Records Act Request dated May 9, 2018 and received May 15, 2018. In San Francisco, the reference to "SFPD" applies to the city police department; our department is "SFJPD."

We have assembled the attached responsive documents which we are now forwarding to you. Policies and Procedures for each facility (Juvenile Justice Center and Log Cabin Ranch), Training Materials, and Implementation Documentation were sent via e-mail on 4/30/18 to you at ikysel@ACLUsoCal.org as previously requested. Please note that Log Cabin Ranch does not have any locked sleeping rooms or cells and remains an open dorm environment. Additionally, neither SFJPD facility possesses chemical restraints, tasers or stun devices and involuntary administration of psychotropic medication is prohibited.

Responsive documents are attached as follows:

ACLU Request #1 re: Policies and Procedures

- a. Copies of any and all of the following policies and procedures used/in effect between January 1, 2015 and March 31, 2018 (inclusive) in each facility operated by SFPD:
 - i. Any and all rules of conduct and disciplinary and/or behavior management policies and procedures for youth, including those governing sanctions as well as those governing incentives and/or privileges.

SFJPD Response to 1a. i

- a. Responsive documents for both the SFJPD Juvenile Justice Center ("JJC") and the Log Cabin Ranch ("LCR") have been sent previously. Please see response sent to the ACLU on 4-30-18 via email to ikysel@ACLUsoCal.org wherein the following documents were sent:

Juvenile Justice Center

San Francisco Juvenile Probation Department Policy and Procedure Manual, Juvenile Justice Center:

Chapter 8 – Youth Programs and Activities

Policy 8.01 General Unit Programs

Policy 8.03 Behavior Management and Special Management Programs

Policy 8.13 Counseling Economy

Chapter 9 – Rules and Discipline

Policy 9.01 Rule Violations & Behavior Management Strategies

Policy 9.02 Behavior Management Review

Policy 9.03 Separations

Policy 9.04 Disciplinary Rooms

Chapter 10 – Security and Control

Policy 10.16 Use of Force

Policy 10.17 Use of Restraints

Policy 10.21 Nonviolent Crisis Intervention

San Francisco Juvenile Justice Center – Juvenile Orientation Handbook, 5/20/16

San Francisco Juvenile Hall Juvenile Orientation Acknowledgement Form

San Francisco Juvenile Justice Center Behavior Management Review Form

Behavior Management Program Hearing (Form)

Log Cabin Ranch Policies and Procedures

San Francisco Juvenile Probation Department Policy and Procedure Manual, Log Cabin Ranch:

Chapter 6.17 – Youth Rights, Responsibilities and Programming

Policy 6.17 Violations and Discipline

Log Cabin Ranch, REPS Youth Manual, Pages 15 & 16

(Respect, Effective Communication, Positive Behavior and Safe Environment)

Page 15 – Modification Phase

Page 16 – Log Cabin Ranch Infractions

Log Cabin Ranch Programming Schedule showing “lights out” time

- ii. **ACLU Request:** Any and all behavior management or other policies and procedures governing use of force by staff, including what kind of force can be used and the continuum of appropriate force permitted in specific circumstances.

SFJPD Response:

JJC: Please see SFJPD Probation Department, Policy and Procedure Manual, Juvenile Justice Center, Chapter 10, Security and Control, 10.16, Use of Force sent previously on 4-30-18.

LCR: Please find attached: SFJPD Probation Department, Policy and Procedure Manual, Log Cabin Ranch, Chapter 4.11, Security and Control, Use of Force

- iii. **ACLU Request:** Any and all behavior management or other policies and procedures governing use of cell/room extraction, including any requirements to video or audiotape cell/room extraction.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- iv. **ACLU Request:** Any and all behavior management or other policies and procedures governing use of de-escalation techniques by staff.

SFJPD Response:

JJC: Please see SFJPD Probation Department, Policy and Procedure Manual, Juvenile Justice Center, Chapter 10, Security and Control, 10.21, Nonviolent Crisis Intervention sent previously on 4-30-18.

LCR: Please find attached: SFJPD Probation Department, Policy and Procedure Manual, Log Cabin Ranch, Chapter 4.11, Security and Control, Use of Force

- v. **ACLU Request:** Any and all behavior management or other policies and procedures governing use of chemical agents (including the type, size/volume and approved method of deployment for those chemical agents) and methods of application as well as chemical agent cleanup/decontamination after use.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- vi. **ACLU Request:** Any and all policies and procedures regarding storage and maintenance requirements for any chemical agents permitted to be stored, used, or carried in the facility.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- vii. **ACLU Request:** Any and all policies and procedures regarding identifying or authorizing staff who are permitted to carry and/or use chemical agents in the facility.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- viii. **ACLU Request:** Any and all policies and procedures addressing medical and

behavioral health conditions that would contraindicate or limit use of chemical agents.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- ix. **ACLU Request:** Any and all policies and procedures regarding identifying and evaluating youth who have been exposed to chemical agents, including any signs and symptoms requiring medical or behavioral health evaluation referral.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- x. **ACLU Request:** Any and all policies and procedures regarding notification of parents or legal guardians regarding youth exposure to chemical agents.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- xi. **ACLU Request:** Any and all policies and procedures on documentation and reporting requirements following any use of chemical agents.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- xii: **ACLU Request:** Any and all policies and procedures on requirements to debrief or discuss use of force incidents, including use of chemical agents, with youth after the incident.

SFJPD Response:

JJC: Please find attached:

- SFJPD Policy and Procedure Manual, [Juvenile Justice Center](#), Chapter 2 – Personnel, 2.13 Status during Complaint Investigation, and,
- SFJPD Policy and Procedure Manual, [Juvenile Justice Center](#), Chapter 2 – Records and Reports, 2.17 Incident Reports

LCR: Please find attached: SFJPD Policy and Procedure Manual, [Log Cabin Ranch](#), Chapter 4.11, Security and Control, Use of Force

- xiii. **ACLU Request:** Any and all policies and procedures on supervisory or other review of use of force incidents by staff, including use of chemical agents.

SFJPD Response:

JJC: Please find attached:

- SFJPD Policy and Procedure Manual, [Juvenile Justice Center](#), Chapter 2 – Personnel, 2.13 Status during Complaint Investigation, and,
- SFJPD Policy and Procedure Manual, [Juvenile Justice Center](#), Chapter 2 – Records and Reports, 2.17 Incident Reports

LCR: Please find attached: SFJPD Policy and Procedure Manual, [Log Cabin Ranch](#), Chapter 4.11, Security and Control, Use of Force

- XIV. **ACLU Request:** Any and all policies and procedures regarding the information provided to youth to explain rules, rights, policies and procedures related to use of force, including but not limited to use of chemical agents (including copies of such information, as provided to youth, in each language in which it is available).

SFJPD Response:

JJC: Please see SFJJC [Juvenile Orientation Handbook](#) sent previously on 4-30-18.

LCR: Please find attached Page 13 from the SFJPD, [Log Cabin Ranch Resident Handbook](#). Entire Handbook emailed previously.

- xv. **ACLU Request:** Any and all policies and procedures governing discipline of staff for violations of policies, procedures and rules governing the use of force, including use of chemical agents.

SFJPD Response:

JJC: Please find attached SFJPD [Juvenile Justice Center, Chapter 2, Administration, Organization and Management, 2.06 Work Rules](#)

LCR: Please find attached: SFJPD Probation Department, Policy and Procedure Manual, [Log Cabin Ranch, Chapter 4.11, Security and Control, Use of Force](#)

ACLU Request #2 re: Training Materials

- a. Copies of any and all of the following training materials used/in effect between January 1, 2015 and March 31, 2018 (inclusive) in each facility operated by SFPD:
- i. **ACLU Request:** Any and all training materials on the use of chemical agents, including but not limited to permissible use and standard(s) for use, methods of application and cleanup/decontamination.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- ii. **ACLU Response:** Any and all training materials on cell/room extractions.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- iii. **ACLU Request:** Any and all training materials on the provision of medical or behavioral health services or referral before or after youth are exposed to chemical agents.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- iv. **ACLU Request:** Any and all training materials on identifying signs or symptoms of medical or behavioral health conditions that would contraindicate the use of certain types of force, including chemical agents.

SFJPD Response:

JJC: Please see SFJPD Probation Department, Policy and Procedure Manual, Juvenile Justice Center, Chapter 10, Security and Control, 10.16, Use of Force sent previously on 4-30-18,

and

SFJPD Probation Department, Policy and Procedure Manual, Juvenile Justice Center, Chapter 10, Security and Control, 10.17, Use of Restraints sent previously on 4-30-18.

LCR: We do not have documents responsive to this request.

- v. **ACLU Request:** Any and all training materials on the use and exhaustion of less restrictive options than use of chemical agents and before the use of chemical agents.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- vi. **ACLU Request:** Any and all training materials on complying with authorization, reporting and documentation requirements in connection with the use of chemical agents.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- vii. **ACLU Request:** Any and all training materials on conducting a review of use of force, including on the use of chemical agents.

SFJPD Response:

JJC: Please find attached SFJPD Policy and Procedure Manual, Juvenile Justice Center, Chapter 2 – Records and Reports, 2.17 Incident Reports, and

SFJPD Policy and Procedure Manual, Juvenile Justice Center, Chapter 10, Security and Control, 10.24, Emergency Response Team/Condition Response.

LCR: Please find attached: SFJPD Probation Department, Policy and Procedure Manual, Log Cabin Ranch, Chapter 4.11, Security and Control, Use of Force

- viii. **ACLU Request:** Any and all training materials on debriefing or discussing use of force incidents with use, including use of chemical agents, after the incident.

SFJPD Response:

JJC: Please find attached SFJPD Policy and Procedure Manual, Juvenile Justice Center, Chapter 2 – Records and Reports, 2.17 Incident Reports

LCR: Please find attached: SFJPD Probation Department, Policy and Procedure Manual, Log Cabin Ranch, Chapter 4.11, Security and Control, Use of Force

- ix. **ACLU Request:** Any and all training materials used to ensure compliance of staff authorized to carry or use chemical agents with Penal Code § 22820 (requiring completion of training in the use of tear gas for any peace officer before they can purchase, possess, transport, or use tear gas or a tear gas weapon).

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

ACLU Request #3 re: Data

- a. **ACLU Request:** Any and all data on the use of chemical agents between January 1, 2015 and March 31, 2018 (inclusive) in each facility operated by SFPD, including:

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- i.. **ACLU Request:** Records showing any and all aggregate data regarding average rate of use of chemical agents per month, quarter and year.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- ii.. **ACLU Request:** Records showing any and all individual data regarding specific instances of use of chemical agents, including, for each instance, the incident date, time, volume or amount of chemical agent deployed, location within the facility, description of the incident (including the situation alleged to precipitate the use; for example but not limited to fight, cell/room extraction, refusal to follow a verbal order, assault, riot, etc.), and demographic information about the juvenile and staff involved, including but not limited to age, race, national origin, gender identify and gender expression. We request that individual identifying information (name) be replaced with unique identifiers so that we may observe whether the same individuals were involved in multiple incidents.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- iii. Copies of any and all videotapes or other audio and/or visual records of use of force or cell/room extractions involving the use of chemical agents. We request that individual identifying information (recordings of name, face) be replaced with unique identifiers so that we may observe whether the same individuals were involved in multiple incidents.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- 1v. **ACLU Request:** Copies of any notification of parents or guardians after chemical agent use made. We request that individual identifying information (name, addresses) be replaced with unique identifiers so that we may observe whether the same individuals were involved in multiple incidents.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- v. **ACLU Request:** Copies of any and all complaints/grievance made regarding use of chemical agents, including records showing any response and any action taken. We request that individual identifying information (name) be replaced with unique identifiers so that we may observe whether the same individuals were involved in multiple incidents.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- vi. **ACLU Request:** Copies of any and all incident reports or other reports related to use of chemical agents, including log book entries, entries in any electronic case management system(s), and entries in any other institutional case, data, or record management system(s). We request that individual identifying information (name) be replaced with unique identifiers so that we may observe whether the same individuals were involved in multiple incidents.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- vii. **ACLU Request:** Copies of any and all internal reviews related to use of chemical agents conducted.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- viii. **ACLU Request:** Records showing any staff disciplined in connection with use of chemical agents, including allegations, findings, and any disciplinary actions taken. We request that individual identifying information (name) be replaced with unique identifiers so that we may observe whether the same individuals were involved in multiple incidents.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- ix. **ACLU Request:** Records of injury to staff or youth related to use of chemical agents. We request that individual identifying information (name) be replaced with unique identifiers so that we may observe whether the same individuals were involved in multiple incidents.

SFJPD Response: We do not have documents responsive to this request. This practice does not exist in San Francisco.

- x. **ACLU Request:** Records showing number and volume of all containers or units of chemical agents currently maintained or stored for use.

SFJPD Response: We do not have documents responsive to this request.
This practice does not exist in San Francisco.

- xi. **ACLU Request:** Records showing number and volume of all containers or units of chemical agents purchased per month, quarter and year (and the total cost for such purchases).

SFJPD Response: We do not have documents responsive to this request.
This practice does not exist in San Francisco.

- xii. **ACLU Request:** Records showing number and volume of all containers or units of chemical agents destroyed or discarded per month, quarter and year.

SFJPD Response: We do not have documents responsive to this request.
This practice does not exist in San Francisco.

- xiii. **ACLU Request:** Copies of any and all studies, inspection or accreditation reports, audits, or analyses relating to the Facilities conducted internally or by outside agencies or organizations that mention chemical agents.

SFJPD Response: We do not have documents responsive to this request.
This practice does not exist in San Francisco.

- xiv. **ACLU Request:** Strategic plans, committee reports, briefings, data, memoranda, final agendas, meeting minutes, or other documents or materials relating to the use of pepper spray.

SFJPD Response: We do not have documents responsive to this request.
This practice does not exist in San Francisco.

- xv. **ACLU Request:** Draft and final memoranda, documents, or guidance materials or directives, including but not limited to those addressing changes to policies procedures, and training materials disclosed in response to this request, prepared by the SFPD related to use of chemical agents.

SFJPD Response: We do not have documents responsive to this request.
This practice does not exist in San Francisco.

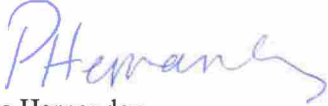
- xvi. **ACLU Request:** Copies of any approvals or denials of any proposed changes to policies, procedures, trainings or guidelines, including but not limited to those addressing changes to policies, procedures, and training materials disclosed in response to this request, prepared by SFPD related to use of chemical agents.

SFJPD Response: We do not have documents responsive to this request.
This practice does not exist in San Francisco.

We have reviewed available documents and sources of information, and believe that the documents contained in, and attached to, this letter accurately reflect public records in our possession that can be released pursuant to this public records request.

Please confirm your receipt of this response.

Sincerely,



Paula Hernandez
Assistant Chief Probation Officer
San Francisco Juvenile Probation Department

C: Allen A. Nance, Chief Probation Officer

Attachments: SFJPD, Log Cabin Ranch, Chapter 4.11, Security and Control, Policy Use of Force
SFJPD, Juvenile Justice Center, Chapter 10, Security and Control, 10.21, Nonviolent
Crisis Intervention
SFJPD, Juvenile Justice Center, Chapter 2, Personnel, 2.13 Status during Complaint
Investigation
SFJPD, Juvenile Justice Center, Chapter 2, Records and Reports, 2.17 Incident Reports
Log Cabin Ranch Resident Handbook, Page 13
SFJPD, Juvenile Justice Center, Chapter 2, Administration, Organization and
Management, 2.06 Work Rules
SFJPD, Juvenile Justice Center, Chapter 10, Security and Control, 10.24, Emergency
Response Team/Condition Response
4-30-18 JPD CPO Letter in Response to ACLU Records Request dated 4-2-18
4-30-18 Copy of email to Mr. Kysel listing responsive attachments sent 4-30-18




SAN FRANCISCO JUVENILE PROBATION DEPARTMENT

POLICY AND PROCEDURE MANUAL

LOG CABIN RANCH

CHAPTER 4.11

SECURITY AND CONTROL

Policy Number:	4.11
Policy Name:	Use of Force
Authority:	Title 15: 1357, 1363
Effective Date:	March 25, 2016
Director of Log Cabin Ranch:	Marc Humphries
Chief Probation Officer:	Allen Nance 

POLICY:

The Log Cabin Ranch (LCR) Director, in cooperation with the responsible physician, must develop and implement written policies and procedures for the use of force and chemical agents [Title 15, 1357].

LCR defines force as an intervention to stop or intervene an escalation of behavior that could be harmful to the youth or other youth and staff. Force must be avoided whenever possible, and must be used only as is reasonably necessary to prevent harm to youth, staff,

and visitors and to maintain the safety and security of the facility [Title 15, 1357(a)(1)]. Lethal force and chemical agents are never authorized at LCR.

Staff must prepare an Incident Report(s) following all uses of force. All instances where force is used must be documented and submitted to administrative staff who must conduct a review and discipline any improper use of force [Title 15, 1357(b)]. Youth who have been subject to use of force must have access to the Grievance process [Title 15, 1357(b)].

Training: All staff must receive training on the use of force, which must include known medical conditions that would contraindicate certain types of force, acceptable chemical agents, methods of application, signs of symptoms that should result in immediate referral to medical or mental health staff, and appropriate response if the current use of force is ineffective [Title 15, 1357(a)(4)].

PURPOSE:

Use of force is an immediate means of overcoming resistance to control the threat of imminent harm to self or others, and may occasionally be necessary for the safety of staff and youth.

Force of any kind should always be treated as a last resort, and implemented only where necessary to ensure the safety of youth, staff, and others. The power and discretion of LCR Counselors and staff to use reasonable force is a serious responsibility that requires a careful balancing of interests in all cases. Given that no policy can realistically predict every possible situation staff may encounter, LCR leadership entrusts staff with well-reasoned discretion to determine the appropriate use of force in each circumstance while respecting the value of all human life and dignity, and without prejudice to any person.

This policy provides LCR staff members with the guidance to determine and apply the least use of force reasonable in the circumstances, starting with verbal tactics, before escalating the use of physical force. Use of force training, as well as legal and practical considerations must always be used in exercising this discretion.

DEFINITIONS:

Chemical Agent

Mace, pepper spray, tear gas, or other noxious agent used to subdue violent action.

Force	Physical action taken by staff to stop, intervene, or contain incidents of youth misbehavior behavior. And to prevent or limit harm to youth and staff.
Proximity Control	A security strategy in which Counselors space themselves so as to be in close proximity to all youth, as a means of reducing youth impulses to misbehave, and provide necessary support in the event of an incident.
Reasonable Force	The amount of force that an objective, properly trained, and competent staff person, faced with similar facts and circumstances, would consider necessary and reasonable to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order.

PROCEDURE:

A. Force

- 1). At LCR, "Force" is an action used to stop or intervene a behavior.
 - a). The use of restraints is a more sustained, prolonged intervention.
- 2). The use of force must be avoided wherever possible, and implemented only where necessary to ensure the safety of youth, staff, and others [Title 15, 1357(a)].
- 3). Staff must attempt to counsel the youth before any force is used.
- 4). Prior to using force on a youth:
 - a). Staff should explain to the youth that refusal to obey orders may result in the use of necessary physical force.
 - b). Staff should remove other youth from the scene. This reduces the likelihood that the involved youth will feel the need to escalate the incident in order to "save face."
 - c). Staff must contact the Duty Senior and Institutions Staff via "10-32" on the radio and advise them a youth is a threat to order.
- d). Staff must request the Duty Senior's presence to assist in returning to a routine schedule. The presence of a second person (co-worker, institutional staff, Duty Senior or Supervisor) may resolve a stressful situation without the need of physical force.
 - i. Should the presence of additional staff not achieve this goal, the extra person(s) may assist in the quick and safe application

of force as well as be witness to the incident to protect staff interests in case of charges of improper conduct are made at a later time.

- e). When instructed by the Duty Senior, a minimum of two Counselors, using approved techniques, must physically remove the involved youth to a safe area so that other youth can return to scheduled programs.
- 5). The application of minimal use of force must be reasonable, and is authorized only in the following circumstances:
- a). To protect youth from self-harm
 - b). To prevent harm or injury to others
 - c). Justifiable self-defense
 - d). To prevent escape
 - e). To prevent property damage
 - f). To move youth that fail to comply with appropriate and necessary orders.
- 6). Staff must apply reasonable force in graduated steps according to a ladder of escalating force (these levels including Non-injurious force; Injurious Force, and Lethal force as described below).
- a). **Non-injurious force:** Staff must use physical contacts likely to control, contain, or restrain physical activity in a way that is unlikely to cause injury that would require medical treatment. In cases of violent resistance, non-injurious force that causes the minimum amount of pain necessary may be used to obtain compliance from the youth.
 - b). **Injurious Force:** Staff may use physical contacts that are likely to stop a dangerous physical attack and also to control, contain, or restrain physical activity where absolutely necessary.
 - c). **Lethal Force:** Force likely to cause serious and/or permanent injury or death.

B. Physical Handling

- 1). As a general rule, staff should refrain from any physical contact with youth even in a playful fashion except when employing standards, recognized counseling and persuasion techniques, or when necessary as explained in the policy statement.
- 2). Anytime staff anticipates use of force, the scan pen/condition button and/or radio system must be activated.
- 3). A staff member should always call for immediate assistance.

C. Fights Between Youth

- 1). When there is a fight between youth, staff must give an order to "Stop."
- 2). The staff person most distant from the fight must call for backup via hand-held radio.
- 3). If youth continue to fight, present Counselors must first secure the group and isolate the belligerents before attempting to restrain them. Direct involvement in the incident should be avoided, if possible, until response personnel arrive.
- 4). However, if one youth is clearly dominating another youth to the point of potential great bodily injury, a Counselor must intervene to restrain the aggressor.

D. Attacks on Staff by Youth

- 1). The staff person most distant from the fight must call for back up via hand held radio.
- 2). Responding staff must assist in controlling the fight and aid in removing uninvolved youth from the area.
- 3). Staff must defend themselves and/or their co-worker(s) with an amount of force that is justifiable and appropriate to the situation.

E. Medical and Psychiatric Treatment

- 1). LCR staff must inform medical staff as soon as possible in all situations where force is utilized including the use of mechanical restraints.
- 2). Immediate medical attention must be given to youth if injuries occur. Staff must be referred to the city's designated treatment sites for treatment, if necessary.
- 3). Psychiatric staff must also be informed and must respond to assist if necessary

F. Documentation

- 1). All LCR staff persons involved in, or who observed the application of, force or restraints must complete an Incident Report by the end of the shift on which the incident occurred.

G. Reporting, Professional Responsibility, and Liability [Title 15, 1357(a)(2), 1357(b)(3)]

- 1). Within LCR, Counselors have a duty and responsibility to maintain control of the facility and its components, including the restraint of youth when

necessary. Such physical force, however, must be limited to that which is sufficient to maintain control or to ensure safety.

- a). Use of force in excess of that required, or use of force after the necessity for control has been relieved, is not lawful, required, or protected.
 - b). Such use of undue force, after the situation has been controlled, may constitute an act of assault or battery.
- 2). Employees observing violation(s) of this policy must immediately take affirmative action to try and stop the inappropriate use of force, try to correct the situation, and report the occurrence to the Officer of the Day [Title 15, 1357(a)(2), 1357(b)(3)].
 - 3). The law protects staff to the extent that they operate within it. When staff exceed this protection of the law they leave themselves vulnerable to criminal and/or civil charges and disciplinary action.
 - 4). Physical force is to be used strictly as described in this policy. Determination that procedural violations resulted in physical injury to a youth or co-worker may result in suspension or termination without the benefit of prior progressive disciplinary action.

H. Use of Reasonable Force to Collect DNA Specimens, Samples, Impressions.

Title XV Section 1363 represents: (a) Pursuant to Penal Code Section 298.1 authorized law enforcement, custodial, or corrections personnel including peace officers, may employ reasonable force to collect blood specimens, saliva samples, and thumb or palm print impressions from individuals who are required to provide such samples, specimens or impressions pursuant to Penal Code Section 296 and who refuse following written or oral request.

(1) For the purpose of this section, the "use of reasonable force" shall be defined as the force that an objective, trained and competent correctional employee, faced with similar facts and circumstances, would consider necessary and reasonable to gain compliance with this section.

(2) The use of reasonable force shall be preceded by efforts to secure voluntary compliance. Efforts to secure voluntary compliance shall be documented and include an advisement of the legal obligation to provide the requisite specimen, sample or impression and the consequences of refusal.

(b) The force shall not be used without the prior written authorization of the supervising officer on duty. The authorization shall include information that reflects the fact that the offender was asked to provide the requisite specimen, sample, or impression and refused.

(1) If the use of reasonable force includes a cell extraction, the extraction shall be videotaped. Video shall be directed at the cell extraction event. The videotape shall be

retained by the agency for the length of time required by statute. Notwithstanding the use of the video as evidence in a court proceeding, the tape shall be retained administratively. **It is to be noted that LCR does not collect DNA Specimens; Samples, Impressions and these aforementioned procedures would be completed at the Youth Guidance Center or a law enforcement agency.**

