
 <p style="text-align: center;">WISCONSIN DEPARTMENT OF CORRECTIONS Division of Juvenile Corrections</p> <p style="text-align: center;">Policy and Procedure</p>	EFFECTIVE DATE 03/16/2021	PAGE NUMBER 1 of 13
	DJC POLICY # 300.05.02	<input type="checkbox"/> New <input checked="" type="checkbox"/> Revision Original Date: 4/1/2015
	ORIGINATED BY Ron E. Hermes, Administrator X  Date Signed: 03/16/2021	
DISSEMINATION <input type="checkbox"/> All Staff <input checked="" type="checkbox"/> Restricted from Printing <input checked="" type="checkbox"/> Facilities <input type="checkbox"/> Field Offices <input type="checkbox"/> Health Services	<input checked="" type="checkbox"/> Guidance Document	<input checked="" type="checkbox"/> Additional Competency Required
REPLACES POLICY		DJC policies: 300.05.03, 300.05.05, 300.05.10, CLS/LHS P&P 6.02, SIMPs 22, 34, 36.
SUBJECT: Use of Force		

Purpose

The purpose of this policy is to provide guidance in the use of force for staff in the performance of their duties.

Policy

The Division of Juvenile Corrections will take reasonable steps to manage facilities in ways that minimize situations that require the use of force by staff to control or manage youth and minimize the amount of force that is used in those situations. This policy provides guidance in the use of force to minimize the likelihood of injury to employees, the general public, and youth; to prevent serious destruction of state property; and to minimize risk to the general public associated with the escape of a youth.

References

- DJC Policy 100.01.03 – Incident Reporting and Notification
- DJC Policy 100.05.02 – Principles of Subject Control (POSC)
- DJC Policy 300.01.02 – Institution Reporting to Central Office
- DJC Policy 300.05.01 – Emergency Operations Plan and Disturbance Plan
- DJC Policy 300.05.10 – Emergency Response Unit (ERU)
- DJC Policy 300.05.14 – Body Camera
- DJC Policy 300.08.09 – Emergency Services CPR and AED Use
- DJC Policy 500.70.10 – Mechanical Restraints
- Wisconsin Administrative Code DOC 373.09 – Defenses
- Wisconsin Administrative Code DOC 376.07 – Use of Physical Force
- Wisconsin Administrative Code DOC 376.20 – Disturbance Plan
- Wisconsin Administrative Code DOC 376.21 – Emergencies

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Wisconsin Administrative Code Ch. DOC 396.15 – Use of Physical Force

Definitions, Acronyms, and Forms

AWOL – Absent without Leave. A youth in community based program who fails to report back to a program while on grounds or a staff member while off grounds.

Active Resistance - Resistance from a subject which physically counteracts staff's attempts at control and which may create a risk of bodily harm to staff or to another.

Battery - When a youth intentionally causes injury, physical pain, illness or any impairment of physical condition to another person.

Bodily Injury – Physical injury, illness or any impairment of physical injury.

Control Alternatives - Tactics utilized to overcome passive resistance, active resistance or their threats.

Deadly Force - Force which the user reasonably believes will create a substantial risk of causing death or great bodily injury to another. Deadly force is not part of the juvenile corrections POSC curriculum and no techniques are trained for its application.

De-escalation – Strategizes used to defuse a volatile situation, to assist a youth to regain behavioral control and to avoid physical intervention.

DJC - Division of Juvenile Corrections

DOC - Department of Corrections

Escort Techniques - Temporary touching or holding of the hand, wrist, arm, shoulder or back for the purposes of inducing a youth who is acting out to walk to a safe location.

Excessive Use of Force - Use of force that exceeds the procedurally authorized response to the behavior or event that is being managed. In some instances excessive use of force is the use of a force technique that exceeds the procedurally authorized and trained response.

Fight - any situation where 2 or more persons are trying to injure each other by any physical means including, but not limited to, hitting, biting, kicking, scratching, throwing or swinging objects or using weapons.

Force - the exercise of strength or power to overcome resistance, or to compel another to act or to refrain from acting in a particular way. It includes the use of physical force and mechanical restraints. Excessive use of force is forbidden.

Full Body Restraint – a mechanical restraint used to simultaneously immobilize legs, arms and torso.

Great Bodily Injury - Bodily injury which creates a high probability of death or which causes serious permanent disfigurement or which causes permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily injury.

HSU – Health Service Unit

J-Tracker – Juvenile Management Information System

Line of Succession - Individuals authorized to make planned use of force decisions. In emergency situations this may include the highest ranking individual available at the facility.

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Mechanical Restraints - means a commercially manufactured device approved by the department and applied to impede the free movement of an uncontrollable youth to prevent the youth from injuring themselves or others.

Non-Deadly Force - force which the user believes will not create a substantial risk of causing death or great bodily injury to another.

Passive Resistance - Resistance from a subject which does not physically counteract staff's attempts at control and which does not create a risk of bodily harm to the staff or to another.

Physical escort – Touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a non-compliant youth to walk to a safe location. A physical escort is not a physical restraint.

Physical Restraint - Facility authorized, and trained holds used by staff to subdue an otherwise uncontrollable youth in order to prevent the youth from injuring him or herself, or others. Does not include escort techniques and routine contact with compliant youths. Restraints should never be used as punishment for misconduct.

Planned Use of Force - The use of force in situations where time and circumstances allow for consultation with, and authorization by, the person designated by the line of succession, and where there is some opportunity to plan the actual use of force.

Principles of Subject Control (POSC) – A system of verbalization skills coupled with physical alternatives.

Processing – Verbal interaction between an employee and a youth designed to assist and assess the youth by reviewing the behavioral incident and the restraint, with the goal of reducing or eliminating the need for future restraint.

Protective Alternatives - Tactics utilized to overcome continued resistance, assaultive behavior or their threats.

Presence – A visual display of authority.

PSU – Psychological Services Unit

Reactive Use of Force - The use of force in situations where time and circumstances do not permit authorization by higher ranking employees, or consultation or planning.

Reasonably Believes – When an actor believes that a certain fact situation exists and such belief under the circumstances is reasonable even though potentially erroneous.

Supervisor - means staff designated by the Superintendent or Regional Chief to perform supervisory functions, to include but not limited to: Deputy Superintendent, Safety Director, Supervising Youth Counselor, Corrections Program Supervisor, Corrections Field Supervisor, and Lead Worker.

Tools – Devices approved by the DOC utilized as control or protective alternatives.

Use of Force Review - Staff designated by the Superintendent, Regional Chief, or designee to review use of force incidents on youth.

DOC-2688 - Use of Force Review

Procedure

I. Facility Line of Succession

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- A. The planned use of force requires authorization by persons identified in the facility's line of succession as outlined in its facility procedure.
- B. The facility Line of Succession will be outlined in the facility procedure.
- C. Staff members designated to be part of the facility Line of Succession will have knowledge and/or experience which qualify them to make sound decisions regarding this responsibility.

II. General Procedure

- A. All designated staff authorized to use force shall be trained during their initial orientation and annual update trainings in POSC.
- B. It is the philosophy of the DJC that verbal interventions/de-escalation techniques receive highest priority for resolving conflict.
- C. HSU and PSU staff shall be consulted when possible before authorizing any planned use of force to check for contraindications or alternative potential options.
- D. As soon as possible following the use of force, each staff member involved in the incident or who had witnessed the incident shall submit a thorough incident report narrative in J-tracker.
- E. Reactive force may be used by staff against youth, without the presence of a supervisory staff or other sufficient staff if the user of the force reasonably believes it is immediately necessary, to prevent death or great bodily injury to oneself or another (this includes staff assaults or youth assaults).
- F. The incident commander shall be consulted prior to a restraint if possible. In all circumstances, the incident commander shall be notified when a restraint occurs as soon as possible and no later than the end of the shift.
- G. A youth may only be placed in mechanical restraints if staff determine that they are the least restrictive means of addressing an imminent threat of physical harm to self or others, and must be removed immediately when the youth regains control and when the threat of harm or the safety concern has abated.
- H. Only staff who have been specifically trained in the use of physical force and restraints and trained on proper de-escalation techniques may place a youth in mechanical restraints.
- I. No youth may be restrained solely for non-compliance with a program rule, staff directive or expectation; unless the staff reasonably believes that the safety of the location is threatened.
- J. Any youth who is restrained more than three times in one week shall receive a review of clinical and behavioral needs by their assigned clinician within two working days. Change in services shall be documented in the youth's growth plan.
- K. This policy provides guidance in the use of DOC approved commercially manufactured tools to:
 - 1. Minimize the likelihood of injury to staff members, the general public, and youth.
 - 2. Prevent serious destruction of state property.
 - 3. Minimize risk to the general public associated with the escape of a youth.
- L. Tools approved for use are listed in DJC Policy 300.05.10. These tools shall not be used:
 - 1. To unlawfully threaten, coerce, harass, taunt, belittle or abuse any person.

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2. In any form of horseplay.
3. When it is clear the tool would have no physical effect on the youth.

III. Training

A. Training for designated staff shall include but is not limited to:

1. De-Escalation.
2. Trauma Informed Care.
3. Principals of Subject Control.
4. Emergency Preparedness.
5. Emergency Response Unit structure and capabilities.
6. Hostage procedures.
7. Use of Force (Wisconsin Administrative Code Ch. DOC 376).

B. The Superintendent, Regional Chief, or designee shall determine which staff are to be trained in the use of tools.

IV. Prohibited Acts

- A. Excessive Force
- B. Corporal Punishment
- C. Verbal Abuse
- D. Any other form of abuse.

V. Use of Non-Deadly Force

A. Staff may use non-deadly force against youth only if the user of force reasonably believes that it is immediately necessary to accomplish one of the following purposes:

1. To subdue a youth who poses an immediate threat of bodily harm or death to oneself or another.
2. To regain control of all or part of a facility during a disturbance as defined in s. DOC 376.20 or an emergency as defined in s. DOC 376.21.
3. Prevent escape/AWOL.
4. Apprehend an escapee/AWOL youth.
5. To control a disruptive or dangerous youth who threatens the security of a facility.
6. To change the location of a youth who refuses to cooperate and the refusal threatens the security of the facility.
7. To prevent significant damage to property.

B. If a youth has escaped and refuses to return voluntarily and local law enforcement is absent, staff may use the minimum physical force reasonably necessary to apprehend the youth. Minimum force shall be exercised in the following way, if reasonably possible:

1. Staff shall ask a youth to voluntarily return to the facility or other designated location.

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2. If a youth refuses to voluntarily return, one or more staff may use intervention options to control the youth.
3. Staff shall restrain a youth as necessary for the protection of the youth or others and transport the youth back to a DJC facility.
4. After apprehension, licensed health staff shall assess the youth involved for injury. Safety staff shall report any injuries to the Supervisor in charge. Follow DJC policy 300.08.09 for emergency services.
5. After apprehension, each staff member involved shall submit an independent J-Tracker incident report narrative, regarding the apprehension to the Superintendent, Regional Chief, or designee.

VI. Planned Use of Force

- A. If the situation allows for a planned use of force, the following steps shall be taken, if feasible:
 1. Communicate with the youth.
 2. Ask one or more available people to communicate with the youth, such as a youth counselor, a social worker, a crisis intervention worker, a member of the clergy or a psychologist or psychiatrist.
 3. Wait for a reasonable period of time, unless waiting would likely result in an immediate risk of harm to the youth or to another person.
 4. Make a show of force to the youth.
 5. Use that amount of force that is reasonable and necessary to control the situation.
- B. Planned use of force situations will be recorded on video, unless extraordinary circumstances prevent it, a video recorder is not available, and/or there is not time enough to assemble equipment.

VII. Reactive Use of Force Situations

- A. Even in an emergency situation, staff will only use that amount of force that is reasonable and necessary to control the situation.
- B. Video recording of emergency situations should begin as soon as possible, recording as much of the incident as practical.

VIII. Defensive and Disengagement Techniques

- A. Employees may use defensive and disengagement techniques as taught to them during their initial orientation and annual update trainings.
- B. The purpose of defensive and disengagement is to put physical distance between the staff and the youth. Employees may then make a subsequent and separate decision whether it is necessary or safe to restrain a youth. Such decision shall be made in accordance with this policy.
- C. Defensive and disengagement techniques may be used to maintain safety and allow additional time to assess a situation prior to initiating a restraint.

IX. Use of Routine Escorts

- A. Employees shall use techniques taught to them during their initial orientation and annual update trainings. Employees may use routine escorts when they reasonably believe it necessary to move a non-compliant youth to a different location for the safety of the youth and others. A safer location could be another room, the youth's own room, or any other location away from the general population.
- B. When the youth has been escorted to a safer location and has maintained a calm demeanor and behavioral control, the employee using one on one supervision shall attempt to engage the youth in a discussion to assess the source of the youth's behavior. Staff will assess the youth's willingness and ability to comply with staff and engage in behavior that supports the safety of everyone in the program. If the youth is able to respond and is calm and cooperative after processing, then the staff should consider reintegration into regular activities.

X. Tactics/Tools

- A. The following tactics or tools, when applied in attempts to control a situation, especially when the staff members using them have a substantial position of advantage over the subject/s, are utilized as Control Alternatives.
- B. These same tactics or tools may also be utilized as Protective Alternatives when staff members encounter continued resistance or assaultive behavior or in situations where staff members are at risk of bodily injury or death.
- C. The tactics/tools listed below are in this order based solely on their propensity to result in an injury to youth or staff. The decision to utilize any specific tactic or tool shall be dependent on the user's reasonable perception of control.

1. Tactic/Tool

- a. Presence
 - b. Dialog
 - c. Escort Holds
 - d. Passive Countermeasures
 - e. Compliance Holds
 - f. Active Countermeasures
 - g. Incapacitating Techniques
 - h. Impact Weapon
- D. The user must weigh this propensity for control against the propensity for causing injury in making use of force decisions.
 - E. A user of force is not required to take a step by step approach when utilizing this list of tactics/tools however they must be able to articulate why any force option utilized was reasonable and necessary to maintain a position of advantage over the subject/s and gain control of the situation.
 - F. The minimum standard for the use of DOC approved commercially manufactured tools is active resistance or its threat. This means that these tools are not typically applied to youth

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who are only passively resisting unless the user reasonably believes the youth poses the threat of becoming actively resistive or assaultive.

- G. Each use of force incident shall be evaluated as to the appropriateness of the force utilized. DOC-2688 shall be completed when a formal review of a use of force incident is directed by the Safety Director or designee.
- H. Impact weapons are only to be deployed by staff trained in their use.

XI. Appropriate Use of Tool

- A. Tools are only to be deployed by staff trained in their use. Each facility shall ensure guideline DJC Policy 300.05.01 are adhered to. At no time shall tools be issued to untrained staff.
- B. These tools may be used by staff as a control alternative or protective alternative when physical tactics are either inadequate and/or unreasonable and their use does not create a high probability of causing death or great bodily harm.
- C. Each incident shall be evaluated as to what type of force is needed and shall be used in accordance with Wisconsin Administrative Code Ch. DOC 376. Tools are only to be used if the user of the force reasonably believed it is immediately necessary to realize one of the following purposes:
 - 1. To subdue a youth who poses an immediate threat of bodily harm or death to oneself or another.
 - 2. To regain control of all or part of a facility during a disturbance as defined in s. DOC 376.20 or an emergency as defined in s. DOC 376.21.
 - 3. Prevent escape/AWOL.
 - 4. Apprehend an escapee/AWOL youth.
 - 5. To control a disruptive or dangerous youth who threatens the security of a facility.
 - 6. To change the location of a youth who refuses to cooperate and the refusal threatens the security of the facility.
 - 7. To prevent significant damage to property.
- D. In each case, the tools are to be used following the manufacturer's recommendation and the DOC approved lesson plans.
- E. It is understood the potential for injuries exist any time force is used.

XII. Tool Maintenance

- A. Each facility shall assign a staff member to maintain tools as required by manufacturer specifications.
 - 1. Responsibility shall rest with this person to keep the tools clean, in good working order, up to date and with an acceptable power source to required levels of operations, if applicable.
 - 2. There shall be no attempt by any other person to alter, tamper with or repair the tools.
- B. If a tool appears to need repair or to malfunction, staff shall immediately inform the Safety Director or designee verbally and document the problem in an incident report in J-Tracker.

1. If the tool appears to require attention, it shall not be carried for duty until such time it is again rendered operable.
2. If the tool is dropped or knocked out of the hand, upon recovery, immediately visually inspect to determine damage, if any.

XIII. Video Recording

- A. All DJC facilities shall maintain portable video recording equipment and shall have staff trained in its use.
- B. Body cameras shall be activated during any contact or interaction with a youth in accordance with DJC Policy 300.05.14.
- C. Video recording shall begin as soon as possible, recording as much of the incident as possible.
- D. All planned use of force situations shall be recorded unless:
 1. Extraordinary circumstances prevent it.
 2. A video recorder is not available.
 3. There is not enough time to assemble equipment.
- E. Reactive use of force situations shall be recorded using a body camera pursuant to DJC Policy 300.05.14.
- F. Camera Operators shall:
 1. Position themselves to ensure as complete a view of the incident as possible.
 2. Ensure the camera lens is set as wide as possible, unless otherwise directed by the supervisor in charge of the incident.
 3. Record the entire incident until the supervisor completes their conclusion away from the incident site.
- G. Missing Recording
 1. If the incident is not recorded, the supervisor in charge of the incident shall explain in detail why and provide a thorough narration in an incident report in J-Tracker
 2. If recording is stopped during an incident, the video recorder shall explain in detail why recording was stopped, what occurred while recording was stopped and when the recording was resumed in a J-Tracker incident report narrative. The supervisor in charge of the incident shall explain in detail why and provide a through description in a J-Tracker incident report narrative.
- H. The incident shall be recorded by video in the following format:
 1. Preface away from the incident site shall include:
 - a. An introduction that includes the following:
 - i. Supervisor's Name
 - ii. Date and Time
 - iii. Location of incident

- iv. Name and DOC number of youth(s) involved
 - v. A physical description of the youth
 - b. An explanation by the Supervisor in charge indicating the youth's behavior, threat youth poses, damage to property, etc.
 - c. A chronological description of the events leading up to the planned use of force and what alternatives have been attempted, if applicable.
 - d. A summary of the youth's conduct history, specifically noting instances of disruptive or assaultive behavior.
 - e. Identify all staff involved, including any HSU or PSU staff on-site.
 - f. Any specific instructions given to the staff involved, if applicable.
 - g. Person as designated by the chain of command who has authorized the use of force.
2. Interaction at the incident site shall be recorded and shall include:
- a. Negotiation/Show of force – Team assembled at the incident site and the supervisor's attempted to gain compliance through verbalization.
 - b. Order to comply – A clear order is given by the Supervisor in charge.
 - c. If compliance is not gained- The team leader shall issue another clear directive to the youth.
 - d. Final negotiation attempts – Supervisor in charge shall give the youth a final opportunity to comply, which includes an explanation of what shall occur if the youth complies as well as what shall occur if the youth fails to comply.
 - e. Take action – If compliance is not gained, the Supervisor in charge shall direct the team leader to use force as appropriate.
 - f. Outcome – Any change in youth status and escort of the youth to a different location if applicable.
 - g. Discussion with the youth – The Supervisor in charge shall advise the youth that when the threat of physical harm to self or others no longer exists, the youth may be released from room confinement, clinical observation, or restraints, if applicable. The Supervisor in charge shall conduct an initial wellness check of the youth and shall immediately notify HSU and PSU.
3. Conclusions away from the incident site
- a. Summary – Summarize the incident, noting time, date, location and current behavior of youth(s) involved.
 - b. Force Used – A brief overview of the intervention options used.
 - c. Injuries – Note known injuries or lack of injuries to youth and staff involved.
 - d. Documentation – Verbally direct team members to complete written documentation.
 - e. Conclude the video recording of the incident by noting date and time.
- I. Authorized Use of Video Recordings

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1. Video recordings of incidents may be retained or reproduced only for the following reasons:
 - a. Training purposes.
 - b. Use of Force Reviews.
 - c. Disciplinary investigations as authorized by the Superintendent
 - d. Any additional purpose as authorized by the Safety Director or designee.

J. Documentation

1. The video shall be saved in electronic folder as designated by the Safety Director or designee for records retention.
2. All requests for video records shall go through the DOC Office of Records Management unit.

XIV. Follow Up After Use of Force

- A. As soon as possible following the use of force, each staff member involved in the incident or who had witnessed the incident will submit a thorough incident report in J-Tracker describing their role and if known:
 1. The problem leading up to and justification for the use of force.
 2. The steps taken by staff prior to the use of force and why those steps were inadequate.
 3. The level of force used and results.
 4. Observed reactions from the youth at the time of the use of force.
 5. Observations of other staff actions during use of force.
 6. Complaints from the youth.
 7. Measures taken following the use of force, including if any health care or first aid was provided.
- B. The Supervisor in charge of the incident shall complete a J-Tracker incident report narrative describing their role and:
 1. The youth's behaviors.
 2. The problems leading up to and justification for the use of force.
 3. The steps taken by staff prior to the use of force and why those steps were inadequate.
 4. The level of force used and results.
 5. Observed reactions from the youth at the time of the use of force.
 6. Observations of other staff actions during use of force.
 7. Complaints from the youth.
 8. Uses of restraints, including a description of events leading up to the use of restraints, the less restrictive alternatives attempted, and the length of time the youth spent in restraints
 9. Measures taken following the use of force, including if any health care or first aid was provided.

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- C. The Supervisor in charge of the incident shall review all incident reports for completeness and thoroughness.
- D. If necessary, photographs shall be taken as soon as can be reasonably accomplished. They shall include the following:
 - 1. Injuries, if applicable.
 - 2. Damage to property caused by incident, if applicable.
 - 3. Force shall not be used to obtain photographs. It must be documented in the J-tracker incident report when a youth rejects staff member's efforts.
- E. All such reports will be referred to the Superintendent, Regional Chief, or designee following DJC Policy 100.01.03.
- F. Once a situation requiring the use of force has been stabilized, an initial wellness check shall be conducted on all parties involved by the Supervisor in charge. All involved youth shall be assessed and treated as applicable by on-site health staff, or taken to the nearest medical facility as appropriate. Staff with reported injuries may seek first aid on-site or shall seek or be directed to the nearest medical facility or community provider as appropriate. Follow DJC policy 300.08.09 for emergency services.

XV. Quality Assurance/Use of Force Review

- A. The Safety Director or designee shall review the use of force.
- B. The Safety Director or designee shall determine if a formal use of force review is required.
- C. If a formal use of force review is required, the Safety Director or designee shall either assign a POSC Instructor to conduct the use of force review or request an outside review through the DJC Administrator.
- D. The review shall be documented on the DOC-2688.
- E. The use of force review packet shall include:
 - 1. Copies of all reports, documentation, video footage and photographs related to the use of force.
 - 2. A completed DOC-2688 shall include:
 - a. Statement as to whether the use of force was or was not justified.
 - b. Recommendations for corrective measures, if applicable.
- F. When a facility review is completed the packet shall be sent to the Safety Director or designee.
- G. If a use of force review is requested by the DJC Administrator, a copy of the packet shall be retained by the DJC Administrator.
- H. The DOC-2688 shall then be forwarded to the facility Superintendent, Regional Chief or designee.

cc: Office of the Secretary
DJC Leadership Team

Division of Juvenile Corrections Facility/Region Implementation Procedure		
Facility/Region:	<input type="checkbox"/> Guidance Document	<input type="checkbox"/> Competency Required
DJC Policy Number: 300.05.02		
Subject: Use of Force		
Original Policy Effective Date:	New Policy Effective Date: 03/16/2021	
Original Procedure Effective Date:	New Procedure Effective Date:	
Will Implement: <input type="checkbox"/> As Written <input type="checkbox"/> With following procedures for facility implementation		
Replaces Policy: DJC policies: 300.05.03, 300.05.05, 300.05.10, CLS/LHS P&P 6.02, SIMPs 22, 34, 36.		
Superintendent's/Regional Chief's Approval:		

REFERENCES

DEFINITIONS, ACRONYMS, AND FORMS

FACILITY PROCEDURE

I.

A.

B.

1.

2.

a.

b.

c.

3.

C.

II.

III.

RESPONSIBILITY

I. Staff

II. Youth

III. Other