



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

Casey Gerber

Name of Individual Certifying this Document/Proposed Document

Director, Office of Juvenile Offender Review

Title

Casey Gerber

Signature

06/24/2019


Date Signed

Department of Corrections – Wisconsin
Office of the Secretary
Wis. Stat. § 227.112(6)
DOC-2910 (6/2019)



WISCONSIN
DEPARTMENT OF CORRECTIONS
Division of Juvenile Corrections

Policy and Procedure

EFFECTIVE DATE 12/19/2018	PAGE NUMBER 1 of 7
MANUAL REFERENCE	<input type="checkbox"/> New <input checked="" type="checkbox"/> Revision
DJC POLICY # 300.05.02	Original Date: 4/1/2015
ORIGINATED BY John D. Paquin, Administrator X  Date Signed: 12/19/2018	
PRIORITY <input checked="" type="checkbox"/> Policy/Directive <input type="checkbox"/> Information Discuss at Staff Meeting Read/Route/Post	
REPLACES POLICY CLS/LHS P&P 6.02 SIMPs 22, 34 & 36	

- DISSEMINATION
- | | |
|---|---|
| <input type="checkbox"/> All Staff | <input type="checkbox"/> Community Facilities |
| <input checked="" type="checkbox"/> Institution | <input checked="" type="checkbox"/> Confidential-Security Related |
| <input type="checkbox"/> Field Offices | <input type="checkbox"/> Supervisory Staff Only |
| <input type="checkbox"/> Health Services | |

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. Chapter DOC 376 authorizes the use of physical force to control youth.

References

- DJC Policy 100.01.03 – Central Office Notification of Unusual Incidents
- DJC Policy 300.01.02 – Institution Reporting to Central Office
- DJC Policy 300.05.03 – Use of Force- Documentation and Video Recording
- DJC Policy 300.05.04 – Emergency Response Unit (ERU)
- DJC Policy 300.05.05 – Use of Chemical Agents and Incapacitating Devices
- DJC Policy 100.05.02 – Principles of Subject Control (POSC)
- DJC Policy 300.05.10 – Use of Force- DOC Approved, Commercially Manufactured Tools
- Wisconsin Administrative Code DOC 373.09 – Defenses
- Wisconsin Administrative Code DOC 376.07 – Use of Physical Force
- Wisconsin Administrative Code DOC 376.08 – Use of Incapacitating Agents and Chemical Agents
- Wisconsin Administrative Code DOC 376.20 – Disturbance Plan
- Wisconsin Administrative Code DOC 376.21 – Emergencies
- Wisconsin Administrative Code Ch. DOC 396.15 – Use of Physical Force
- Wisconsin Administrative Code Ch. DOC 396.17 – Chemical Agents and Weapons

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Definitions, Acronyms, and Forms

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. Use of deadly force is forbidden.

DJC - Division of Juvenile Corrections

DOC - Department of Corrections.

Excessive Use of Force - Force that exceeds the procedurally authorized response to the behavior or event that is being managed..

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 incapacitating agents, physical force and mechanical restraints. Excessive use of force is forbidden.

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.

Incapacitating Agents - Any agent approved by the DOC for the purpose of overcoming continued resistance, active resistance, assaultive behavior or its threat.

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.

Mechanical Restraints - a commercially manufactured device approved by the DOC and applied to a youth's wrist, arm, legs or torso to restrain or impede free movement.

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

Oleoresin Capsicum (OC) - a chemical restraint that causes irritation to the eyes and skin.

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.

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.

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

Presence – A visual display of authority.

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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.

Restrictive Housing – High security building housing youth under sanctions.

Supervisor - means staff designated by the superintendent to perform supervisory functions under DOC 376.01, to include but not limited to: Deputy Superintendent, Security Director, Supervising Youth Counselor (SYC), Corrections Unit Supervisor, Youth Counselor Advanced (YCA) and those acting in a YCA position.

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

DOC-1960 - Use of Force Review

Procedure

I. Facility Line of Succession

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. Facility Line of Succession

1. Superintendent/Regional Chief
2. Deputy Superintendent/Director
3. Security Director
4. Individuals authorized by the Superintendent/Regional Chief
5. On-Site Shift Supervisor
6. Individuals authorized by the Superintendent/Regional Chief

C. The facility Line of Succession will be outlined in the facility procedure.

D. 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.

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

1. Chemical Agents and Incapacitating Devices.
2. Principals of Subject Control.
3. Emergency Preparedness.
4. Emergency Response Unit structure and capabilities.
5. Hostage procedures.
6. Use of Force (Wisconsin Administrative Code Ch. DOC 376).

II. 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. To prevent the escape of a youth. DOC 376.07(3)(d).
 4. To control a disruptive or dangerous youth who threatens the security of a facility.
 5. To apprehend a youth who has escaped from 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 unlawful damage to property.
 8. To enforce a DOC rule, a posted policy or procedure or an order of staff member.
- 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.
 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, medical personnel shall check the youth and staff involved for injury.
 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 Director.

III. 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. The Health Service Unit Medical Alert database shall be reviewed when possible to determine any potential youth medical issues or considerations before authorizing the use of force or a transfer to security.
- 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

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necessary, to prevent death or great bodily injury to oneself or another (this includes staff assaults or youth assaults).

- F. Supervisory staff or designee shall be present to approve placing a youth in mechanical restraints. A youth may be placed in mechanical restraints in the following situations:
1. To transport a disruptive youth within or outside the facility in order to prevent the youth from injuring him or herself, or others.
 2. For a youth who is in security status while the youth is outside the restrictive housing or for a youth who is disruptive.
 3. To protect staff, youth or other persons from a youth who poses an immediate risk of physical injury to others unless restrained.
 4. To protect a youth who poses an immediate threat of self-harm unless restrained.

IV. Prohibited Acts:

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

V. Planned Use

- 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.

VI. Reactive Use of Force Situations

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

VII. Intervention Options:

These intervention options were adopted by the State of Wisconsin Department of Justice Law Enforcement Standards Board and amended to satisfy the needs and mission of the DJC.

<u>Mode</u>	<u>Purpose</u>
1. Presence	To present a visible display of authority.
2. Dialogue	To verbally persuade.
3. Control Alternatives	To overcome passive resistance, active resistance or their threats.
4. Protective Alternatives	To overcome continued resistance, assaultive behavior, or their threats.

VIII. 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 a disadvantage and/or at risk of bodily injury or death.

<u>Tactic/Tool</u>	<u>Explanation</u>
1. Presence	The visible display of authority
2. Dialog	To verbally persuade
3. Escort Holds	Safely making physical contact with a passively resistive subject.
4. Compliance Holds	Also known as a pressure point hold where pressure is applied to the wrist; the wrist is bent and the hand is moved towards the forearm. These are typically used to overcome passive resistance.
5. Incapacitating Agents	Agents approved by the DOC.
6. Passive Countermeasures	Directing an actively resisting subject to the ground.
7. Active Countermeasures	Blocking and striking techniques used to disrupt an actively resisting or assaultive subject's ability to resist.
8. Incapacitating Techniques	Techniques designed to cause the immediate, temporary cessation of violent behavior.
9. Impact Weapon	Batons approved by the DOC used to impede a subject.

- C. These tactics/tools are listed 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.
- 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 inmates who are only passively resisting unless the user reasonably believes the inmate poses the threat of becoming actively resistive or assaultive.

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- G. Each use of force incident shall be evaluated as to the appropriateness of the force utilized. DOC-1960 shall be completed when a formal review of a use of force incident is directed by the Security Director.
 - H. Incapacitating Agents and Impact Weapons are only to be deployed by staff trained in their use.
- IX. 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. The Supervising Youth Counselor on duty or the Supervisor in charge of the incident shall review all incident reports for completeness and thoroughness.
 - B. The Supervising Youth Counselor on duty or the Supervisor in charge of the incident shall complete a J-Tracker incident report narrative. All such reports will be referred to the Superintendent, Regional Chief, or Director following DJC Policy 100.01.03 – Central Office Notification of Unusual Incidents.
 - C. Once a situation requiring the use of force has been stabilized, an initial medical assessment will be conducted on all parties involved. Injured staff or youth shall be evaluated by medical staff or taken to the nearest medical facility as appropriate.
- X. Use of Force Review
- A. Each use of force incident will be evaluated as to the appropriateness of the force utilized. DOC-1960 will be completed when a formal review of a use of force incident is directed by the Security Director or designee.

cc: Office of the Secretary
DJC Leadership Team

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Division of Juvenile Corrections Facility/Region Implementation Procedure	
Facility/Region:	
DJC Policy Number: 300.05.02	
Subject: Use of Force	
New Effective Date: 12/19/2018	Original Effective Date: 4/1/2015
Will Implement: <input type="checkbox"/> As Written <input type="checkbox"/> With following procedures for facility implementation	
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