



<b>SECURITY</b>		
<b>4058 Use of Force</b>	<b>Effective</b>	<b>01/31/2019</b>
	<b>Replaces</b>	<b>4058</b>
	<b>Dated</b>	<b>02/06/2006</b>

It is the philosophy of the Arizona Department of Juvenile Corrections (ADJC) to use only the amount of force or control reasonably necessary to carry out lawful duties and responsibilities, maintain order, and support the mission of the agency. The method of force/control used is predicated on the circumstances of the event and the amount of resistance presented by the suspect or juvenile. Agency personnel shall only use the amount of force/control reasonably necessary to maintain order, overcome the resistance, protect property, and save lives. The use of force as punishment is strictly prohibited. Under no circumstances shall the force/control used be greater than necessary to achieve lawful objectives. Deadly force shall not be used unless an agency employee reasonably believes it is necessary to protect anyone from imminent danger of death or serious physical injury.

**AUTHORITY**

<b>Arizona Revised Statutes (A.R.S.)</b>	
<a href="#">41-2804</a>	Duties and Powers of the Director
<a href="#">13-401</a>	Unavailability of Justification Defense; justification as defense
<a href="#">13-417</a>	Necessity Defense
<b>American Correctional Association (ACA)</b>	
JTS-3A 16-18	Use of restraints
JTS-3A 26-31	Security Equipment
<b>National Commission on Correctional Health Care (NCCHC)</b>	
Y-I-01	Use of Mechanical Restraint

**PROCEDURE INDEX**

<b>4058.01</b>	<b>Use of Force Continuum</b>
<b>4058.02</b>	<b>Handle With Care Program</b>

**FORMS INDEX**

<b>4058.02A</b>	<b>Handle with Care Practical Application Exam</b>
<b>4058.02B</b>	<b>Handle with Care Practical Application Exam (self-protection only)</b>
<b>4058.02C</b>	<b>In-Service Employee Tracking Memorandum</b>

**DEFINITIONS**

- Agency Personnel:** For the purposes of this procedure sworn, certified ADJC Special investigators trained and certified by Arizona Peace Officer Standards and Training (AZ-POST),

Parole Officers, and agency personnel directly supervising the activities or movement of juveniles committed to the Department.

2. **Chemical Agents:** The use of chemical agents is considered a less lethal tactic. Oleoresin Capsicum (Cayenne Pepper) is a less lethal weapon designed to disrupt the intended thought process, with no lasting after effects. Oleoresin Capsicum is commonly referred to as OC or pepper spray.
3. **Compel Movement:** The physical force used to cause the movement of a person from one location to another.
4. **Deadly Force:** Any control tactic or use of force/control which, by its design or intended use, could produce serious physical injury or death to an employee or to another person. Deadly force **does not include** the discharge of a firearm for training or qualification, hunting or sporting events, test firing in the Crime Lab, dispatching of injured animals, tactical extinguishing of lights, or any other circumstances or situations.
5. **Deadly Force Incident:** All instances in which an officer uses deadly force/control in the line of duty or when acting in a law enforcement capacity.
6. **Deadly Weapon:** Anything designed for lethal use in a lethal manner, including a firearm.
7. **Use of Force in Education: in the context of Education, the following definitions apply:**
  - a. **Mechanical Restraint:** refers to the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:
    - i. Adaptive devices or mechanical supports used to achieve proper body position, balance or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
    - ii. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
    - iii. Restraints for medical immobilization; or
    - iv. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm;
    - v. Mechanical restraint does not include a student who is handcuffed by law enforcement personnel during an arrest.
  - b. **Physical Restraint-** refers to a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs or head freely. The term physical restraint does not include a physical escort.
  - c. **Physical Escort** means a temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is acting out to walk to a safe location.
  - d. **Seclusion-** refers to the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a time out.
  - e. **Time out-** is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.
8. **Empty Hand Control:** A method of control used without the aid of equipment or weapons:
  - a. **Soft Empty Hand Techniques:** The subcategory that includes escort control holds, touch pressure points, and take down techniques that have a minimal chance of injury;

- b. **Hard Empty Hand Techniques:** The subcategory that includes kicks, punches or other striking techniques such as a brachial stun or other strikes to key motor points that have a moderate chance of injury.
- 9. **Full-Body Restraint:** Mechanical devices used to restrain a person to a bed or a chair especially designed for this purpose.
- 10. **Health-Trained Personnel:** Individuals trained in limited aspects of health care, as directed by the responsible physician which may include Youth Correctional Officers or other non-health personnel.
- 11. **Jeopardy:** Exposure to or imminence of death, loss, or injury.
- 12. **Mechanical Restraints:** Mechanical device(s) used to aid in the restriction of a person's bodily movement. The use of mechanical restraints by employees shall not be construed as "Use of Force" unless other forcible restraint measures have been applied in response to physical resistance by the juvenile. Mechanical restraints are limited to:
  - a. Hand cuffs;
  - b. Waist chain and handcuffs (upper);
  - c. Ankle cuffs (lower);
  - d. Full: Both upper and lower restraints;
  - e. Upper and lower restraints with a lead chain;
    - i. Lead Chain: A chain that attaches the upper and lower restraints with or without a waist chain.
  - f. Leg brace; and
  - g. Spit Shield/Mask: A shield or a mask that agency personnel may place over the restrained juvenile's face to prevent the juvenile from biting or spitting on another individual.
- 13. **Officer Presence:** The method of control/force which includes the mere presence of an agency employee.
- 14. **Physical Custody:** The boundaries/perimeters that have been clearly and unequivocally defined either by the physical structure of the secure facility in which a juvenile is confined, by written instructions published to all affected juveniles, or by verbal instruction to juveniles under direct supervision outside the boundaries of a secure facility.
- 15. **Positional Asphyxia:** The reduction in oxygen in the bloodstream and tissues due to an impairment of a person's respiratory system caused by body positioning or the application of external weight/pressure, resulting in death. Predisposing factors include obesity, alcohol/drug use and enlarged heart.
- 16. **Preclusion:** Elimination of all lesser means of control/force. The lesser means of control/force have been tried and they have not been effective or the type of resistance is greater than the method of control/force.
- 17. **Progressive Behavior Control:** Agency personnel intervention ranging from discussion to application of maximum-control restraints to the extent necessary to control a juvenile's unacceptable behavior.
- 18. **Progressive Mechanical Restraints:** Any application of mechanical restraints used in a progressive manner to restrict movement of juveniles to prevent injury to themselves or others which does not include:
  - a. The restraint of a juvenile to fixed object such as a bed or chair;
  - b. The use of handcuffs when escorting juveniles to the Separation Unit; or

c. The use of mechanical restraints during off-site transport for the purpose of escape prevention.

- 19. **Punishment:** A penalty imposed for wrongdoing.
- 20. **Reasonable Belief:** The conclusion based upon facts and/or totality of the circumstances that a reasonable person would believe to be true.
- 21. **Restraint:** The complete or partial constraint of a person's bodily movement through physical or mechanical means.
- 22. **Serious Physical Injury:** Any physical injury which causes serious and permanent disfigurement, serious impairment of health, or loss or protracted impairment of a function of any bodily organ or limb.
- 23. **Use of Force:** Any physical contact exerted upon a person to compel or limit bodily movement.
- 24. **Verbal Control: Persuasion, Negotiation, or Command:** Includes instruction or direction from another individual in the form of a verbal statement(s) or command(s).

**Signature Date**

01/25/2019

**Approved by**

Original Signature on File

Tamara Gallett, Secure Care Bureau Administrator

**Signature Date**

01/30/2019

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Jeff Hood, Director

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01/31/2019