

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

S.H., a minor child and all others similarly situated, <i>et al.</i>,	:	
	:	
	:	
Plaintiffs,	:	Case No. 2:04-cv-1206
	:	
v.	:	JUDGE ALGENON L. MARBLEY
	:	
HARVEY REED,	:	
	:	
	:	
Defendant.	:	

ORDER

This Order terminates the temporary restraining order entered by this Court on October 12, 2011, and eliminates the need for the preliminary injunction hearing which was set for December 19, 2011, at 9:30 a.m. before this Court, (Doc. 281), and enters this stipulation and agreed injunction in its place. Pursuant to Fed. R. Civ. P. 65, the parties stipulate and agree that:

1. Defendant Reed and all DYS officers, agents, servants, employees, attorneys, and all other persons in active concert or participation with said individuals shall be bound by this injunction;
2. Defendant Reed shall amend and implement as amended DYS Policy 301.05 and DYS Policy 301.14 consistent with the modified policies attached to this Order and incorporated herein;
3. Defendant Reed shall modify and amend any related policies, procedures, and training materials to conform to these policies;

4. Defendant Reed, for the purposes of the *S.H. v. Reed* and *U.S. v. Ohio* cases only and for no other litigation, acknowledges receipt of the "Special Inquiry Report," (Doc. 294) and will cooperate with both monitors and monitoring teams in *S.H. v. Reed* and *U.S. v. Ohio* to address the recommendations in that report;
5. Defendant Reed shall immediately inform the monitors in both *S.H. v. Reed* and *U.S. v. Ohio* matters, *S.H.* plaintiffs' counsel, and the Department of Justice as soon as there is any request of invitees to deploy at any DYS facility to assist with the management of allegedly resistant youth;
6. The parties agree that the basis for this Order satisfies the requirements of 18 U.S.C.A. § 3626(a)(1)(a);
7. The parties agree that the *S.H. v. Reed* and *U.S. v. Ohio* monitors shall monitor for compliance of this Order and these policies and the implementation of these policies in the various DYS facilities, but the *U.S. v. Ohio* monitors will only review and monitor implementation at the Scioto Juvenile Correctional Facility; and
8. This injunction shall expire when the *S.H.* stipulation expires.


This Order **MOOTS** the following motions: Plaintiffs' Motion for Emergency Injunction Prohibiting Use of Special Response Teams, (Doc. 277); Plaintiffs' Motion for Preliminary Injunction Regarding Use of Force and Memorandum in Support, (Doc. 287); Motion to File DVD Manually and Under Seal (Doc. 288); Petition for Writ Habeas Corpus Ad Testificandum [*sic*] for Youth Witnessess [*sic*] Amound Richardson and Anthony Jeter, (Doc. 289); Joint

Motion for Stipulation and Agreed Injunction, (Doc. 295); and the United States' Motion of Qualified Support of the Parties' Joint Motion, (Doc. 296).

IT IS SO ORDERED.

s/Algenon L. Marbley
United States District Court Judge

DATED: December 16, 2011

POLICY NUMBER 301.14	POLICY TITLE: Critical Incident Management (CIM)	
 EFFECTIVE DATE: REVISION DATE (S):	AMERICAN CORRECTIONAL ASSOCIATION (ACA) STANDARDS	
	<u>CENTRAL ADMINISTRATION</u> NONE	
	<u>JUVENILE CORRECTIONAL FACILITY:</u> 3-JTS-3B-12M, 3-JTS-3B-14M; 4-JCF-2A-01, 4-JCF-4C-22M	
	<u>JUVENILE PAROLE & AFTERCARE</u> NONE	
	<u>JUVENILE COMMUNITY RESIDENTIAL FACILITIES</u> 3-JCRF-3B-09M; 3-JCRF-3B-12; 3-JCRF-3B-13	
STANDARD OPERATING PROCEDURE	Required	
LOCAL PROCEDURE	Required	
DRAFT Thomas J. Stickrath, Director		

I. Policy Provisions

It is the policy of the Ohio Department of Youth Services (ODYS) that all Central Office, facility, and Regional personnel shall be trained in Critical Incident Management (CIM) utilizing the National Incident Management System (NIMS) and any ODYS written emergency plans. Work stoppage and riot/disturbance plans shall be communicated only to appropriate supervisory or other personnel directly involved in the implementation of those plans. [3-JTS-3B-12M; 3-JCRF-3B-09M]

There are written emergency plans in the form of Standard Operating Procedures that specify the steps to be followed in situations that threaten the security of any ODYS site. Such situations include but are not limited to: [3-JTS-3B-14M; 3-JCRF-3B-12, 4-JCF-2A-01]

- Riots and Disturbances
- Hostage situation
- Utility Facilities Failure
- Evacuation
- Escape
- ~~Work Stoppage~~ Employee Job Action
- Bomb Threat
- Natural / Man-made Disasters, including a Pandemic Event [4-JCF-4C-22M]

These plans shall be made available to all applicable personnel and shall be reviewed at least annually and updated as needed. [3-JTS-3B-14M; 3-JCRF-3B-12]

II. Applicability

This policy shall apply to all ODYS employees, independent contractors, visitors, volunteers, invitees and sites.

III. Definitions

Command Staff: In an incident management organization, the Command Staff consists of the Incident Commander and the special staff positions of Public Information Officer, Safety Officer, Liaison Officer, and other positions as required, who report directly to the Incident Commander. They may have an assistant or assistants, as needed.

Contain: The actions taken in the initial response to an incident to minimize the escalation of the incident, secure the site or area, and account for people.

Critical Incidents permitting force option in addition to that set out in 301.05:

Riot/ Disturbance: A collective and concerted attempt by three or more youth who are assembled and are presently engaging in actions/behaviors that are immediately dangerous and threaten the imminent loss of control by staff of a facility or component part of the facility because youth have the demonstrated capacity to assume a position of power and authority; thus creating a pressing enforcement necessity for staff to initiate and execute by all lawful means actions to neutralize or extinguish the immediate threat presented by the unlawful assemblage. A determination that there is a riot/disturbance must be made by the Facility Superintendent or, in his/her stead, by the highest ranking official at the facility. That determination should be made promptly, as soon as practicable, in writing, with specific findings demonstrating that the facts fit this definition. That determination must be approved by the Director. To the extent possible all lesser alternatives including officer presence, verbal de-escalation, and other alternatives will be exhausted before any other forms of force are used during a riot/disturbance.

- Hostage Situation
- ~~Utility Failure~~
- ~~Evacuation~~
- Escape
- ~~Work Stoppage~~
- ~~Bomb Threat~~
- Natural / Man-made Disasters, including a Fire or a Pandemic Event

Critical Incident Management (CIM): A nationally recognized management system that standardizes terms and the responsibilities of the people involved in responding to an incident.

Incident Action Plan: The plan of action approved by the Incident Commander identifying the goals to be achieved in responding to an incident, and the actions to be taken in order to meet those goals.

Incident Commander: The on-site administrator who has the responsibility and authority over the site's response to an incident.

Local Support Agency: Any individual or organization of any type, external to the site that may be able to provide resources with which to respond to an incident. The resources may be in any form, to include but not be limited to providing equipment, supplies, consultant services, or people.

Man-Made Disaster: An event caused by human action which results in destruction, environmental contamination, or other life threatening or unsafe conditions requiring the evacuation of the area in whole or part or requiring other life safety response and/or recover actions.

Mobilize: The actions taken to evacuate people, activate recalls of staff, and provide notifications to others as needed.

Natural Disaster: An event produced by nature causing widespread destruction and distress. Examples of a natural disaster include, but are not limited to, floods, tornadoes, earthquakes, or a pandemic event.

Operational Period: The term used to identify the length of the working period, or shift, of the people utilized to respond to an incident. This period is set by the Incident Commander, shall typically not exceed twelve hours in duration, and may vary due to factors including, but not limited to: the available resources and the specific function of that area in the CIM structure.

Pandemic Event: A disease occurring suddenly produced by nature that spreads over a wide area affecting a large proportion of the population.

Recover Action: The actions taken to return the site to normal operations after an incident.

Report: The initial actions taken to report and verify the incident in order to determine its nature and extent.

Respond: The actions taken to resolve the incident.

Section Chief: The title for individuals responsible for management of major functional sections of an incident to include Operations, Planning, Logistics, and Finance Administration.

Staging Area: An area designated for supplies, equipment, and people to be sent to and be held until needed to respond to the incident.

IV. Procedures

A. In the event of an emergency the following principles of Critical Incident Management (CIM) shall be utilized.

1. All decisions and actions regarding the management of an incident shall reflect the following priorities:
 - a. The safety of the general public
 - b. The safety of all employees
 - c. The safety of the youth
 - d. The protection of state property
2. During an incident, the following policy statements shall be followed:
 - a. Youth shall not be granted freedom from the confines of the site.
 - b. Individuals taken hostage do not have any recognized authority.
 - c. Immunity from prosecution shall not be granted.

B. Responsibility for Development of Local Procedures and Training

1. Each site shall develop Local Procedures in compliance with the Standard Operating Procedures and guidelines of this policy. Copies of each current Local Procedure shall be provided to the appropriate Deputy Director, within fourteen calendar days after being approved by the site manager, or designee
 - a. Local Procedures shall include written plans that specify the procedures to be followed in situations that threaten site security, to include but not be limited to: riots and disturbances, hostage situation, utility failure, evacuation, escape, work stoppage, bomb threat, natural and/or man-made disasters, including a pandemic event. [3-JTS-3B-14M; 4-JCF-4C-22M, 4-JCF-2A-01]
 - b. Local Procedures shall describe specific methods for providing food, clothing, security and care of staff and youth in residential sites.

2. Additional materials to be included with the Local Procedures for institutional sites shall include, but not be limited to:
 - a. Aerial photographs of the site, if available.
 - b. Analog video tapes or digital media files (such as Windows Media Player, DVD, etc.) showing the exterior and interior of all site buildings, and other points of interest within the site. This should include, but not be limited to: pipe runs, drainage pipes, both pedestrian and vehicle entrance and exit points, and any other physical plant features which may be impacted by a critical incident.
 - c. A current copy of the ODYS Policy 301.14, Critical Incident Management
3. The Chief Inspector or designee; the Deputy Superintendent of Direct Services or designee; and the Regional Administrator or designee shall have the responsibility for developing the Local Procedures in compliance with the guidelines stated in this Policy and related Standard Operating Procedures.
4. The Chief Inspector or designee; the Deputy Superintendent of Direct Services or designee; and the Regional Administrator or designee shall be responsible to ensure all site staff are trained in the implementation of the site emergency plans through annual in-service training, with the exception of those plans listed in Section (IV) (B) (5) of this policy. The site manager shall determine which staff shall receive training on situations listed in Section (IV) (B) (5).
5. Work stoppage and riot/disturbance plans shall be communicated only to appropriate supervisory or other personnel directly involved in the implementation of those plans. The Chief Inspector, Superintendent, Regional Administrator or designee, shall provide written notice as to which staff are authorized to review these specific plans and receive training on these situations.
6. The Chief Inspector or designee; the Deputy Superintendent of Direct Services or designee; and the Regional Administrator or designee, shall review all site specific emergency plans on an annual basis, and update them as needed.

C. Designation of the Incident Commander

1. At the onset of any incident, it is essential that one person take responsibility for coordinating the site response to the incident. The initial Incident Commander shall be the highest ranking person on duty at the onset of the incident.
2. Each site's Local Procedure shall list a chain of command to be followed in case of an incident. This list shall only include the positions below, and these are the only staff that shall have the authority to serve as an Incident Commander. The site Local Procedure shall list in order which staff member shall be identified as the Incident Commander in the initial response to the incident, especially for

instances where staff of comparable classifications are present at the site at the same time during a critical incident

- a. Central Office
 - i. Director
 - ii. Executive Assistant to the Director
 - iii. Deputy Directors
 - iv. Bureau Chiefs
 - b. Institutions
 - i. Superintendent
 - ii. Deputy Superintendent of Direct Services
 - iii. Deputy Superintendent of Indirect Services
 - iv. Deputy Superintendent of Programs
 - v. Operations Administrator
 - vi. Administrative Assistant to the Superintendent
 - vii. Operations Managers
 - c. Regional Offices
 - i. Regional Administrator
 - ii. Juvenile Parole Officer Supervisor
3. Except as outlined in Section (IV) (B) (4), up until the time when the site manager arrives, and during the initial response to the incident, it is not required that the Incident Commander be changed when a staff member with a higher rank arrives at the site. However, once the site manager arrives at the site and is briefed on the incident, the site manager shall assume the position of Incident Commander until the incident is either resolved or specific operational periods are established requiring the site manager to pass that responsibility on to a new Incident Commander for the next operational period.
 4. If the site manager cannot arrive at the site within one hour of CIM being activated, then the responsibility of serving as the Incident Commander may be transferred when a higher ranking staff member arrives at the site.
 5. If there is a clear indication to the highest ranking staff member present at the site that the current Incident Commander is not effectively managing the situation, and/or violating established policies or procedures, an interim change of command may occur. The responsibility of serving as the Incident

Commander will transfer to the highest ranking staff member present at the site until the arrival of the Director, Superintendent or Regional Administrator.

6. Prior to transferring the responsibility of Incident Commander to a new individual, the current Incident Commander shall thoroughly brief his/her replacement. This change in command shall include an overlap of time to ensure a smooth transition. Once the change in command is made, this change shall be logged into the record of the incident and notice shall be provided either orally or in writing to those authorized by the Incident Commander to receive this information.
7. During the course of managing an incident, the Incident Commander shall remain on-site.

D. Establishing a Critical Incident Command Center

1. Internal Command Center

Each site shall designate a location within the site to be the Internal Command Center during an incident. As soon as possible after the start of an incident, the Incident Commander shall activate the Internal Command Center.

2. External Command Center

Each site shall also designate an area outside of the Site as an External Command Center. The External Command Center shall be activated during any critical incident where the Internal Command Center is not accessible, or its location is in jeopardy due to the nature, location, and extent of the incident.

E. Role of the Incident Commander

The Incident Commander shall:

1. Establish clear lines of authority utilizing the CIM system by assigning Command Post functions, and outlining the scope of each person's authority and responsibility. The CIM Position Descriptions, as defined in the National Incident Management System Training Manual, located at each site site, shall be utilized to assign these functions.
2. Make a formal announcement to the site staff, as needed, that the site is currently operating under CIM.
3. Activate the appropriate CIM positions, create and distribute Post Order portfolios to the staff serving in the Command Center, determine incident objectives, and approve the Incident Action Plan.

4. Direct the response to the incident based on the incident objectives and in conjunction with the principles of report, contain, mobilize, respond, and recover.
5. Make all command decisions in consultation with appropriate personnel.
6. Manage the ongoing activity of the response, monitor the response, and review for appropriate action.
7. Direct the intra-agency and inter-agency response to the incident.
8. Assign an administrative/supervisory employee to serve as a site Manager in order to coordinate the operations of the non-affected areas of the site.
9. Provide routine and critical communication to internal and external sources.
10. Determine a schedule of operational periods once it has been determined by the Incident Commander that the incident might extend into subsequent operational periods.

F. Notification to Central Office

1. The Deputy Director, Division of Facility Programs and Operations or Division of Parole and Community Services, or designee, shall be notified as soon as possible by the site Incident Commander that a site has activated CIM in response to an incident
2. The Director shall make the determination as to whether to activate the Central Office Command Center in support of a Critical Incident that occurs within an ODYS institutional site or Regional Office. This support may include additional resources and decision making. If the ODYS Central Office Command Center is activated, the affected site shall be informed as soon as possible where the Central Office Command Center is located, and the appropriate phone numbers, fax numbers, and any other information regarding the methods by which the site Incident Commander shall communicate with the Central Office Command Center.
3. Based on the nature of the incident, the Director, or designee, may elect to:
 - a. Send a representative to the site to provide guidance, advice, or assistance to the Incident Commander.
 - b. Assign representatives as necessary to assume the position of site Manager responsible for the operation of the rest of the site in order to allow the Incident Commander to concentrate on responding to the incident.
 - c. Assign representatives as necessary from Central Office and/or other institutional facilities or regional offices to provide support services as necessary to assist in responding to the incident or to operate the rest of the site for the duration of the incident.

- d. Assign another person to serve as the Incident Commander during any specific Operational Period(s).

G. Notification of Site Personnel

1. The local procedure shall specify which on-duty site staff shall be notified of an incident and receive assignments related to responding to the incident.
2. The local procedure for institutions shall identify the information regarding the incident to be shared with the youth. This information shall be approved by the Incident Commander in consultation with the Deputy Director of Institutions and the Central Office Public Information Officer.
3. The local procedure shall specify which off-duty staff shall be contacted and directed to report back to the site.

H. Employee Expectations

1. The site Local Procedure shall state where employees are to report or remain in the event of an incident until they receive specific instructions to report to another location.
2. Employees, visitors, and anyone else within the site shall be given specific instructions by the Incident Commander, or designee, to either remain in place or to relocate to a specific location, as needed, in order to facilitate both accounting for these individuals, and for the employees to be given specific assignments with regard to responding to the incident. This notification shall be made by intercom, radio or verbal notification.

I. Requests for Assistance

1. Interdepartmental Assistance: Requests by a site for assistance from another state agency shall be made through the Director or designee. However, the other agency may be contacted ahead of time by the site in order to determine the presence and availability of needed resources.
2. Ohio National Guard: Requests by a site for assistance by the Ohio National Guard shall be made through the Director or designee. If it is determined that assistance from the Ohio National Guard is needed, the Director shall notify the Governor's office of the need for this resource.
3. Ohio State Highway Patrol: The Incident Commander may contact the local post of the Ohio State Highway Patrol on matters where that post may be able to provide direct assistance. However, if resources are needed above what the local post can provide, this request for additional assistance from the Highway Patrol shall be made through the Director or designee. If it is determined that these additional resources are needed, then the Director, or designee, shall relay this request to the Ohio State Highway Patrol.

4. All of the potential invitees listed above shall be advised of the use of force rules set out in this policy.

J. Use of Force During Riot/Disturbance, hostage situation, escape or natural or man-made disaster

During a critical incident involving a riot/disturbance, hostage situation, escape or natural or man-made disaster, tactical teams may be called in to assist DYS in regaining control of the situation. In so doing, the tactical teams shall follow DYS policies regarding the need to exhaust all lesser alternatives before any form of force is used. Only upon a determination that DYS's force continuum is insufficient to be effective under the circumstances, and with the advance approval of the DYS Incident Commander, may a tactical team follow its own use of force policy. Notwithstanding the above, if OC spray is used it shall be applied solely in order to gain control of the youth and not in a punitive manner. Moreover invitees shall not be permitted to apply OC spray through facial swipes, where concentrations of OC spray are applied by the officer's hand to the youth's face. The DYS Incident Commander shall retain command, supervision and oversight throughout the critical incident and, balancing the safety and security of the youths, staff and the public at large, may require the tactical team to stand down upon request at any time. DYS shall develop policies to internally supervise, regulate and control security-related interventions in these critical incidents, including the prompt and thorough documentation of all attempts to use lesser force, any decision to approve forms of force outside the DYS continuum, and any use of force, injury, treatment and/or medical assessment. The use of video cameras by DYS during one of these critical incidents shall be required whenever practicable. DYS administrative staff shall be trained on Critical Incident Management.

K. Local Support Agency Resources

Each site shall maintain a current listing of Local Support Agencies that may be able to provide assistance in the event of an incident. This information shall include, but not be limited to:

1. The name and contact information for assistance during routine business hours.
2. The name and contact information for assistance after routine business hours.
3. A listing of the possible resources that the Local Support Agency may be able to provide in order to respond to the incident.

L. Staging Areas

1. Internal Staging Areas:

- a. Each site's Local Procedures shall identify the designated area within the site that may be used as an internal staging area
- b. Based on the nature of the incident, and the quantity and type of the resources used in the response to the incident, it may be necessary to identify more than one internal staging area.

2. External Staging Areas:

- a. Due to the nature or extent of the incident, the Internal Staging Area may not be accessible or appropriate. Accordingly, each site's Local Procedures shall identify an area outside of the secure site that may be used as an external staging area.
- b. Based on the nature of the incident, and the quantity and type of the resources used in the response to the incident, it may be necessary to identify more than one external staging area.

M. Incident Documentation

A written log of the incident, should include but not be limited to: a chronological listing of the date and time of all events, details of the incident, the site response to the incident, and any other information as is deemed necessary by the Incident Commander. The document shall be maintained in the Command Center.

N. Community Notification

Due to the location of the ODYS institutions within their respective communities, there may be the need to inform the community of an incident within the site. Accordingly, each institutional site's Local Procedure shall include the appropriate contact information to include but not be limited to: the names of the appropriate contact people, phone numbers, and other methods of making contact both during normal business hours and after normal business hours for the following:

1. Local hospitals, as well as any other local medical service that might be able to provide assistance
2. Local Law Enforcement, to include, but not be limited to:
 - a. The local post of the Ohio State Highway Patrol
 - b. The County Sheriff
 - c. The police department of the city in which the site is located, and/or which may respond due to its proximity to the site
3. Utility Companies that service the site
4. Neighboring private residences, schools and businesses
5. Local governmental offices as needed

6. Local media, to include radio, print, and television stations with the approval of the Central Office Public Information Officer.

O. Public Information

1. The site manager shall designate an employee to function as the site's Public Information Officer. The site's Public Information Officer shall work in consultation with the Central Office Public Information Officer
2. No information shall be released regarding the incident unless reviewed and approved by the Incident Commander, the Director or designee, and the Central Office Public Information Officer.

P. After Action Plan

1. Within seven calendar days after the deactivation of CIM at the site, a report of the incident shall be completed by the site manager/designee and provided to the Director or designee. This report shall contain the following sections:
 - a. Date, time, and location of the incident.
 - b. Nature and duration of the incident.
 - c. The extent and nature of injuries to youth, staff, visitors, or any other individual affected.
 - d. The extent and nature of damage to the site physical plant.
 - e. Apparent cause(s) of the incident, to include but not be limited to: indicating if the incident was caused or influenced by weaknesses in the agency policy, weaknesses in Local Procedures, deficiency in the site physical plant, failure of staff to follow policy or procedure, etc.
 - f. Actions taken by the site to resolve any issues identified in item (e), above.

Q. CIM Training

All ODYS staff shall receive training in CIM according to the following requirements:

1. Eight (8) hours of Basic CIM training: All ODYS staff.
2. Sixteen (16) Hours of Intermediate CIM Training: ODYS staff who may be assigned a role other than Section Chief or in the Command Staff in the CIM structure.
3. Twenty-Four (24) Hour Advanced CIM Training: ODYS staff who may be assigned a role as a Section Chief in the CIM structure.

4. Forty (40) Hour Section Chief CIM Training: ODYS staff who may be assigned a role as Incident Commander in the CIM structure.
5. Additional CIM training for ODYS site staff may be required by the Deputy Director, Division of Institutions, or designee, based on the specific role the staff member may be assigned in the CIM structure.

V. Attachments


None

VI. Monitoring

This policy shall be reviewed annually by the Deputy Director, Division of Programs and Operations; Deputy Director, Division of Parole and Community Services; and the Chief Inspector's Office or divisional designees.

VII. Reference

- www.EMA.Ohio.gov (Critical Incident Management)
- www.nimsonline.com (National Incident Management System)
- ODYS Critical Incident Management Position Descriptions (Location on the P Drive: Corrections/Bureau of Institutions/CIM Instructional Books/CIM Positions Descriptions)

<p>POLICY NUMBER 301.05</p>	<p>POLICY TITLE Managing Youth Resistance</p>	
 <p>EFFECTIVE DATE:</p> <p>REVISION DATE (S):</p>	<p>AMERICAN CORRECTIONAL ASSOCIATION (ACA) STANDARDS</p>	
	<p><u>CENTRAL ADMINISTRATION:</u> None</p>	
	<p><u>JUVENILE TRAINING SCHOOL:</u> 3-JTS-3A-26; 3-JTS-3A-31 M; 4-JCF-2A-27M; 4-JCF-2A-29 M</p>	
	<p><u>JUVENILE PAROLE & AFTERCARE:</u> None</p>	
	<p><u>JUVENILE COMMUNITY RESIDENTIAL FACILITIES:</u> 3-JCRF-3A-02</p> <p><u>STANDARDS FOR CORRECTIONAL TRAINING ACADEMIES:</u> None</p>	
	<p>STANDARD OPERATING PROCEDURE</p>	<p>Required</p>
<p>LOCAL PROCEDURE</p>	<p>Prohibited</p>	
<p style="text-align: center;">DRAFT</p>		

I. Policy Provision

It shall be the policy of Ohio Department of Youth Services (ODYS) to manage youth resistance with tools such as advanced verbal strategies, seclusion, mechanical restraints and planned use of force. Use of force shall be limited to exceptional circumstances when all other appropriate pro-active, non-physical behavioral management techniques have been exhausted and have failed. When use of force is necessary, staff shall employ only the minimum amount of physical control necessary to stabilize the situation. The use of excessive force is prohibited.

ODYS shall at all times, provide youth in facilities with safe living conditions. The use of physical force is restricted to instances of justifiable self defense, protection of others, protection of property, prevention of self-injury, and prevention of escapes, and then only as a last resort in accordance with agency preparation and training of staff. In no event is physical force justifiable as punishment. Persons injured in an incident receive immediate examination and treatment. A written report is prepared following all uses of force and is submitted to administrative staff for review. [3-JTS-3A-31M, 4-JCF-2A-29M, 3-JCRF-3A-02]. ODYS shall take appropriate measures to ensure that youth are protected from abuse and neglect, use of excessive force, undue seclusion, and undue restraint.

The use of chemical agents and related security devices shall be prohibited within all ODYS facilities during non-critical incidents. [3-JTS-3A-26; 4-JCF-2A-27M] Refer to DYS Policy 301.14 re critical incidents involving riots/disturbance, hostage situation, escape or natural or man-made disaster.

This policy applies to all persons invited by DYS. Except for critical incidents identified in 301.14 involving riots/disturbance, hostage situation, escape or natural or man-made disaster, DYS invitees shall not bring any weapons into DYS facilities.

II. Applicability

This policy shall apply to all ODYS personnel and DYS invitees whose duties may require managing resistant youth behavior.

III. Definitions

Advanced Verbal Strategies – Techniques used by staff in verbal persuasion to include verbal prompting, directing statements, re-direction, and coaching using behavioral management skills.

Enforcement Necessity – a determination made by staff as a result of a youth currently threatening the safety of others by refusing to leave a place after being asked to leave because the youth is inciting youth to hurt themselves or others; or the youth's behavior is escalating to the point that further de-escalation techniques need to take place in another location.

DYS Invitee – a person or entity present at a DYS facility to assist DYS in fulfilling its mission and/or statutory function.

Mechanical Restraint – The use of a mechanical device applied to a youth as a means of physical response. These restraints are used as a preventive measure to reduce risk during the movement of youth, to control combative behaviors towards others or destructive behaviors towards self or property. Mechanical restraints include immobilization restraints, precautionary restraints and protective devices.

Planned Use of Force (PUOF) - a predetermined application of approved physical interventions by staff in situations where it is necessary to establish and maintain control and minimize the potential for breaches of security and injury to parties directly involved as well as others. Planned Use of Force can only take place where no immediate enforcement necessity exists.

Seclusion – The involuntary confinement of a youth alone in his own room or in a safe room for a period of time of up to twenty-four hours.

IV. Procedure

A. Staff shall use the least restrictive level of response that is reasonably expected to be effective under the circumstances. Staff shall choose a reasonable level of response to gain control of the situation based on departmental procedures.

B. Advanced verbal strategies shall be the preferred response to youth resistance and shall be utilized, whenever practical, to assist a youth in maintaining or regaining self-control. The use of profanity, racial, gender, sexual orientation or ethnic slang

to manage youth behavior shall be prohibited by ODYS staff as outlined in policy 301.04 Verbal Abuse.

C. The following Standard Operating Procedures outline the specific requirements.

- a. 301.05.01. Use of Force
- b. 301.05.02 Planned Use of Force
- c. 301.05.03 Mechanical Restraints
- d. 301.05.04 Mechanical Restraints Used for Psychiatric Purposes
- e. 301.05.05 Seclusion
- f. 301.05.06 Use of Seclusion on Mental Health Units

VI. Attachments

None

VI. Monitoring

Monitoring and annual review of this policy shall be the responsibility of the Deputy Director of Facility Programs and Operations or designee.

VII. Reference

- 301.04 Verbal Abuse
- 301.05.01 Use of Force
- 301.05.02 Planned Use of Force
- 301.05.03 Mechanical Restraints
- 301.05.04 Mechanical Restraints Used for Psychiatric Purposes
- 301.05.05 Seclusion
- 301.05.06 Use of Seclusion on Mental Health Units