



SUBJECT: Use of Force	PAGE <u> 1 </u> OF <u> 10 </u>
	NUMBER: 63-UOF-01
RULE/CODE REFERENCE: AR 5120-9-01, 5120-9-02	SUPERSEDES: 63-UOF-01 dated 02/02/05
RELATED ACA STANDARDS: 4-4199, 4-4202 to 4-4204, 4-4206	EFFECTIVE DATE: November 25, 2016
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to provide guidance to institutional staff who must utilize force when responding to inmate resistance and those staff that investigate incidents of force.

III. APPLICABILITY

This policy applies to all persons employed by the Ohio Department of Rehabilitation and Correction (DRC) and to independent contractors providing a service to the DRC who work inside a correctional institution and interact with inmates.

IV. DEFINITIONS

Deadly Force - Any force that carries a substantial risk that it will proximately result in the death of any person. Examples of deadly force include, but are not limited to, the following:

1. Discharging a firearm in the immediate vicinity of or directed toward another person;
2. Striking another person on the head with an instrument;
3. Applying force or weight to the throat or neck of another.

Excessive Force - An application of force which, either by the type of force employed, or the extent to which such force is employed, exceeds that force which reasonably appears to be necessary under all the circumstances surrounding the incident.

Force - The exertion or application of a physical compulsion or constraint.

High Interest Use of Force Incident - A use of force where, either due to the notoriety of the inmate(s) involved, the location of the force incident, type of force used, apparent level of injury to either inmate

or staff, or other factors, the incident may cause a higher level of interest from both internal and external stakeholders.

Less-than-Deadly Force - Any force, which could not reasonably be expected to result in the death of the person against whom it is directed.

Physical Harm to Persons - Any injury or other physiological impairment regardless of its gravity or duration.

Physically Immobilizing Restraints - Any authorized means of restricting an inmate's ability to exercise free movement of the arms and legs, or which totally immobilizes the inmate and which the inmate is unable to remove without assistance. Physically immobilizing restraints shall include either four (4) or five (5) point restraints, except where other types of restraints are authorized. This definition shall not include the use of handcuffs, leg irons, or belly chains used during the transport or movement of inmates.

Planned Use of Force - Any use of force in which staff can prepare for the use of force.

Prone Restraint - All items or measures used to limit or control the movement or normal functioning of any portion, or all, of an individual's body while the individual is in a face-down position for an extended period of time. Prone restraint includes physical or mechanical restraints. The use of prone restraint is prohibited.

Reactive Force - A use of force employed as an immediate response to a specific act.

Risk - A significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.

Serious Physical Harm to Persons - Any of the following:

1. Any physical harm which carries a substantial risk of death;
2. Any physical harm which involves some permanent incapacity, whether partial or total, or which involves some temporary, substantial incapacity;
3. Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment and which is caused by a physical injury;
4. Any physical harm which involves some permanent disfigurement or which involves some temporary, serious disfigurement;
5. Any physical harm, which involves acute pain of such duration as to result in substantial suffering, or which involves any degree of prolonged or intractable pain.

Substantial Risk - A strong possibility, as contrasted with a remote or insignificant possibility, that a certain result may occur or that certain circumstances may exist.

Transitional Hold - A brief physical positioning of an individual face-down for the purpose of quickly and effectively gaining physical control of that individual in order to prevent harm to self and others, or prior to transport to enable the individual to be transported safely. Transitional hold may include the use of handcuffs or other restraints consistent with Departmental policy.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) that force, up to and including deadly force, may be used to respond to resistance, protect persons, to halt or prevent escapes, to apprehend an escapee, or protect its institutions and enforce its rules. Force shall never be used as punishment. Only the amount of force necessary to control the situation shall be used.

VI. PROCEDURES

A. Use Of Force Generally

An employee is allowed to use force in those situations described in Administrative Regulation 5120-9-01, Use of Force. However, each employee is responsible for using only the amount of force reasonably necessary under the circumstance(s). It must be recognized that situations requiring the use of force can develop quickly and thus change the level of response that is appropriate. Circumstances presented by the inmate involved in the use of force situation must be considered. Other factors should also be taken into account before deciding how much and what kind of force, if any, is to be used in any specific situation. Some of these factors include, but are not limited to:

1. Surrounding - An awareness of your surroundings when using force, which may endanger others, such as chemical agents or firearms, to minimize the threat to other people.
2. Innocents - Any person in the immediate vicinity that would or could be adversely affected by the amount and type of force used.
3. Staff shall avoid application of this policy to a pregnant female inmate to the best of their ability, using it only as a last resort to prevent substantial bodily harm to the inmate or others, substantial property damage, or creation of a substantial security risk. Application of this policy is not advised for a pregnant female inmate due to the risk it presents for the fetus.
 - a. If extreme circumstances are present that require physically immobilizing restraints to be utilized on a pregnant female inmate, it shall require authorization by a physician. It cannot be authorized by a shift commander.
 - b. The managing officer shall be notified immediately if there is a likelihood that a pregnant female will need to have physically immobilizing restraints applied.
 - c. The appropriate regional director shall be notified any time that physically immobilizing restraints are used on a pregnant female.
4. Safety and effectiveness - As employees of the DRC, we have a duty to protect inmates, staff and third persons, but there is no requirement to needlessly sacrifice one's own personal safety in doing so.
 - a. An employee must balance his or her ability to be effective against the risk to personal safety. However, employees are always expected to respond in the event of an attack on another employee who needs assistance.

- b. Whenever safe and possible to do so, an employee shall summon assistance before becoming involved in a use of force. Whenever it is necessary to use force, it is ideal to have enough staff to safely control the situation as the presence of additional staff will likely reduce or eliminate the need to use force. The staff person who is confronted with a situation must consider the availability and nearness of other staff, and whether the situation can wait for additional staff before responding.
 - c. If an employee cannot effectively intervene in a situation, the employee is expected to continue to be observant of as many circumstances of the situation as possible to be reported later.
 - d. The ability to utilize planned force should always be considered when assessing the need to use force. Planned force is a preferred tactic unless the necessary delay in responding will jeopardize the security of the institution or the safety of any person.
5. Communication, warnings, and the opportunity to avoid planned force - Whenever it is safe and possible to do so, staff shall:
 - a. Attempt to communicate and verbally interact with the inmate in an effort to avoid force. Crisis responders and hostage negotiators shall be used in accordance with DRC policy 310-SEC-17, Hostage and Crisis Negotiation;
 - b. Warn the inmate that planned force may be utilized to resolve the situation; and
 - c. Allow the inmate a final opportunity to comply with the order, once the necessary staff is assembled, prior to the commencement of planned force.
6. The risk of harm presented by the inmate - The employee must evaluate the circumstances and surroundings, and determine the level of threat to self, others and the security of the institution. The employee should consider five (5) factors. All these factors must be weighed together in determining the appropriate response:
 - a. The harm being threatened must be imminent and likely if force is not used. Physical harm must be a likely consequence of the threat if carried out;
 - b. The inmate must have the opportunity and ability to carry out the threat;
 - c. The staff member must perceive himself or another to be in jeopardy;
 - d. The employee must evaluate what force is necessary to effectively control the situation and the availability of alternatives. A greater potential of harm justifies a greater level of force;
 - e. The use of force is necessary to control or subdue an inmate who refuses to obey prison rules, regulations, or orders.
7. Enforcement of rules and regulations - If no other means of obtaining compliance has been effective, force may be used when necessary to control or subdue an inmate who refuses to obey prison rules, regulations or orders.
8. The use of transitional hold may be permitted only when all of the following conditions are met:

- a. Transitional hold may be applied only by staff with current training on the safe use of this procedure, including how to recognize and respond to signs of distress in the individual;
- b. Transitional hold may be applied only in a manner that does not compromise breathing, including the compromise that occurs with the use of: (1) pressure or weight bearing on the back; (2) soft devices such as pillows under an individual's face or upper body; or (3) the placing of an individual's or staff's arm under the individual's head, face or upper body;
- c. Transitional hold may be applied only for the reasonable amount of time necessary to safely bring the person or situation under control and to ensure the safety of the individuals involved; and
- d. Transitional hold may be applied only with consistent and frequent monitoring during and after the intervention (use of force) with every intent to assure that the person is safe and suffers no harm.

B. Deadly Force

Deadly force is authorized in the following situations unless force other than deadly force reasonably appears to be sufficient to accomplish the law enforcement purpose:

1. To protect self or others from an imminent threat of death or serious physical harm threatened by an inmate or anyone else;
2. To halt or prevent an escape. Once an escape is no longer in progress (i.e., once the escapee is no longer in the immediate environs of the institution/facility and hot pursuit has ceased), deadly force may be used only if there is an imminent threat of death or serious physical harm to self or others, or if authorized by the incident specific use of deadly force policy statement and instructions;
3. To prevent loss of control of the institution, or a significant part, or in order to regain such control.

C. Less-Than-Deadly Force

An employee may use less-than-deadly force whenever force is necessary as self-defense or defense of a third person, to control or subdue an inmate who refuses to obey prison rules, regulations or orders, to prevent commission of a crime, including riot or escape, to apprehend an escapee, or to control, subdue an inmate from self-inflicted harm or when necessary to stop an inmate from destroying property or engaging in a riot or other disturbance.

1. An employee shall use only the amount of force that is necessary to control the situation or to overcome the resistance of the inmate.

2. Any person authorized to be on the grounds of an ODRC facility is permitted to use less-than-deadly force to protect self or others from physical harm threatened by an inmate or anyone else.
3. An employee who uses less-than-deadly force shall conform to the requirements of DRC policies 310-SEC-28, Armory Control Storage and Use, and 310-SEC-29, Cell Extractions, as well as local institution rules and post orders. Only those non-lethal weapons and devices described in written policy may be used, unless specifically approved in writing by the appropriate regional operations manager.

D. Escapes

1. Generally
 - a. Use of firearms is not permitted if force other than firearms reasonably appears to be sufficient to accomplish the law enforcement purpose, including but not limited to, halting or preventing an escape, apprehending an escapee, preventing serious physical injury, or restoring control of a correctional institution.
 - b. The necessity to use firearms arises when all other available means of achieving the law enforcement purpose have failed or would be likely to fail. An employee is not required to unreasonably place his/her life or that of others in danger of death or serious injury before using firearms.
 - c. Every employee on a perimeter post shall regularly survey the surrounding terrain to determine in advance whether firearms can be safely discharged in any particular direction.
2. Escape Prevention
 - a. Firearms may be used to halt or prevent an escape from a correctional institution or other confined setting unless less force would reasonably be sufficient to halt or prevent the escape. Prior to using firearms, staff must reasonably believe that an inmate has the capability to escape. For example, the inmate may be carrying items that could be used to escape such as, but not limited to, a ladder, grappling hook, rope, broom handles, or sticks, suggesting intent to escape.
 - b. An employee who determines an escape is in progress, and determines that using less than deadly force would not be sufficient to prevent the escape, shall, if possible, issue a verbal warning prior to using a firearm to halt or prevent the escape. If possible, the employee shall notify other staff of the escape attempt prior to shooting the subject. This may be done by a man-down alarm or other alarm system if available. Verbal contact with other perimeter security staff prior to use of deadly force is desirable when this is practical. The inmate does not have to be on the first (or interior) perimeter fence before the employee issues the verbal warning.
 - c. When the inmate begins to climb, cut through, or otherwise penetrate the exterior perimeter fence, and the employee has reasonably determined lesser force will not be

sufficient, the employee is authorized to shoot the subject. No warning shot shall be fired.

- d. Firearms may be used when necessary to halt or prevent an escape from a security level one camp, prison work detail, bedside visit, funeral visit, community service release detail, or transport outside the institution. Any inmate who is attempting to escape is to be presumed dangerous. This applies regardless of the inmate's security level. Prior to using firearms, staff must reasonably believe that an inmate has the capability and intention to escape. Staff must consider the risk to innocent persons in the community within the line of fire. The employee shall issue a verbal warning prior to shooting the subject. No warning shot shall be fired. In a community service release, OPI, or work program detail setting, staff shall secure any remaining inmates and notify community law enforcement and the institution administration as soon as possible.
- e. The institution shall discuss the manner of pursuit, detection, and recapture of an escapee with the appropriate community law enforcement agency. Whenever possible, this discussion should take place prior to any incident. General escape procedures shall be followed per the institution specific escape post order.

3. Circumstances to Consider

Staff must consider the totality of circumstances when deciding whether or not to use deadly force. Deadly force may only be used when the inmate is at the point that further delay in acting will result in a loss of control or custody of the inmate, and other means of regaining control or custody will not be effective. Whenever safe and possible to do so, staff shall consider:

- a. Whether other staff is equipped and available to assist in apprehending the inmate without the need for deadly force, or whether no one else is available to assist;
- b. Whether the use of deadly force will present a risk of harm to innocent parties;
- c. Whether the inmate has been injured or impaired in some manner that will slow or prevent his flight;
- d. The inmate's proximity to concealment, a community or some external assistance.
- e. Whether the inmate is likely to be overtaken by staff while still in view;
- f. Whether immediate action is necessary, based on the information known, to halt or prevent escape or loss of custody.

All personnel involved in the pursuit of an escapee shall be given incident specific instructions as to the circumstances under which the use of deadly force is authorized to apprehend the escapee(s). Subject to the given incident specific use of force policy and instructions, when an escapee is no longer on institution property or no longer in the immediate environs of the institution, personnel involved in the pursuit of the escapee are authorized to use deadly force as a last resort to prevent an imminent threat of death or serious physical harm to self or others. Prior to using deadly force, personnel shall positively identify the escapee.

For additional information regarding escape pursuit and apprehension, see the institution specific escape post order.

E. Disturbances

When one (1) or more inmates threaten, by words or actions, to take control of any portion of the institution, the area put at risk must be considered. An inmate takeover of certain areas of an institution should be considered more critical than others. An inmate who barricades himself alone in a closet presents a different threat than an inmate who is attempting to take over the control center. The greater the potential threat, the greater the justification in both considering, and perhaps ultimately using, deadly force to either maintain, or take back, staff control of the facility. Some of the most critical areas would include:

1. Any place where an inmate(s) could obtain equipment, supplies, or contraband that would either prolong or increase the level of the disturbance, or cause injury to others. This would include the maintenance shops for tools, the ability to mass manufacture weapons, and/or facilitate escape from a fenced perimeter. This would also include areas such as the pharmacy and medical services areas for drugs and drug paraphernalia.
2. Areas where large groups of inmates could gather that would provide an increased potential for either recruitment or mass actions by the inmate instigators. This would include the dining room and recreation areas.
3. Areas that provide essential services to the institution. Inmates who damage or take control of these areas could prolong the disturbance, hinder staff efforts to retake control, or cause such damage to the facility that significant portions or the entire facility could potentially be rendered uninhabitable until lengthy and expensive repairs could be made.

F. Electronically and Photographically Recording the Use of Force

1. Staff is encouraged to video record any use of force whenever possible. A video record shall be made of any planned use of force incident, such as a cell extraction as referenced in DRC policy 310-SEC-29, Cell Extractions. Whenever possible, photographs, security footage, audio recordings and/or other video(s) of the incident shall be preserved and incorporated into the permanent record of the use of force incident (this applies to both planned and reactive uses of force).
2. The institution shall assure that an adequate number of staff members have been trained on the use of any video and photographic equipment that will be used to visually record force incidents. The security chief shall ensure shift supervisors are made aware of the names of those who have been trained to use the equipment. One (1) or more designated staff members shall also be assigned the responsibility of regularly inspecting the video and photographic equipment to ensure it is always available, all components are in proper working order, adequate supplies of tape, film and/or other necessary supplies are on hand, and that batteries are always charged to the maximum.
3. Staff involved in planned uses of force shall identify themselves on the video record, as required by DRC policy 310-SEC-29, Cell Extractions.

4. During the course of the incident, it is important to keep in mind the visual field being recorded. It is recognized that force incidents are dynamic events that never occur in ideal locations or in an ideal fashion for the electronic record to be able to capture exactly what everyone is doing at all times with an unwavering picture. However, great attention shall be paid by the respective operator of the recording device to place him or herself in the best location possible to visually record the incident, without interfering with the force incident itself.

A questionable video record of a force incident may often raise more questions than it answers. Examples:

- The camera appears to swerve for no apparent reason away from the actual force being applied.
 - The camera is apparently unduly wavering on the visual field being captured.
 - A narrow focus is unnecessarily used to only record a small part of the incident.
 - The video record contains significant amounts of time when the camera is not focused on anything involving the force incident.
 - There appear to be gaps in the chronological events of the incident when the camera was turned off, or placed in the “paused” mode.
5. A video, photographic, or other visual record shall immediately be made of any staff member(s) or inmate(s) that claimed injury as a result of the incident, as required by DRC policy 310-SEC-29, Cell Extractions. Consideration shall be given to doing this even if the force incident was not planned and the video recording device and camera were not already being used. Further, in some instances, it is equally important to also record the absence of any injury following a force incident. The shift supervisor shall consider the seriousness of injuries, the seriousness of the disruption caused by the incident, the likelihood of litigation, and whether the injury is capable of being photographed. The shift supervisor shall include in his or her report the factors considered in deciding whether or not to make a visual record. Injuries often look worse several hours after an incident. A second set of photographs shall be considered if this occurs. In addition, all staff injuries shall be reported in accordance with DRC policy 10-SAF-15, Employee Accident Reporting and Analysis.
 6. In any partial visual record taken, such as photographs only of hands, legs, etc., it is important to place somewhere in that visual display a written indication as to who that individual is. Among other ways, this can be accomplished by placing an appropriate sized sign listing the staff member or inmate’s name and number in the visual field being photographed or recorded.

G. Medical Assistance

1. Immediately following a use of force, medical attention shall be provided even when the inmate does not appear to be injured. The inmate shall be evaluated by a qualified medical professional. A record shall be made of the evaluation on the Medical Exam Report (DRC5251). The shift commander shall ensure that photographs are taken of any

injuries. If the inmate refuses to submit to an evaluation, the nurse shall visually observe the inmate for obvious injuries and document the review on the Medical Exam Report (DRC5251). In cases of refusals, videotaping should be considered.

2. Immediately following a use of force, medical staff shall examine employees physically involved in the use of force to determine whether or not the employee is injured and the extent of any injury. Any employee in need of medical care shall be referred to community medical services as appropriate.
3. For the inmates involved in a use of force at the Ohio State University Medical Center (OSUMC), the Franklin Medical Center (FMC) security supervisor on duty at OSUMC shall confirm that the OSUMC medical staff has examined the inmate(s) involved. The security supervisor shall document completion of this exam by OSUMC medical staff on an Incident Report (DRC1000/1001).
4. FMC staff assigned to the OSUMC who are injured during a use of force at OSUMC shall be sent to the OSUMC emergency department for evaluation by OSUMC medical staff. FMC staff denying any injury shall document this fact in the Incident Report (DRC1000/1001) they complete regarding the use of force.

Related Department Forms:

Incident Report	DRC1000
Incident Report Supplement	DRC1001
Medical Exam Report	DRC5251