

Section 1357. Use of Force.

The facility administrator, in cooperation with the responsible physician, shall develop and implement written policies and procedures for the use of force, which may include chemical agents. Force shall never be applied as punishment, discipline or treatment.

(a) At a minimum, each facility shall develop policy statements which:

(1) define the term “force,” and address the escalation and appropriate level of force, while emphasizing the need to avoid the use of force whenever possible and using only that force necessary to ensure the safety of youth, staff and others;

(2) describe the requirements for staff to report the use of force, and to take affirmative action to stop the inappropriate use of force; *Title 15. Minimum Standards for Juvenile Facilities*

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(3) define the role, notification, and follow-up procedures of medical and mental health staff concerning the use of force; and,

(4) define the training which shall be provided and required for the use of force, which shall include: known medical conditions that would contraindicate certain types of force; acceptable chemical agents; methods of application; signs or symptoms that should result in immediate referral to medical or mental health staff; requirements of the decontamination of chemical agents, if such agents are utilized; and appropriate response if the current use of force is ineffective.

(b) Policies and procedures shall be developed which include, but are not limited to, the types, levels and application of force, documentation of the use of force, a grievance procedure, a system for investigation of the use of force and administrative review, and discipline for the improper use of force. Such procedures shall address:

(1) the specific use of physical, chemical agent, lethal, and non-lethal force that may, or may not, be used in the facility;

(2) the limitations regarding use of force on pregnant youth in accordance with Penal Code 6030(f) and Welfare and Institutions Code Section 222; and,

(3) a standardized format, time period, and procedure for reporting the use of force, including the reporting requirements of management and line staff.

Note: Authority cited: Sections 210 and 885, Welfare and Institutions Code. Reference: Section 6030 (f), Penal Code; and Section 222, Welfare and Institutions Code.

Section 1363. Use of Reasonable Force to Collect DNA Specimens, Samples, Impressions.

(a) Pursuant to Penal Code Section 298.1 authorized law enforcement, custodial, or corrections personnel including peace officers, may employ reasonable force to collect blood specimens, saliva samples, and thumb or palm print impressions from individuals who are required to provide such samples, specimens or impressions pursuant to Penal Code Section 296 and who refuse following written or oral request.

(1) For the purpose of this section, the “use of reasonable force” shall be defined as the force that an objective, trained and competent correctional employee, faced with similar facts and circumstances, would consider necessary and reasonable to gain compliance with this section.

(2) The use of reasonable force shall be preceded by efforts to secure voluntary compliance. Efforts to secure voluntary compliance shall be documented and include an advisement of the legal obligation to provide the requisite specimen, sample or impression and the consequences of refusal.

(b) The force shall not be used without the prior written authorization of the supervising officer on duty. The authorization shall include information that reflects the fact that the offender was asked to provide the requisite specimen, sample, or impression and refused.

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(1) If the use of reasonable force includes a cell extraction, the extraction shall be videotaped. Video shall be directed at the cell extraction event. The videotape shall be retained by the agency for the length of time required by statute. Notwithstanding the use of the video as evidence in a court proceeding, the tape shall be retained administratively.

Note: Authority cited: Sections 210 and 885, Welfare and Institutions Code. Reference: Section 209, Welfare and Institutions Code.