

Number: TBD

EFFECTIVE DATE: November 13, 2000

PROCEDURE STATEMENT

Policy Area: Safety

Issue: Safety Procedures for Conducting Work with Offenders on and off CSOSA Premises

Action/Guidance: Staff Safety – Use of Force Continuum

Context: Community Supervision Officer (“CSO”) and CSOSA staff safety centers around minimization of risk by controlling the physical setting of the office, establishing procedures for dealing with emergencies or disruptions, and training staff to work with offenders and the public. Risk cannot be eliminated but it can be minimized. Minimization of risk to all CSO’s and CSOSA employees is the goal of the agency’s safety policies.

It is crucial that all Community Supervision Officers be trained and fully understand current guidelines governing the use of force. CSOSA policy mandates that any use of force by CSO’s is carried out for the express purpose of self defense or defense of a third party. Therefore, this policy sets forth both the policy and procedures governing the use of force.

I. Definitions:

A. The following words and terms, when used in this policy shall have the following meaning:

1. **CONTINUUM OF FORCE** means an escalating series of defensive countermeasures (levels of force) which may be employed against an individual to stop an attack on the CSO or a third party, the level of such force is dictated solely by the individual’s actions towards the CSO or a third party.
2. **DEADLY FORCE** shall be considered as that level of force which is likely to cause death or serious physical injury and may include: use of weapons and other self defense methods. Deadly Force may only be employed to stop an attack if you reasonably believe that you or a third party are likely to sustain grievous bodily harm or death.
3. **NON-DEADLY FORCE** shall be considered as that level of force not likely to produce death or serious injury and may include but are not limited to: self-defense, verbal response, and retreat.
4. **REASONABLY NECESSARY** is the amount of force used for defensive purposes only in view of the circumstances confronting the CSO when other lesser alternatives do not reasonably appear sufficient or feasible.
5. **CSO’s** are defined as employees assigned to Community Supervision Services who have been authorized to supervise all offenders who have been granted a term of supervised community release whether on probation, parole, or supervised release.

6. **SERIOUS PHYSICAL INJURY** is one that creates a substantial risk of death, serious and protracted disfigurement, or impairment of the function of any bodily organ or limb.
7. **WEAPON** is an immediately available, inherently dangerous instrument used in a manner capable of producing death or serious physical injury.

II. Procedure:

- A. This procedure applies to all Community Supervision Services staff including clerical personnel, Drug Testing Surveillance Monitors, CSO's, Supervisory CSO's, Branch Chiefs, Deputy Associate Directors, and the Associate Director.
- B. All staff shall undergo CSOSA use of force training to include but not be limited to presence, verbal, physical, and the use of force continuum. Update/re-certification shall be provided when applicable.
- C. Non-Deadly Force: Subject to the provisions of this procedure, a CSO may use force upon another person only when that force is, or reasonably appears to be necessary to defend him/ herself or a third person from what he/she reasonably believes to be the use of physical violence. The CSO must be attempting to accomplish lawful objectives in the performance of his/her duties when such force is used. The continuum of non-deadly force authorized for CSO's to use is set forth below in order of precedent. The offender's actions shall dictate the amount and level of force to be used by staff in any given situation.
 1. Disengagement or retreat
 2. Verbal diffusing skills (continuous)
 3. Verbal warning prior to the use of force if time allows
 4. Use of self-defense/defensive tactics
- D. Actions Required After the Use of Force:
 1. After the use of force by a CSO if any person upon whom force was used by the CSO requires medical attention, the CSO shall make every effort to assist the individual and contact emergency medical services, appropriate law enforcement, and their supervisor. The CSO should not approach the injured person without assistance if the injured person poses a threat to the CSO's safety. Under no circumstances will the CSO delay or hinder medical care to the injured person.
 2. The CSO should, if feasible, secure any type of crime scene and take possession of any and all evidence until such time as it can be turned over to responding police officers arriving at the scene.
 3. Whenever use of force occurs in performance of official duties, the CSO involved shall immediately notify the SCSO or designee and submit a Critical Incident Report (CIR) [for CIR see Critical Incident Response policy]. Upon completion of the CIR by the CSO, the form will be forwarded through the appropriate chain of command in accordance with CSOSA policy within 48

hours (24 hours if the use of deadly force was involved). Where any injury occurs (employee, offender, or third party) the Supervisory Community Supervision Officer (“SCSO”) or designee shall be notified as soon as possible.

4. Any injured employee must seek medical attention irrespective of the employee’s assessment of the injury.
5. Agency staff are not authorized to carry a weapon while on duty. If any CSO secures a weapon in a struggle with an offender, secures a loose weapon lost by a police officer during a struggle with an offender, threatens the use of force, draws a weapon, discharges a weapon, or uses force on a subject or animal, he or she shall notify his or her immediate SCSO immediately. If the CSO's immediate SCSO is unavailable, the CSO shall notify the Branch Chief in their chain of command. The CSO's supervisor shall ensure that the chain of command is followed, all appropriate notifications are made, and a critical incident report is prepared within the specified time lines. The SCSO shall also ensure that the matter is referred to the appropriate agency for further investigation, if required.
6. With consent of the injured person(s) or animal's owner, the SCSO shall have photographs taken of all visible injuries in accordance with any local law enforcement regulations. CSO’s with visible injuries should also be photographed.
7. Following the use of any deadly force, the CSO involved shall undergo urine testing for drug/alcohol no later than 48 hours after the incident. This is for his/her protection.
8. The CSOSA Crisis Intervention Response Team (“CIRT”) shall be made available to any employee involved in a use of force situation. In all cases where any person has been threatened, injured, or killed as a result of the use of deadly force by a CSO, the CSO's supervisor shall contact the Crisis Intervention Officer (“CIO”) as soon as possible but no later than 24 hours after the incident. The CIO will make assessments, call the CIRT members together, and arrange for any referrals regarding the action necessary for the CSO.
9. Any CSO involved in a deadly force situation shall be placed on administrative leave or assigned to administrative duties at the discretion of the Associate Director for Community Supervision Services pending investigation.
10. As directed by the Associated Director for Community Supervision Services, any staff member involved in a use of force situation involving deadly force will be required to undergo an initial and follow-up interview with a psychologist.

III. Statutory Authority: Section 11233(b)(2)(B) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (“Revitalization Act”), Pub. Law 105-33, 111 Stat. 712, D.C. Code § 24-1233(b)(2)(B) (1996 Repl., 1999 Supp.) (Director’s authority); D.C. Code § 24-103 (1996 Repl.) (Probation’s authority).

IV. Procedural References/Supercedes:

▪ **References:**

Federal Judicial Center. (unknown). *Staff Safety: Workbook for Participants*. Washington, DC: Federal Judicial Center.

Maggio, Mark J. (1997). *Applied CSO Safety: In-District Facilitator’s Guide for Probation and Pretrial Services*. Washington, DC: Federal Judicial Center.

Kipp, Richard A. (1995). *Safety Awareness Workbook: Anticipating, Identifying, and Resolving the Potential Victimization of Probation and Parole CSO’s*. Washington, DC: United States Department of Justice, National Institute of Corrections.

Thorton, Robert L. and Shireman, John H. (1993). *New Approaches to Staff Safety*. Washington, DC: United States Department of Justice, National Institute of Corrections.

Virginia Department of Corrections. Division of Operations. Community Corrections. (1999). *Strategies, Training, Equipment, & Policy for Staff Safety*. Richmond, VA: Virginia Department of Corrections.

United States District Court. Northern District of Ohio. (unknown). *Safety Policy*.

▪ **Supercedes:** N/A