

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting a Policy Regarding
Chemical Agents and Use of Force by the
Juvenile Department of Columbia County

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ORDER NO. 112 - 2007

WHEREAS, Juvenile Probation Officers employed by the Columbia County Juvenile Department engage in supervision of persons who have been convicted of crimes; and

WHEREAS, in the course of such supervision such Officers may be placed in situations that are dangerous to themselves or others; and

WHEREAS, individual Officers have requested authority to carry capsicum spray in the course of duty for their own protection, as well as protection of others; and

WHEREAS, there is a need to reflect current practice in a comprehensive written policy regarding the issuance of Capsicum Spray and the use of force if Officers will be carrying capsicum spray; and

WHEREAS, the Columbia County Juvenile Department has prepared a Capsicum Spray and a Use of Force Policy, copies of which are attached hereto, labeled Exhibit A and Exhibit B, respectively, and incorporated herein by this reference, for consideration by the Board of County Commissioners.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Capsicum Spray Policy attached as Exhibit A and the Use of Force Policy attached as Exhibit B be, and hereby are, ADOPTED.

DATED this 27 day of June, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]

Chair

By: [Signature]

Commissioner

By: [Signature]

Commissioner

Approved as to form

By: [Signature]

Office of County Counsel

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ORDER NO. 112 - 2007

EXHIBIT A

COLUMBIA COUNTY, OREGON COLUMBIA COUNTY JUVENILE DEPARTMENT POLICY & PROCEDURES RE: USE OF CHEMICAL AGENTS	CAPSICUM SPRAY/USE OF FORCE POLICY
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Approved: _____

Date: _____, 2007

POLICY:

It is the policy of the Columbia County Juvenile Department ("CCJD" or the "Department") to maintain the highest level of capsicum spray proficiency possible for Juvenile Probation Officers employed by the Department ("JPOs") who request and are authorized to be armed by stressing realistic training and empirical qualification, coupled with a thorough working knowledge of capsicum. CCJD will strive to maintain a safe training environment while addressing the complex needs of training in the use of capsicum spray.

Authorization to carry a spray while on duty is a privilege, and not an entitlement. Before a JPO will be allowed to carry or use a CCJD-issued spray, that JPO must demonstrate proficiency with the CCJD-issued spray.

The use of force by JPOs shall be strictly limited to defensive situations. A JPO may use force only to defend himself/herself or another person from what the JPO believes is an immediate threat of death or serious physical injury, and when there reasonably appears to be no other alternative.

PROCEDURE:

I. Eligibility:

- A. Only JPOs who have been certified by the Multnomah County Sheriff's Office Training Division and who have completed their initial probationary period are eligible to carry a capsicum spray on duty. The Director, in his or her discretion, may authorize the JPO to carry the spray. The authorization shall be in writing, signed by the Director, and shall be subject to all other requirements of this Policy and Procedure.
- B. JPOs must be Oregon Juvenile Department Directors Association ("OJDDA") certified before they will be eligible for Department-sponsored Use of Force training. JPOs who hold OJDDA certification shall then be required to take training sponsored by the Department, pass a written Use of Force test, and demonstrate proficiency with their assigned spray before they will be allowed to carry the spray in the line of duty. JPOs shall be required to re-take the Department-sponsored training, pass the written Use of Force test, and demonstrate proficiency with their assigned spray on at least an annual basis. Failure to pass the Use of Force test and to demonstrate proficiency

shall result in the JPO not being allowed to carry capsicum spray in the line of duty.

- C. When a JPO becomes qualified and is authorized to carry capsicum spray in the performance of duties, it is voluntary for that JPO to carry the spray in the field, including but not limited to all residence checks, all client home searches, and planned field arrests. The spray shall be fully loaded and operational when it is carried. When the capsicum issued spray is not being used it shall be stored in a department designated area.
- D. JPOs who have been the recipients of major and /or numerous corrective actions for failure to follow CCJD rules, policies, or directives, including any portion of this Policy, or who are suffering from any physical or pharmacological conditions causing physical and/or emotional impairment, may be subject to denial, suspension or revocation of the authority to carry capsicum spray at the discretion of the Columbia County Juvenile Department Director.
- E. A JPO's authority to carry capsicum spray while on duty may be suspended immediately whenever the Director reasonably believes that the JPO has failed to demonstrate good judgment in decision-making and/or lack of emotional control. The authority may be reinstated, if the Director's concerns are otherwise resolved.

II. Capsicum Spray Specification:

- A. Capsicum Spray: The Director shall specify and only the Department shall issue any spray authorized for use by JPOs. Only CCJD-issued spray may be carried by JPOs while on duty. JPOs authorized to carry a capsicum spray shall demonstrate proficiency with said spray.

III. Rules:

- A. The use of force by JPOs shall be strictly limited to defensive situations.
- B. JPOs shall ensure they have exhausted all reasonable levels of force and escape prior to engaging in the use of force.
- C. When the use of force is justified, JPOs discharging capsicum spray shall not deploy spray to injure or punish, but rather to stop the action by causing the instant incapacitation of the subject. For maximum stopping effectiveness and to minimize the danger to innocent bystanders, JPOs should shoot directly into the eyes of subject.
- D. Capsicum spray shall not be drawn or displayed routinely during contacts, nor should it be used for any reason other than an immediate threat of death or serious physical injury, and when there reasonably appears to be no other alternative.
- E. JPOs shall not use force in an offensive posture to effect the apprehension of those persons who commit violations of probation or parole, or any other law. Nothing contained in this paragraph shall preclude the use of force for self-defense, when warranted.

- F. A capsicum spray must be worn on the Officer's person in a manner conducive to access.
- G. JPOs shall retain custody and control of their capsicum spray at all times.
- H. Capsicum Spray stored in the CCJD office must be secured in an area designated and approved by the Director for this purpose.
- I. JPOs shall maintain their assigned capsicum spray in optimum operating conditions at all times.
- J. JPOs shall secure their assigned capsicum spray in a safe and secure manner at all times when on or off duty.
- K. JPOs shall abstain from the use of alcohol and/or any mind-altering substance while carrying capsicum spray pursuant to this Policy.
- L. JPOs shall carry their ID badges in a clip or badge holder that will assure the badge is readily visible when needed.
- M. JPOs shall, at all times, demonstrate self-discipline, emotional control, and professionalism.
- N. JPOs shall not engage in activities that are unreasonably hazardous simply because the JPO is armed with spray.
- O. Capsicum Spray shall not be left in cars, desks, briefcases or other areas of storage, except storage areas approved by the Director for that purpose. In an emergency, a spray may be locked in the trunk of a vehicle.

IV. Capsicum Spray Safety Guidelines:

- A. JPOs shall exercise the utmost caution while in possession of any chemical agent and shall provide maximum security for all sprays in their custody. Any careless, flippant, or casual use or display of capsicum spray will constitute grounds for discipline.
- B. JPOs shall notify the Director of any physical or pharmacological conditions causing physical and /or emotional impairment. Impairment shall be defined as a condition that can affect judgment, reaction time or motor skills as it may affect the ability to handle a spray safely and proficiency.
- C. The purpose of capsicum spray safety rules are to establish guidelines for the JPO in the safe handling of capsicum spray. JPOs are expected to exercise extreme caution in all aspects of capsicum spray use and demonstrate a reasonable and prudent attitude toward all aspects of capsicum spray safety. These rules apply:
 - 1. Treat all spray as though it is loaded.
 - 2. Spray shall never be left unattended or unsecured.

3. Never point a spray at anyone or anything unless spraying is justified.
4. Be sure of the target before the spray is deployed.
5. While on duty, the spray shall remain in the JPO's holster until he or she is required to use it or store it.
6. Follow any and all safety precautions as deemed reasonable and prudent or as addressed in the training and certification process.
7. Never carry a spray inside of any jail, correctional facility, or any other structure where offenders are domiciled.
8. Any spray which has been dropped, or which is perceived to have any defect whatsoever, shall be turned over to the Director for inspection and reissue.
9. JPOs shall ensure appropriate medical attention is rendered if spray is deployed as per training.

V. Training/Qualification:

- A. JPOs shall receive training at least once each year in the use of force and the chemical agent safety. The capsicum spray curriculum shall also focus on critical thinking skills, problem solving under duress, the use of cover and concealment, and other issues relevant to the job.
- B. In addition to the above-mentioned training and practice of discharging the spray, JPOs shall be required each year to pass a written examination on the use of force and to demonstrate proficiency with their approved capsicum spray by reaching a sufficient score in a chemical agent qualification test.
 1. Qualification test scores shall be maintained in each JPO's training file.
 2. The Director may require a JPO to undergo a Use of Force test and/or demonstrate proficiency at any time.
 3. JPOs will be required to undergo training in practical decision-making scenarios in regards to the use of their chemical agents.
- C. Failure to take or pass an annual Use of Force test shall result in the JPO not being allowed to carry a capsicum spray in the line of duty.
- D. In the event a JPO fails to take or pass an annual capsicum spray qualifications test:
 1. The JPO shall be required to return the issued spray to the Director.
 2. The spray may be checked out for a limited time from the Director for re-testing.

- E. Written notification shall be given to the JPOs whose qualification dates have expired or who have failed their capsicum spray qualification test or Use of Force written test. The notification shall instruct them to return their CCJD issued spray to the Director.
- F. All capsicum spray training must have the prior approval of the Director.

VI. Reporting Incidents:

- A. Any JPOs involved in the discharge or unholstering of his/her spray in a situation other than training or practice shall immediately report the incident, by the quickest means possible, to the Director.
- B. Any JPOs involved in the discharge of his/her spray in a situation other than training or practice shall also file a written report of the incident to the Director.
- C. Any JPOs shall also file a written report of the incident to the Director whenever a capsicum spray is unholstered to defend the JPOs or another from the use or threatened use of deadly physical force.

VIOLATION OF POLICY

Carrying or using a capsicum spray in violation of the terms of this Policy shall be grounds for disciplinary action up to and including dismissal.

Stan Mendenhall, Juvenile Director

EXHIBIT B

Columbia County, Oregon Columbia County Juvenile Department Policy & Procedure	Use of Force
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Approved: _____

Date: _____, 2007

I. PURPOSE

To define procedures for use of force by Department Director and Juvenile Probation Officers (JPOs) in the performance of their duties.

II. POLICY

The Director and JPOs are authorized to use force in the performance of their duties, consistent with Department-approved training and the Department's "Force Continuum" (Exhibit A). The use of force shall be limited to that force which is reasonable and necessary to overcome the force or threat of force by another.

III. RATIONALE

The appropriate use of force in accordance with the Department's Force Continuum can increase the overall safety of employees, offenders, and the public.

IV. DEFINITIONS

Force:	The use of officer presence, verbal commands, restraints, or personal contact to direct or control another person.
Physical Contact:	Directing an offender by touch or controlling an offender with an escort hold.
Physical Control:	Controlling an offender using restraints or oleoresin capsicum, or personal contact techniques such as an escort hold, use of pressure points, joint manipulation, or hair control holds.
Presence:	The use of body language and demeanor, and the identification of authority to gain compliance.
Serious physical control:	Applying sufficient force to restrain an offender from engaging in aggressive or ominous behavior. Examples of serious physical control include oleoresin capsicum, neck restraint, and focused blows.

V. PROCEDURE

- A. Presence and/or verbal communication skills should be used to elicit cooperation and to de-escalate potentially volatile situations whenever possible.
- B. The level of force used by the Director and JPOs is determined by the threat, as summarized in Exhibit A.
 - 1. If the level of force is justified, the implement (or delivery system) used is of no significance.
 - 2. If the level of force is justified, the degree of injury sustained by the Threat is of no significance. As soon as it is safely possible, after physical force has been used, the Director and JPOs shall render assistance to persons who may be injured or incapacitated.
- C. The Threat always dictates the degree of force to be used. Therefore, the Threat is responsible for any injury he/she may incur while resisting.
- D. It is important to overcome the Threat's resistance as quickly as possible to minimize the possibility of injury.
- E. In no case shall physical force be used for punishment or discipline.
- F. The Director and JPOs shall follow designated safety precautions for blood-borne pathogens if exposed to body fluids.

EXHIBIT A

FORCE CONTINUUM

LEVEL OF FORCE		METHOD OF FORCE	LEVEL OF RESISTANCE		THREAT	
V	SERIOUS PHYSICAL CONTROL	Focused Blows Mace (CN/CS)	O C R E S T R A I N T S	OMINUS	R E S T R I C T I V E	
IV	PHYSICAL CONTROL	Hair Takedown Joint Takedown Digital Control Joint Comealong Pressure Points Temporary Restraints		ACTIVE STATIC		
III	PHYSICAL CONTACT	Escort Position Directional Contact		VERBAL	U N D E C I D E D	
II	VERBAL COMMANDS	Direct Order Questioning Persuasion		NONE	C O M P L Y I N G	
I	PRESENCE	Display of force option Body Language/Demeanor Identification of authority				