



1379 USE OF FORCE	
Chapter: Juvenile Justice Field Services	Section: Authority Limitations
 <p>New Hampshire Division for Children, Youth and Families Policy Manual Policy Directive: 15-52 Effective Date: November 2015 Scheduled Review Date:</p>	<p>Approved:</p>  Lorraine Bartlett, DCYF Director
Related Statute(s): RSA 169-A , RSA 169-B , RSA 169-D , RSA 170-G:16 , RSA 170-H , and RSA 627 Related Admin Rule(s): Related Federal Regulation(s):	Related Form(s): FORM 1379 Bridges' Screen(s) and Attachment(s):

Everyone deserves to be safe and the goal of any use of force is narrow and specific - safety. Any time force is used it shall be justifiable, used with the minimum force necessary to ensure safety, measured to the risk presenting, and authorized according to policy. RSA 170:G:16 authorizes JJS staff "to arrest and to take into custody any minor who is found violating any law, or who is reasonably believed to be a fugitive from justice, or whose circumstances are such as to endanger his/her person or welfare, unless immediate action is taken." Policy, training, and practice shall be focused on meeting these standards while striving for zero use of force incidents. However, understanding that there may be limited times when the use of force is necessary, JJS staff are authorized to use force, in accordance with this and any other applicable policies and laws, as a last alternative after all other reasonable efforts to resolve a situation have failed or are determined unnecessary due to the emergent nature of an incident. Justification for the use of force shall be present based upon the knowledge and information available to the JJS staff at the time of the incident.

Purpose

This policy establishes the authority and practice for the use of force by JJS staff. This policy is for use in conjunction with policies [1376 "Arrest and Custodial Authority,"](#) [1377 "Handcuffing,"](#) [1378 "Use of Oleoresin Capsicum Spray,"](#) and [1346 "Search and Seizure."](#)

Definitions

"Abscond" means the action of a juvenile on probation or parole to hide, conceal, or absent him/herself with the intent to avoid legal process or authorized control.

"Deadly Force" pursuant to [RSA 627:9, II](#) means any assault or confinement which the actor commits with the purpose of causing, or which he knows to create a substantial risk of causing death or serious bodily injury.

"Debrief" means a discussion for the purpose of gathering information and reviewing an incident, to address the safety and well-being of the JJS staff and youth.

"De-escalation" means the use of supportive techniques designed to interrupt further escalation of another's behavior.

"Escape" means the unauthorized flight of a youth committed or detained at the Sununu Youth Services Center from the center or the Division's custody to which he/she has been committed by the court.

"Handcuffs" means the Division issued temporary, metal restraints, connected by a bar or chain, which are locked around the wrist to help control individuals.

"JJS" means the Bureau of Field Services' Juvenile Justice Services within DCYF.

"JJS Staff" for the purpose of this policy, means a staff employed as a Juvenile Probation and Parole Officer, Juvenile Probation and Parole Supervisor, or Juvenile Justice Field Administrator.

"Non-Deadly Force" pursuant to RSA 627:9, IV means any assault or confinement that does not constitute deadly force.

"Oleoresin Capsicum Spray" (also known as **"O.C. Spray"** or **"Pepper Spray"**) means a chemical compound recognized to be a significant skin and mucus tissue irritant; generally recognized to be a non-deadly weapon, it is used to subdue and deter an attacker or assailant, either human or animal.

"Serious Bodily Injury" pursuant to RSA 625:11 VI means any harm to the body which causes severe, permanent or protracted loss of or impairment to the health or of the function of any part of the body.

Policy

- I. The following general principles shall guide all use of force for Juvenile Justice Field Services.
 - A. Only JJS staff who have completed required training through the DCYF Organizational Learning Team are authorized to use force.
 - B. At no point shall JJS staff use force as punishment.
 - C. JJS staff must consider their own safety while on duty. JJS staff must comply with the requirements of RSA 627:4 regarding "Physical Force in Defense of a Person."
 - D. If any weapon is found during a search, JJS staff shall confiscate according to policy [1346 "Search and Seizure."](#)
 - E. JJS staff must coordinate with and be accompanied by law enforcement whenever a planned arrest, custodial action, or the use of force on a youth is anticipated by JJS staff. JJS staff shall assist law enforcement, as directed by law enforcement in these situations.
 - F. Only at a level of minimum force necessary to ensure safety and when in compliance with applicable RSAs, the provisions of this policy, and the Organizational Learning Team's approved training and instruction, JJS staff may use force in the following circumstances:
 1. Justifiable self-defense;
 2. Protection of others;
 3. Prevention of property damage;
 4. Taking youth into custody/arrest; and
 5. To prevent a youth's attempt to escape or abscond.

- G. The benchmark for determining the authorization for any use of force shall be a conclusion made by a JJS staff based upon the knowledge and information available at the time which would cause a reasonable person to believe under the circumstances that the use of force was necessary to maintain safety.
- H. Every effort shall be made to continue to de-escalate a situation until safety is gained.
 - 1. It is understood that there will be occasions when staff need to intervene immediately, but even then, efforts shall be made to de-escalate.
 - 2. De-escalation efforts must be documented as applicable.
- I. Youth in handcuffs, exposed to O.C. Spray, in custody, or under arrest shall be immediately removed from a prone position and placed in a sitting or standing position after the establishment of control according to policy and training.
- J. The use of prone restraint (lying face down) beyond the establishment of control is **not** authorized due to the potential to cause positional asphyxia.
 - 1. Positional Asphyxia means the positioning of a person's body that restricts or interferes with their breathing leading to hypoxia, an inadequate amount of oxygen to meet the body's demand.
 - 2. Causes can include: intense physical activity, drug or alcohol use, physical build, and environmental factors.
 - 3. Symptoms can include: vomiting, loss of consciousness, labored breathing, going limp, and the inability to answer simple questions.
- II. The use of physical interventions is broad and JJS staff must adjust their actions based on the youth's response and the individual circumstances.
 - A. JJS staff must remember there will be times when it is more prudent to disengage, gain safe distance, and wait for assistance if possible before attempting to use force.
 - B. Physical interventions may include:
 - 1. Command Presence – The demeanor and nonverbal communication of JJS staff can assist in diffusing a situation that may escalate;
 - 2. Verbal Interventions:
 - (a) Ask – The use of defusing questions is designed to provoke thought. This allows JJS staff an opportunity to recognize and assess a situation, to intervene as soon as possible, and to keep youth in a thinking area of the brain;
 - (b) Advise – After an attempt has been made to ask defusing questions, JJS staff shall advise youth of positive outcomes for de-escalating and possible consequences if they choose to not follow a request; and

- (c) Order – JJS staff shall issue clear and concise orders that a youth can understand. A controlled use of voice can help de-escalate a situation and alert youth and witnesses of attempts to verbally intervene.
 - 3. Directional intervention is designed as a physical prompt to follow the JJS staff's instructions.
 - (a) Touching a youth and guiding is intended to move away from the situation and engage the youth in defusing questions.
 - (b) The JJS staff must consider their history with the youth, any prior plans developed to diffuse escalated behaviors, Individual Level Objectives in the Case Plan, action plans, the youth's demeanor, environmental conditions, and that touching a youth may cause a defensive reaction.
 - 4. Only physical intervention techniques trained by the Organizational Learning Team shall be used.
 - 5. Only handcuffs issued by the Division shall be used by JJS staff according to training and instruction by the Organizational Learning Team.
 - 6. Only OC Spray issued by the Division shall be used by JJS staff for authorized defensive purposes according to training and instruction by the Organizational Learning Team.
- III. The language in this policy shall not be construed as preventing JJS staff from using any force, tool, or technique reasonably necessary to protect themselves or a third party from serious bodily injury or death when the use of such tool or force is an option of last resort to the JJS staff.
- A. The use of any unconventional tool or technique must be clearly justified and the level of force consistent with the requirements of this policy.
 - B. Any incident in which a JJS staff uses force, a tool, or other technique to defend him/herself or a third party, must be documented in Form 1379 "Use of Force Report."
- IV. Only when JJS staff or a third party encounter deadly force by another may deadly force be justified.

Procedures

- I. The use of force by JJS staff shall be according to the following requirements and limitations.
 - A. JJS staff shall maintain a state of relaxed awareness during the normal course of business in the field.
 - B. JJS staff must employ preventative and de-escalation techniques to diffuse the potential for the use of force as circumstances permit.
 - 1. This can include action plans or safety plans developed along with a youth and parent/guardian to enlist their assistance in de-escalating a youth when circumstances permit or other means to de-escalate.

- C. When the JJS staff determines the use of force is authorized and justified based on the knowledge and information available at the time, the JJS staff must employ force only to the extent needed to ensure the safety of the youth involved.
 - D. After use of force, the JJS staff shall act accordingly:
 - 1. Any youth involved during a use of force incident shall receive medical examination and treatment by a qualified medical provider;
 - 2. For youth released to the custody of another person, the JJS staff must report the need for medical examination to that person; and
 - 3. Call 911 if the scene is determined unsafe.
 - E. JJS staff shall request written statements from witnesses to the incident.
 - F. All use of force incidents shall be documented:
 - 1. Information must be included in the youth's chronological notes in NH Bridges; and
 - 2. Form 1379 "Use of Force Report" must be completed.
- II. All use of force incidents involving non-deadly force shall be debriefed by the direct supervisor (or Field Administrator if the direct supervisor is not available) with the JJS staff before the end of the work day in which the use of force occurred.
- A. The purpose of the debriefing is twofold:
 - 1. To ensure all staff involved in the incident are coping effectively with the stress; and
 - 2. To review if the incident was managed to the best possible outcomes.
 - B. All debriefings shall be noted on the Form 1379 "Use of Force Report" by the supervisor, upon receipt.
- III. Every Form 1379 "Use of Force Report" shall be submitted and reviewed according to the following procedures.
- A. JJS staff shall submit a completed Form 1379 "Use of Force Report" to their direct supervisor by the end of the next business day;
 - B. The supervisor shall include information from the debriefing, review, and sign the "Use of Force Report" and immediately submit the report to their Field Administrator; and
 - C. The Field Administrator shall submit the "Use of Force Report" to the Bureau Chief of Field Services who will determine if further review is necessary.
- IV. Anytime serious bodily injury and/or death results from the use of force, the JJS staff involved must notify their direct supervisor immediately after the incident.
- A. The supervisor shall ensure the JJS Field Administrator, Bureau Chief of Field Services, and the DCYF Director are notified immediately.

- B. JJS staff shall be reassigned from normal duties after experiencing a deadly force incident pending completion of the incident investigation identified in C below.
 - 1. JJS staff may return to regular duty after a determination by the DCYF Director or designee.
 - 2. JJS staff may be required to undergo additional evaluations as determined by the DCYF Director or designee to determine fitness for field work.
- C. The DCYF Director shall contact the NH Attorney General's Office to request an investigation into the incident.
 - 1. Only the DCYF Director or his/her designee shall liaison with the Attorney General's Office during the investigation.

Practice Guidance

How can the use of preventative tactics help de-escalate a potential incident?

- The use of preventive tactics that focus on planning and awareness may have two immediate goals in de-escalating a situation; prevention of the need for the use of force and enhance the potential for de-escalation. JJS staff can engage in crisis rehearsal, planning for safety with the youth and parent/guardian, and maintaining a relaxed awareness to achieve these goals. In addition, the anticipation of threats, assessment of the environment, and the development of tactics to prevent and/or de-escalate can assist in de-escalating situations.

How do levels of awareness affect the outcome of a potential incident?

- Awareness of the JJS staff's status, the youth's status, the status of others involved in an incident, and the immediate environment can affect the outcome of a potential incident.
- Levels of awareness include:
 - 1. Totally Relaxed – We experience total relaxation in our personal life such as relaxing in our homes. When we are in this state, we are not cued into the signals in our environment that inform about potential hazards.
 - 2. Relaxed Awareness – The sense of relaxed awareness enables us to function with minimal stress but still be cued to the signals in our environment that inform us about potential hazards. This can be an optimal work state.
 - 3. State of Alarm – We experience a state of alarm when we are approximately 3-seconds from confrontation. The more aware and prepared we are in any given situation the better opportunity we will have to maximize space and time from a potential threat.
 - 4. State of Combat – We enter into a state of combat when we are actively engaged in a critical incident. We need to be aware that our perception can be distorted due to physiological changes that occur under a high level of stress. Training, proper preparation and maintaining a relaxed awareness enables us to best handle critical incidents.
 - 5. Blind Panic – When our perceptions are so distorted that we can no longer respond effectively in a critical incident.