

# Use of Force Review

<b>DIVISION OF CHILD AND FAMILY SERVICES Juvenile Justice Services STATEWIDE POLICY</b>	
<b>SUBJECT:</b>	Use of Force Review
<b>POLICY NUMBER</b>	DCFS/JJS 300.04
<b>EFFECTIVE DATE:</b>	July 24, 2020
<b>APPROVED BY:</b>	Kathryn Roose, Deputy Administrator – Division of Child and Family Services
<b>DATE:</b>	07/17/2020
<b>SUPERSEDES:</b>	Incident Review Team DCFS/JJ 300.04 effective February 1, 2015
<b>APPROVED BY:</b>	Ross Armstrong, Administrator – Division of Child and Family Services
<b>DATE:</b>	07/17/2020
<b>REFERENCES:</b>	Use of Force (DCFS/JJS 300.02)
<b>ATTACHMENTS:</b>	Attachment A: Incident Interview – Youth Attachment B: Incident Interview – Staff Attachment C: Incident Investigation Summary Attachment D: Use of Force Incident Review Team Attachment E: Witness Statement Attachment F: State Review Team Meeting Summary Attachment G: Incident Review Team Monthly Summary

## I. SUMMARY

The Division of Child and Family Services (DCFS) shall have established review teams whose function is to review all uses of force which occur within facilities. There shall be two levels of review, one at the facility level and one at the state level.

## II. PURPOSE

The State Incident Review Team shall meet monthly and the Facility Incident Review Teams shall meet according to need to determine if facility uses of force are in compliance with policy, determine if practices complied with training expectations, and provide feedback aimed at correction or remediation. The information obtained from the incident reviews shall be used to improve facility functioning, training and, daily practices.

## III. DEFINITIONS

As used in this document, the following definitions shall apply:

- A. Conflict of Interest: A situation with the potential to undermine the impartiality of another person because of the possibility of a clash between the person's self-interest and professional interest or public interest.

## Use of Force Review

---

- B. Incident Review Team (IRT): A team of facility staff whose function it is to review all facility uses of force.
- C. State Review Team (SRT): A team comprised of facility and non-facility staff, led by non-facility staff, whose function is to complete reviews of all Youth Parole Bureau uses of force and secondary reviews of all facility uses of force.
- D. Use of Force: Physical, mechanical, or chemical restraint used in instances of justifiable self-defense, protection of others, protection of property, prevention of escapes, or substantial disruption of programming. Includes physical contact or the use of equipment to control the movement of youth. Use of force includes:
  - 1. Planned Use of Force: Utilized in situations which do not warrant immediate action although a response is still required. The Superintendent or their designee shall be notified for further instructions and appointed staff members may take action.
  - 2. Spontaneous Use of Force: Force utilized because of an immediate need to act based on the authorized situations within this policy.

#### IV. FACILITY INCIDENT REVIEW TEAM

- A. All use of force incidents shall be reviewed by the IRT within 30 calendar days of the incident.
- B. The facility Superintendent or designee shall appoint Use of Force Investigator(s) and/or a Lead Facility Incident Review Team (IRT) member.
- C. The facility Superintendent or designee shall appoint staff members to the Facility IRT.
  - 1. The IRT shall include, at a minimum, the:
    - a. Facility Superintendent or Assistant Superintendent
    - b. Head Group Supervisor or designated Assistant Head Group Supervisor
    - c. Nursing/medical staff representative
    - d. Use of Force Investigator
    - e. Facility Mental Health Counselor
- D. The Investigator/Lead Facility IRT member shall investigate each use of force incident occurring at the facility within seven business days of the Use of Force incident.
  - 1. The Investigator/Lead Facility IRT member shall not have or appear to have a conflict of interest in conducting the investigation with youth or staff.
    - a. If there is or appears to be a conflict of interest, the Superintendent or designee shall assign a replacement investigator for the investigation.
  - 2. The Investigator/Lead Facility IRT member shall collect, review, conduct, and complete all use of force related documentation, including but not limited to:
    - a. Incident Interview – Youth (Attachment A)
    - b. Incident Interview – Staff (Attachment B)
    - c. Incident Investigation Summary Form (Attachment C)
    - d. Shift Supervisor Report – Use of Force Information Sheet (DCFS/JJS 300.02 Attachment B)

## Use of Force Review

---

- e. Closed-circuit or body camera video footage
  - f. Tyler Supervision Incident Report (including all personnel incident reports)
  - g. Witness Statements, if applicable (Attachment E)
  - h. Injury Body Chart(s) (DCFS/JJS 300.02 Attachment A)
  - i. Dorm/living unit logs, if applicable
3. The Investigator/Lead Facility IRT member shall conduct interviews with youth (Attachment A) and staff (Attachment B) involved or who witnessed the use of force.
    - a. Investigator/Lead Facility IRT member may interview others as appropriate who may have relevant information about the incident or involved youth/staff.
  4. The Investigator/Lead Facility IRT member shall complete the Use of Force Investigation Summary (Attachment C) within seven business days of the use of force incident. At a minimum, the report shall include:
    - a. Completion of all form information
    - b. Trends identified during the investigation
    - c. Summary of steps or actions taken during the investigation
    - d. Summary of relevant facts surrounding the incident
  5. The Investigator/Lead Facility IRT member shall provide the IRT members with all relevant materials at least two business days prior to the IRT meeting.
  6. The Investigator/Lead Facility IRT member shall schedule and convene a Facility IRT meeting to review the findings of their investigation within seven business days of its completion.
  7. The Investigator/Lead Facility IRT member shall present a brief verbal overview to the Facility IRT, summarizing the incident and the steps taken during the investigation. The IRT members are encouraged to discuss the findings and may request additional information.
  8. At no time shall the Investigator/Lead Facility IRT member attempt to lead the IRT towards a specific outcome but shall present the facts as clearly and neutrally as possible and facilitate conversation among IRT members.
    - a. The IRT shall agree upon an outcome for each incident. Questions the team shall answer on the Use of Force Incident Review Team (Attachment D):
      - i. Are there any issues needing further investigation?
      - ii. Any there any recommendations and/or corrective action needed?
      - iii. Is there any direct action a supervisor is recommended to complete with staff?
      - iv. Was Use of Force warranted?
      - v. Was Use of Force deemed excessive?
      - vi. Was Use of Force consistent with policy?
      - vii. Was Use of Force consistent with training?
    - b. Any further information, prior to the issuance of a finding, requested by the Facility IRT, must be submitted to the Facility IRT by the Investigator/Lead Facility IRT member within three days of the request for additional information.



## Use of Force Review

---

1. At least one representative from each facility
  2. Deputy Administrator of Residential Services or designee
  3. Planning and Evaluation Unit Psychologist or designee
  4. Director of Nursing or another medical representative appointed by the Deputy Administrator of Residential Services
  5. Parole Unit Manager
- B. The Division Administrator or designee shall appoint a Lead SRT Member, not to be a facility staff member.
- C. The Lead SRT member shall be responsible for:
1. Granting access to the designated database for use of force documentation and the DCFS Shared Drive to all SRT members.
  2. Scheduling and facilitating SRT meetings.
  3. Communicating deadlines for uploading materials into the designated database for use of force documentation.
- D. The SRT shall meet monthly.
1. The Chief of the Youth Parole Bureau may convene an SRT meeting to review a Youth Parole Bureau use of force incident which included the use of an expandable baton and/or OC Spray.
- E. SRT members shall review all documentation for each completed use of force/incident in the designated database for use of force documentation prior to the scheduled monthly meeting.
- F. Any member of the SRT may request to place any use of force incident on the agenda for discussion at the SRT meeting.
- G. The Lead SRT member shall facilitate the discussion of use of force incidents.
1. When Youth Parole Bureau uses of force are being reviewed, a facility based SRT member shall lead the discussion about the incident.
- H. The SRT shall determine if the Facility Incident Review Team completed their review adequately.
- I. The SRT may make recommendations to facility staff on corrective action, remediation, or training, as well as make recommendations for policy or practice changes to improve outcomes.
- J. The Lead SRT member shall complete the State Review Team Meeting Summary (Attachment F) within seven business days of the SRT.
- K. The State Review Team Meeting Summary (Attachment F) shall be distributed to:
1. Members of the SRT
  2. Facility Superintendents
  3. The Chief of the Youth Parole Bureau
  4. The Chief of the Juvenile Justice Programs Office

## Use of Force Review

---

5. The Deputy Administrator of Residential Services
6. The Division Administrator

### **VI. Reporting**

- A. The facility Superintendents or designees shall complete a monthly Facility Use of Force Report, included in the Superintendent's Report, to include:
  1. Total uses of force, broken down by type (physical, mechanical, and chemical)
  2. Total uses of force investigations completed within seven business days of incident
  3. Total uses of force found warranted by the IRT
  4. Total uses of force found not excessive by the IRT
  5. Total uses of force found to be in compliance with policy by the IRT
  6. Total uses of force found to be in compliance with training by the IRT
  7. Consequences for any inappropriate use of force (e.g., remedial training, disciplinary action, procedural changes)
- B. The Facility Use of Force Report shall be distributed to the Division Administrator, the Deputy Administrator of Residential Services, and the Chief of the Juvenile Justice Programs Office.
- C. The Chief of the Youth Parole Bureau or designee shall complete a monthly Youth Parole Use of Force Report to include:
  1. Total uses of force, broken down by type (physical, mechanical, and chemical)
  2. Total uses of force found warranted by the SRT
  3. Total uses of force found not excessive by the SRT
  4. Total uses of force found to be in compliance with policy by the SRT
  5. Total uses of force found to be in compliance with training by the SRT
  6. Consequences for any inappropriate use of force (e.g., remedial training, disciplinary action, procedural changes)
- D. The Youth Parole Use of Force Report shall be distributed to the Division Administrator, the Deputy Administrator of Community Services, and the Chief of the Juvenile Justice Programs Office.
- E. The Juvenile Justice Programs Office shall complete quarterly reports on a state fiscal year to include the following data by facility and aggregated at the state level:
  1. Total uses of force broken down by type (physical, mechanical, and chemical)
  2. Total use of force investigations completed within seven business days
  3. Total uses of force found warranted
  4. Total uses of force found not excessive
  5. Total uses of force found to be in compliance with policy
  6. Total uses of force found to be in compliance with training
  7. Total uses of force by staff
  8. Total uses of force by youth
  9. Demographics of youth affected by use of force (e.g. age, gender, race/ethnicity)
  10. Number of staff trained in each type of restraint by facility
  11. Summary of inappropriate use of force incidents to include:
    - a. Staff involved
    - b. Youth involved
    - c. How the use of force was inappropriate (e.g., unwarranted, excessive, not per policy and/or training)
    - d. Consequences for staff

## Use of Force Review

---

- e. Procedural changes made in response to use of force incidents
- F. The Juvenile Justice Programs Office report shall be distributed to the Division Administrator, the Deputy Administrator of Residential Services, the Deputy Administrator of Quality and Oversight, and the facility Superintendents at the end of the month following the end of each quarter of the state fiscal year.

### **VII. Standard Operating Procedures**

- A. All facilities and the Youth Parole Bureau shall create Standard Operating Procedures consistent with this policy to include documentation and reporting requirements.