

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Use of Force and Restraint for Offender Control		
Policy Number: 209.04	Effective Date: 2/6/2018	Page Number: 1 of 25
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

I. Introduction and Summary:

Force may be used to accomplish legitimate and necessary functions of Facility/Center operations, and to prevent injury to persons or substantial damage to property. The use of force to compel an offender to take involuntary action, or to restrain and prevent him or her from an action, is authorized only to the extent necessary to maintain positive control of the offender. When the offender involved is Mental Health (MH/MR) as defined in Paragraph IV.D. below, SOP 508.01 Mental Health Organization and Administration becomes the controlling procedure for use of restraints and for seclusion cells. At no time does this transfer of control nullify the responsibility and authority of security staff to protect the safety and security of employees, offenders, and the Facility/Center as a whole.

A. **Authorization** - Authority for the use of force, security equipment and restraint equipment, or special cells such as hardened cells or stripped cells, shall rest with the Warden, Superintendent, Deputy Warden, Assistant Superintendent, Chief Correctional Supervisor, or Administrative Duty Officer.

1. Facility/Center staffs are authorized and shall use appropriate force when an escape is in progress, when it is evident that an escape may ensue or when it is evident that danger to persons or damage to property may ensue.
2. If time and circumstances permit, employees shall obtain authorization from the Warden, Superintendent, or designee before using force. In an emergency where it is not possible or practical to seek prior authorization, an employee shall use appropriate force, and then notify the Warden, Superintendent, or designee as soon as possible. The employee shall be required to justify use-of-force without prior authorization.

C. **Punishment Not Permitted** - Force, security equipment, and restraint equipment are intended to be used only as control measures when absolutely necessary. They are not intended, and shall never be used as a means of punishment.

D. **Notification** - The Warden, Superintendent or designee shall be immediately notified when any type of force is used. A written report, as outlined in Section IV.J., Reporting Use of Force, shall be submitted no later than the conclusion of that shift.

II. Authority:

- A. O.C.G.A. §17-4-20;

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- B. GDC Board Rules: 125-2-1-.09; 125-3-1-.06(a); 125-3-2-.07; 125-3-2-.12; and 125-4-4-.05(d).;
- C. GDC Standard Operating Procedures (SOP): 103.10, Evidence Handling and Crime Scene Processing; 203.02, Document Flow; 203.03, Incident Report; 224.01, Control, Storage and Issuance of Firearms/Ammunition, Chemical Agents and other Security Equipment; 209.05, Stripped Cells and Temporary Confiscation of Personal Property; 508.01, Mental Health Organization and Administration; 209.07, Segregation - Tier I; 209.08, Administrative Segregation; 209.09, Special Management Unit - Tier III; 508.27, Time Out, Seclusion, and Physical Restraint; 507.04.23, Medical Classification and Profiling; and 507.04.69, Women's Health Services; and
- D. ACA Standards: 2-CO-3A-01, 4-4173, 4-4090, 4-4091, 4-4092, 4-4189, 4-4190, 4-4190-1, 4-4191, 4-4199, 4-4199 (Ref. 3-4191), 4-4200, 4-4201, 4-4202, 4-4204 (MANDATORY), 4-4205, 4-4206 (MANDATORY), 4-4281 (MANDATORY), 4-4403, and 4-4405.

III. Definitions:

- A. **Anticipated Use of Force** - A planned use of force in which time and circumstances allow for the preparation of the use of force and there is not an immediate threat of injury to staff or other offenders or damage to state property.
- B. **Spontaneous Use of Force** - An unplanned use of force in which there is immediate action necessary to prevent injury to staff or other offenders or damage to state property.
- C. **Use of force** - Use of force shall be defined as physical force used to compel an offender to take action against his or her will, or to prevent an offender from taking action that would be damaging to themselves, other persons, or property. The use of force may include the use of hands, batons, chemical agents, water pressure, firearms, or other instruments. The use of physical force shall be restricted to instances of justifiable self-defense, protection of others, protection of property, prevention of escapes, to maintain or regain control of an offender and deadly force will only be utilized as the last resort. Refer to Section IV.G.2.a. and b. of this policy, which governs the Use of Deadly Force.

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D. **MH/MR Offenders** (from SOP 508.01) - Those offenders who have been evaluated by a Department of Corrections professional mental health staff member, licensed psychologist or psychiatrist who has determined that the offender is either mentally ill and/or mentally retarded and requires treatment or habilitation services, or offenders with identified psychological problems as determined by counseling staff and/or mental health professionals and/or MH/MR professionals at all state or county facilities/centers, private prisons, transitional centers, or community corrections facilities.

E. **Offender** - A person who has been placed under the supervision of Georgia Department of Corrections.

IV. Statement of Policy and Applicable Procedures:

Use of force applied in any circumstance and involving any equipment or only hands shall not be more than is reasonable and necessary. Any willful or intentional physical abuse of an offender shall result in adverse action up to and including immediate termination, and possible civil or criminal charges.

A. **Protective Gear:** All available protective gear must be worn during an Anticipated Use of Force. Wardens and Superintendents are required to ensure that this is complied with and documented in the Warden’s and Superintendent’s Comment Section on Attachment 3, Use of Force Cover/Checklist.

B. **Restraint Equipment:** Restraint equipment is designed to be applied to a person's body to limit the ability to move about or to restrict the movement and use of his or her extremities.

1. **Use of Restraints:** Restraints may be used routinely during the movement of potentially violent or unruly offenders or during movement outside the Facility/Center. The use of restraint equipment is also designed to prevent the committing of an offense by violent or unruly offenders. In the latter case, restraint equipment may be necessary to regain and maintain control of the offender involved. Medical conditions and physical limitations shall be considered when using restraints on ANY offender, male or female.

a. Restraints utilized on offenders with medical conditions or physical limitations shall be in accordance with the issued “**medical restriction – no restraint**” profile (see SOPs 507.04.23 and 507.04.69 for more information).

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- b. Waist chains, leg and ankle restraints, four-point restraints shall not be used on pregnant offenders nor shall they be restrained with hands behind the back. Restraints shall be applied so pregnant female offenders can protect themselves in case of fall.
- c. Restraints shall NOT to be utilized on pregnant offenders during the labor and delivery process. Restraints shall be used only if absolutely needed during post-partum or transports of pregnant females.

NOTE: Should security or medical reasons justify (Escape or harm to self, fetus, or others); the Warden or Superintendent shall be notified immediately and is authorized to deviate from the above requirements. Restraints are to be utilized only as long as the events justify. An incident report shall be completed justifying said action. A copy of the incident report is to be placed in the offender's medical file.

- d. **Use of Force and Restraint for Control of Offenders with Disabilities:**
 - i. Before restraining an offender who may have a medically documented disability, security staff shall consult with a medical practitioner (or designee) to determine any restrictions on applying restraints, unless there is imminent danger to self or others and the need for spontaneous use of force.
 - ii. Unless there is a medically documented restriction regarding the use of restraints, restraints shall be applied to offenders with disabilities with consideration given to any illness or disability that adversely affects an offender's stability, balance and/ or coordination, or communication as in the same manner as any other offender.
 - iii. Force multipliers (chemical agents, impact weapons, canines, etc.) may be used on offenders with disabilities if necessary to protect the staff, visitors, and other offenders or to control disruptive behavior.
 - iv. Any authorized restraints may be used on offenders with disabilities subject to the guidance below and recommendations of a medical practitioner or medical professional.

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v. Methods of Restraint for Types of Disabilities:

1) Back Injuries:

- (a) Offenders should be laid with their backs on a board when transporting (only with direct one-on-one supervision).
- (b) Metal or soft restraints may be used to secure limbs to board.
- (c) Soft restraints may be used under the back to secure the offender to the board.
- (d) Metal restraints should not be used between the offender's back and the board.

2) Arm Sling/Swath and Free Sling:

- (a) Prior to treatment, offenders with an injured arm should have the uninjured arm secured to a waist chain using metal handcuffs.
- (b) The injured arm should be secured as approved by medical personnel (on site or through the duty officer call roster)

3) Wheelchairs and Walkers:

- (a) Quadriplegic offenders may be secured using metal or soft restraints.
- (b) Paraplegic offenders shall be restrained using a waist chain and handcuffs. Leg irons may be used, if no medical restrictions preclude their use. Medical staff, security staff, and the facility ADA liaison shall be included on the decision for restraint use.
- (c) Offenders requiring walkers, canes, or crutches may be transferred to a wheelchair and appropriately restrained.

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4) Prostheses:

- (a) Leg prostheses are not normally removed, and shall only be removed by medical personnel.
- (b) Arm or hand prostheses may be removed under the direct supervision of medical staff.
- (c) Full restraints (metal or soft) can be used, if there is no medical restriction.

5) Dialysis:

- (a) Offenders who require dialysis may be fully restrained as approved by a medical practitioner.
- (b) Metal handcuffs may be loosely applied to wrists, cuffed in front only, and more than one (1) inch from the graft or swelling if present.
- (c) Leg irons can be worn provided there is no swelling or sores around the ankle.
- (d) Any offender being returned from the hospital after graft surgery should not be restrained with any device on the graft arm. The other arm may be cuffed to a waist chain.

6) Bedridden Offenders - A medical practitioner (or designee) shall indicate which transport vehicles and restraints are appropriate for bedridden offenders, and transport decisions shall be made in collaboration with the Warden and Transportation Unit of Facility Operations.

7) Deaf Offenders - A deaf offender will be handcuffed in waist chains to allow for hand use for sign language communication. If the offender is combative or other security measures are necessary, the Administrative Duty Officer shall be contacted for guidance.

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8) Standard Position for Four-Point or Five-Point Restraints:

(a) To prevent medical problems, offenders in four or five-point restraints should be placed on their back with arms secured at their side.

(b) Hands shall be positioned no higher than the waist.

2. **Types of Restraints:** Restraint equipment shall be categorized as follows:

a. **Soft Restraints** - These include leather straps or other similar devices constructed of soft material. The Safety Restraint Chair shall be considered a soft restraint.

i. **Authorization for Use of the Safety Restraint Chair:** The Warden or Superintendent shall authorize use of the Safety Restraint Chair. Any time in the Safety Restraint Chair exceeding the initial two (2) hour time period shall be approved by the Warden or Superintendent and a Qualified Health Care Official. The Warden/Superintendent can approve up to an eight (8) hour period in the chair. Any time over eight (8) hours shall be approved by the Regional Director.

ii. **The Safety Restraint Chair may be used in the following instances:**

1) When an offender has demonstrated violent or uncontrollable behavior;

2) To prevent offender self-injury, injury to others, or property damage when other techniques have been ineffective in regaining control of the offender;

3) Upon recommendation by a psychiatrist, physician, or qualified health care professional if self-harm (banging of the head, etc.) has been determined as behavioral; or

4) As a means of moving a combative offender safely from one section of the facility to another.

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- iii. **Staff Training:** Only Correctional Staff trained in the use of the Safety Restraint Chair shall place an offender in the Safety Restraint Chair. Mental Health and Medical Staff shall also be trained on the use of the Safety Restraint Chair.
- iv. **Duration of Stay in the Safety Restraint Chair:** The offender shall be placed in the Safety Restraint Chair long enough to regain control of his/her behavior.
- v. **Reporting:** An Incident Report shall be completed along with Attachment 6, Safety Restraint Chair Authorization Form. If the behavior is considered to be MH, then MH staff shall direct the management of the offender. MH staff shall evaluate and if deemed behavioral, this shall be notated prior to use of the Safety Restraint Chair. Use of the Safety Restraint Chair shall be documented in an Official Log Book that shall be kept in a secure place and maintained when the Safety Restraint Chair is in use. The following shall be recorded:

 - 1) Who authorized the placement;
 - 2) What time the offender was placed in the Safety Restraint Chair;
 - 3) Who placed the offender in the Safety Restraint Chair;
 - 4) What time the offender was taken out of Safety Restraint chair and who authorized removal;
 - 5) Who removed the offender from the Safety Restraint Chair; and
 - 6) The condition and behavior of the offender when removed.
- v. **Placement in the Safety Restraint Chair:**

 - 1) A minimum of two (2) Correctional Officers and a Supervisor shall be present to assist in the placement of an offender in the Safety Restraint Chair.

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- 2) The placement of an offender in the Safety Restraint Chair and the entire duration of the offender's time in the Safety Restraint Chair shall be videotaped. (Follow the procedures outlined in this policy. (VI.K.)
- 3) The Safety Restraint Chair shall be used in an upright position. Never lay it on its back while occupied.
- 4) Any offender placed in the Safety Restraint Chair shall be decontaminated if they have been subjected to the use of Oleoresin Capsicum (O.C.) Spray prior to placement in the chair.
- 5) The offender shall be restrained with hard restraints. (Leg-irons and Handcuffs)
- 6) The offender shall be strip searched if possible prior to placement. If not strip searched, then a thorough pat search shall be completed.
- 7) An offender shall not be placed in a Safety Restraint Chair naked nor shall his/her clothing be removed unless, in the judgment of the Warden or Superintendent, Facility/Center Physician, or the Mental Health Director, the offender is classified as violent, or likely to become so, or might commit mutilation or bodily harm to one's self or others. A paper gown may be appropriate in some cases.
- 8) The offender shall be positioned in front of the Safety Restraint Chair with their back toward the seat, with an officer on each side maintaining positive control of the offender. Staff shall assist the offender while being placed into the chair.
- 9) Staff shall not, at any time, wrap any of the belts or straps around the head or neck.
- 10) Be aware at all times of your position in relation to the offender's head, to reduce the chance of being bitten or spat on. If the offender is displaying this kind of behavior, the Spit Hood shall be used.

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- 11) The offender shall be under direct and constant observation while in the Safety Restraint Chair.
- 12) 15 minute checks shall be completed and documented on the Segregation/Isolation Checklist.
- 13) The offender shall be given the opportunity to use the bathroom at least once every two (2) hours and this shall be documented in the Official Log Book. If the offender's behavior does not warrant allowing him/her out of the Safety Restraint Chair, once the offender calms down, a bathroom break shall be offered. A bathroom break shall be offered every two hours after the initial 2-hour time span.
- 14) The offender shall be given the opportunity to eat. Meals shall be governed by S.O.P. 508.27 Time Out, Seclusion and Physical Restraint. The status of meals shall be documented on Segregation/Isolation Checklist.
- 15) An offender shall be offered water whenever appropriate and at least every two (2) hours to maintain hydration. This shall be documented in the Official Log Book.

vi. The Chief of Security or Shift O.I.C. shall:

- 1) Review the use of the Safety Restraint Chair once every hour to include talking with the offender, checking the restraints for comfort and security, developing an appropriate plan for release, and checking the Safety Restraint Chair Monitoring Log Form for appropriate entries.
- 2) Ensure that the appropriate staff person completes Attachment 6, Safety Restraint Chair Authorization Form and the Segregation/Isolation Checklist, until the offender is released.
- 3) Ensure that no offender is kept in the Safety Restraint Chair for more than two (2) hours without the Warden's/ Superintendent's or designee's authorization.

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vii. A qualified health care professional shall:

- 1) Reassess the offender's mental and medical health care status every two (2) hours.

viii. Conditions for the Use of the Safety Restraint Chair:

- 1) The Use of the Safety Restraint Chair shall not be for punishment.
- 2) The Safety Restraint Chair shall be used according to the manufacturer's instructions and shall not be altered, modified, or customized in any way from the original manufactured state and intended use.
- 3) The Safety Restraint Chair shall not be altered from the original design.

ix. After placement in the Safety Restraint Chair:

- 1) The offender can be transported to an area for observation, preferably, in a single cell in the unit where he/she cannot be observed by other offenders. Welfare checks or observation shall be documented every 15-minutes.
- 2) Correctional staff and qualified health care professionals shall follow all monitoring requirements outlined above and all related directives and Standard Operating Procedures. Use of the Safety Restraint Chair in a way that would jeopardize the health of an offender, shall be reported immediately by Staff to their immediate Supervisor, the Chief of Security, Deputy Warden, or the Warden/ Superintendent.

x. Removal from the Safety Restraint Chair:

- 1) Correctional staff shall remove the offender from the Safety Restraint Chair when the Warden, Superintendent, or their Designee determines that there is no longer a threat to self and others, and the offender can be managed by other means. This decision shall be made in conjunction with a qualified health care professional. Staff shall

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complete the Attachment 6, Safety Restraint Chair Authorization Form.

- 2) A minimum of two (2) Correctional Officers and a Supervisor shall be present when an offender is removed from the Safety Restraint Chair.
 - 3) A qualified health care professional shall examine the offender immediately after removal from the Safety Restraint Chair.
 - 4) Staff shall clean and disinfect the Safety Restraint Chair prior to storage.
- b. **Hard Restraints** - These include handcuffs, leg chains, waist chains, waist belts, and "flex cuffs."
3. **Conditions of Restraint:** No more force than is necessary shall be used to place a violent offender or one becoming violent into restraints.
- a. At no time shall an offender be attached by restraints to fixed objects such as cell doors or grill work. (The Tier Program Chair is not considered a fixed object for the purposes of this S.O.P.) An offender may be restrained on a bed with appropriate restraints, including four-point restraints which may be soft restraints or hard restraints, until he or she can be brought under control. The only other exception is that offenders in the Tier Program are to be placed in the GDC Authorized Tier Program Restraint Chairs for programmatic use only and with the approval of the Warden or Superintendent. Offenders are not to be placed in these for punishment.
 - b. Even if the offender is loud or boisterous, he or she shall never have his or her mouth taped in an effort to repress noise.
 - c. Restraining an offender on his or her back or side shall be determined by MH/MR issues or physical health.
 - d. At no time shall an offender be restrained where the hands or hand restraints are tied or otherwise attached behind the back to the feet or foot restraints.

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C. **Physical Handling:** Hands-on force is the first level of force available to a correctional officer. Physical handling is justified to subdue unruly offenders, to separate participants in a fight, in self-defense and in defending staff, offenders or other persons, and protect state property. It may also be employed to move offenders who fail to comply with lawful orders.

D. **Less Lethal Devices: Shock Shields, Tasers, Pepper Ball Projectors, Chemical Agents, and R-E-A-C-T BAND-IT System-** are less lethal devices that can greatly reduce potential injuries to staff and offenders in cell extractions or in quelling disturbances within a facility.

1. The minimum level of authorization for use of Shock Shields, Tasers, Pepper Ball Projectors, Chemical Agents, and R-E-A-C-T BAND-IT System is the Warden or Superintendent or their designee, except in circumstances that can be justified as spontaneous where immediate action is necessary. When these devices are used spontaneously, the incident report shall reflect the necessity for use without prior authorization.
2. Only those staff members that have attended the appropriate Departmental training and are certified by the Georgia Department of Corrections may use Shock Shields, Tasers, Pepper Ball Projectors, Chemical Agents, or R-E-A-C-T BAND-IT System as authorized. After the initial training/certification with the CEW (Taser), staff shall maintain certification by completing annual recertification. At the Warden's or Superintendent's discretion, the following uniformed staff are authorized to be issued a CEW (Taser): Correctional Officers serving in the Tier Program and Isolation/Segregation; Utility Officers supervising mass movement areas to include chow, recreation, programs, etc.; Tier Multifunctional Officers; Select Floor Officers; I.D. Officers; Transfer Officers; CERT Members; TACT Squad Members; Sergeants; Lieutenants; Captain; and Majors.
 - a. **Tasers** - The Tasers in use by the Georgia Department of Corrections have an integrated camera with audio. When an officer draws a Taser, the officer shall give the command of "Camera, Camera, Camera." This shall inform all present that the Taser is displayed and the camera is recording.
 - i. The Taser is equipped with Laser Sights.

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- ii. Laser sights shall only be utilized for target acquisition in situations where weapons are equipped with lasers, such as the Taser.
 - iii. Any other use of this laser sight device, including but not limited to, pointing at any person (i.e. offender, staff), animals, structures, buildings, vehicles, or objects for the purposes of intimidation, harassment, “horseplay”, or any other unauthorized use, shall result in adverse action up to and including immediate termination of employment, and may additionally subject the identified correctional staff member to prosecution in civil or criminal court as the situation dictates.
 - iv. Prior to the deployment of the cartridges from the Taser, if force is needed, the officer shall give the command of “Taser, Taser, Taser!”
 - v. Reporting process for Use of Taser to Facility Operations: The individual facility shall be responsible for tracking the use of the Taser. The report shall be submitted no later than every Sunday by 6:00 p.m. Information that shall be tracked includes the number of times the device was displayed, deployed, “drive” stuns, and accidental discharge. This information shall be reported on Attachment 4, Conducted Electrical Weapon Weekly Usage Report. An incident report shall also be completed.
- b. **Chemical Agents** - Chemical agents shall be used only in the control or disbursing of offenders in emergency situations.
- i. Chemical agents (e.g.: pepper spray, C.S. gas, etc.) are NOT to be utilized on pregnant offenders.
 - ii. When time permits, the ventilation systems in areas where chemical agents are to be deployed shall be turned off to maximize the effectiveness of the chemical and to ensure that other areas are not contaminated.
 - iii. Decontamination: Anyone exposed to Direct, Indirect, or Area Contamination shall be decontaminated. Decontamination shall include:
 - 1) Remove offender(s) from the contaminated area;

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- 2) Establish verbal rapport;
- 3) Expose the offender(s) to fresh air (non-contaminated area);
- 4) Have the offender stay still and encourage him/her to breathe normally and relax;
- 5) The resin shall be removed from the skin by placing the offender under running cold water as soon as possible. If circumstances prevent placing the offender in the shower, give the offender a wet paper towel to press on the face followed by a dry one to help remove resin from skin until they can be placed in the shower; flush eyes liberally with cool water, while encouraging the offender to open eyes in order to flush out the OC; or use a non-oil-based soap, shampoo or detergent to help remove the OC.

NOTE: Once sprayed with OC, an offender should never be restrained in four (4) or five (5) point restraint until medically cleared. Individuals exposed to chemical agents shall be examined by the medical staff as soon as practical and monitored until no further effects or symptoms remain.

- E. **Batons and Riot Sticks:** When the degree of force that can be applied by physical, bodily intervention alone is inadequate, additional force may be exerted. The baton or riot stick may be used to separate fighting offenders or to quell violence.
- F. **Water Hoses:** The decision to employ high pressure water shall be made by the Warden or Superintendent in consultation with the respective Regional Director. **If time permits, the Regional Director shall contact the Director of Field Operations who shall apprise the Assistant Commissioner, Facilities Division of the situation which may necessitate the use of high pressure water. If time does not permit prior to the incident necessitating the use of high pressure water, then information regarding deployment of this device shall be relayed to the Assistant Commissioner, Facilities Division during or IMMEDIATELY THEREAFTER the incident.**
- G. **Firearms:** Only those staff that have attended the appropriate Departmental training and are certified by the Georgia Department of Corrections may use firearms. Only those firearms issued by the Department shall be used for Departmental business.

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Firearms are considered to be potentially lethal weapons, and for use only in the most extreme cases. However, they are very effective tools that are authorized for use in facilities/centers under the following conditions:

1. **Non-deadly Force:** Non-deadly firearms ammunition shall be an additional option for controlling violent situations. This ammunition is constructed of material (such as rubber) which can be used against the offender without exposing him/her to a high risk of death or serious injury. This ammunition shall not be used at close range direct fire.

2. **Deadly Force:** Firearms with standard ammunition constitute force that is potentially deadly. They may be used only in situations where there is a danger of death, escape, or serious bodily harm. As in all other cases, deadly force may not be used if less extreme measures shall suffice.
 - a. **Authorization** - Deadly force may be used only under the following circumstances:
 - i. **When an offender or other person:**
 - 1) Is carrying a weapon with intent to kill or seriously injure;
 - 2) Is attempting to get a weapon to kill or seriously injure;
 - 3) Gives the officer reason to believe the intent is to kill or seriously injure; or
 - 4) Whom the officer has seen kill or seriously injure any person and refuses to halt when ordered.
 - ii. **Authorized Use of Force to Prevent an Escape:** Correctional officers are authorized to use force to prevent an escape from a secure facility, up to and including deadly force. Deadly force should only be used in circumstances where the escape cannot be prevented using a lesser degree of force.

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iii. **Warning Shot is NOT Authorized:** Correctional officers are NOT authorized to fire a warning shot in an effort to prevent an escape or for any other reason.

b. **Authorization for Canine Officers:** Canine Officers assisting local/state law enforcement agencies while engaged in the apprehension of persons suspected of committing a crime shall comply with the above procedures, except they may pursue persons beyond the guard line, and are also authorized to use deadly force in an attempt to arrest a person who has committed a felony dangerous to human life.

i. Canine Officers shall not shoot at a fleeing misdemeanor nor fire a warning shot.

ii. Canine Officers are authorized to use deadly force, if necessary, to prevent the escape of a fleeing felon if the person fleeing is positively identified as a dangerous felon (the felon must be dangerous to human life while fleeing). The act of firing at the dangerous felon should not be resorted to if other means of capture and arrest are available to the Canine Officer.

iii. Canine Officers shall not shoot at a fleeing person who has committed some act which may or may not be a felony; for example, accusation of hit-and-run or automobile theft.

iv. Canine Officers who observe a person in the process of committing or about to commit a felony dangerous to human life are authorized to use deadly force to prevent the felony. This rule only applies when all other means to prevent the felony, short of the use of deadly force, have failed.

H. Unauthorized Persons Inside the Guard Line:

1. **Committing a Crime:** Correctional officers may use the minimum amount of force necessary to detain any person inside the guard line observed committing or attempting to commit a criminal offense. No officer shall pursue a person beyond the guard line unless directed to do so by the Shift Officer in Charge (Shift OIC). The officer shall report a description of the person and situation, including the person's departure direction and method, to the Shift OIC who shall coordinate any necessary response with local law enforcement.

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2. **Investigatory Stops:** Officers are authorized to conduct an investigatory stop on all unauthorized or unidentified persons inside the guard line. If the person flees, the officer shall not pursue the person outside the guard line, but shall report a description of the person and situation, including the person's departure direction and method, to the Shift OIC who shall coordinate any necessary response with the duty officer and local law enforcement.

NOTE: If an officer observes a crime being committed outside the guard line adjacent to a facility, the officer should report the crime and description of the situation to the Shift OIC who shall coordinate any necessary response with local law enforcement.

- I. **Medical Examination and Attention:** After any use of force the offender shall be examined by the medical staff as soon as possible. Individuals exposed to chemical agents shall be examined by the medical staff as soon as practical and monitored until no further effects or symptoms remain. (See VI.D.2.b.iii. for Decontamination Process) **An offender may refuse treatment for an injury but cannot refuse an examination.** If an offender is uncooperative during an examination, a physical assessment shall be made to the extent permitted under the circumstances and the findings (including the offender's statements) thoroughly documented. Documentation shall be provided on the Use of Force Medical Exam Form.
- J. **Reporting Use of Force:** The routine use of hard restraints in the movement and transportation of offenders does not need to be reported.
 1. **When any use of force is employed, the following reporting process must occur:** A written report must be submitted no later than the conclusion of the shift in which the use of force incident occurred. The Senior Official in charge of the incident shall be responsible for reporting the facts necessitating the use of force on an offender and forwarding of the report through the chain of command, Chief of Security, Deputy Warden, and Warden or Superintendent.
 - a. Attachment 3, Use of Force Cover/Checklist shall be used to document the processing of the Use of Force Incident Report, including any pending documentation, by the Senior Official in charge of the incident. This form shall document the administrative review of the report and videotape by the Chief of Security, Deputy Warden, and Warden or Superintendent.

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- b. A Use of Force Incident Report is the standard document that shall be utilized when reporting a use of force incident.
- c. A Supplementary Report shall be used when force is employed on an offender. Each staff member involved in the actual use of force shall complete Attachment 1, Use of Force Supplementary Report. Any use of less lethal weapons (chemical agents, Taser, pepper ball gun, shock shield, etc.) shall be documented on this form, as well as the certification date of the employee deploying the less lethal weapon.
- d. Witnesses: Any staff and offender that witnesses a use of force shall submit a written statement. In addition, the offender that use of force was employed on shall complete a written statement. This statement shall normally be requested by a counselor but never by a staff member involved in the use of force.
- e. Medical Reports: A written report completed by the Medical Staff serving as documentation of the Use of Force Medical Examination.
- f. Mental Health Reports: A written report completed by the Mental Health Staff when applicable.
- g. Disciplinary Report: A copy of the disciplinary report that has been completed and served on the offender justifying the use of force incident.
- h. All Use of Force Incident Reports, shall be reviewed by the Office of Professional Standards.
- i. All Use of Force Incident Reports containing bodily injury to either an offender or staff shall be forwarded to Office of Professional Standards, for their review and any action deemed necessary. All relevant documentation, videos, and photographs shall also be sent with this report. The report shall be forwarded within (5) five working days after the incident.
- j. Any use of force that does not fall into one of the above referenced categories shall be reviewed by the Warden or Superintendent, who shall make a determination as to whether the incident should be forwarded to the Office of Professional Standards. Should the Warden or Superintendent determine that

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the report shall be forwarded to the Office of Professional Standards, a cover letter shall be included in the package outlining their concerns and any adverse actions taken.

- k. Non-compliance with requirements specified in Section VI.J.1.a. through j. may result in adverse action.

K. Video Recording: The department utilizes camcorders and body worn cameras (BWC's) to record contact with offenders pursuant to this policy. Officers shall activate a camcorder and the body worn camera (BWC) when such use is appropriate to the performance of his or her official duties, including during a use of force. BWC's shall also be activated during shakedowns, search of an offender or location, movement of an offender into segregation or isolation, or as otherwise directed by the Warden, Superintendent or designee. This policy does not govern the use of surreptitious recording devices used in undercover operations. Video recordings may be subject to the Open Records Act.

1. Policy Objectives:

- a. Video documentation of contacts with offenders, contacts with the public and critical incidents may enhance the accuracy of officer reports and testimony in court.
- b. Audio and video recordings also may enhance the department's ability to capture statements from offenders and witnesses, verify officers' compliance with legal and procedural directives, identify security threats or weaknesses, and provide additional information for officer evaluation and training.
- c. Video documentation may also be useful in documenting crime and accident scenes or other events, including confiscation and documentation of evidence or contraband.

2. General Use and Maintenance of the Camcorder or BWC:

- a. Camcorders and BWC equipment are issued primarily to CERT Team Officers. Officers who are assigned camcorder or BWC equipment must use the equipment pursuant to this policy unless otherwise directed by supervisory personnel.

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- b. Officers shall use only camcorders and BWC's issued by this department. The Camcorders, BWCs, and all data, images, video, and metadata captured, recorded or otherwise produced by the equipment is the sole property of the department.
 - c. Officers assigned camcorders or BWC's must complete a department-approved and/or provided training program to ensure proper use and operation.
 - d. The Chief of Security shall ensure a system is in place to maintain the camcorder and BWC equipment, including charged batteries, extra disks, and that the equipment is functioning properly.
 - e. Officers shall inspect and test camcorder and BWC equipment prior to each shift to verify proper functioning and shall report equipment malfunctions to the Chief of Security or designee as soon as possible.
 - f. Officers shall use reasonable care to prevent damage to the camcorder or BWC.
 - g. Officers shall not edit, alter, or erase camcorder or BWC recordings. However, the Office of Legal Services may approve editing of video copies for training or other authorized purposes.
 - h. Videos may not be duplicated, copied, shared, or otherwise distributed in any manner without authorization and approval by the General Counsel, or a designee.
 - i. Officers are encouraged to inform their supervisor of any recordings that may be valuable for training.
 - j. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use-of-force, the department reserves the right to limit or restrict an officer from viewing the video file.
3. **When and How to Use the Camcorder or BWC:** A video recording with a camcorder shall be a routine supplemental report for ANY use of force, consistent with the following provisions. Use of the camcorder is **not** optional. If an officer has a BWC, this video shall also be provided. Officers shall note in

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Use of Force Incidents and related Reports when recordings were made during an incident.

- a. **Anticipated Use of Force:** All Anticipated Use of Force shall be video recorded with two (2) camcorders. **If an officer fails to activate the camcorder or BWC, fails to record the entire event, or interrupts the recording, the officer shall explain and justify the circumstances on the Use of Force Incident Report.**
 - i. Officers shall record the anticipated use of force on two Camcorders. The use of two camcorders provides additional documentation of the incident and ensures coverage is continuous in case of malfunctions. The exception to this rule is small centers, such as ITFs, RSATs, TC's, and PDC's. When staffing is limited and does not permit the use of two camcorders, Centers shall use at least one camcorder.
 - ii. Officers assigned a BWC shall also activate the device to record the anticipated use of force.
 - iii. Begin recording **BEFORE ANY** contact occurs. This **INCLUDES** hands-on contact. This practice shall document the offender's behavior and the degree of force used to restrain the offender.
 - iv. Before entering the area where filming of the offender will occur, the staff member recording the incident must record a narration by the Senior Officer present. The Senior Officer shall be the sole narrator throughout the filming of an incident. The narration shall include:
 - 1) Name of the officer/staff narrating this incident (Senior Officer present);
 - 2) Date;
 - 3) Time;
 - 4) Place (building, cell, etc.);
 - 5) Name and number of all offenders involved;

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- 6) Circumstances;
 - 7) Name of the officer or staff member recording this incident;
 - 8) Name of all involved officer(s)/staff; and
 - 9) Plan of action.
- v. Once filming begins, do not release the action trigger or turn off the Camcorder or BWC until **AFTER** staff leaves the scene. The officer should film the exit, showing a closed cell door or other evidence that the action is over. Do not edit by stopping the camera or pointing away from the offender. Try to obtain a continuous stream of action. Let the camera tell the story. If the camera gets jostled, continue filming and quickly point it back on the offender.
- b. **Unanticipated Use of Force:** An incident may require immediate action to prevent injury to staff or other offenders or damage to state property. A BWC shall be activated whenever possible during an unanticipated Use of Force. As soon as possible, a handheld Camcorder shall be used to record the incident, to include the filming of a closed cell door or other evidence that the action is over.
- i. Officers shall adhere, as closely as possible, to the same procedures as recording an anticipated use of force.
 - ii. The Senior Officer present shall summarize the incident on the video, including the circumstances leading up to the unanticipated use of force and what was done to gain control of the offender. The summary shall include the following narrative:
 - 1) The name of the officer giving the narration (Senior Officer present);
 - 2) Date;
 - 3) Time;
 - 4) Place (building, cell, etc.);

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- 5) Name and number of all offenders involved;
 - 6) Circumstances leading up to the Use of Force;
 - 7) Name of the officer or staff member filming this incident; and
 - 8) Name of all involved officer(s) or staff member;
4. **Restrictions of Use:** Camcorders and BWC's shall only be used in performance of an officer's official duties. Unless an Officer is recording for a purpose authorized by this policy, the following situations generally should not be recorded:
- a. Communications with other department personnel;
 - b. Encounters with confidential informants;
 - c. When on break or otherwise engaged in personal activities;
 - d. Situations that would unreasonably invade an offender's privacy; or
 - e. Encounters with visitors.

NOTE: During offender medical examinations, the camcorder shall be turned on to capture audio but pointed away from the offender.

5. **Storage:**
- a. Camcorder and BWC recordings shall be securely downloaded periodically or no later than the end of each shift.
 - b. Each video recording shall be identified and labeled on a disk with information relating to the date, camcorder or BWC identifier, assigned officer, and if applicable, corresponding Use of Force or Incident Report number. The video recordings shall be retained in a secure location at the facility where the incident occurred for a period of three (3) years. A single disk may not contain multiple uses of force incidents or videos from different cameras.

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- c. Chain of Custody requirements shall govern possession of the disk. (See SOP 103.10, Evidence Handling and Crime Scene Processing.)

6. Review of Video Recordings:

- a. The Chief of Security, Deputy Warden and Warden or Superintendent shall review each Use of Force Video and its corresponding Use of Force Report/Incident Report using Attachment 3, the Use of Force Cover/Checklist. If any procedure was not following during filming, the Warden or Superintendent shall cite the reasons for the policy violation and whether corrective action was or will be taken. The Warden or Superintendent shall also comment whether the Use of Force was conducted in the safest means possible and with the appropriate protective gear.
- b. At least on a monthly basis, the Chief of Security, Deputy Warden, Warden, or Superintendent shall randomly review video recordings to ensure the equipment is operating properly, that officers are using the devices appropriately and in accordance with policy, and to identify any additional training or guidance required.

V. Attachments:

- Attachment 1: Use of Force Supplementary Report;
- Attachment 2: Use of Force Incident Report;
- Attachment 3: Use of Force Cover/Checklist;
- Attachment 4: Conducted Electrical Weapon Weekly Usage Report Example;
- Attachment 5: Official Witness Statement Form; and
- Attachment 6: Restraint Chair Authorization Form.

VI. Record Retention of Forms Relevant to this Policy:

Upon completion, Attachments 1, 2, 3, 5, and 6 shall be placed in the offender's case history file and retained according to the retention schedule for that file. Upon completion, Attachment 4 shall be submitted to Field Operations and a copy shall be maintained locally at the facility.