



POLICY STATEMENT
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject: Use of Force		Policy Number: DC-ADM 201
Date of Issue: January 6, 2010	Authority: Signature on File Jeffrey A. Beard, Ph.D.	Effective Date: January 20, 2010

I. AUTHORITY

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

II. APPLICABILITY

This policy is applicable to all facilities operated under the jurisdiction of, or conducting business with the Department of Corrections.

III. POLICY

It is the policy of the Department that:¹

A. Use of force against an inmate is authorized when the acting staff member reasonably believes such force is necessary to accomplish any of the following objectives:²

1. protection of self or others;
2. protection of property from damage or destruction;
3. prevention of an escape;

¹ 2-CO-3A-01

² 4-4206

4. recapture of an escapee;
 5. prevention of an act of crime;
 6. effect compliance with the rules and regulations when other methods of control are ineffective or insufficient; and/or
 7. protection of the inmate from self-inflicted harm.
- B. When force is used, the least amount of force the staff member reasonably believes is necessary to achieve the authorized purpose is to be used and the use of force will stop once control is achieved.³
- C. Use of force shall be applied in accordance with the force continuum, as defined in ***the Glossary of Terms for this procedures manual***, unless the acting staff member reasonably believes the situation requires immediate escalation to a greater degree of force to accomplish any of the objectives identified in this policy and procedures manual.
- D. Force is not authorized as a means of punishment or revenge.⁴
- E. Deadly force
1. Deadly force against an inmate is authorized only when the acting staff member reasonably believes such force is necessary, and that a lesser degree of force would be ineffective or insufficient to accomplish any one of the following objectives:⁵
 - a. to prevent death or serious bodily harm to self or others;
 - b. to protect property from damage or destruction only if such damage or destruction could reasonably cause serious bodily harm to self or others;
 - c. to prevent an escape from a correctional facility or while in immediate pursuit of an inmate escaping from a correctional facility;
 - d. to prevent an escape from a work detail, transport or other approved temporary absence when:
 - (1) force is necessary to prevent an escape; and
 - (2) the inmate has been convicted of a forcible felony.
 - e. for the recapture of an escapee. When assisting Pennsylvania State Police (PSP) or local law enforcement to recapture a prisoner or pretrial detainee who

³ 4-4281

⁴ 4-4206

⁵ 4-4204

has escaped from custody of the police or local jail, Corrections Officers may only use deadly force to protect their own life or the life of others from an immediate threat of death or serious bodily harm.

2. The use of deadly force is not warranted:
 - a. if the use of such force will unreasonably place third parties in danger of serious bodily harm or death, unless the failure to use deadly force will result in greater harm or loss of life; and/or
 - b. to prevent an escape from a Community Corrections Center (CCC) or Community Contract Facility (CCF).

F. Planned uses of force shall be videotaped.

G. Every incident of use of force shall be reported, documented, and reviewed.

H. Every employee shall receive training regarding the contents of this policy.

IV. PROCEDURES

All applicable procedures are contained in the procedures manual that accompanies this policy document.

V. SUSPENSION DURING AN EMERGENCY

In an emergency or extended disruption of normal facility operation, the Secretary/designee may suspend any provision or section of this policy for a specific period.

VI. RIGHTS UNDER THIS POLICY

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department of Corrections.

VII. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY

A. Release of Information

1. Policy

This policy document is public information and may be released upon request.

2. Confidential Procedures (if applicable)

Confidential procedures for this document, if any, are not public information and may not be released in its entirety or in part, without the approval of the Secretary of

Corrections/designee. Confidential procedures may be released to any Department of Corrections employee on an as needed basis.

B. Distribution of Policy

1. General Distribution

The Department of Corrections' policy and procedures shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, and Community Corrections Regional Directors on a routine basis. Distribution of confidential procedures to other individuals and/or agencies is subject to the approval of the Secretary of Corrections/designee.

2. Distribution to Staff

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy of the policy and procedures either in hard copy or via email, whichever is most appropriate.

VIII. SUPERSEDED POLICY AND CROSS REFERENCE

A. Superseded Policy

1. Department Policy

- a. DC-ADM 201, Use of Force, Issued May 20, 2004, by Secretary Jeffrey A. Beard, Ph.D.
- b. DC-ADM 201-1, Use of Force, Issued July 3, 2006, by Secretary Jeffrey A. Beard, Ph.D.

2. Facility Policy and Procedures

This document supersedes all facility policy and procedures on this subject.

B. Cross Reference(s)

1. Administrative Manuals

6.3.1, Facility Security

2. ACA Standards

- a. Administration of Correctional Agencies: 2-CO-3A-01
- b. Adult Correctional Institutions: 4-4173, 4-4190, 4-4191, 4-4199, 4-4200, 4-4201, 4-4203, 4-4204, 4-4206, 4-4281, 4-4405

- c. Adult Community Residential Services: 4-ACRS-2B-03
- d. Correctional Training Academies: None



PROCEDURES MANUAL
Commonwealth of Pennsylvania • Department of Corrections

Policy Subject:

Use of Force

Policy Number:

DC-ADM 201

Date of Issue:

January 6, 2010

Authority:

**Signature on File
Jeffrey A. Beard, Ph.D.**

Effective Date:

January 20, 2010

Release of Information:

Policy Document: This policy document is public information and may be released upon request.

Procedures Manual: The procedures manual for this policy may be released in its entirety or in part, with the prior approval of the Secretary/designee. Unless prior approval of the Secretary/designee has been obtained, this manual or parts thereof may be released to any Department employee on an as needed basis only.

DC-ADM, Use of Force Procedures Manual
Table of Contents

Section 1 – General

A. General	1-1
B. Instruments of Restraint	1-1

Section 2 – Review/Investigation

A. Review	2-1
B. Investigations	2-1

Section 1 – General

A. General

1. The highest-ranking official present is authorized to approve the issuance of authorized Department security equipment and instruments of restraint.
2. All Security Post Orders shall provide specific and general direction for the use of force and identify security equipment and weapons authorized and specific instructions for their use.

B. Instruments of Restraint

1. With the exception of **Subsection B.2. below**, instruments of restraint may only be used as a precaution against escape or as a precaution against an inmate injuring him/herself or others. The application of restraints shall not be used as a punitive sanction, for the sole purpose of inflicting pain, or for the purpose of exposing inmates to public ridicule.
2. Instruments of restraint for medical purposes may be used only at the discretion of a physician or by order of the Facility Manager/designee, if a physician is unavailable. If other methods of control are insufficient to prevent an inmate from injuring him/herself or other persons or damaging property, the Facility Manager/designee shall immediately consult a physician and promptly report the use of such restraints to the Office of the Secretary. When instruments of restraint are applied, medical staff shall follow the procedures outlined in Department policy **6.3.1, “Facility Security,” Section 33, Restraints**, regarding medical examinations and/or observation of the inmate.

Section 2 – Review/Investigation

A. Review

Every use of force incident shall be reviewed by the Facility Manager for:¹

1. policy violations;
2. appropriateness of staff/inmate interaction;
3. appropriateness of staff actions;
4. training needs as they relate to the decision making of the staff involved;
5. appropriateness of the level of force used;
6. any potentially problematic issues; and
7. recommendation(s) of follow-up action(s).

B. Investigations

1. The Facility Manager may request the Office of the Secretary to order an investigation of the use of force incident.
2. The Office of the Secretary shall review the incident for compliance with policy and procedure.
3. The Office of the Secretary shall provide direction and/or order an investigation, as needed, based upon the review.

¹ 4-ACRS-2B-03

Chemical Munitions – A complete chemical agent package consisting of the chemical and a delivery system.

Deadly Force – The amount of force that would be reasonably expected to result in death or serious bodily injury.

Department – The Pennsylvania Department of Corrections.

Electric Body Immobilizer Device (EBID) – Any non-lethal defensive electrical device approved by the Department to temporarily immobilize an individual. These include products such as the *Ultron II, ICE Shield, Stinger S200 AT/ATC and other devices that use this technology.*

Facility Manager – The Superintendent of a State Correctional Facility, Commander of a Motivational Boot Camp, Director of a Community Corrections Center or Director of the Training Academy.

Force – Any action within the force continuum by a staff member intended to compel an inmate to act or to cease acting.

Force Continuum – A sequential order of force beginning with the least amount of force and progressing through the degrees of non-deadly and deadly force. The following components sequentially make up a force continuum:

1. show of force;
2. control techniques, oleoresin capsicum, Electronic Body Immobilizing Device (EBID), and/or Pepperball System*;
3. chemical munitions other than oleoresin capsicum;
4. active counter measures (strikes against the inmate) and/or Specialty Impact Munitions (SIM)*; and
5. firearms.

*These options are equivalent methods of control, subject to availability under the circumstances.

**These options are equivalent methods of control, subject to availability under the circumstances.

Forcible Felony – An offense involving the threat of physical force or violence against any individual.

Immediate Pursuit – That time in which the inmate is still on the grounds of the facility and until such time as the Facility Commander has determined that the inmate has escaped.

Instruments of Restraint – Any authorized device used to prevent escapes, prevent an inmate from injuring him/herself or other persons, or prevent property damage (handcuffs, flexcuffs, leg irons, waist chains, etc).

Non-Deadly Force – An amount of force used against an inmate or in a situation that would be reasonably expected not to result in death or serious bodily injury of the inmate.

Oleoresin Capsicum (OC) – A product using tincture of oleoresin capsicum derived from cayenne pepper as its active agent.

Planned Use of Force – The planned use of corrections officers to remove an inmate(s) from a cell, the anticipated use of oleoresin capsicum, EBID, or other situation where a use of force can be reasonably expected to complete a specific objective. This does not include tactical operations conducted during declared emergencies.

Restraint Chair – A chair designed to safely restrain a combative or self-destructive person that secures the individual without injury.

Show of Force – The assembly of staff and equipment for a planned use of force.

Specialty Impact Munitions (SIM) – Less lethal munitions used to control an individual inmate or group of inmates.

Use of Force – Use of force can consist of a show of force (non-aggressive) or the physical contact with an offender in a confrontational situation to control behavior and enforce order. Use of force includes use of restraints (other than for routine transportation and movement), chemical agents, and weapons.