

 <p style="text-align: center;"><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	Policy Number	Total Pages
	Date Filed	Effective Date
Authority/References	Subject	
<p>KRS 196.030, 196.035, 439.470, 503.010 - 503.050, 503.070 - 503.120 P &amp; P ACA 1C-01, 3A-22, 3A-23, 3B-01, 3B-2, 3B-03, 3B-06, 3B-07, 3B-08, 3F-1, 3F-2, 3F-03, 3G-1, 3G-2, 3G-4</p>	<p><b>CRITICAL INCIDENT PLANNING AND REPORTING AND USE OF FORCE</b></p>	
	27-08-01	8
	August 11, 2015	October 2, 2015

## I. DEFINITIONS

“Critical incident” means any of the following incidents occurring with offenders or staff members in a Probation and Parole office or in a community setting: (1) Any incident involving the use of force beyond normal restraint, including deadly physical force wherein death or serious physical injury has or might occur; (2) Any extraordinary occurrence, occurrence of significance, or any other incident designated as critical by the Director of Probation and Parole or designee; (3) A motor vehicle accident in the course of an employee’s official duties; or (4) An incident requiring emergency response for safety purposes.

“Deadly physical force” is defined in KRS § 503.010.

“Force” means “physical force”, including restraint or use of chemical agents, or “deadly physical force” to the extent the force is authorized under this policy and the law of the Commonwealth of Kentucky.

“Oleoresin capsicum” or “OC” means an organic substance found in plants, including cayenne pepper, and is a naturally occurring inflammatory agent which, if sprayed, may temporarily incapacitate a person due to the swelling of his mucous membranes.

“Physical force” is defined in KRS § 503.010(4).

## II. POLICY and PROCEDURE

- A. An officer shall use force only as authorized by the provisions of KRS Chapter 503 and other applicable law of the Commonwealth of Kentucky. An officer shall use force in accordance with CPP 9.1 and CPP 9.7. (3B-01; 3B-02)
- B. Officers shall complete the appropriate Department of Corrections training courses as outlined in CPP 9.7. Officers shall be authorized to carry department issued weapons upon demonstrating competency and completion of the required Division of Corrections Training course pursuant to CPP 4.3. Training shall

Policy Number	Effective Date	Page
27-08-01	October 2, 2015	2

cover the use, safety, care, and constraints in the use of weapons. (3A-22; 3B-03; 3B-06)

1. Officers shall be equipped with departmental authorized firearms, OC spray, and restraint equipment and shall use them only as directed by corrections policy and procedure. (3B-02)
  2. For weapons safety regulations and security, see CPP 9.7 (Storage, Issue, and Use of Weapons Including Chemical Agents). (3B-02)
  3. Officers shall be trained in self-defense techniques as authorized by the Division of Corrections Training. (3A-23)
- C. To the extent possible, a situation involving the use of force shall be avoided by the officer. In an unavoidable situation, assistance may be sought by the officer from a local law enforcement agency or a fellow Probation and Parole officer. Only that force necessary to bring the situation under control shall be applied, and only for as long as is needed to eliminate the threat or resolve the situation that initially justified the use of force. (3B-02; 3B-06)
1. Force if used shall be:
    - a. Only used as a last resort;
    - b. Reasonable and necessary; and
    - c. Not excessive or inappropriate.
  2. An officer may use force, as otherwise justified under KRS Chapter 503 or other applicable law of the Commonwealth of Kentucky, in the following situations:
    - a. Execution of his duty;
    - b. Self-protection;
    - c. Protection of a third party;
    - d. Prevention of escape;
    - e. Effecting an arrest; and
    - f. In other situations for which Kentucky law authorizes the use of force. (3G-01)

Policy Number	Effective Date	Page
27-08-01	October 2, 2015	3

3. Any injuries sustained by offenders, third parties, or Probation and Parole employees during the use of force shall receive appropriate medical treatment.
  4. Any use of force in the course of duty or discharge of a firearm or OC spray shall be reported according to critical incident reporting procedures in this policy and CPP 9.1. (3G-02)
- D. Prior to being issued OC spray, an officer shall successfully complete a course of instruction approved by the Division of Corrections Training in the proper use of OC spray and treatment of an individual who is exposed to OC spray. OC training shall be required for any employee authorized to use the substance in the performance of his duty. The training shall include:
1. Specific instructions regarding the use of the product as specified by the manufacturer;
  2. Precautions to be followed as specified by the manufacturer;
  3. Instructions on how and when OC spray may be used;
  4. Consideration of the effect on offenders with respiratory problems or significant history of psychotic behavior;
  5. Consideration of environmental factors including wind direction and velocity. If possible, care shall be taken to see that anyone not involved in the altercation is not subjected to the spray.
  6. Type of medical care for exposure; and
  7. Reporting procedures.
- E. Officers issued OC spray shall be responsible for retaining the OC spray in a secure fashion. OC spray shall be also worn in an approved holster and shall accompany the carrying of a firearm. OC spray shall be employed in a manner consistent with the department's use of force policy.
1. OC spray shall be administered in accordance with the department approved training. OC spray shall not be used on an offender except to:
    - a. Prevent serious injury to self or another;
    - b. Prevent loss of life; or
    - c. To effect an arrest if lesser means of force have been exhausted.

Policy Number	Effective Date	Page
27-08-01	October 2, 2015	4

2. If possible, before using OC spray, the offender shall be warned that unless he complies with the officer's directives he shall be sprayed.
  3. OC spray shall be dispensed in an amount sufficient to achieve its intended purpose.
  4. Upon deployment of OC spray, agency arrest procedures shall be followed. Immediately upon spraying the offender, the officer shall handcuff and search the offender.
  5. An officer shall assure the offender that he will receive appropriate after-care treatment, as necessary, and that the OC effects will shortly dissipate.
  6. Manufacturer's recommended decontamination procedures shall be followed. After-care of the offender shall be achieved by exposing him to fresh air and, if possible, flushing the sprayed areas with cool water. The officer shall monitor the subject for adverse reactions and ensure medical assistance is provided as needed.
  7. The offender shall be transported according to agency transport procedures in CPP 9.9 (Transportation of Offenders).
  8. The officer shall notify the receiving agency or detention personnel that the offender has been exposed to OC spray.
  9. An inventory log shall be maintained, including:
    - a. To whom OC spray is issued;
    - b. Item description and serial number;
    - c. Date of issue and expiration date; and
    - d. Date turned in or destroyed.
- F. Each Probation and Parole District shall annually review a written emergency plan to be used in the occurrence of a major emergency or critical incident.
1. The written emergency plan shall include an office safety plan. The emergency plan shall incorporate the following:
    - a. An evacuation plan with the location of the office floor plan, exit signs, and publically posted evacuation routes. The emergency plan shall be tested annually. (3F-02)

Policy Number	Effective Date	Page
27-08-01	October 2, 2015	5

- b. A fire safety plan and annual fire safety inspection as outlined in the Probation & Parole section of CPP 8.2 (Fire Safety). (3F-03)
    - c. Staff training, office configuration to optimize staff safety, and offender and public contact. Offenders and visitors may be screened for weapons or other safety considerations. Officers shall practice controlled movement with offenders reporting to the Probation and Parole Office. (3B-07)
  - 2. The written emergency plan shall include a field safety plan that includes the following:
    - a. Accountability for staff whereabouts in the community and the ability to contact immediate assistance if needed;
    - b. Communication with law enforcement and the agency; and
    - c. Notification and provision for medical care. (3B-08)
  - 3. Probation and Parole field facilities shall conduct monthly safety inspections. Any safety concerns noted in the monthly safety inspection shall be reported and addressed as soon as possible.
- G. Any critical incident or extraordinary occurrence involving employees in the performance of their job duties shall be reported immediately to the Director of Probation and Parole through the chain of command.
- H. All concerns regarding the immediate safety of all involved, law enforcement notification, medical attention, and family notification shall be dealt with expediently by the District Supervisor, Assistant Supervisor, and Central Office staff.
- I. Prison Rape Elimination Act Reporting
  - 1. Any Probation and Parole staff member who receives information, has knowledge of, or has suspicions of any possible offender on offender or staff member on offender sexual abuse, sexual contact, sexual harassment, sexual offense or voyeurism, as defined by CPP 14.7 (Sexual Abuse Prevention and Intervention Programs), shall bring this information immediately to the attention of the District Supervisor or designee. The District Supervisor or designee shall report this immediately per CPP 14.7.
    - a. If the alleged incident occurred at a community confinement facility such as a halfway house or contract treatment facility, the

Policy Number	Effective Date	Page
27-08-01	October 2, 2015	6

District Supervisor shall immediately notify the director or designee of the facility.

- b. If the alleged incident occurred at a correctional institution, the District Supervisor shall immediately notify the warden or designee of the institution.
  - c. If the alleged incident occurred at a jail, the District Supervisor shall immediately notify the jailer or designee of the jail.
2. The District Supervisor or designee who made contact with the director, warden, or jailer to report the information shall then complete a critical incident report.
- a. The critical incident report shall document the specific information of the incident as known to Probation and Parole staff:
    - (1) The date the information was first made known to a Probation and Parole staff member;
    - (2) The name and title of the individual the District Supervisor contacted at the facility, institution, or jail to report the information, and the date and time of this contact; and
    - (3) The steps and actions of the Probation and Parole staff member who first received the information to note compliance with the Staff First Responder Duties as outlined in CPP 14.7 subsection II.G.
  - b. The complete critical incident report shall be forwarded to the Director of Probation and Parole with a copy sent to the PREA Coordinator, PREA Program Administrator, and Probation and Parole PREA Investigator.
    - (1) If the allegations involve a half-way house, the Contract Management Branch Manager shall be sent a copy of the critical incident report.
    - (2) If the allegations involve a treatment facility, then the Director of the Substance Abuse Program Division shall be sent a copy of the critical incident report.

Policy Number	Effective Date	Page
27-08-01	October 2, 2015	7

J. Critical Incident Immediate Action (3G-04)

1. The officer or officers involved shall immediately assess the scene for safety and request medical attention for any person or persons who are injured. Officers shall, if able and if the area is safe, provide emergency medical attention until emergency medical personnel arrive and secure the scene.
2. If a critical incident occurs, the officer involved or another officer shall immediately notify the District Supervisor or Assistant Supervisor of the situation. The District Supervisor or Assistant Supervisor shall immediately notify the chain of command.
3. During a critical incident, the District Supervisor, or designee, shall go to the scene of the incident. In instances of use of force, the District Supervisor, or designee, shall demand immediate blood testing, for the officer involved, to determine whether there is a presence of alcohol and drugs.
4. Local law enforcement shall be contacted immediately by an officer involved or District Supervisor or designee.
5. Officers involved shall be prepared to defer to law enforcement control of the scene, to be Mirandized, and be potentially transported to police headquarters.
6. The District Supervisor or designee shall notify family members of the involved officers as soon as possible of the incident, and the whereabouts of the officer or officers involved.
7. All media contact shall be directed through the media contact liaison through the Department of Corrections. Officers or supervisors shall not provide statements to the media without authorization by the Commissioner or designee. (1C-01)
8. The District Supervisor or designee shall contact the Office of Legal Services for legal issues.

K. Investigation

1. All officers involved in a critical incident shall prepare a document detailing the incident, and submit it through the District Supervisor to Central Office. The document shall be completed on the date of the incident.

Policy Number	Effective Date	Page
27-08-01	October 2, 2015	8

2. The involved officer or officers shall cooperate with the law enforcement investigation and subsequent investigation by the Commonwealth Attorney's office.
  3. In the event of a critical incident, the involved officer or officers shall be referred by the District Supervisor or designee for a stress debriefing through the Kentucky Employees Assistance Program or other locally available service for the purpose of counseling to deal with the experience. This shall occur within 24-48 hours of the incident if possible. Procedures for debriefing shall be conducted according to CPP 8.8 (Critical Incident Stress Debriefing).
  4. The involved staff shall be granted leave with pay for the purpose of physical and mental healing following the incident, and to allow immediate progression of the investigation by the appropriate law enforcement agency. Officers shall be advised of benefits they may be eligible for through worker's compensation. The period of this leave shall be determined by the severity of any injury, the seriousness of the incident, and the officer or officers involved.
  5. If appropriate, the Director or designee may place the involved staff in a temporary job reassignment after returning from leave. If an investigation of a criminal nature is ongoing by an outside agency, the involved staff may be granted a temporary job reassignment or restrictions after returning from leave or may be required to remain on leave.
- L. When the officer is ready to return to full duty, the District Supervisor or designee shall issue a written report detailing the officer's readiness and submit it to the Director or designee. A fitness for duty review by a medical or mental health professional may be required. The officer shall not be allowed to return to work until approval is granted by the Director or designee.
- M. Critical incident and extraordinary occurrence reports shall be reviewed by the Director or designee to assess safety, policy, and procedure issues and to prevent future occurrences. (3F-01)