

DETENTION STANDARDS – COMPLIANCE COVERSHEET

Security	
<b>Standard</b> <b>8-5-18</b>	<p>(a) All significant incidents, including, but not limited to, the nonroutine use of restraint equipment and the use of physical force, are reported in writing prior to the end of the shift, dated, and signed by the staff person reporting the incident.</p> <p>(b) A copy of the report is placed in the juvenile's case record and is reviewed by the facility administrator, or designee, and the parent agency on the next business day.</p> <p><i>Comment: A written record of such incidents is available for administrative review. These reports also can be used to assess training needs; in counseling of staff about the proper handling of serious behavior incidents; and in providing information for the parent agency. The report includes the actions taken by the person in charge at the time of the incident.</i></p>
<b>Documentation Demonstrating Compliance</b>	<p>Title, page number, and section of <b>Policy</b> demonstrating standard compliance:  <b>Policy 9.13, 1.11</b></p> <p>Title, page number, and section of <b>Procedure</b> demonstrating standard compliance:  <b>Procedure</b></p> <p>Title of document demonstrating <b>Proof of Practice</b>:  <i>(Suggested document(s): Statute or Articles of Incorporation; Certificate of Existence)</i></p> <ol style="list-style-type: none"> <li><b>1. Incident Report</b></li> <li><b>2. Incident Report Log - Quest</b></li> <li><b>3. Control Room Log - Quest</b></li> <li><b>4. Detainee Documents - Quest</b></li> </ol>

SELF – EVALUATION AGENCY PERSONNEL	AUDITOR DETERMINATION
<p>Staff Signature and Date:</p> <div style="border: 1px solid black; padding: 5px; display: flex; align-items: center;"> <div>2015</div> </div> <div style="margin-top: 10px;"> <input checked="" type="checkbox"/> Compliance  <input type="checkbox"/> Non-Compliance  <input type="checkbox"/> Non-Applicable (justification attached)         </div>	<p>Auditor Signature and Date:</p> <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div> <div style="margin-top: 10px;"> <input type="checkbox"/> Compliance  <input type="checkbox"/> Non-Compliance  <input type="checkbox"/> Non-Applicable         </div>
<p><b>NOTES:</b></p> <div style="border: 1px solid black; height: 80px; margin-top: 5px;"></div>	

POLICY NUMBER	PAGE	RELATED STANDARDS
9.13	1 of 4	ACA 3A-16-18, 27, 28, 30 IND 8-5-14; 8-5-17; 8-5-18

CHAPTER 9	ST. JOSEPH COUNTY JUVENILE JUSTICE CENTER
-----------	---

**Security and Control**

**SUBJECT**

Use of Force

**POLICY**

To prevent the possibility of serious injury to staff and juveniles, only the minimal amount of force necessary shall be used to control a juvenile or situation in the facility. The use of force resulting in injury to staff or juveniles and the use of mechanical restraints shall be fully documented and reported

**PROCEDURES**

**Authority**

Only the Director may authorize the use of force. Staff so authorized should use reasonable force when an escape is in progress or when danger to persons or property are present. In an emergency where prior authorization is not possible, a staff member shall use reasonable force and must later justify his/her actions in a written report.

**Levels of Non-Deadly Force:**

Force, security equipment, and restraint equipment are intended to be used only as control measures and only when absolutely necessary. They are not intended and shall never be used as a means of punishment. Immediate medical attention shall be given to both staff and juveniles in injuries sustained during use of force or restraint equipment. The following levels of force are authorized under the described circumstances.

**Verbal Persuasion/Commands**

Verbal persuasion/commands shall be repetitive and precede physical handling of detainees. Use loud, clear, and brief commands directing detainees in question to stop negative actions/misbehavior to perform in a desired manner.

**Physical Handling**

The first level of force available to a staff member is the use of his/her hands; (soft empty hand). A firm grasp is justified to subdue unruly juveniles, separate participants in a fight, and in defending self, staff, juveniles, or other persons. It also may be used to move juveniles who fail to comply with lawful orders. As with any type of force, the amount of physical handling used shall be only as much as is reasonable and necessary under the circumstances to regain control of combative juveniles.

**Pepper Spray (OC-10)**

Pepper Spray may be used by Detention Officers (who are trained and certified in its application) only in situation when juveniles demonstrate physical aggression towards staff or other juveniles and verbal commands and (soft) empty hand control has proven ineffective to control manage the juvenile(s). Pepper spray is never to be used as punishment nor will its use be threatened. This does not preclude the use of a warning due to the juveniles(s) demonstrated pattern of aggression towards staff and/or the use of multiple restraints previously.

1. A one-second burst to the eyes from the distance of two to three feet is appropriate with the juvenile's immediate decontamination following application.
2. Decontamination consists of a shower with cool water and/or compress.
3. Blot the affected area with cool wet towels but do not rub the skin.
4. Issue clean clothing and clean bedding if necessary.
5. Monitor decontamination effects. Anyone not improving within one-hour seek immediate medical attention.
6. Juvenile will receive medical assessment from medical staff. If after hours, juvenile will be seen immediately next day.

The use of Pepper Spray through the door will only be used for the juvenile(s) that have a demonstrated pattern of aggression toward staff and/or the use of multiple restraints previously. This use must be authorized by at least two of the following individuals:

- DOD/ADOD
- Director of Mental Health/Social Services
- Forensic Diagnostician, and/or
- Executive Director

If during business hours, the Supervisor must consult with at least two of the above.

If after business hours, one of the above individuals must be reached via pager and/or cell phone.

#### **Authorized Restraint Equipment**

Handcuffs (non-hinged), leg shackles, flexible plastic ties, and Black and Grey Restraint chairs.

The use of a mechanical restraint should NEVER be used as punishment nor be used to secure anyone to any fixed object and be limited to the following situations:

1. PROTECTION of a juvenile from self-injury
2. PREVENTION of injury to others
3. PREVENTION from property damage
4. PRECAUTION against escape during transfer
5. For medical reasons under medical staff direction

All restraints other than handcuffs and leg shackles require immediate approval of the Supervisor. All mechanical restraint use (other than handcuffs and leg shackles) shall not exceed ONE HOUR. When a juvenile is placed in the restraint chair the Assistant Director/Director of Detention, the Director of Mental Health/Social Services, and the Executive Director is to be contacted as soon as possible. After one hour in the restraint chair, the shift supervisor must "consult" with the Assistant Director/Director of Detention, the Director of Mental Health/Social Services, and the Executive Director to receive guidance

in how to handle the current situation in the safest manner possible.

No juvenile shall be restrained on their stomach for longer than ONE MINUTE and then in a transfer process to a less restrictive position.

All restraints of less than one hour must be documented in the pod logbook. Restraint use exceeding one hour require documentation of the “consults” with the Directors and the times noted in an Incident Report and dispositioned by the Supervisor.

Circulation checks must be conducted with all restraints used. The Supervisor or their designee will conduct circulation checks every fifteen minutes and must be documented in the pod logbook and unusual events log in the Control Room.

### **Deadly Force**

Deadly force is that force which will likely cause death or serious bodily injury. It may only be used at the last resort to prevent acts which would result in death or severe bodily injury to yourself or another person (co-worker/detainee).

### **Use-of-Force Reports**

The Asst./Director of Detention should be notified immediately in writing when any type of force is used. A dated, detailed, and signed written report, prepared by the staff member who employed force, shall be completed **no later than the conclusion of that shift** and shall include the following information:

1. An accounting of the events and alternatives leading to the use of force used by staff member(s) participating in the incident.
2. An accurate and precise description of the incident and reasons for employing force by staff member(s) participating in the incident.
3. A description of the restraining devices, if any, and the manner in which they were used.
4. A description of the injuries suffered, in any, and the treatment given and/or received.
5. A list of all **participants** and witnesses to the incident, each individual involved at anytime will write an Incident Report. These reports are to be given to the supervisor **no later than the conclusion of that shift**.

### **Medical Assessment**

For all use of physical force techniques, on-duty staff shall ensure that health care staff is contacted as soon as possible so that the juvenile’s physical and emotional condition can be assessed and any injuries treated. If health care staff is not on-duty at the time of the use of physical force, health-trained on duty staff shall:

1. Contact the on-call health care staff as soon as possible following the use of force; and
2. Provide the health care staff with detailed information regarding any injuries or complaints by the juvenile.

Health care staff shall assess the juvenile’s injuries and/or complaints and determine whether the juvenile needs to be seen immediately or can be seen during the next scheduled sick-call. In the event

that a juvenile is injured and contact cannot be made with health care staff, on-duty staff will follow established procedures to obtain necessary medical evaluation and treatment.

### **Supervisor's Investigative/Reporting Responsibility**

When alleged excessive force is suspected, staff member(s) may be suspended until an investigation is completed by Police and/or Child Protective Services, and/or JJC Director of Security.

1. Juvenile(s) and or staff shall receive immediate medical services and such documented in and Incident Report by the **Supervisor**, he/she shall notify the Asst./Detention Director. If JJC medical staff are not present/cannot provide adequate care, the Supervisor shall notify Emergency Medical Services 911.
2. **Supervisors** are responsible for ensuring photographs are taken of all injuries, the scene, and that reports are submitted by all individuals involved (participants, witnesses) **prior to the end of the shift** in which the incident occurred.
3. **Supervisors** are responsible for ensuring that all documentation is completed and notifying Child Protective Services/Institutional Neglect and Abuse **prior to the end of the shift** in which the incident occurred.
4. Pictures and copies of all Incident Reports should be forwarded to the JJC Security Director by the next working day. This matter is of such a serious nature that disciplinary measures will be initiated immediately if steps are not strictly adhered to.

### **Review of Incidents**

The following is a list of incidents that are to be reviewed with the closed circuit camera system immediately after the incident or the next business day:

1. Use of Pepper Spray
2. Assaults on Staff/Detainees
3. Use of Restraints (this includes mechanical restraints, restraint chairs, and/or body guard restraints)

The Shift Supervisor will review the incident report and/or any video footage that is available for the incident. After their review the Shift Supervisor will determine if the use of force/restraints were justified and/or appropriate.

The review of video footage will be documented on the Integrator or Independent Log tablets located in the Supervisors/ADOD office. The documentation will be detailed concerning the footage viewed and the Shift Supervisor will **notify** the DOD/ADOD of their findings for administrative review via e-mail or voice mail message.

4-28-98	5-29-98	10-6-06	
ISSUE DATE	EFFECTIVE DATE	DATE REVIEWED	SIGNATURE
		2-10-15	S. Coleman

<b>POLICY NUMBER</b>	<b>PAGE</b>	<b>RELATED STANDARDS</b>
<b>1.11</b>	<b>1 of 2</b>	<b>ACA 3A-18, 27, 30 IND 6-3-3.140, 3.149, 3.152</b>

## **CHAPTER 1 ST. JOSEPH COUNTY JUVENILE JUSTICE CENTER**

### **Administration, Organization and Management**

#### **SUBJECT**

**Monitoring and Reporting Abuse, Neglect, and/or Special Incidents**

#### **POLICY**

All suspected incidents of child abuse, neglect or other special incidents whether or not the incidents occurred prior to the juvenile's admission or during the time the juvenile was at the Juvenile Justice Center, shall be reported by staff to the Director of Detention or his designee, who is responsible for contacting the proper community agency.

#### **PROCEDURES**

##### **Legal Responsibility**

As mandated by the law of the State of Indiana, any person who has reason to suspect that an incident of child abuse has occurred must report it to the Complaint Response Team of the Division of Families and Children of Saint Joseph County. If possible, the following information should be included in the report:

- Full name and address of the juvenile, parents or legal guardians, and the name and address of the facility where the juvenile is housed.
- Age and birth date of the juvenile
- Nature and extent of injuries
- Any other potentially useful information

Any person making a good faith report should be immune from civil or criminal liability, and a person who fails to report may be held liable for civil action.

##### **Notification and Reporting**

The Director of Detention or his designee must be notified immediately by any staff member who suspects an incident of child abuse.

The Director of Detention shall notify the proper authorities, and document all information available at the time of notification. A copy of the director's initial report, subsequent findings and actions shall be placed in a permanent file, along with copies of other pertinent information, such as log book entries, incident reports or medical reports. The Director of Detention may initiate an investigation into the alleged abuse.

In the event of serious injury to a juvenile in the care of the Juvenile Justice Center, the Executive Director and Director of Detention must be notified immediately.

If emergency treatment for a child is necessary, the reporting obligations should be initiated as soon as possible. Priority should be given to treatment in any life-threatening situation.

### **Institutional Abuse**

In addition to the standard procedures, in cases where abuse is alleged to have occurred within the Juvenile Justice Center, the Executive Director must notify the State of Indiana Division of Families and Children Office of Institutional Abuse (Child Protective Services 800-562-2407). The Juvenile Justice Center will cooperate with any investigation conducted by that Office, and comply with recommendations to assure to future safety of all juveniles in the care of the Juvenile Justice Center.

The Executive Director or the Director of Detention shall also conduct a thorough investigation of any allegations of abuse or other incidents involving the use of restraints or physical force which occurred within the Juvenile Justice center and administer appropriate disciplinary actions, including suspension, dismissal or criminal prosecution if disciplinary action is warranted. The SBPD may also be called upon to conduct an investigation regarding such allegations.

The Detention Director or designee shall apprise the child's parent or legal guardian of any instances of abuse occurring within the Juvenile Justice Center.

Written Incident Reports regarding the allegations must be given to the Director of Detention and the Executive Director by all staff and other juveniles who may have knowledge of the situation.

Every attempt must be made to evaluate the operation of the Juvenile Justice Center and its safety and security procedures in order to avoid future incidents of institutional abuse.

### **Use of Physical Force**

Physical force is to be utilized only as a last resort for purposes of self-defense, protection of others, protection of property, and to prevent escapes. An incident report is submitted to the Director of Detention after the situation is resolved, and the report is reviewed by the Detention Administrative Team.

Control of detainees should be achieved by non-violent methods.

10-1-98	11-2-98	9-1-05	
ISSUE DATE	EFFECTIVE DATE	DATE REVIEWED	SIGNATURE
		2-10-15	S. Coleman

**ST JOSEPH COUNTY  
JUVENILE JUSTICE CENTER**

**BEHAVIOR INCIDENT REPORT**

**Date/Time: March 1, 2015 at 6:38:41 PM**

**Location: B Pod**

**Type of incident:** Attempted Battery on Staff  
Disorderly Conduct  
Failure to Follow Staff Instruction

**Staff Involved:** CO [REDACTED]  
ASUP [REDACTED]  
CO [REDACTED]  
CO [REDACTED]

**Juvenile's Involved:** [REDACTED] (35781)

**Nature of Incident and Details:**

On this date 3/1/2015 at 6:38pm while performing my assigned duties in detention, the following incident did occur. While on duty in Control 1, detainee [REDACTED] called from his intercom in Room BW2 and stated, "come take me to fox, I flooded my room." Therefore I CO [REDACTED]s along with CO [REDACTED] and CO [REDACTED] entered Bravo pod to remove detainee [REDACTED] from the pod and escort him to foxtrot pod. As we approached the detainees door, he was yelling and standing in his window with his shirt off. I instructed detainee [REDACTED] to have a seat so we could enter the room and place him in restraints for the escort. Detainee [REDACTED] refused all directions and stated "No fuck that." I then called for BW2 to be held open. As it I was opening the door, Detainee [REDACTED] charged out of the room. I placed a Hard open hand on his chest in an attempt to stop him from exiting the room and as I was, CO [REDACTED] administered a 1 second burst of OC-10 to detainee [REDACTED]s facial area. CO Yike and I then attempted to secure detainee [REDACTED] to the floor so that he could be placed in hand restraints. Detainee [REDACTED] continued to resist and was placed back into BW2 until he was committed to comply with all staff directions. After detainee [REDACTED] continued his disorderly behavior for a few moments, he began to yell for staff and stated that he was ready to be placed in hand restraints. CO [REDACTED] and I opened BW2 once more and placed him in restraints. At this time, ASUP [REDACTED] entered Bravo pod and helped CO [REDACTED] and I escort him to the nurses station for decontamination. Detainee [REDACTED] was given ample time to decontaminate and was then escorted to Foxtrot Pod by ASUP [REDACTED]s. EOR.

**RECOMMENDATION:**



**Therapeutic Rapport:** Detainee [REDACTED] agreed with this staff that his behavior was foolish and unwarranted. Detainee [REDACTED] also stated to this staff " I aint never doin that shit again."

**Wants to attend Misconduct Review Board:** Yes      No XX

**Reporting Staff Member:** [REDACTED]

I recommend that detainee [REDACTED] be placed on CPU In-Cell status.

DISPOSITION: DET. [REDACTED] IS PLACED ON CPU.

**Supervisor Name:**

**REVIEWED BY:**

 3/2/2015

---

Chris Meuschke  
Asst. Director of Detention

**ST JOSEPH COUNTY  
JUVENILE JUSTICE CENTER**

**BEHAVIOR INCIDENT REPORT**

**Date/Time: March 1, 2015 at 6:38:58 PM**

**Location: B Pod**

**Type of incident:** Attempted Battery on Staff  
Disorderly Conduct  
Failure to Follow Staff Instruction  
Use of OC-10

**Staff Involved:** CO [REDACTED]  
CO [REDACTED]  
CO [REDACTED]

**Juvenile's Involved:** [REDACTED] (35781)

**Nature of Incident and Details:**

On 3.1.15, I CO Pilarski was a CO float in detention when the following did occur:

At approximately 1838, I responded with CO's [REDACTED] and [REDACTED] to detainee [REDACTED] having flooded his room. Upon entering the pod, CO [REDACTED] instructed Bravo pod staff to move the level 3 and 4 detainees who were watching a movie into the Bravo [REDACTED] dayroom.

Upon entering the Bravo West dayroom, detainee [REDACTED] was standing in his window refusing to sit down after being instructed to do so by CO [REDACTED]s. Detainee [REDACTED] continued to stand in his window yelling "I don't give a fuck, I'm not doin shit that ya'll say". CO [REDACTED] then asked detainee [REDACTED] one last time to have a seat and detainee [REDACTED] responded with "Fuck no".

Detainee [REDACTED] door was then opened, upon being opened, detainee [REDACTED] attempted to charge at CO [REDACTED]s. I then administered a one second burst of OC-10 to detainee [REDACTED] facial region. Detainee [REDACTED] then was on the floor after being sprayed attempting to kick at CO's [REDACTED]s and [REDACTED] so I administered another one second burst. He was then assisted back into his room until more staff was available to assist in de-contamination.

I then relieved ASUP [REDACTED] in control who continued with the de-contamination process.  
EOR.

**RECOMMENDATION:**

**Therapeutic Rapport:** None at this time

**Wants to attend Misconduct Review Board:** Yes ☐ No XX

**Reporting Staff Member:** [REDACTED] Melissa M Phair

I recommend detainee [REDACTED] be placed on CPU for attempting to assault staff.

DISPOSITION: DET. [REDACTED] IS PLACED ON CPU.

**Supervisor Name:**

**REVIEWED BY:**

 3/2/2015

---

Chris Meuschke  
Asst. Director of Detention

## Log Book Notes

Enter criteria and press Submit

Log book: **Detention Incident Log Book**

Display entries between: 3/1/2015 and 3/1/2015

Date/time	By	Notes
Add new log book entry		
3/1/2015 10:14:23 PM	T. [REDACTED]	[REDACTED] FTF, Riotous Behavior, Disorderly Conduct Bravo Pod 2200 D.O. Howell  DISPO: DET. [REDACTED] IS PLACED ON LEVEL 1 ENDING 3.3.15.
3/1/2015 8:52:54 PM	T. [REDACTED]	[REDACTED] Disrespect to Staff, Disorderly Conduct Bravo pod 1836 D.O. Vale  DISPO: DET. [REDACTED] IS PLACED ON LEVEL 1 ENDING 3.3.15.
3/1/2015 8:40:10 PM	T. Sieradzki	[REDACTED] Gang Promotion Bravo Pod 1930 C.O. Sieradzki  DISPO: DET. [REDACTED] IS PLACED ON REVIEW.
3/1/2015 8:28:20 PM	T. Sieradzki	[REDACTED] Destruction of Property Bravo pod 1611 D.O. Vale  DISPO: DET. [REDACTED] IS PLACED ON AN ADDITIONAL 24 HOURS OF LEVEL 1 ENDING 3.3.15.
3/1/2015 8:05:13 PM	S. [REDACTED]	[REDACTED] Attempted Battery On Staff, Disorderly Conduct, Use of OC-10 1838 Bravo Pod CO Sowers  DISPOSITION: DET. [REDACTED] IS PLACED ON CPU.
3/1/2015 7:52:57 PM	M. [REDACTED]	[REDACTED] Failure to Follow, Attempted battery on Staff, Use of hard-open hand, Disorderly conduct, Use of OC-10 Bravo Pod 1838 CO Pilarski  DISPO: DET. [REDACTED] IS PLACED ON CPU.
3/1/2015 6:43:13 PM	T. Sieradzki	[REDACTED] FTF, Disrespect to staff, Disorderly Conduct Bravo pod

Date/time	By	Notes
		1800 C.O. S [REDACTED]
		DISPO: [REDACTED] A IS PLACED ON LEVEL 1 ENDING 3.4.15.
3/1/2015 6:31:02 PM	S. S [REDACTED]	[REDACTED] SP Report Intake 1715 CO Sowers
		DISPOSITION: DET. [REDACTED] IS PLACED ON CLOSE OBSERVATIONS.
3/1/2015 6:30:39 PM	S. [REDACTED]	[REDACTED] SP Report Intake 1730 CO Sowers
		DISPOSITION: DET. [REDACTED] IS PLACED ON CLOSE OBSERVATIONS.
3/1/2015 2:46:30 PM	A. [REDACTED]	Gym 0945 Detainee [REDACTED] Medical Report DO Hamilton DISPO: INFORMATION FORWARDED

© 2001-2015 Gottlieb &amp; Wertz, Inc.

3/1/2015 7:39:41 PM	T. [REDACTED]	C.O. Sieradzki on duty in Control.
3/1/2015 7:30:54 PM	M. [REDACTED]	Snacks passed out by CO [REDACTED]
3/1/2015 7:23:31 PM	M. [REDACTED]	Trash and trays taken out by CO [REDACTED]
3/1/2015 7:13 PM	M. [REDACTED]	Nurse [REDACTED] exits Detention.
3/1/2015 6:59:17 PM	M. [REDACTED]	Med pass complete.
3/1/2015 6:55:40 PM	M. [REDACTED]	Med pass begins with CO [REDACTED] assisting.
3/1/2015 6:49:46 PM	M. [REDACTED]	Detainee [REDACTED] escorted to Fox Pod upon de-contamination.
3/1/2015 6:42:33 PM	M. [REDACTED]	Detainee [REDACTED] brought up to nursing for de-contamination by CO [REDACTED], CO [REDACTED] and ASUP [REDACTED]
3/1/2015 6:38:32 PM	M. [REDACTED]	Duress in Bravo pod- Detainee [REDACTED] OC-10 deployed.
3/1/2015 6:29:35 PM	S. [REDACTED]	Kitchen Staff exits detention.
3/1/2015 6:04:17 PM	M. [REDACTED]	Dinner rotation completed.

### List Documents/Docket Entries

#### Delvon Latrel Garcia (File# 35781)

Case: -		<input type="checkbox"/> Ascending date	<input type="checkbox"/> Include summary	<input type="checkbox"/> Show names/cases			
List entries containing: incd		<input type="checkbox"/> Case related documents only					
Date	Document	Status	Approval	Stamped	Order book/page	Sealed Notice	
3/1/2015 8:17:41 PM	Incident Report - Behavior	Complete M. [REDACTED]		3/1/2015 11:59:59 PM		No Yes	
3/1/2015 8:13:12 PM	Incident Report - Behavior	Complete M. [REDACTED]		3/1/2015 11:59:59 PM		No Yes	
3/1/2015 8:11:07 PM	Incident Report - Behavior	Complete M. [REDACTED]		3/1/2015 11:59:59 PM		No Yes	
3/1/2015 8:08:02 PM	Incident Report - Behavior	Complete M. [REDACTED]		3/1/2015 11:59:59 PM		No Yes	
2/26/2015 10:44:55 AM	Incident Report - Suicide Precautions	Complete D. [REDACTED]		2/26/2015 11:59:59 PM		No Yes	
2/13/2015 2:45:17 PM	Incident Report - Suicide Precautions	Complete D. [REDACTED]		2/13/2015 11:59:59 PM		No Yes	
9/29/2011 10:42:21 PM	Incident Report - Behavior	Complete R. [REDACTED]		9/29/2011 11:59:59 PM		No No	
9/29/2011 9:26:42 PM	Incident Report - Behavior	Complete R. [REDACTED]		9/29/2011 11:59:59 PM		No No	