



Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



2023-0795
Officer Involved Critical Incident – 1433 State Route 7, Brookfield
Township, Ohio 44403, Trumbull County

Investigative Activity: Document Review
Involves: Trumbull County Sheriffs Office (O)
Date of Activity: 03/28/2023
Author: SA John P. Tingley, #154

Narrative:

On Monday, March 27, 2023, Ohio Bureau of Criminal Investigation (BCI) Special Agent John Tingley received the Use of Force Policy utilized by the Trumbull County Sheriff's Office (TCSO) at the time of the officer-involved critical incident. The TCSO policy is attached to this Investigative Report for further review.

Attachments:

Attachment # 01: 2023-0795 TCSO – 24000.00 Use of Force Policy



TRUMBULL COUNTY SHERIFF'S OFFICE

GENERAL ORDER		<i>Latest Amendment Date</i>	<i>Number</i>
		June 15, 2021	24000.00
<i>Subject</i>		<i>No. Pages</i>	
USE OF FORCE		30	
<i>Reference</i>		<i>Distribution</i>	
Revised 6/15/2021 – Addendum B added to policy (pgs. 28-30)		ALL DIVISIONS	
<i>Reevaluation Date</i>	<i>Issued By</i>		
ANNUAL	Sheriff Paul S. Monroe		

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24001.00 Purpose

.01 The purpose of this policy is to provide all Deputies and Officers of the Trumbull County Sheriff's Office with guidelines on the use of force both deadly and non-deadly.

24002.00 Policy

.01 It is the policy of the Trumbull County Sheriff's Office that all Deputies and Officers are expected to use force in a lawful and justifiable manner. This means the unnecessary use of force in an excessive or unreasonable amount, or to use force in a cruel manner, is an unjustified use of force and violates this policy. All Deputies and Officers are to use force that is **REASONABLE** to perform the various duties required. The guidelines and specific regulations that are identified herein shall be followed.

- A. Deputies and Officers may never use deadly force to affect the seizure, custody or apprehension of a person unless the Deputy or Officer can establish probable cause to believe that the person has the imminent ability and opportunity to seriously injure or take a person's life. In such cases the Deputy or Officer may be permitted, provided it is used in a justified manner.
- B. Nothing in this policy is to be construed to hold a Deputy or Officer to a higher standard of care when reacting to a life-threatening situation than allowed in the **Emergency Response Doctrine**.
- C. Deputies and Officers are expected to justify their use of force in any criminal, civil, or administrative proceeding. Deputies and Officers who cannot, or will not, comply with this policy will be subject to disciplinary action up to and including termination.
- D. A violation of this policy will only form the basis for sanctions by the Sheriff's Office.

24003.00 Ohio Standards

.01 Policy statement for the State of Ohio standard for Use of Force

Employees may only use the force which is reasonably necessary to affect lawful objectives including: Affecting a lawful arrest or overcoming resistance to a lawful arrest, preventing the escape of an offender, or protecting or defending others or themselves from physical harm.

.02 Policy statement for the State of Ohio standard for Use of Deadly Force

The preservation of human life is of the highest value in the State of Ohio. Therefore, employees must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force. Deadly force may be used only under the following circumstances:

- A. To defend themselves from serious physical injury or death; or
- B. To defend another person from serious physical injury or death; or
- C. In accordance with U.S. and Ohio Supreme Court decisions, specifically, *Tennessee v. Garner* and *Graham v. Connor*.

.03 All sworn personnel are issued copies of the office's use of force and use of deadly force policy. This policy contains the following on the use of force and use of deadly force:

- A. Policy statements;
- B. Training policy;
- C. Reporting policy;
- D. Reviews/investigations policy.

24004.00 Definitions

- .01 FORCE:** Any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing. O.R.C. 2901.01(A)(1).
- .02 DEADLY FORCE:** Any force that carries a substantial risk that it will proximately result in the death of any person. O.R.C. 2901.01(A)(2).
- .03 DEADLY WEAPON:** Any instrument, device, or thing capable of inflicting death, and designed, or specially adapted, for use as a weapon, or possessed, carried, or used as a weapon. O.R.C. 2923.11 (A).

- .04 **INTERMEDIATE WEAPON:** Shall be defined as the baton, chemical agent (OC, CS, CN spray), neuromuscular incapacitation device, or electronic restraining device.
- .05 **EMERGENCY RESPONSE DOCTRINE:** The Deputy's or Officer's right to use any level of force deemed necessary to protect their life, or the life of another, when faced with a bon-a-fide life-threatening situation. This doctrine provides for a lower standard of care in these cases when the following four (4) conditions are satisfied:
- A. The Deputy or Officer did not create the emergency situation.
 - B. The Deputy or Officer was acting under an immediate and direct threat.
 - C. The level and amount of force used was reasonable given facts and circumstances at the time.
 - D. A reasonable and prudent person might have been expected to react similarly under similar conditions.

24005.00 Use of Physical Force

- .01 It is the policy of the Trumbull County Sheriff's Office that only the amount and degree of force will be used that is reasonably necessary to perform the various duties required of Deputies, that is to:
- A. Protect life and property by effecting arrests.
 - B. Retaining arrestees.
 - C. Preventing personal injury to themselves and others.
 - D. Prevent property damage.
- .02 Each instance of the use of force will require that restraint be exercised so as not to purposely exceed that force necessary as dictated by the particular circumstances faced by the employee.
- .03 As used in this rule, "Force" means any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing, and shall include, but not be limited to:
- A. The striking of a person with the hand, intermediate weapon, or any other object.

- B. The throwing or shoving of a person causing a collision of that person with the ground, another person or object.
 - C. ***The use of a chokehold or lateral vascular neck restraint as a means of gaining compliance to effect an arrest is not an acceptable restraint tactic. Both chokeholds and lateral vascular neck restraints are a prohibited tactic unless deadly force is warranted.***
- .03 As used in this rule, "Intermediate Weapon" shall be defined to include baton, chemical agent (OC, CN, CS), neuromuscular incapacitation device, or electronic restraining device. The following rules apply:
- A. Members of the Sheriff's Office will carry intermediate weapons that have been authorized by the member's supervisor to be carried.
 - B. Employees who have been trained in the use of the ASP baton will not carry any other intermediate weapon except a neuromuscular incapacitation device (Taser[®]), OC spray and the ASP baton.
- .04 The purpose of a flashlight is to provide light and illumination and is not to be used as weapon except under extraordinary circumstances.
- .05 When necessary to use force to effect an arrest, subdue or control an arrestee or in any other like situation, the use of force shall be fully documented in writing. The following rules apply:
- D. The Deputy or Officer using force shall immediately notify their supervisor of the incident.
 - E. When a member of the Sheriff's Office uses OC spray in effecting an arrest, the procedures contained above shall apply.

24006.00 Procedures:

- .01 Parameters for the use of deadly force:
- A. The Trumbull County Sheriff's Office policy is not more lenient than the Federal Standard. It is the legal burden imposed in the language of case "*Tennessee V. Garner, 741 U.S. 1, 105 S Ct 1964 851 ED. 2d (1985)*". This case is historically significant for abolishing the "Fleeing Felon Rule". The following guidelines were established as a result of the mentioned case:
 - 1. It is not constitutionally reasonable to use deadly force to prevent the escape of a fleeing felon who poses no danger to others.

2. It is not constitutionally unreasonable to prevent the escape of a fleeing felon by using deadly force if:
 - a. The suspect poses a threat of serious physical harm to any person.
 - b. The suspect threatens the Deputy or Officer with a weapon or there is probable cause to believe that the suspect has committed a crime involving the infliction, or threatened infliction, of serious physical harm.
 - c. Where feasible, some warning should be given.
- .02 The following procedures regarding the use of deadly force are to be adhered to:
- A. Deputies are authorized to fire their weapons in order to:
 1. Protect the deputy or others from what is reasonably believed to be an immediate threat of death or serious physical harm.
 2. Prevent the escape of a fleeing felon whom the Deputy has probable cause to believe will pose a significant threat to human life should escape occur.
 3. To destroy an animal that represents a threat to public safety or as a humanitarian measure when the animal is seriously injured. A seriously wounded or injured animal may be destroyed only after all attempts have been made to request assistance from the agency (Humane Society, Trumbull County Animal Control, Game Warden, etc.) responsible for the disposal of animals. The destruction of vicious animals should be guided by the same rules set forth for self-defense and the defense and safety of others.
 - B. Before using a firearm, when feasible, the Deputy shall identify herself/himself and state her/his intent to shoot.
 - C. Deadly Force Restrictions:
 1. Warning shots are prohibited.
 2. Firearms shall not be discharged when it is likely that an innocent person may be injured.
 3. Firearms shall not be discharged to solely disable a moving vehicle.

4. The decision to discharge a weapon at a moving vehicle or from a moving vehicle shall be governed by this policy. The discharge of a weapon will be prohibited if there is an unreasonable risk to the Deputy or to the public.
 - D. No distinction shall be made relative to age of the subject demonstrating deadly force. Self-defense and the imminent threat shall be the only policy guideline for employing deadly force.
 - E. For maximum stopping effectiveness and minimal danger to the innocent persons, the Deputy should shoot at "center mass".
 - F. While on duty, Deputies shall only be armed with the duty weapon(s) they have qualified with.
 1. The firearm's make, model, and serial number shall be recorded on the annual firearms qualification form.
 2. Only ammunition issued or authorized by the Sheriff's Office is permitted.
 - G. A secondary (back up) on duty handgun may be authorized upon Sheriff's Office approval.
 - H. Deputies are encouraged, but not mandated, to carry a handgun while off duty. A Deputy who elects not to carry a handgun while off duty shall not be subject to disciplinary action if an occasion should arise in which they could have taken enforcement action if they were armed.
- .03 Discussion and examples on the use of deadly force. The Deputy must perceive that these three elements are present before they are in a legal deadly force situation:
 - A. **INTENT: The person intends to seriously injure or kill the Deputy (or another person).**
 - B. **OPPORTUNITY: The person is within range (close enough) to seriously injure or kill the Deputy (or another person).**
 - C. **ABILITY: The person has the means (weapon) to seriously injure or kill the Deputy (or another person).**

24007.00 Value of Human Life

- .01 The value of human life is immeasurable in our society. Law enforcement has been delegated the awesome responsibility to protect life and property

and apprehend criminal offenders. The apprehension of criminal offenders and protection must, at all times, be subservient to the protection of life. The Deputy's or Officer's responsibility for protecting life must include their own.

24008.00 Shoot to Stop

- .01 Members shall not fire their weapons to kill, but rather to **stop the threat** and incapacitate an assailant from completing a potentially deadly act as described in the following sections of this policy. For maximum stopping effectiveness and minimal danger to innocent bystanders, the Deputy should shoot at "center of mass".

24009.00 Defense of Life

- .01 A Deputy or Officer may use deadly force to protect themselves or others from what they reasonably believe to be an immediate threat of death or (near death) critical bodily harm.

24010.00 Use of Non-Deadly Force

- .01 Where deadly force is not justified or authorized, the Deputy should assess the situation in order to determine which of the non-deadly force techniques or issued equipment will be best to de-escalate the incident and bring it under control in a safe manner.
- .02 Deputies and Officers are authorized to use the departmental approved non-deadly force techniques for the resolution of incidents as follows:
- A. To protect themselves or another from physical harm.
 - B. To restrain or subdue a resistive individual.
 - C. To bring an unlawful situation safely and effectively under control.
- .03 After the use of a neuromuscular incapacitation device (Taser®) the subject will be treated medically in accordance with the policy guidelines in 24200.00 Neuromuscular Incapacitation Devices.
- .04 If chemical aerosol agent is used, medical attention shall be given to the recipient.
- .05 If the use of force is justified, the Deputy or Officer may utilize non-traditional weapons as necessary. This includes any object the Deputy or Officer may need in stopping an attack or subduing an individual.

24011.00 Types of Resistance

- .01 In a majority of situations, some amount of force will be necessary or needed to arrest an individual or to protect persons and property. This includes the Deputy or the Officer. The amount of force may be as low as verbal commands or balancing techniques, striking techniques, the use of intermediate weapons or even the use of a firearm. **IN ALL CASES, ONLY A "REASONABLE" AMOUNT OF FORCE IS JUSTIFIED. ANY FORCE THAT IS UNREASONABLE WOULD BE UNJUSTIFIED.**
- .02 When a Deputy uses force, it must be reflective of the amount of resistance given by a subject. The United States Supreme Court recognizes resistance as Active Resistance or Passive Resistance.
- A. **Active Resistance** – An individual attempt to attack or attacks a deputy; exhibits aggressive behavior (e.g., lunging toward the deputy, striking the deputy with hands, fists, kicks or any instrument that may be perceived as a weapon such as a knife or stick); or exhibits defensive resistance (e.g., attempts to leave the scene, flee, hide from detection, or pull away from the deputy's grasp). Verbal statements, bracing, or tensing alone do not constitute active resistance.
- B. **Passive Resistance** – Refers to an individual's non-compliance with the deputy's commands. Passive resistance is non-violent and does not pose an immediate threat to the officer or the public. Examples are bracing, tensing, linking arms, or verbally signaling an intention to avoid or prevent being taken into custody.
- .03 The Deputy's response actions or control measures chosen are to reflect the resistance of the subject and must be objectively reasonable.

24012.00 Reasonable Responses to Individual Actions

- .01 A confrontation is not static; it is dynamic. It is not just a word or a push. It is a combination of all of the above, in a random, rapid chain of events. There are numerous factors and circumstances that affect the Deputy's or an Officer's response to an individual's actions:
- A. **DEPUTY-OFFICER/SUBJECT FACTORS**
1. Age
 2. Sex
 3. Size
 4. Skill Level

5. Multiple Subjects/Deputies-Officers
6. Relative Strength

B. SPECIAL CIRCUMSTANCES

1. Closeness of weapon
 2. Injury or exhaustion
 3. Being on the ground
 4. Distance from the subject
 5. Disability
 6. Imminent danger
- .02 It is reasonable that a discrepancy in the physical size or a difference in the sex between the individuals involved in a confrontation may require a Deputy or an Officer to use more or less force to control a situation. In a similar manner, it would be reasonable for a single Deputy or an Officer to use more force in controlling a situation when confronted by multiple subjects.
- .03 A confrontation may include special circumstances that would allow a Deputy or an Officer to increase the use of force. A subject in close proximity of a weapon creates an increased danger to the Deputy, an Officer or others, and must be dealt with immediately. A Deputy or an Officer near exhaustion would require increased force. Likewise, a Deputy or an Officer who is injured, disabled, or on the ground, would be justified to increase the use of force options.

24013.00 Safe Handling of Firearms

- .01 Except for general maintenance, storage, or authorized training, Deputies shall not draw or exhibit their firearm unless circumstances create strong reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with other sanctions of this policy.

24014.00 Training

- .01 Firearms training will be conducted annually.
- .02 Once a year the Trumbull County Sheriff's Office firearms qualification will be the OPOTA mandated course.

- .03 Sworn personnel are issued copies of the office's use of force and use of deadly force training policy.
- A. **Revision:** – Following release – of a revision to this policy all Deputies and Correction Officers shall be assigned this policy, without delay, for review, and read & sign.
 - B. **Roll call Training:** – Whenever changes in the policy occur, all shift supervisors will conduct roll call training to instruct staff on the changes.
 - C. **Annual Training:** – Sworn personnel are annually trained and tested on the office's use of force and use of deadly force policy. Training and testing will include instruction of:
 - 1. The legal requirements;
 - 2. Policy statements;
 - 3. Training policy;
 - 4. Reporting policy;
 - 5. Reviews/investigations policy;
 - 6. Moral responsibilities of carrying a firearm;
 - 7. Firearm safety; and
 - 8. Firearm proficiency.
 - D. **Annual Review:** – All Deputies will review this policy, in its entirety, as part of the OPOTA mandated annual firearms qualification.
 - E. **New Hires:** – The FTO shall provide all Deputies and Correction Officers with specific training on the scope and contents of this policy.
- .04 The firearm proficiency training may include, as closely as possible, those circumstances and conditions that our Deputies are most likely to confront in real-life deadly force situations.
- .05 All aspects of the firearms training program will include the Deputy's on-duty, off-duty and secondary weapons.

24015.00 Firearms Certification

- .01 All Deputies shall be "Certified" with their primary, secondary and their off-duty weapons. "Certification" shall include:
 - A. Office policy on use of deadly force,
 - B. The legal requirements,
 - C. Moral responsibilities of carrying a firearm,
 - D. Firearm safety, and
 - E. Firearm proficiency.
- .02 Firearms certification shall be required annually. And, in the event of any accidental discharge, the Deputy involved must undergo immediate re-certification training prior to returning to full duty.
- .03 Should a Deputy fail to make certification standards, written notification of such failure shall be forwarded to the Deputy's commanding officer, the training unit, personnel unit, and to the Sheriff.
- .04 The Sheriff may immediately revoke the Deputy's authority to carry a firearm or seek to have the Deputy re-certified.
- .05 If a Deputies authority to carry their on-duty weapon has been revoked, they shall be reassigned to non-uniform administrative duty for a period of ten days. Within the ten-day period, the Deputy must report to a certified agency firearm instructor for remedial training and certification.
- .06 Deputies who fail to achieve certification after attending remedial firearms training may be placed on suspension. After 30 a day suspension, if the Deputy has still failed to achieve certification, they may be terminated for failing to maintain standards.

24016.00 Firearms Certification Records

- .01 The Trumbull County Sheriff's Office (Range Instructor) shall maintain a permanent certification log for every Deputy authorized to carry firearms. At a minimum, the log shall consist of the following information:
 - A. Deputy's name.
 - B. Certified on-duty weapon, the make, model, caliber, and serial number of weapon, date, results of shooting test, instructor name, and curriculum.

- C. Certified off-duty weapon, the make, model, caliber, serial number of weapon, date, results of shooting test, instructor name, and curriculum.
- D. Certified secondary weapon, the make, model, caliber, serial number of weapon, date, results of shooting test, instructor name, and curriculum.
- E. Certified shotgun, the make, model, caliber, serial number of weapon, date, results of shooting test, instructor name, and curriculum.
- F. Certified rifle, the make, model, caliber, serial number of weapon, date, results of shooting test, instructor name, and curriculum.

24017.00 Reporting Procedures

- .01 Deputies shall notify their supervisor and submit a written report whenever an employee:
 - A. Uses force in the course of carrying out their assigned job duties to include the use of deadly force.
 - B. Takes an action that results in, or is alleged to have resulted in, injury or death of another person.
 - C. When restraints are necessary to subdue an individual other than with handcuffs.
 - D. When there is any damage to Trumbull County property or any damage to civilian property.
 - E. When bystanders complain of the Deputy's or an Officer's actions or tactics.
 - F. When a Deputy or an Officer feels it is necessary.
 - G. ***Deputies have a duty to intervene and stop the use of excessive force at any situation the Deputy encounters during the Deputy's tour of duty. Deputies have a duty to report these situations to their immediate supervisor.***
- .02 The required reports will be completed as soon as possible by the employee in accordance with established procedures. The report will be reviewed by the shift supervisor to determine compliance with office policies and procedures.

24018.00 Medical Attention Should Be Provided

- .01 If there is any visible injury that the Deputy or Officer feels may need medical attention.
- .02 If the individual requests medical attention.
- .03 If the individual is incapable of communication about their well-being.
- .04 If the individual becomes unconscious at any time during the Deputy's or Officer's contact.

24019.00 Pictures

- .01 Photographs will be taken of any visible injuries to the Deputy or Officer, civilian, or perpetrator.
- .02 Photographs will be taken before and after treatment when possible.
- .03 Photographs will be taken of any damaged property.

24020.00 Investigative Process

- .01 Each use of force and use of deadly force report is reviewed/investigated by a defined level of authority to determine compliance with office policies and procedures as follows:
 - A. The use of force report will be reviewed by the shift supervisor and forwarded to the division commander.
 - B. Deadly use of force or discharge of a weapon the following procedures will be followed.
- .02 The following procedure shall be used to investigate **every** incident of firearm discharge by a Sheriff's Office employee **except** for target practice, ballistics examinations, and incidents involving the destroying of an animal.
 - A. **Involved Deputy:**
 - 1. Whenever a Deputy discharges their firearm, either accidentally or officially, they shall **immediately:**
 - a. Determine the physical condition of any injured person and render first aid when appropriate.
 - b. Request necessary emergency medical aid.
 - c. Notify the communications center of the incident and location.

- d. The Deputy shall remain at the scene (unless they are injured) until the arrival of their supervisor and appropriate investigators. However, if circumstances are such that the continued presence of the Deputy at the scene might cause a more hazardous situation to develop (violent crowd), the ranking supervisor at the scene shall have the discretion to instruct the Deputy to respond to another more appropriate location.
- e. The Deputy shall protect their weapon for examination and submit said weapon to the appropriate investigator.
- f. The Deputy shall provide the required emergency declaration to the on scene supervisor.t.
- g. The Deputy should not discuss the incident with anyone except:
 - i. Supervisory and investigative personnel,
 - ii. The Deputy's privately retained attorney.
 - iii. The Deputy shall be available at all times for administrative interviews and statements regarding the incident and shall remain subject to recall to duty at any reasonable time.

B. Investigative Shooting Team:

- 1. The Investigative Shooting Team, which will be identified by the Sheriff, shall conduct an administrative investigation of every incident of firearms discharged by an employee, except when such discharge was for firearms training, ballistic examinations, and incidents involving the destruction of an animal, **AND** no near miss or hit of a human resulted. The Investigative Shooting Team (Unit/Investigator) will conduct an investigation subordinate to any criminal investigation.
- 2. Member(s) to be interviewed shall be advised of their rights prior to the interview.

C. The Criminal Investigation:

- 1. The Investigation Division will conduct a thorough investigation of every shooting by a Deputy Sheriff and/or Reserve Deputy Sheriff

that results in injury or death. The Sheriff or his designee may request an outside agency to conduct the investigation or review of the incident.

2. The investigation shall include the following minimum procedural standards:
 3. Secure the scene.
 4. Examine the weapon(s) of all Deputies present at the time shots were fired including secondary weapon(s). Any fired weapon(s) will be held for analysis and the deputy given another weapon to use until the analysis is complete.
 5. Seize samples of unspent ammunition.
 6. Separate, secure and interview all on-scene witnesses.
 7. Photograph and diagram the scene.
 8. Secure all physical evidence. Have proper medical authorities secure projectiles from the victim's body.
 9. Secure telecommunications tapes.
 10. Obtain hospital, autopsy, lab and photographic reports.
 11. Before interviewing or requesting written statements of the involved Deputy(s), the investigator shall advise the Deputy of their rights in a criminal investigation.
 12. The Investigation Services Division shall prepare a detailed report of the investigation and submit same to the Sheriff, Prosecuting Attorney, and the Board of Firearms Review.
 13. Member(s) to be interviewed shall be advised of their rights prior to the interview.

D. Use of Deadly Force Review Board:

1. The Use of Deadly Force Review Board shall convene and review each discharge of a firearm for each use of deadly force incident involving a member of this office. The Board shall consist of:
 - a. A Command Rank Officer as designated by the Sheriff.
 - b. The Commanding Officer of the Operations Division.
 - c. A firearms instructor.
 - d. The Command Officer of the Deputy who discharged their weapon.
 - e. Two members of the same rank as the member who discharged their weapon.

2. The Use of Deadly Force Review Board will evaluate, in explicit and fact-finding fashion, each aspect of a Deputy-involved shooting. Such evaluation will include:
 - a. A thorough review of the criminal investigation report if applicable.
 - b. Hearing of direct testimony, if necessary, from Deputies and witnesses.
3. The Use of Deadly Force Review Board will develop findings and make recommendations to the Sheriff in the following areas:
 - a. Whether the shooting was within policy, out of policy or accidental.
 - b. Tactical considerations.
 - c. Training considerations.
 - d. Quality of supervision.
 - e. Discipline considerations.
 - f. The post-shooting investigative process.

24021.00 Civil Rights Investigations

- .01 The Trumbull County Sheriff's Office will respect the rights of the federal government to conduct an independent investigation to identify any civil rights violations which may have occurred.
- .02 The Trumbull County Sheriff's Office will not order, or request, any of its members, who may be suspects, to confer with federal investigators without the advice of counsel.

24022.00 Administrative Leave

- .01 Any Deputy or Officer directly involved in a deadly force incident shall be placed on "Administrative Leave" directly upon completion of their preliminary report of the incident. The leave shall be without loss of pay or benefits, pending the results of the investigation. The assignment to administrative leave shall not be interpreted to imply or indicate that the Deputy or Officer has acted improperly.
- .02 While on administrative leave, the Deputy or Officer shall remain available at all times for official agency interviews and statements regarding the

shooting incident, and shall be subject to recall at any time. The Deputy or Officer shall not discuss the incident with anyone except the prosecuting attorney, agency personnel assigned to the investigation, the Deputy's or Officer's private attorney, the Deputy's or Officer's psychologist, their chosen clergy, and the Deputy's or Officer's immediate family.

- .03 Upon returning to duty, the Deputy or Officer may be assigned to "Administrative Duty" for a period of time as deemed appropriate by the Deputy or Officer, their psychologist, and the Sheriff.

24023.00 Legal Representation

- .01 The Deputy's or Officer's private attorney should be immediately notified of any Deputy/Officer-involved shooting incident or use of deadly force.
- .02 The attorney should immediately proceed to the scene of the incident to meet with, and establish, a lawyer-client relationship with that employee.
- .03 The attorney should assist the Deputy or Officer in drafting a formal statement as to the underlying facts and the reasonableness as perceived by the Deputy or Officer justifying their use of deadly force. The statement should be drafted to insure (if that be appropriate) that legal sufficiency for such use of force is included in the Deputy's or Officer's statement. The Deputy or Officer should also be advised of their legal and agency rights regarding statements.
- .04 The attorney should continue to assist the Deputy or Officer during any post-shooting investigation, as well as criminal, civil, and federal civil rights actions, including the initial interview conducted by federal agents in a criminal civil rights action.
- .05 Should the initial lawyer-client interview indicate a violation of the Ohio Revised Code, the attorney should represent the Deputy or Officer accordingly.
- .06 All communications between the Deputy or Officer and their attorney are privileged and such must remain confidential and undisclosed unless released by authority of the Deputy or Officer.

24024.00 Psychological Services

- .01 In all cases where any person has been injured or killed as a result of a firearm discharge or killed due to the actions of a Deputy or an Officer, they will be **required** to undergo a debriefing with the office furnished psychologist within five days of the incident.

- .02 The purpose of this debriefing will be to allow the Deputy or Officer to express their feelings and to deal with the moral, ethical, and/or psychological after-effects of the incident.
- .03 The debriefing shall not be related to any agency investigation of the incident and nothing discussed in the debriefing will be reported to the Sheriff. The debriefing session will remain protected by the privileged Professional Psychologist Code of Ethics.
- .04 In all cases where any person has been injured or killed as a result of a firearm discharged by a Deputy or killed due to the actions of a Deputy or an Officer, the involved Deputy or Officer, and their family, will have **available** to them the services of the agency furnished psychologist and/or chaplain.
- .05 The purpose of the psychologist and/or chaplain is to provide the Deputy and the Officer and/or their family with a source of professional consultation to aid them in dealing with the potential moral and ethical impact of a shooting incident.
- .06 The services shall not be related to any office investigation of the incident and nothing discussed will be divulged to the Trumbull County Sheriff's Office. The consultation sessions will remain protected by the privileged relationship.

24025.00 Submission to County Grand Jury

- .01 It shall be the policy of the Trumbull County Sheriff's Office that after the Investigation Division completes its investigation of a use of firearms, or other deadly force, incident by a member of the Trumbull County Sheriff's Office resulting in death, a complete copy of the investigation case file shall be submitted to the office of the County Prosecutor for presentation to the County Grand Jury.

Addendum A

Use of Restraints and Confinement of Pregnant and Postpartum

Arrestees and Inmates

I. Purpose:

To establish a specific guideline for the use of restraining devices and confinement on pregnant or postpartum arrestees and inmates. This policy focuses on the limits on restraints and solitary confinement for arrestees and inmates during their pregnancy, delivery, and any period of postpartum recovery up to six weeks after the pregnancy.

With regard to the use of restraints on pregnant inmates, this agency recognizes the need to balance the safety, health, and well-being of the pregnant inmate and her fetus/newborn along with all other parties involved, including caregivers, corrections staff, and medical staff.

II. Policy:

The sanctity of human life is of the highest value in the State of Ohio. It is the policy of this agency to utilize restraints for the protection of the inmate, the staff, and overall security of the jail, courts, and facilities. It is the policy of this agency that pregnant females or females in postpartum recovery up to six weeks after the pregnancy shall not be knowingly restrained or confined using any shackles, handcuffs, or other physical restraint, or placed in solitary confinement in an enclosed space unless the pregnant female presents a serious threat of physical harm to herself, to an officer or staff member, to other law enforcement or court personnel, or to any other person, presents a serious threat of physical harm to property, presents a substantial security risk, or presents a substantial flight risk, and only in compliance with R.C. 2901.10 Pregnant Adults
R.C. 2152.75 Pregnant Juvenile.

III. Definitions:

1. **Law Enforcement, Court, or Corrections Official** means: Any officer or employee of this state or a political subdivision of this state who has custody or control of the female who is a charged/adjudicated/convicted offender.
2. **Pregnant** means: The female must be pregnant.
3. **Postpartum Recovery** means: The period of recovery immediately following childbirth, miscarriage, or termination of a pregnancy up to six weeks after the pregnancy.
4. **Restrain** means: To use any shackles, handcuffs, or other physical restraint.
5. **Confine** means: To place in solitary confinement in an enclosed space.
6. **Exception** means: The pregnant female presents a serious threat of physical harm to herself, to the official, to other law enforcement or court personnel, or to any other person, presents a serious threat of physical harm to property, presents a substantial security risk, or presents a substantial flight risk.
7. **Health Care Professional** means: a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; a registered nurse, including a certified nurse-midwife, authorized to practice under Chapter 4723. of the Revised Code; or a physician assistant authorized to practice under Chapter 4130. of the Revised Code.” R.C. 2108.61(A)(2); R.C. 2152.75(A)(2); R.C. 2901.10(A)(2)
8. **Emergency Circumstance** means: A sudden, urgent, unexpected incident or occurrence that requires an immediate reaction and restraint of the charged or

adjudicated delinquent child who is pregnant for an emergency situation faced by a law enforcement, court, or corrections official.” R.C. 2152.75(A)(7); R.C. 2901.10(A)(7)

- 9. Solitary Confinement** means: Secluded/incommunicado detention for long periods of time involving “administrative segregation” or “maximum security” in isolation from the general population.

IV. Discussion:

Pregnant females present special concerns for arresting officers, the correctional administrator, health authority and the courts. Pregnancy is a medically fragile time where neither the expectant mother nor fetus should be exposed to unnecessary risks of falls or injury, particularly when security restraints are applied.

Restraint is potentially harmful to the expectant mother and fetus. The use of restraints can pose health risks for pregnant inmates and their fetuses/newborns, not only by limiting movement that is necessary for balance, circulation, and safety, but also by potentially interfering with urgent medical examinations and procedures.

V. Procedure:

- A. General Procedures for Restraints Applied to Pregnant and Postpartum Females:** All use of restraints must be objectively reasonable.
1. Restraints are applied as humanely as possible.
 2. The type of restraint should be reduced to the least restrictive level required as soon as the inmate is cooperative.
 3. Staff will attempt to assist the inmate in gaining control by less restrictive interventions prior to considering application of restraints. Actions may include talking to inmate in a calm manner in attempt to de-escalate situation.
 4. Staff will encourage inmate compliance during the application of the restraints by calmly explaining the restraint procedure, providing reasons for the decision to restrain, and by explaining the behavior required for terminating use of restraints.
- B.** The following types of restraints and restraint practices are expressly prohibited under all circumstances:
1. Abdominal restraints, because they pose a danger to the fetus resulting from the risk of physical trauma, dangerous levels of pressure, and restriction of fetal movement.
 2. Leg and ankle restraints, which increase the pregnant inmate’s pre-existing elevated risk of a forward fall.
 3. Wrist restraints behind the back, because they restrict the pregnant inmate’s ability to protect herself and the fetus in the event of a fall.
 4. Four-point restraints.
- C.** Wrist restraints, if used, should be applied in such a way that the pregnant inmate may be able to protect herself and her fetus in the event of a forward fall (i.e., in front of her body).
- D. Arrest**
1. If a female arrestee discloses she is pregnant or is visibly pregnant, the officer is considered to have knowledge of the pregnancy, and the bar against using restraints or solitary confinement will apply.

2. Ohio statutes do not require that the female provide proof or other confirmation of pregnancy. This agency does not allow an officer or staff member to disbelieve the arrestee based on mere general disbelief. The officer or staff member must possess specific information as to the particular offender to be disbelieved. When there is any question as to the legitimacy of the claim of pregnancy the arrestee/inmate will be believed and referred to the medical authority and the restrictions of use of restraints and confinement shall be complied with.
3. Any physical restraint including handcuffs is prohibited. Thus, the routine handcuffing of the pregnant arrestee is prohibited unless an **exception** exists. An exception exists when the pregnant female presents a serious threat of physical harm to herself, to the official, to other law enforcement or court personnel, or to any other person, presents a serious threat of physical harm to property, presents a substantial security risk, or presents a substantial flight risk. The officer can take the following into account:
 - a. The danger or risk posed by the female,
 - b. The nature of the crime(s) that prompted the arrest,
 - c. The female's criminal record
 - d. The presence of weapons
 - e. Current or past indications of flight or violence.
4. If one or more of the required criteria exist to allow the handcuffing of the newly-arrested female, the circumstances would likely qualify as an "emergency circumstance" allowing handcuffing at the arrest scene without first contacting and notifying a treating health care professional.
5. Pregnant females shall only be handcuffed in front. Officers shall check for proper fit, double lock and document the actions in the written report.
6. Officers shall address any complaints of pain and document action taken in their report.
7. For a female who is known to be pregnant, the officer shall not use any leg, ankle, or waist restraint.
8. Officers will ask the arrestee for the name and contact information of her health care professional.
9. The treating health care professional shall be contacted and notified of the restraint when it is safe to do so. This is generally done at the detention facility.
10. Offices will document the call.

E. Detention-Booking

1. The admission of a pregnant or postpartum detainee into this facility demands close attention by the staff, supervisors, the Jail Administrator, and the medical authority.
2. Booking officers who intake a pregnant female or postpartum female shall make a notification to the on-duty supervisor and the medical authority.
3. Advance planning among members of the inmate's care team (i.e., health care and corrections professionals) should be conducted before hospital admittance.

F. Detention Restraint:

1. Detainees that are pregnant or in postpartum recovery shall not be “restrained”. The use of any shackles, handcuffs, or other physical restraint is prohibited, unless an “exception” exists.
2. The exception initially requires the officer determine that the female presents a serious threat of physical harm to herself, to the officer, to other law enforcement or court personnel, or to any other person, presents a serious threat of physical harm to property, presents a substantial security risk, or presents a substantial flight risk.
3. Even if one or more of these exception criteria exist, the officer shall, **before** applying restraints, contact a health care professional who is treating the female and notify the health care professional that the officer wishes to restrain the female and identify the type of restraint or confinement and its expected duration.
4. The officer cannot proceed to use the proposed restraint or confinement if the health care professional affirmatively objects to the expected restraint or confinement or the expected duration.
5. Note: The health care professional “shall not object unless the professional determines that the specified type of restraint, the use of that type of restraint for the expected duration, or the expected duration of confinement poses a risk of physical harm to” the female or the unborn child. R.C. 2152.75(C)(2); R.C. 2901.10(C)(2).
6. The officer need not contact and notify the health care professional before using a restraint if an **emergency circumstance exists**. As defined in this policy Emergency Circumstance means a sudden, urgent, unexpected incident or occurrence that requires an immediate reaction and restraint of the pregnant female for an emergency situation faced by the officer.
7. The exception of allowing restraint after notifying a health care professional or in an emergency situation does not extend to using any leg, ankle, or waist restraint to restrain the female. Those restraints are categorically barred in the situation of an officer having custody or control of a known pregnant or postpartum female, even when the exception would otherwise apply and regardless of what risk or danger or emergency might exist.
8. Following the use of restraints under emergency circumstances, when it is safe to do so and time allows, the officer must then contact and notify a treating health care professional concerning the type of restraint used and its expected duration.
9. If the official/agency is using a restraint on the female under the authority of an exception, the official/agency must discontinue use of the restraint or confinement if a health care professional who is treating the female notifies the official/agency or court that the restraint or confinement poses a risk of physical harm to the female or the unborn child. R.C. 2152.75(E)(1); R.C. 2901.10(E)(1).
10. The notification of risk of physical harm provided by the health care professional applies throughout all periods of custody and control while the female is pregnant or in postpartum recovery up to six weeks. R.C. 2152.75(E)(2); R.C. 2901.10(E)(2).
11. **In cases where when no treating professional is available at the time of contact.**
 - a. The contact-and-notification requirement does not require personal interaction with the health care professional (although personal contact is the desired outcome)

- b. Medical professionals maintain offices with staff in order to receive healthcare-related communications when they are not personally available. It is part of the regular standard of care. If no health care professional is personally available in the pertinent medical office that is handling the inmate's medical care, the officer should leave the officer's contact information with a responsible staff person in the professional's office and leave the required information regarding the nature of the restraint/confinement and its expected duration. Doing so in written form, such as by fax, would also have the added benefit of documenting that the contact and notification took place as required by statute.
- c. In non-business hours, the officer shall contact the after-hours service of the medical practice with the required information and leave a message and ask for a return call. Leave a direct line telephone number and name of person (s) to be contacted.
- d. In a detention facility which has a health care professional on staff who is treating the female, the officer shall contact and notify the on-staff professional.
- e. Ohio statutes do not require the affirmative approval of a health care professional, and given that an objection is allowed only in the narrow circumstance of a risk of physical harm, a personal consultation with the health care professional as if seeking medical advice is not a necessary part of the contact-and-notification provision.
- f. Once the notifications of this policy have been met and in the absence of a response from the health care provider, the reasonable restraint can be applied in accord with this policy.

G. Detention Confinement / Classification

- 1. As defined in this policy Solitary Confinement means: Secluded/incommunicado detention for long periods of time involving administrative segregation or maximum security in isolation from the general population.
- 2. Pregnant and Postpartum Recovery inmates shall not be held in solitary confinement unless an **exception** as defined in this policy exists.
- 3. An exception requires that the officer determine that the female inmate presents a serious threat of physical harm to herself, to the officer, staff or to any other person, presents a serious threat of physical harm to property, presents a substantial security risk, or presents a substantial flight risk.
- 4. Even if one or more of these exception criteria exist, the officer shall, **before** placing the inmate in solitary confinement, contact a health care professional who is treating the female and notify the health care professional that the officer wishes to confine the female and identify the type of confinement and its expected duration.
- 5. The officer cannot proceed to use the confinement if the health care professional affirmatively objects to the expected confinement or the expected duration.
- 6. The health care professional shall not object unless the professional determines that the specified type of confinement the use of that type of confinement for the expected duration, or the expected duration of confinement poses a risk of physical harm to" the female or the unborn child. R.C. 2152.75(C)(2); R.C. 2901.10(C)(2).

7. **Note:** There is no “emergency circumstance” provision that obviates the need to notify a treating health care professional before placing the female in solitary confinement. The health care professional shall be notified before any pregnant or post-partum inmate is placed in solitary confinement.
8. If the official/agency is using solitary confinement on the female under the authority of an exception as defined in this policy, the official/agency must discontinue use of the confinement if a health care professional who is treating the female notifies the official/agency or court that the confinement poses a risk of physical harm to the female or the unborn child. R.C. 2152.75(E)(1); R.C. 2901.10(E)(1).
9. **During Labor and Delivery:** Restraints should not be used on an inmate during labor and delivery because they inhibit her ability to be mobile during labor and delivery and may interfere with the prompt administration of medical evaluation and treatment during normal and emergency childbirth.
 - a. Generally, during labor and delivery, the health care provider is present and monitoring the inmate. Officers shall follow the directive of the health care provider with respect to restraints.
 - b. The pregnant inmate shall not be restrained at any time by use of any leg, ankle, or waist restraint under any circumstances**
 - c. Inmates that are pregnant and in labor or delivery shall not be “restrained”. The use of any shackles, handcuffs, or other physical restraint is prohibited, unless an “exception” exists.
 - d. The exception initially requires that the officer determine that the female presents a serious threat of physical harm to herself, to the officer, or to any other person, presents a serious threat of physical harm to property, presents a substantial security risk, or presents a substantial flight risk.
 - e. Even if one or more of these exception criteria exist, **before** applying restraints, the officer shall contact a health care professional who is treating the inmate and notify the health care professional that the officer wishes to restrain the inmate and identify the type of restraint or confinement and its expected duration.
 - f. The officer cannot proceed to use the proposed restraint if the health care professional affirmatively objects to the expected restraint or confinement or the expected duration.
 - g. **Note:** The health care professional “shall not object unless the professional determines that the specified type of restraint, the use of that type of restraint for the expected duration, or the expected duration of confinement poses a risk of physical harm to” the female or the unborn child. R.C. 2152.75(C)(2); R.C. 2901.10(C)(2).
 - h. The officer need not contact and notify the health care professional before using a restraint if an emergency circumstance exists. As defined in this policy Emergency Circumstance means a sudden, urgent, unexpected incident or occurrence that requires an immediate reaction and restraint of the pregnant female for an emergency situation faced by the officer.

- i. Following the use of restraints under emergency circumstances, when it is safe to do so and time allows, the officer must then contact and notify a treating health care professional concerning the type of restraint used and its expected duration.
 - j. If the official/agency is using a restraint on the female under the authority of an exception, the official/agency must discontinue use of the restraint or confinement if a health care professional who is treating the female notifies the official/agency or court that the restraint or confinement poses a risk of physical harm to the female or the unborn child. R.C. 2152.75(E)(1); R.C. 2901.10(E)(1).
 - k. The notification of risk of physical harm provided by the health care professional applies throughout all periods of custody and control while the female is pregnant or in postpartum recovery up to six weeks. R.C. 2152.75(E)(2); R.C. 2901.10(E)(2).
- H. All uses of restraints should be documented including:
- 1. Rationale for use or conditions that led to the conclusion that restraints were necessary (specify whether and what kind of alternatives were tried/considered);
 - 2. Individuals who reviewed these conditions and concluded that restraints were warranted;
 - 3. Type of restraints used and in what manner;
 - 4. How frequently the use of restraints was reevaluated and by whom and result of such reassessments;
 - 5. Change in conditions that led to the conclusion that restraints were no longer necessary;
 - 6. When restraints were removed;
 - 7. Length of time or total duration of restraint use.
 - 8. The facility administrator, senior ranking person present during the use of restraint, and health authority should debrief after the use of restraints occurs to review documentation and determine whether proper procedures were followed.
- I. **In Court Matters:**
- 1. Some judges might have routine policies that inmates appearing for hearings will be restrained/handcuffed during those appearances unless a jury is present. However, Ohio Law HB 1 would bar such routine use of handcuffs during court appearances of pregnant/postpartum inmates. Courts are subject to these restrictions as well.
 - 2. The judge could initiate a review for restraint itself and determine for itself that an exception as defined in this policy applies and that notification should be given in anticipation of the need to use restraints for future court appearances.
 - 3. Emergency situations can arise in court that would require the court to authorize restraints on an emergency, immediate basis.
 - 4. **Note:** Leg/ankle/waist restraints are never allowed for a pregnant/postpartum inmate.
 - 5. During the continued detention and continuing court appearances, routine handcuffing is prohibited.
 - 6. In any circumstance where an officer has a reasonable belief that a violation of this policy has occurred or is about to occur in the application of restraints, a supervisor

shall be notified immediately and a written report prepared and submitted to the supervisor.

J. Supervisory Responsibility:

1. It shall be the responsibility of the Jail Administrator to remain informed through the medical authority at the Jail and the identity of all inmates who are pregnant or postpartum during their incarceration at this Jail.
2. The Jail Administrator shall ensure that all supervisors and correctional officers are aware of the identity of female inmates under their direct supervision who are pregnant or postpartum.
3. The Jail Administrator along with the medical authority at the Jail will develop a plan for the movement and medical care of the pregnant and postpartum inmate that provides for the safety of the jail staff and inmates.

K. Training

1. Officers shall receive training on this restraint policy, procedures, and specific variations for use with pregnant inmates in custody before they are in a situation where they need to refer to the policy or potentially need to use restraints.
2. Health trained staff and security staff will be trained in the proper application of restraint devices.

Addendum B

Use of Restraints and Confinement

Pregnant and Postpartum Juveniles Arrestees and Inmates

I. Purpose: To establish specific guideline for the use of restraining devices and on pregnant or postpartum juvenile arrestees and inmates. This policy focuses on the limits on restraints for arrestees, detainees, and inmates during their pregnancy, delivery and any period of postpartum recovery up to six weeks after the pregnancy. With regard to the use of restraints on pregnant females this agency recognizes the need to balance the safety, health, and well-being of the pregnant female and her fetus/newborn with that of all other parties involved, including care givers, corrections staff and medical staff.

II. Policy: The sanctity of human life is of the highest value in the State of Ohio. It is the policy of this agency to utilize restraints for the protection of the pregnant female, the staff, and overall security of the jail, courts and facilities.

It is the policy of this agency that pregnant juvenile females or juvenile females in postpartum recovery up to six weeks after the pregnancy shall not be knowingly restrained using any shackles, handcuffs, or other physical restraint unless the pregnant juvenile female presents an emergency circumstance.

III. Definitions:

IV. Discussion: Pregnant females present special concerns for arresting officers, the correctional administrator, health authority and the courts. Pregnancy is a medically fragile time where neither the expectant mother nor fetus should be exposed to unnecessary risks of falls or injury, particularly when security restraints are applied.

Restraint is potentially harmful to the expectant mother and fetus. The use of restraints can pose health risks for pregnant inmates and their fetuses / newborns, not only by limiting movement that is necessary for balance, circulation, and safety, but also by potentially interfering with urgent medical examinations and procedures.

V. Definitions Sec. 2152.75. (A) :

- A. Charged or Adjudicated Delinquent Child:** means any female child to whom both of the following apply:
- a. The child is charged with a delinquent act or, with respect to a delinquent act, is subject to juvenile court proceedings, has been adjudicated a delinquent child, or is serving a disposition.
 - b. The child is, following arrest, transportation, and routine processing and booking, in custody of any law enforcement, court, or corrections official.
- B. Health Care Professional:** has the same meaning as in section 2108.61 of the Revised Code.
- C. Law Enforcement, Court, or Corrections Official:** means any officer or employee of this state or a political subdivision of this state who has custody or control of any child who is a charged or adjudicated delinquent child
- D. Restrain:** means to use any shackles, handcuffs, or other similar appliance or device.
- E. Unborn Child:** means a member of the species homo sapiens who is carried in the womb of a child who is a charged or adjudicated delinquent child, during a period that begins with fertilization and continues until live birth occurs.

- F. Emergency Circumstance:** means a sudden, urgent, unexpected incident or occurrence that requires an immediate reaction and restraint of the charged or adjudicated delinquent child who is pregnant for an emergency situation faced by a law enforcement, court, or corrections official.

VI. Procedures:

- A.** Except as otherwise provided in **Section VI. B. a.** of this policy, beginning on the date on which a pregnancy is confirmed to law enforcement by a health care professional, no law enforcement, court, or corrections official, with knowledge that the female child is pregnant or was pregnant, shall knowingly restrain or confine a female child who is a charged or adjudicated delinquent child during any of the following periods of time:
- a.** If the child is pregnant, at any time during her pregnancy;
 - b.** If the child is pregnant, during transport to a hospital, during labor, or during delivery;
 - c.** If the child was pregnant, during any period of postpartum recovery up to six weeks after the child's pregnancy.
- B.** A law enforcement, court, or corrections official may restrain or confine a female child who is a charged or adjudicated delinquent child during a period of time specified in **Section VI. A.** of this policy if:
- a.** An official determines that the child presents a serious threat of physical harm to herself, to the official, to other law enforcement or court personnel, or to any other person, presents a serious threat of physical harm to property, presents a substantial security risk, or presents a substantial flight risk.
- C.** A law enforcement, court, or corrections official who restrains a female child who is a charged or adjudicated delinquent child during a period of time specified in **Section VI. A.** of this policy shall not use any leg, ankle, or waist restraint to restrain the child.
- D.** If a law enforcement, court, or corrections official restrains a female child who is a charged or adjudicated delinquent child during a period of time specified in **Section IV. A.** of this policy the official shall remove the restraint if, at any time while the restraint is in use a health care professional who is treating the child provides a notice to the official or to the official's employing agency or court stating that the restraint poses a risk of physical harm to the child or to the child's unborn child.
- E.** A law enforcement, court, or corrections official shall not restrain a female child who is a charged or adjudicated delinquent child during a period of time specified in **Section IV. A.** of this policy if, prior to the use of the restraint a health care professional who is treating the child provides a notice to the official or to the official's employing agency or court stating that any restraint of the child poses a risk of physical harm to the child or to the child's unborn child. A notice provided as described in this policy applies throughout all periods of time specified in Section IV. A. of this policy that occur after the provision of the notice.
- A.** General Procedures for Restraints Applied to Pregnant and Postpartum Juvenile Females: All use of restraints must be objectively reasonable.
- a.** Restraints are applied as humanely as possible.
 - b.** The type of restraint should be reduced to the least restrictive level required as soon as the inmate is cooperative.
 - c.** Staff will attempt to assist the inmate in gaining control by less restrictive interventions prior to considering application of restraints. Actions may include talking to inmate in a calm manner in attempt to de-escalate the situation.

- d. Staff will encourage inmate compliance during the application of the restraints by calmly explaining the restraint procedure, providing reasons for decision to restrain, and by explaining the behavior required for terminating use of restraints.
- B. The following types of restraints and restraint practices are expressly prohibited under all circumstances:
 - a. Abdominal restraints, because they pose a danger to the fetus resulting from the risk of physical trauma, dangerous levels of pressure, and restriction of fetal movement.
 - b. Leg and ankle restraints, which increase the pregnant inmate's pre-existing elevated risk of a forward fall.
 - c. Wrist restraints behind the back, because they restrict the pregnant inmate's ability to protect herself and the fetus in the event of a fall.
 - d. Four-point restraints.
- C. **Wrist Restraints:**
 - a. When used, should be applied in such a way that the pregnant inmate may be able to protect herself and her fetus in the event of a forward fall (i.e., in front of her body).
 - b. Pregnant females shall only be handcuffed in front. Officers shall check for proper fit, double lock and document the actions in the written report.
 - c. Officers shall address any complaints of pain and document in their report the action taken.
- D. **Detention Booking:**
 - a. The admission of a pregnant or postpartum detainee into this facility demands close attention by the staff, supervisors, the Jail Administrator and the medical authority.
 - b. Booking officers who intake a pregnant female or postpartum female shall make a notification to the on-duty supervisor and the medical authority.
 - c. Advance planning among members of the inmate's care team (i.e., health care and corrections professionals) should be conducted before hospital admittance.