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<b>Use of Force/Reportable Incidents</b>	<b>ACA Standards: 2-CO-1C-04, 2-CO-3A-01 5-ACI-1D-19, 5-ACI-1D-20M, 5-ACI-1D-21M, 5-ACI-3A-16, 5-ACI-3A-18M, 5-ACI-3A-28, 5-ACI-3A-29, 5-ACI-3A-31, 5-ACI-3A-32M, 5-ACI-3A-33M, 5-ACI-3A-35M, 5-ACI-3B-16, 5-ACI-3C-06, 5-ACI-3D-08M, 5-ACI-3D-11, 5-ACI-3D-14, 5-ACI-6A-35M, 5-ACI-6C-13M, 5-ACI-6C-16, 4-ACRS-2B-01M, 4-ACRS-2B-02, 4-ACRS-2B-03, 4-APPFS-3B-01M, 4-APPFS-3B-02M, 4-APPFS-3B-06, 4-APPFS-3B-08, 4-APPFS-3B-09, 4-APPFS-3G-01, 4-APPFS-3G-02, 4-APPFS-3G-04</b>		
<b>Scott Crow, Director Oklahoma Department of Corrections</b>		<b>Signature on File</b>	

## Use of Force Standards and Reportable Incidents

### I. Use of Force

The Oklahoma Department of Corrections (ODOC) invests in its staff the authority to intervene to resolve conflict, prevent certain actions or dissuade a particular course of action by inmates/offenders.

Use of force is defined as any physical contact in a confrontational situation which is required to enforce or control the behavior of inmates or as the use of fire power, chemical agents, inflammatory agents, or other instruments to enforce order in the facility and, in some cases, in the scope of probation and parole region and Office of the Inspector General duties.

Staff may exercise the use of verbal orders, physical contact or, as a last resort, lethal force in instances of justifiable self-defense, to protect other persons from imminent death or serious bodily harm, to protect the security of the physical plant, to prevent escapes and/or capture escapees. Under no circumstances is physical force justifiable as punishment of an inmate/offender. (2-CO-1C-04, 5-ACI-3A-35M, 5-ACI-3D-08M, 4-APPFS-3G-01)

Employees may use reasonable force as required in the performance of their duties; however, unnecessary or excessive force is not authorized.

For the purpose of this procedure, the term "facility" shall refer to all state institutions and community corrections centers, the term "facility head" will apply to wardens and community corrections centers administrators and the term "unit head" will apply to unit administrators and probation and parole administrators.

### II. Level of Force

The level of force and type of force equipment used is dictated by the assessed risk presented. (4-APPFS-3B-01M) When force is necessary, it will be limited to the minimum degree necessary to resolve the situation, beginning with verbal commands.

#### A. Show of Force

When possible, a show of force will be used prior to any planned use of force. A show of force is the demonstration to an inmate/offender that sufficient numbers of staff and resources are available to subdue or control the inmate/offender who is disruptive. A show of force will not be made without sufficient staff and equipment to control the situation and a commitment to use that force.

#### B. Levels of Force Utilized (4-APPFS-3B-06)

The following two levels of force are authorized to be used as the situation dictates:

1. Less Lethal Force

- a. Less lethal force is not designed to, or likely to, cause death or serious bodily injury.

(1) With a Weapon

The use of any physical force utilizing a device, other than a firearm, designed for defensive purposes or to temporarily incapacitate, immobilize, or disorient.

(2) Without a Weapon

The application of a trained staff member's hands, fists, elbows, feet etc., to gain control of a person or defend against an assault.

- b. Types of Less Lethal Force Equipment

(1) Physical Restraint Devices

Items such as handcuffs, leg irons, belly chains, walking restraints, restraint chairs, four or five point restraints, etc., are designed to immobilize or incapacitate an inmate/offender.

(2) Inflammatory Agents

Inflammatory agents, such as Oleoresin Capsicum (OC) spray, are designed to temporarily immobilize or incapacitate through temporary discomfort caused by the chemical action.

(3) Electronic Technology

Taser/electronic stun gun or an electronic shield are designed to temporarily immobilize or incapacitate by delivering a less lethal electronic charge.

(4) Projectile Devices

These devices are designed to launch or hurl a bean bag, rubber baton, pepper ball or similar device to temporarily incapacitate or immobilize.

(5) Batons (or similar weapons)

Such weapons are designed to temporarily incapacitate by striking.

(6) Chemical Agents

Such as Chlorobenzalmalononitrile (CS) gas.

c. Less Lethal Force Authorization

Less lethal force is authorized to be used by trained staff as outlined below:

- (1) Physical Restraints (2-CO-3A-01, 5-ACI-3A-18M, 5-ACI-3A-28, 5-ACI-6C-13M)

The use of physical restraints will be in accordance with the following procedures:

- (a) The use of four and five point restraints will be approved in advance by the facility head and the facility mental health authority and applied in accordance with [OP-140141](#) entitled "Therapeutic Restraints and Seclusion."
- (b) Physical restraint devices (e.g., handcuffs, belly chains, leg irons) will not be used for punishment or disciplinary purposes. (5-ACI-3A-16)
- (c) Physical restraint devices may be used for the prevention of inmate/offender self-injury, injury to others, or property damage, or other security reasons approved by the facility head or designee with the degree, duration, and type of restraint(s) being consistent with the severity of the situation. (5-ACI-3A-16, 5-ACI-3D-08M)
- (d) Restraint Chair
  - (i) The restraint chair will not be used to punish inmates. It will be used for the protection of staff, to prevent self-injury, to prevent escape, property damage, and when escorting violent inmates from one location to another within the confines of the facility. The inmate restrained in the chair will not be left unattended.
  - (ii) Use of a restraint chair will be in accordance with "Procedures for Use of the Restraint Chair" ([Attachment D](#), attached). If the restraint chair was used as a part of a use of force, a report will be submitted to the chief administrator of

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Institutions by 11:00 a.m. the next working day.

- (2) Electronic technology, tasers, electronic stun gun, electronic shield, Remotely Activated Custody Control (RACC) belts or similar devices: (5-ACI-3A-28)

- (a) May be used to subdue an inmate/offender or to prevent or quell any disturbance in which there exists a threat of death, bodily harm, escape, or property damage.

- (b) Conducted Electronical Weapon (Tasers)

The employee shall not simultaneously deploy Tasers on an individual. Nor will a Taser be activated more than twice on an individual; and

The use of Taser is authorized against attacking animals.

- (c) The use of Tasers and aftercare will be in accordance with the following procedure:

- (i) Employees shall only carry departmental Tasers after completing departmental training.

- (ii) Under no circumstances will the manufacturer's instructions for use be violated.

- (iii) If carried as an intermediate weapon while in possession of a firearm, Tasers shall be maintained in a holster on an employee's weak side or attached to a tactical vest carrier to avoid accidental drawing and/or firing of a sidearm.

- (iv) The employee shall give a verbal warning a Taser will be deployed unless such notice would compromise staff safety.

- (v) A Taser can be an ignition source and should not be deployed near flammable liquids, fumes or highly flammable environments such as methamphetamine labs.

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- (vi) An employee shall avoid using a Taser on an individual who is positioned on an elevated surface as they cannot control their fall.
- (vii) A Taser should not be used on a handcuffed person unless they are exhibiting active aggression and/or to prevent an individual from harming themselves or others.
- (viii) A Taser causes temporary incapacitation, therefore should never be used on people in water, obviously a pregnant female, children, elderly persons or person operating a motor vehicle.
- (ix) When the subject has been secured, employees may remove the Taser darts if doing so will not result in further injury.
- (x) If necessary, employees may transport the subject with embedded probes. The conductive wires will be cut approximately six inches away from the probes still embedded.
- (xi) When returned to an ODOC facility or during booking into a county jail, an employee will request medical personnel examine the impact sites.
- (d) The use of electronic technology or similar weapons by staff in a facility as a planned use of force must be authorized by the facility head. In an emergency, the highest-ranking staff present has the authority to authorize use by facility staff.
- (e) Except in an emergency (not a planned use of force), the use of electronic technology equipment or similar weapons by staff will not occur until medical staff has screened the inmate(s)' medical records to determine whether there are any unique medical problems which must be taken into consideration when making the decision to use this technology.

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- (f) When authorized as a planned use of force in a facility, the assistant facility head, or in their absence, the highest-ranking security officer on site will personally observe and supervise the action.
  - (g) Only Central Transportation Unit (CTU) officers, maximum security facility staff and office of Inspector General supervisors and agents are authorized to use RACC belts. The "Custody Control Belt Documentation" ([Attachment E](#), attached) will be completed and submitted to the facility head/Inspector General within 24 hours of application.
- (3) Inflammatory Agents (ex. OC Spray)
  - (a) Staff is authorized to use OC spray in the following events:
    - (i) An inmate/offender refuses a direct order from staff, when failing to comply with the direct order endangers the safety of themselves or others, or when the situation is likely to escalate to a more serious situation.
    - (ii) Use of OC spray is also authorized against attacking animals.
  - (b) Precautions will be taken to avoid or minimize inflicting such chemical agents onto non-involved persons.
  - (c) Use of these chemical agents and decontamination will be in accordance with the following procedures:
  - (d) Under no circumstances will the manufacturers' instructions for use be violated;
  - (e) All affected persons will be removed from the presence of the chemical agent as soon as possible and provided with water to decontaminate the affected areas of the body;
  - (f) Medical personnel will evaluate all persons affected and treat any injury or side effects that persist following resolution of an incident;

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- (g) For instances involving the use of OC spray off facility grounds, medical care will be provided either by transporting the inmate to a nearby agency facility or to a local hospital if a medical emergency exists. Employees with the office of the Inspector General and Probation and Parole Services will have inmates/offenders evaluated at the receiving jail;
  - (h) Daily issue  
  
OC canisters may be issued to trained staff members on a daily basis. A log entry will be made to include the name of the staff person receiving the canister and the date and time the canister was issued and returned;
  - (i) Permanent issue  
  
OC canisters may be permanently issued to trained staff. The key/tool/armory officer will maintain a master inventory list to include but not limited to the names of authorized staff to which OC canisters are permanently issued, all canister expiration dates and beginning issuance weights;
  - (j) The assigned staff member is responsible for providing an incident report if the canister has been used, damaged, or expired. Upon receipt of an incident report, the staff member will be issued a new OC canister (Inspector General staff will continue to carry the partial canister). Once a canister of OC has been used, the partial canister will be secured in areas as designated by the facility/unit head. These partial canisters may be used during planned uses of force or during OC training; and
  - (k) Personnel will use only facility/unit issued OC spray.
- (4) Projectiles, including pepper ball type devices, will not be used in situations where inmates are confined to a cell or holding area unless they possess a weapon or are posing an immediate threat to others. When authorized for use, the assistant facility/unit head, or in their absence the highest-ranking security staff on site will personally observe and supervise the action.



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- (5) Riot batons, collapsible batons, or similar weapon(s) are authorized for use by staff.
  - (a) Batons may be used for self-defense, to control or subdue an inmate/offender, or to prevent or quell any disturbance in which there exists a threat.
  - (b) In a facility emergency, the highest-ranking security staff present has the authority to authorize use by staff. (5-ACI-3A-28)
  - (c) Care will be exercised to avoid damage to the head, neck, and unprotected internal organs (e.g., kidneys, liver, spleen, sexual organs).
- (6) Self Defense/Physical Force (5-ACI-1D-19)
  - (a) Self-defense/physical force is the subduing or obtaining control of an inmate/offender by staff using only their body.
  - (b) Self-defense/physical force which involves physical contact in confrontational situations is authorized in order to obtain compliance or control disruptive/violent inmates/offender.
  - (c) Physical force is not verbal commands issued to an inmate, the routine use of physical restraints as a security measure during the transportation of inmates, the arrest of or the controlled movement of inmates for internal facility security, a show of force or the use of canines.
- (7) Chemical Agents (e.g. Chlorobenzalmalononitrile (CS) gas) is authorized for use by staff in accordance with their approved emergency plans. The plans will include the following guidelines:
  - (a) Only individuals trained in the use of CS gas are authorized to use it in accordance with the following guidelines: (5-ACI-1D-21M)
    - (i) The use of CS gas will only be used in order to subdue an inmate when there is an imminent threat of death, serious bodily harm, to subdue inmate(s) resisting arrest or apprehension or to prevent or quell any disturbance in which there exists a threat of death, bodily

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harm, escape, or property damage.

- (ii) Except in an emergency (not a planned use of force), the use of chemical agents will not occur until medical staff has screened the inmate(s)' medical records to determine if there are any unique medical problems which must be taken into consideration when making the decision to use chemical agents.

In areas of general access such as dorms, day rooms, exercise yards, dining areas, or other areas where inmates have gathered and the need to resolve the situation is necessary, prior medical screening is not required.

- (iii) Precautions will be taken to avoid or minimize inflicting such chemical agents onto non-involved persons.
- (iv) Decontamination processes and resources are readily available.
- (v) Medical personnel will evaluate all persons affected and treat any injury or side effects that persist following resolution of a disturbance or incident.
- (vi) A report of the actual amount used will be forwarded to the facility head and included on [Attachment H](#) (attached) entitled "Incident Notification Report."

#### (8) Planned Use of Force

When a planned use of force is authorized, all staff participating will wear protective equipment (e.g., BDU's, coveralls, jumpsuits) with long sleeves, safety gloves, and, if available, safety sleeves made of Kevlar material for protection from cutting weapons.

### 2. Lethal Force

Lethal force is defined as force used against a human being that is likely to cause death or serious bodily injury. The type of lethal force authorized is the use of firearms. Warning shots are prohibited.

## III. Lethal Force Authorization

Unless otherwise specified, the use of force to protect self and others from imminent harm or response to an incident presenting an immediate threat does not require prior approval. Except in emergency situations, facility employees carrying firearms will only be assigned to towers, mobile patrols or other posts inaccessible to inmates. (5-ACI-3A-33M b#2)

A. Lethal Force (5-ACI-3A-33M, 4-APPFS-3B-02M)

Lethal force is authorized to be used:

1. To prevent an escape of an inmate from a medium or maximum security facility or during transportation;
2. When staff reasonably believes it is necessary to protect themselves or others from the imminent infliction of death or serious bodily harm;
3. To maintain or restore control of a facility when staff reasonably believe the intended subject of lethal force is participating in a disturbance in a manner that imminently threatens the security of the physical plant; and/or
4. If the central control center is inaccessible to inmates, central control officers are authorized to bear arms while within the control center and may use lethal force to prevent anyone from illegally breaching the security of the central control center.
5. The use of firearms is authorized against attacking animals.

B. Lethal Force Procedures

In an emergency, the highest-ranking staff present on the scene has the authority to approve these measures. Use of lethal force will be in accordance with the following procedures:

1. During an escape attempt from a medium or maximum security facility, staff will shout for the inmate to "halt." If that fails, the inmate may be fired upon. When the inmate leaves the immediate vicinity of the facility grounds, staff will not fire upon a fleeing inmate.
2. An escape attempt during transportation of a medium or maximum-security inmate, staff shall shout for the inmate to "halt." If that fails, the inmate may be fired upon.
3. During an assault by an inmate, if possible, other means will be used before using lethal force. The officer will fire upon the inmate only if the officer sees the inmate is armed and capable of inflicting serious bodily harm or death or is in the process of inflicting serious injury.

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4. To control major disruptive behavior of inmates, all other means will be used before directing lethal force at inmate(s). Sniper fire during such disturbances will be approved by the agency director or designee.
5. An officer will not normally fire upon the inmate if it endangers the lives of bystanders.
6. Correctional officers (CSO and above) are authorized to assist a local law enforcement agency (e.g., use of canine unit). The use of firearms will only occur if the staff member reasonably believes it is necessary to protect himself or others from the imminent infliction of death or serious bodily harm.
7. In the event a weapon is discharged, intentionally or accidentally, the employee will be drug tested as soon as possible in accordance with [OP-110602](#) entitled "For-cause Drug and Alcohol Testing Program."
  - a. If a weapon is accidentally discharged on facility property with no injury to persons, the fired weapon will be immediately secured. The facility will conduct an inquiry and a certified armorer will check the weapon to ensure it was in proper working order.
  - b. Any use of force incident occurring on facility grounds, resulting in discharge of a firearm at a person will result in the following steps:
    - (1) Check the welfare of those involved.
    - (2) Immediately secure the fired weapon once no further threat is identified.
    - (3) Notification to the chief administrator of Institutions, the chief administrator of Community Corrections and Contract Services and the Inspector General.
    - (4) Immediately secure a scene perimeter to include a scene recorder who will record the names and purpose of all persons entering and/or exiting the scene perimeter and reason. Entry will be limited to preservation mission and released only by the Inspector General or designee.
  - c. Any use of force incident occurring outside of facility grounds, resulting in the intentional discharge of a firearm at a person by an ODOC employee acting in the line of duty, shall initiate criminal investigative and forensic assistance by the Oklahoma State Bureau of Investigations (OSBI).

#### IV. Training (4-APPFS-3B-06)

Prior to being authorized to use any force related equipment such as physical restraints, firearms, inflammatory agents (OC Spray), or electronic technology, the staff member will receive training and be qualified in the appropriate use of that equipment. Specialized training completion must be validated at the point and time of issuance.

##### A. Self-Defense / Use of Force Training

Staff, as designated in [Attachment A](#) of [OP-100101](#) entitled "Training and Staff Development" will receive annual training in approved methods of self-defense and the use of force. (5-ACI-1D-19)

##### B. Firearms Re-Qualification

All persons authorized to bear firearms will be required to re-qualify annually in order to demonstrate competency in the use of firearms in accordance with [OP-100203](#) entitled "Firearms Qualification Standards." (5-ACI-1D-20M)

##### C. Inflammatory Agents (OC spray)

All persons authorized to use inflammatory agents will be trained in the use and treatment of an individual exposed to inflammatory agents. (5-ACI-1D-21M)

##### D. Electronic Technology

All persons authorized to use electronic technology will be trained in its use.

##### E. Chemical Agents

All persons authorized to use chemical agents will be trained in its use and treatment of an individual exposed to chemical agents.

#### V. Audiovisual Cameras

Portable audiovisual cameras will be maintained in all maximum, medium, and minimum security facilities. All use of force incidents will be filmed to the extent practical, to include medical examination of involved inmate(s) and staff, and placement of inmate(s) in secure housing. Filming will not unnecessarily invade privacy and will only be used to document behavior and/or injuries.

##### A. Use of Equipment

Audiovisual cameras will be used by trained personnel to record all instances where there is a planned use of force, or a planned action where it is probable that force will be necessary.

1. Training will include use, storage, maintenance and transfer of images/video onto a DVD or a drive as designated by the chief administrator of Physical Security. DVDs will be labeled, numbered, logged and secured in an area designated by the facility head by the end of the shift.
2. The recording officer will maintain "chain of custody" on the camera until such time the above process of transferring the images/video onto a DVD or a drive as designated by the chief administrator of Physical Security is complete.

B. Compliance

The officer in charge during each use of force incident will complete a "Use of Force Special Instructions" form ([Attachment F](#), attached) and will be filmed reading these instructions to ensure compliance with the procedures regarding the use of force and that compliance is appropriately documented. The facility/unit head or designee will be present at all planned uses of force.

In the event the incident is spontaneous, the recording will begin with a narration of the incident that occurred, to include staff and inmates involved. The recording will close with the shift supervisor/officer in charge being filmed reading the "Spontaneous Incidents/Use of Force Check List/Closure" form ([Attachment G](#), attached).

1. The facility/unit head, assistant facility/unit head and/or the chief of security will review all tapes in instances where the camera is activated, regardless of the type or outcome of the incident (e.g., the camera was activated in anticipation of a planned/spontaneous use of force, but force was not used). Viewing of the recorded incidents will be documented on the "Spontaneous Incidents/Use of Force Check List/Closure" form ([Attachment G](#), attached).
  - a. In an instance of a planned use of force, where no force was actually needed, the camera will be activated immediately upon notification and will continue through the reading of the "Use of Force Special Instructions" form ([Attachment F](#), attached) and filming of the inmate/ location where the use of force was to have occurred. The recording will be concluded as required in the "Use of Force Special Instructions" form ([Attachment F](#), attached).
  - b. In the event of an incident where multiple inmates are involved in the same use of force, multiple video cameras will be used to appropriately document the action(s) that occur.
2. The officer assigned to the post where the video camera is stored will check the functionality of the equipment at the beginning of each shift and will document such check in a log. At a minimum, the

camera will be checked to ensure that the battery is fully charged and the date/time is correct. Any problems with the equipment will be reported immediately to the chief of security, or highest ranking staff member at the facility when the chief of security is not available.

3. When video is requested by the chief administrator of Institutions, chief administrator of Community Corrections and Contract Services or Inspector General, appropriate software for viewing will be included and/or provided by the facility on the DVD in order to review the video.
4. All DVD's that have been used to record an incident will be stored and maintained in a secure area at the facility/unit for a period of five years after the recorded incident has been resolved. In the event that a DVD recording is started, and later it is determined that the incident did not require a use of force, the recording will be transferred in accordance with this procedure.
  - a. If the incident results in civil litigation, the DVD('s) will be forwarded to the office of General Counsel for safe keeping pending the resolution of the lawsuit. A copy will be retained by the facility/unit.
  - b. If criminal charges are being filed, the DVD('s) may be released to the district attorney as evidence in accordance with [OP-040109](#) entitled "Control of Contraband and Physical Evidence." A copy will be retained by the facility/unit. (5-ACI-3C-06)

VI. Medical Care (5-ACI-3A-32M, 4-ACRS-2B-02, 4-APPFS-3G-02)

When an injury is received during an incident or use of force, immediate medical attention will be given. When order has been restored, any inmate who has been subjected to physical use of force will be examined by medical staff. Any refusals will be documented and included in the report. All staff members involved in the use of force will also be examined by medical staff. Probation and Parole officers who are injured as a result of the use of physical force while on duty will obtain immediate medical care and will report the injury in accordance with Section IX. items B. and C. of this procedure.

VII. Issuance of Firearms, Chemical Agents and Force Related Equipment

Control of all force-related equipment will be in accordance with [OP-040106](#) entitled "Purchase, Use, and Control of Firearms and Security Equipment." (5-ACI-3A-29)

VIII. Arrests

A. Limitations

Staff members who are commissioned by the agency director may exercise the power of arrest in the performance of agency duties. All arrests will be performed with the minimum amount of force necessary to affect the arrest.

B. Power of Arrest

Power of arrest for officers commissioned as peace officers will be in accordance within law and agency policy.

C. Arrest/Apprehension Procedures

Apprehension of inmates who have escaped from facilities will be in accordance with [OP-050103](#) entitled "Escape Notification Procedures" and [OP-040110](#) entitled "Search and Seizure Standards."

Arrests will be effected with primary consideration for the safety and welfare of the public, the employee, and the inmate/offender. If at all possible, arrests of offenders under Probation and Parole supervision will be conducted in a controlled environment such as an ODOC office, law enforcement agency, etc.

For the purposes of this section, arrests will include any action taken while acting within the scope of employment for ODOC to regain custody of an inmate/offender under the custody/supervision of ODOC who has been determined to pose a risk to the public by their continued placement in the community or has absconded/escaped from custody; or any inmate/offender who is committing a felony or misdemeanor in the presence of the officer; or any inmate/offender who has a confirmed outstanding felony or misdemeanor warrant; or any non-inmate/offender as authorized in [OP-110801](#) entitled "Peace Officer Commissioning." Officers/agents serving warrants issued by ODOC, or resulting from a request of ODOC, may take the lead in effecting an arrest when acting in compliance with these procedures:

1. On-Duty Planned Arrest (4-APPFS-3B-01M)

a. In the Office

- (1) Confirm the warrant is outstanding;
- (2) Obtain approval from the team supervisor/chief agent;
- (3) If needed, solicit the assistance of local law enforcement;
- (4) Ensure that there are, at a minimum, two officers per inmate/offender (one or more may be from a local law enforcement agency) and that at least one is armed. If working in a one officer sub-office and local law enforcement assistance is not available, the arrest may



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be affected with supervisor approval, if local law enforcement is notified of the pending action and it is reasonable to believe that the arrest can be made safely; and

- (5) Conduct a pre-arrest briefing with all officers/agencies participating in the action as described below.

b. In the Field (4-APPFS-3B-01M, 4-APPFS-3B-08)

- (1) Confirm the warrant is outstanding;
- (2) Obtain approval from the team supervisor/chief agent;
- (3) Ensure that there are, at a minimum, two armed officers available per inmate/offender. Local law enforcement will be notified and solicited for their assistance if there is not sufficient ODOC staff to satisfy the minimum requirement of two armed officers per inmate/offender; and
- (4) Conduct a pre-arrest briefing with all officers/agencies participating in the action as described below.

c. Pre-Arrest Briefing (4-APPFS-3B-09)

A pre-arrest briefing will be conducted with all officers/agencies participating in the action to include, at a minimum, the following details:

- (1) Photograph, if available;
- (2) Physical description of the inmate/offender to include name, race, gender, height, weight, hair, date of birth, scars, marks, tattoos, etc.;
- (3) Reason for arrest;
- (4) Prior criminal history;
- (5) Prior behavior;
- (6) Address and physical description (interior and exterior) of the inmate's/offender's location;
- (7) Other persons who may be with the inmate/offender;
- (8) Potential dangers such as weapons, pets, etc.; and
- (9) Designation of officer responsibilities (e.g., arresting,

cover, surveillance, record keeping, transporting, etc.).

2. On-Duty Unplanned Arrest

- a. Effect the arrest only if there is no undue risk to the public, employee, or inmate/offender.
- b. Solicit the assistance of local law enforcement or other ODOC officers prior to effecting the arrest if time permits and this can be accomplished safely.
- c. Notification
  - (1) During normal working hours, contact the team supervisor/chief agent immediately after the situation is secured or the inmate/offender has been released to the proper authority.
  - (2) After normal working hours, contact the duty officer immediately after the situation is secured or the inmate/offender has been released to the proper authority.

3. When a warrant is not present and an officer observes an inmate/offender committing a new crime, an unplanned arrest may be effected only if there is no undue risk to the public, employee, or inmate/offender.

- a. Evidence of the crime may be presented to the appropriate district attorney's office for investigation in the form of a "Special Report" or an affidavit.
- b. All contraband/evidence will be secured and identified in accordance with [OP-040109](#) entitled "Control of Contraband and Physical Evidence."

4. Correctional security officers, approved by the facility head to assist another law enforcement agency, will assume a role of support to the agency that has jurisdiction.

5. Any individual arrested will be placed in physical restraints immediately upon arrest, searched in accordance with [OP-040110](#) entitled "Search and Seizure Standards" and transported in accordance with [OP-040111](#) entitled "Transportation of Inmates." The individual will remain in physical restraints until the proper authority assumes custody or the individual is released by the proper authority.

6. Any individual being arrested will be read the "Miranda Warning" prior to questioning of any matter that may lead to criminal investigation

or charges.

7. Arrest reports will be submitted in accordance with [OP-160301](#) entitled "Reports and Investigations."

#### IX. Reportable Incident Reporting Process

The process for reporting incidents will be as outlined below.

##### A. Incidents Requiring Immediate Telephone Notification

Reportable incidents requiring immediate telephone notification are listed below (items 1. through 10.). These incidents require immediate notification by telephone to the appropriate administrator/chief administrator/division head. These incidents also require the immediate electronic transmittal of the inmates'/offenders' full name, ODOC number, race, crime, security threat group (STG) affiliation, and county of conviction, along with a brief/concise summary of the incident to the appropriate administrator/chief administrator/division head or designee.

If the reportable incident is an alleged sexual activity between an inmate and a staff member or volunteer, this requires immediate telephone notification pursuant to subsection 5., below. The electronic transmittal sent to the appropriate administrator or designee, should only include the inmate's name and ODOC number along with a brief/concise summary of the incident. Notifications of this type should omit the inmate's race, crime, county of conviction and gang affiliation.

The chief administrator of Institutions or the chief administrator of Community Corrections and Contract Services will notify the chief of Operations and the Inspector General. The chief of Operations will be responsible for notifying the agency director.

1. Major disturbances, hostage situations, or assault/battery of staff resulting in serious bodily injury or death;
2. All deaths, potential life threatening suicide attempts, assaults that result in life threatening injuries requiring emergency medical intervention, or potential life threatening illnesses that require an emergency transport off facility grounds to a hospital; (5-ACI-6A-35M, 5-ACI-6C-16)
3. All escapes, walkaways, and apprehensions;
4. Any incident at a facility which involves a request for assistance from an outside law enforcement agency or fire department, to include the arrest of an employee, volunteer, or visitor, or media attention;
5. Any report of alleged sexual assault (as defined in [OP-030601](#) entitled "Oklahoma Prison Rape Elimination Act" will be reported

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immediately to the chief administrator of Institutions or the chief administrator of Community Corrections and Contract Services and the General Counsel. The Inspector General will be contacted immediately if it is suspected that evidence can be collected, to include any report of alleged sexual activity with a staff member or volunteer as outlined in [OP-030601](#) entitled "Oklahoma Prison Rape Elimination Act"; (5-ACI-3D-11, 5-ACI-3D-14)

6. Any criminal activity or critical incident involving a probation or parole offender that results in immediate outside law enforcement involvement or draws immediate outside media attention will be reported to the chief administrator of Community Corrections and Contract Services through the affected chain of command;
7. Spontaneous application of restraints to a pregnant inmate requires completion of the "Report of Application of Restraints to a Pregnant Inmate" form ([DOC 050108A](#), attached);
8. Discharge of a firearm or use of other possible lethal weapon for purpose other than training or equipment maintenance or anytime a weapon is un-holstered by staff and pointed at any individual; (5-ACI-3A-31 b#1)
9. Inmate on inmate assaults or fights with significance, such as gang involvement, that may create security concerns/risks at other facilities; or
10. Staff injuries, to include the cadet academies, which require transport to a hospital by ambulance or air ambulance, or result in death.

**B. Reportable Incidents Requiring Notification the Following Day by 10 AM**

Reportable incidents requiring telephone notification by 10:00 a.m. the following day (weekends and holidays included) are listed below (items 1. through 9.). Notification is required by telephone to the appropriate executive/senior staff. The telephone notifications will be followed by the electronic transmittal of the inmates full name, ODOC number, race, crime, STG affiliation, and county of conviction, along with a brief/concise summary of the incident.

The appropriate executive/senior staff will make appropriate notifications.

1. Situations or incidents resulting in the use of electronic technology, inflammatory agents, or similar technology; (5-ACI-3A-31 b#2)
2. Any fire causing staff or inmates/offenders to be evacuated, causes damage to facility, or interferes with facility operations;
3. All use of force incidents; (5-ACI-3A-31 b#3)

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4. Altercations between inmates/offenders that result in injury such as stitches, broken bones, concussion, loss of consciousness, etc.;
5. Any burglary/vandalism of state property;
6. All escapes from pre-release programs (PPCS, EMP, GPS);
7. Any facility lockdown lasting longer than two hours will be reported. This does not apply to routine lockdowns for counts that are authorized as part of the facility operation;
8. The arrest of employees or volunteers away from the facility; or
9. Non-life threatening staff injuries, to include cadet academies, which require medical attention at a medical facility.

The facility chief of security will maintain records for inmate fights not listed above. This includes assaults without serious injury, fights without serious injury, and assaults by throwing substances.

**C. Incidents Involving Use of Physical Force by a Probation and Parole Officer**

All incidents involving the use of physical force by a probation and parole officer are reported in writing and submitted to the officer's supervisor by the end of the officer's shift. (4-APPFS-3G-02)

**D. Reportable Incidents Will be Reported in Writing No Later Than 11:00 a.m.**

All reportable incidents will be reported in writing by the facility/unit head no later than 11:00 a.m. the next working day to the chief administrator of Institutions or the chief administrator of Community Corrections and Contract Services through the appropriate chain of command, utilizing the "Incident Notification Report" ([Attachment H](#), attached). The section entitled "Any other pertinent information specific to this incident" will include the mental health level with medication compliance and STG affiliation for all inmates involved in the incident. (5-ACI-3A-31)

1. The chief administrator of Institutions or chief administrator of Community Corrections and Contract Services will forward the "Incident Notification Report" ([Attachment H](#), attached) to the chief of Operations by 1:00 p.m. the same working day the written notification is received. The chief of Operations will forward the report to the Inspector General.
2. Probation and parole regions will report any incident which results in contact with outside law enforcement or media attention utilizing the "Media Attention/Outside Law Enforcement Contact" form ([Attachment J](#), attached) in accordance with the following procedures:

- a. Incidents will be reported to the chief administrator of Community Corrections and Contract Services in writing by the affected administrator the next working day utilizing the “Media Attention/Outside Law Enforcement Contact” form ([Attachment J](#), attached). The narrative portion of this report, in addition to a summary of the situation, will include the source of the information reported, the date the information was reported, the media source reporting the information and any other related information.
    - b. Within seven working days after the information becomes known; and if the incident results in felony charges being filed against the inmate/offender; or if the inmate/offender dies as a result of the encounter with police; or while in commission of the offense, the inmate’s/offender’s ODOC field file will be audited and summarized by the administrator/assistant regional supervisor in a narrative case report entitled “ODOC File Audit.” This report, along with copies of the officer’s chronological records, will be forwarded to the chief administrator of Community Corrections and Contract Services.
  3. Any time a probation and parole officer un-holsters a weapon and points the weapon at an individual/inmate, this action will be recorded no later than the next working day in the weapons incident log maintained by each probation and parole region. The incident will be reviewed by the immediate supervisor with all staff involved.
    - a. The weapons incident log will include the following information: name of individual/inmate/offender involved, the ODOC number, if applicable, location of incident, a brief description of the events relating to the incident, and the name of the supervisor who reviewed the incident.
    - b. A copy of the weapons incident log will be submitted monthly to the chief administrator of Community Corrections and Contract Services.
  4. Medical reports for all staff and inmates/offender involved documenting any injuries and medical care/or treatment received will be submitted. This information is considered protected health information and will be treated with confidentiality.
- E. Comprehensive Report (5-ACI-3A-35M, 5-ACI-6A-35M, 4-ACRS-2B-01M, 4-ACRS-2B-03, 4-APPFS-3G-04)

After reviewing the “Incident Notification Report,” the chief administrator of Institutions or the chief administrator of Community Corrections and Contract Services may order a “Comprehensive Report” ([Attachment A](#), attached). If a comprehensive report is ordered, a tracking number will be

assigned by the division of Institutions or Community Corrections and Contract Services.

The "Comprehensive Report" is to be submitted within five working days of being ordered (excluding weekends and holidays) by the chief administrator of Institutions/Community Corrections and Contract Services and/or designees. The "Comprehensive Report" will include all reports completed by staff and any new information that has been obtained (e.g., DVD's, recordings, photographs). "Incident/Staff Reports" ([OP-050109](#), [Attachment A](#)) will be submitted with the "Comprehensive Report."

All appropriate misconducts will be issued to the inmate(s) involved. Copies of the misconducts will be attached to the report. A formal debriefing with administrative, security and medical/mental health staff will also be conducted and documented and noted in the "Comprehensive Report." If a critical incident debriefing occurred (in accordance with [OP-110501](#) entitled "Line of Duty Severe Injury/Death") this will be noted in the "Comprehensive Report." (5-ACI-3B-16) Information gathered during the debriefing will be included in the "Comprehensive Report" as provided below. The medical and mental health information will be considered protected health information (PHI) and will be confined to the section designated for PHI on the report form.

1. The following will be addressed in the "Comprehensive Report" ([Attachment A](#), attached):
  - a. A full description of the incident; (5-ACI-3B-16 b#1)
  - b. What staff were involved and the role they played; (5-ACI-3B-16 b#1)
  - c. Inmate information will include the security threat group affiliation, mental health level with medication compliance over past 90 days, age, race, days remaining, crime, sentence length and an updated inmate profile screening form;
  - d. If injuries occurred (staff and/or inmates):
    - (1) What were the injuries;
    - (2) How were the injuries received;
    - (3) Treatment received and update on current condition and location; and
    - (4) If staff was injured, what is their current work status, was the follow up appointment(s) ordered and kept;



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- (5) This protected health information documentation will be limited to this section and not discussed in other sections of the comprehensive report including the narrative section.
- e. What future impact will /could this incident have on staff and/or inmates and other facilities; (5-ACI-3B-16 b#2)
  - f. What corrective measures were implemented and what follow-up action should be addressed to resolve and/or prevent future incidents; (5-ACI-3B-16 b#3, b#4)
  - g. What disciplinary actions/commendations for staff were issued or recommended;
  - h. If there is no video related to this incident why; and
  - i. If a video of this incident is included, how many discs are attached or uploaded to the drive designated by the chief of Operations.
2. Inmate profile screening forms will be updated on all inmates involved in an incident. The update will include a brief description of the incident, including the role the particular inmate played. Normally, this information will be placed in the misconduct history and security considerations sections of the inmate profile screening form. This updated information will be submitted with the "Comprehensive Report" ([Attachment A](#), attached).
3. (Revision-01 dated 03/28/2022) Mental health staff will conduct a mental health assessment on all inmates who have a mental health level of B, C1, C2, or D and are involved in use of force/incidents. This assessment will be aimed at determining if mental health issues played a part in the inmate's behavior and what, if any, treatment adjustments need to be made to help prevent future incidents. Completion of the updated information will be noted on the "Comprehensive Report" ([Attachment A](#), attached). This information is protected health information and will be limited to this section of the report.

**F. Reportable Incident Debriefing (5-ACI-3B-16, 4-APPFS-3G-04)**

If it is determined at any point in the reportable incident process that a critical incident has occurred, [OP-110501](#) entitled "Line of Duty Severe Injury/Death" will be followed. Critical incident debriefings will be conducted with administrative, security and medical/mental health staff. At a minimum, the formal debriefing will include the following:



1. A review of staff and inmate actions;
2. The incident's impact on staff and inmates;
3. A review of corrective actions taken and still needed; and
4. Plans for improvement to avoid another incident.

Results of the formal debriefing process will be documented and considered confidential.

X. Closure of Reportable Incidents

It will be the responsibility of the chief administrator of Institutions/Community Corrections and Contract Services to ensure that all reportable incident reviews obtain closure. The facility/unit will retain a copy of the reportable incident file and video for five years if no legal action is pending. If legal action is taken, the file may be destroyed two years after exhaustion of legal remedies. DVDs will be stored as specified in this procedure.

XI. Confidentiality

Findings from the reportable incident review or the Inspector General investigation will be considered confidential information. Release of any confidential information must be approved by the agency director.

XII. Notice

A. Acknowledgement of Receipt and Understanding

1. All employees will receive a copy of this procedure upon initial employment and at any time revisions are made. It is the responsibility of the employee to read this procedure and indicate in writing on the "Acknowledgment of Receipt and Understanding" ([Attachment I](#), attached) that the employee has read and understands this procedure.
2. The "Acknowledgement of Receipt and Understanding" ([Attachment I](#), attached) will be filed as documentation in the employee's personnel field file.

XIII. References

Policy Statement P-050100 entitled "Emergency Plans for the Oklahoma Department of Corrections"

OP-030601 entitled "Oklahoma Prison Rape Elimination Act"

OP-040106 entitled "Purchase, Use and Control of Firearms and Security Equipment"

OP-040109 entitled "Control of Contraband and Physical Evidence"

OP-040110 entitled "Search and Seizure Standards"

OP-040111 entitled "Transportation of Inmates"

OP-050103 entitled "Escape Notification Procedures"

OP-100101 entitled "Training and Staff Development"

OP-100203 entitled "Firearms Qualification Standards"

OP-110501 entitled "Line of Duty Severe Injury/Death"

OP-110602 entitled "For-cause Drug and Alcohol Testing Program"

OP-110801 entitled "Peace Officer Commissioning"

OP-140141 entitled "Therapeutic Restraints and Seclusion"

OP-160301 entitled "Reports and Investigations"

Tennessee v. Garner, 471 U.S., 105 S. CT. 1694 (1985)

Wilson v. Seiter, 501 U.S. 194, 111 S. CT. 2321 (1991)

57 O.S. § 510.3 and 515

63 O.S. § 938, 940 and 940. A., B.

21 O.S. § 731, 732

40 O.S. § 403.C

#### XIV. Action

The executive/senior staff is responsible for compliance with this procedure.

The chief of Operations is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the agency director.

This procedure is effective as indicated.

Replaced: OP-050108 entitled "Use of Force Standards and Reportable Incidents" dated April 19, 2018

Deleted: Revsion-01 dated May 1, 2019

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Distribution: Policy and Operations Manual  
Agency Website

<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
<a href="#">DOC 050108A</a>	"Report of Application of Restraints to a Pregnant Inmate"	Attached
<a href="#">DOC 040115A</a>	"Physical Identification Form"	<a href="#">OP-040115</a>
<a href="#">DOC 060211H</a>	"Consolidated Record Card (CRC)"	<a href="#">OP-060211</a>
<u>Attachments</u>	<u>Title</u>	<u>Location</u>
<a href="#">Attachment A</a>	"Comprehensive Report"	Attached
<a href="#">Attachment B</a>	"ODOC Agent/Officer Involved Shootings"	Attached
<a href="#">Attachment D</a>	"Checklist for the Use of the Restraint Chair"	Attached
<a href="#">Attachment E</a>	"Custody Control Belt Documentation"	Attached
<a href="#">Attachment F</a>	"Use of Force Special Instructions"	Attached
<a href="#">Attachment G</a>	"Spontaneous Incidents/Use of Force Check List/Closure"	Attached
<a href="#">Attachment H</a>	"Incident Notification Report"	Attached
<a href="#">Attachment I</a>	"Acknowledgment of Receipt and Understanding"	Attached
<a href="#">Attachment J</a>	"Media Attention/ Outside Law Enforcement Contact"	Attached
<a href="#">Attachment A</a>	"Incident/Staff Report"	<a href="#">OP-050109</a>
<a href="#">Attachment A</a>	"Summary of Minimum Orientation, Pre-Service and In-Service Training Hour Requirements"	<a href="#">OP-100101</a>