



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 3.1.8	Subject: USE OF FORCE AND RESTRAINTS
Chapter 3: FACILITY/ PROGRAM OPERATIONS	Page 1 of 5 and Attachments
Section 1: Security Operations	Effective Date: April 1, 1997
Signature: /s/ Mike Ferriter, Director	Revised: 11/28/11

I. POLICY

The Department of Corrections, in accordance with state statutes, will provide employees with direction and training on the use of force to ensure force is used only when reasonable and essential to the degree necessary to control offenders, protect offenders, staff, or the public or to restore order.

II. APPLICABILITY

All divisions, facilities, and programs Department-owned and contracted, as specified in contract.

III. DEFINITIONS

Deadly Force – Force that may reasonably be expected to cause serious injury or death.

Immediate Use of Force – Use of force when time and circumstances do not permit advance planning, consultation, or approval by a higher-ranking staff member.

Investigations Bureau – The bureau that oversees investigations for the Department.

Non-Deadly Force – Physical force not intended nor reasonably expected to cause serious injury or death.

Planned Use of Force – Use of force when time and circumstances allow the opportunity for advance planning, consultation, and approval by a higher-ranking staff member.

IV. DEPARTMENT DIRECTIVES

A. General Requirements

1. Administrators will ensure that operational procedures are consistent with the guidelines established within this policy and related Department policies.
2. Use of force may be necessary:
 - a. in self-defense;
 - b. in defense of others;
 - c. for enforcement of Department policy and operational procedure;
 - d. to prevent self harm;
 - e. to prevent criminal activity;
 - f. to prevent destruction of public property; and
 - g. to prevent an escape or abscond.
3. Staff who are trained in the use of force based on job responsibilities are expected to

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- recognize and be able to apply the proper level and type of force needed; training will be administered in accordance with [DOC Policy 1.4.1, Staff Development and Training](#).
4. Except in emergencies or situations approved by the Division or facility administrator or incident commander, and as provided by emergency operation plans firearms are not permitted inside any secure care facility.
 5. Force will not be used to punish, harass, coerce, or abuse offenders.

B. Operational Procedure Requirements

1. The administrator, or designee, will establish operational procedures that include:
 - a. the availability, control, and use of security equipment designated for staff use while considering facility or program type, history and culture, population type, and age of offenders in accordance with [DOC Policy 3.1.7 RD, Emergency Equipment and Armory Operations](#);
 - b. mandated successful completion of an approved training curriculum that includes initial and in-service training and required certification and re-certification for staff in the use of security equipment and approved types of force in accordance with [DOC Policy 1.4.1, Staff Development and Training](#);
 - c. requirements for adequate staff documentation and prompt reporting of use of force incidents;
 - d. protocol for administrative evaluation and investigation of use of force incidents;
 - e. detailed procedures for the spectrum of use of force control measures;
 - f. detailed procedures providing staff with clear understanding of the cautions and circumstances under which they will consider the use of deadly force;
 - g. communication to staff that each use of force incident is a critical event and the related administrative review process expresses that importance;
 - h. a requirement that disciplinary or corrective actions are taken for malicious or excessive use of force; and
 - i. administrators and supervisors share information and formally review all use of force incidents by examining documents, viewing video documentation, and interviewing involved staff, when necessary.
2. Operational procedures will include the following medical care provisions:
 - a. a decontamination process for exposed individuals and facility areas relative to the use of specific chemicals or inflammatory agents; and
 - b. medical review and examination requirements for offenders involved in and affected by use of force actions.

C. Planned and Immediate Use of Force

1. Planned use of force will:
 - a. be approved by the appropriate on-site supervisor who will determine the type and amount of force to be used;
 - b. be accompanied by nonphysical efforts to resolve the issue;
 - c. be video documented by facilities for the clearest possible record of the event; if circumstances prevent video documentation, the shift supervisor must provide the reason in the submitted Use of Force Information Sheet;

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- d. require involved staff utilize available staff protective equipment that may include vests, shields, helmets and appropriate pads; and
 - e. require involved staff alert appropriate medical personnel to stand by. Medical staff will review medical records prior to the use of chemical or inflammatory agents and/or conductive energy devices.
2. The Department authorizes the immediate use of force by a staff member in a situation that constitutes a threat to themselves, the safety of staff, offenders, the public, or facility security and when there is no time to formulate a plan or to notify an immediate supervisor.

D. Nonphysical Use of Force

1. Techniques or strategies may be used by staff to maintain control or gain compliance of an offender without forcible physical contact including, but not limited to:
 - a. officer presence to indicate staff is present and attentive;
 - b. verbal communication to problem-solve, de-escalate and resolve a situation;
 - c. video documentation of the offender(s) to record the factual events; and
 - d. show of force by the movement of appropriate staff, equipment, and weapons to an incident site to convince an offender that adequate staff and measures are available and will be used to resolve the situation.

E. Non-Deadly Physical Use of Force

1. Physical force may be used to:
 - a. stop potentially dangerous and unlawful behavior;
 - b. protect a staff member or another from injury or death; and
 - c. support the process of implementing lawful orders when the offender offers resistance.
2. Physical force may include, but is not limited to, the following:
 - a. pain compliance and leverage techniques;
 - b. use of appropriate restraints and empty-hand control techniques; and
 - c. use of safety equipment, which may include the following:
 - 1) oleoresin capsicum (OC) handheld aerosols, and restraint devices such as riot shields and conductive energy devices; and
 - 2) specialty exact impact munitions such as bean bags or foam batons, impact weapons such as batons and water hoses, or chemical agents.

F. Deadly Use of Force

1. Staff are justified in the use of deadly force in accordance with [45-3-102, MCA](#), [45-3-104, MCA](#), and [45-3-106, MCA](#) if they reasonably believe that the force is necessary to prevent the commission of a forcible felony, i.e.:
 - a. prevent escape from a correctional institution;
 - b. prevent damage or destruction of property when the loss of property would directly lead to an escape or attempted escape from a correctional institution, serious bodily injury or death; and
 - c. defend oneself or others against an imminent threat of serious bodily injury or

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imminent danger of death determined by the following three criteria:

- 1) ability: the offender possesses the ability or apparent ability to cause serious injury or death to an individual;
- 2) opportunity: the Department employee or a third party is within effective range of the offender's weapon(s); and
- 3) intent: a reasonable person would conclude that the offender will likely cause death or serious bodily injury at any moment.

G. Physical Use of Force Review

1. Each division or facility administrator will establish physical use of force documentation and reporting procedures to ensure a complete historical record of each physical use of force incident, and ensure staff accountability through administrative review. Reporting procedures must include the following elements:
 - a. initial incident reports and medical reports, when applicable, will be completed by staff involved in a use of force incident by the end of the shift in which the incident occurred and submitted to the shift supervisor;
 - b. supplemental information and final reports will be submitted by staff involved within 72 hours of the incident;
 - c. video documentation, incident reports, and medical reports will be attached to a Use of Force Information Sheet, completed by the shift supervisor;
 - d. the Use of Force Information Sheet and subsequent documents will be submitted to the administrator, or designee;
 - e. the administrator, or designee, will review the Use of Force Information Sheet and complete the Use of Force Evaluation Report;
 - f. if the administrator, or designee, determines excessive force may have been used upon review of the incident, a request for investigation may be made in accordance with [DOC Policy 3.1.19, Investigations](#); and
 - g. the administrator, or designee, will report to the Department legal staff and public information officer, incidents involving use of force which may bring media attention, public safety concerns, or involve significant Department liability because of the nature of the incident, parties involved, or other circumstances.
2. In order to evaluate Department use of force incidents, the Investigations Bureau will review and analyze Priority I and Priority II incidents in accordance with [DOC Policies 3.1.19, Investigations](#) and [1.1.6, Priority Incident Reporting and Acting Director System](#) as follows:
 - a. Priority I incidents will be investigated automatically and include use of force resulting in:
 - 1) death;
 - 2) discharge of a firearm; and
 - 3) injuries resulting in emergency room or hospital treatment.
 - b. Priority II incidents will be investigated upon request by an administrator and include all use of force not classified as Priority I.

V. CLOSING

Questions concerning this policy should be directed to the division or facility administrator.

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VI. REFERENCES

- A. [45-3-102, MCA](#); [45-3-101, MCA](#); [45-3-104, MCA](#); [45-3-106, MCA](#)
- B. [4-4190](#), [4-4191](#), [4-4199](#), [4-4202](#), [4-4203](#), [4-4206](#); *ACA Standards for Adult Correctional Institutions, 4th Edition*
- C. *DOC Policies* [1.4.1, Staff Development and Training](#); [3.1.7 RD, Emergency Equipment & Armory Operations](#); [3.1.19, Investigations](#);

VII. ATTACHMENTS

- [Use of Force Evaluation Report](#) [PDF](#)
- [Use of Force Information Sheet](#) [PDF](#)