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<b>Use of Force/Reportable Incidents</b>	ACA Standards: 2-CO-1C-04, 2-CO-3A-01 4-4090, 4-4091M, 4-4092M, 4-4190, 4-4191M, 4-4200, 4-4202, 4-4203M, 4-4204M, 4-4206M, 4-4225-1, 4-4231, 4-4281M, 4-4281-3, 4-4281-6, 4-4373M, 4-4405M, 4-4425, 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-3B-10, 4-APPFS-3G-01, 4-APPFS-3G-02, 4-APPFS-3G-04		
<b>Robert Patton, 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 (DOC) defines the use of force as: the authority of staff to intervene to resolve conflict, prevent certain actions or dissuade a particular course of action by offenders.

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 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 offender. (2-CO-1C-04, 4-4206M, 4-4281M)

## II. Level of Force

The level of force and type of force equipment, used is dictated by the assessed risk presented. 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 offender that sufficient numbers of staff and resources are available to subdue or control the 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

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

#### 1. Less Than Lethal Force

- a. Less than 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, or defend against, an assault.

- b. Types of Less Than 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 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.

C. Less Than Lethal Force

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

1. Physical Restraints (2-CO-3A-01, 4-4191M, 4-4199, 4-4405M)

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

- a. Except in emergencies, the therapeutic use of restraints will be as approved by the facility head and the facility mental health authority. The use of four and five point restraints will be applied in accordance with "Checklist for Application of Four and Five Point Restraints" ([Attachment C](#), attached) and in accordance with [OP-140141](#) entitled "Therapeutic Restraints and Seclusion."
- b. For the prevention of offender self-injury, injury to others, or property damage, or other security reasons as approved by the facility head or designee, with the degree, duration, and

type of restraint(s) being consistent with the severity of the situation. (4-4190, 4-4281M)

- c. Physical restraint devices (e.g., handcuffs, belly chains, leg irons) will not be used for punishment or disciplinary purposes. (4-4190)
  - d. Restraint Chair
    - (1) The restraint chair will not be used to punish offenders. It will be used for the protection of staff, to prevent self-injury, to prevent escape, property damage, and when escorting violent offenders from one location to another within the confines of the facility. The offender restrained in the chair will not be left unattended.
    - (2) Use of a restraint chair will be in accordance with "Checklist 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 appropriate division manager by 11:00 am the next working day.
2. Electronic technology, tasers, electronic stun gun, electronic shield, Remotely Activated Custody Control (RACC belts) or similar weapons: (4-4199)
- a. May be used to subdue an offender or to prevent or quell any disturbance in which there exists a threat of death, bodily harm, escape, or property damage.
  - b. 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.
  - c. 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 offender(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.
  - d. 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.
  - e. Only maximum security facilities and units designated in [OP-](#)

[040106](#) entitled "Purchase, Use and Control of Firearms and Security Equipment" are authorized to use RACC belts. The "Custody Control Belt Documentation" ([Attachment E](#), attached) will be completed and submitted to the facility head or designee within 24 hours of application.

3. Inflammatory Agents (OC Spray)
  - a. Staff are authorized to use OC spray in the following events:
    - (1) An 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.
    - (2) Use of OC spray is also authorized against attacking animals.
  - b. Precautions will be taken to avoid or to minimize inflicting such agents onto non-involved persons.
  - c. Use of these agents and decontamination will be in accordance with the following procedures:
    - (1) Under no circumstances will the manufacturers' instructions for use be violated;
    - (2) All affected persons will be removed from the presence of the agent as soon as possible and provided with water to decontaminate the affected areas of the body;
    - (3) Medical personnel will evaluate all persons affected and treat any injury or side effects that persist following resolution of an incident.
    - (4) For instances involving the use of OC spray off facility grounds, medical care will be provided either by transporting the offender to a nearby department facility or to a local hospital if a medical emergency exists;
    - (5) OC canisters issued to correctional officers that provide for controlled multiple discharges will be weighed and marked prior to each issuance until each canister is completely empty or no longer usable;
    - (6) After any planned or spontaneous use of OC spray, a report of the actual amount used will be forwarded to the facility head and included in the [Attachment H](#) entitled "Incident Notification Checklist" (attached); and

- (7) Personnel will use only facility issued OC spray.
4. Projectiles, including pepper ball type devices, will not be used on offenders 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 head, or in their absence the highest-ranking security officer on site, will personally observe and supervise the action.
  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 offender, or to prevent or quell any disturbance in which there exists a threat.
    - b. In a facility emergency, the highest-ranking staff present has the authority to authorize use by staff. (4-4199)
    - 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 (4-4090)
    - a. Self-defense/physical force is the subduing or obtaining control of an 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 offenders.
    - c. Physical force is not verbal commands issued to an offender or the routine use of physical restraints as a security measure during the transportation of offenders. It is not the arrest or the controlled movement of offenders for internal facility security, a show of force or the use of canines.
  7. Chemical Agents such as Chlorobenzalmalononitrile (CS) gas – **Private Prisons Only**

Private prisons are authorized to use CS gas in accordance with their approved emergency plans. The plans shall 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: (4-4092M)

- (1) The use of CS gas will only be used in order to subdue an offender when there is an imminent threat of death, serious bodily harm, to subdue offender(s) resisting arrest or apprehension or to prevent or quell any disturbance in which there exists a threat of death, bodily harm, escape, or property damage.
- (2) Except in an emergency (not a planned use of force), the use of chemical agents will not occur until medical staff has screened the offender(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 numbers of offenders have gathered and the need to resolve the situation is necessary, prior medical screening is not required.

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

#### 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.

#### 9. 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, gun walks, mobile patrols or other posts inaccessible to offenders. (4-4204M)

#### A. Lethal Force (4-4204M, 4-APPFS-3B-02M)

Lethal force is authorized to be used:

1. To prevent an escape of an offender 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 main control is inaccessible to offenders, 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 main control center.

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

4. During a riot or arson by offenders, all other means will be used before directing lethal force at offender(s).
5. An officer will not normally fire upon the offender if it endangers the lives of bystanders.
6. Fire by snipers during an armed tactical assault within a facility will occur only upon approval of the director or designee.
7. "Use of Force by Probation and Parole Officer" ([Attachment B](#), attached) provides additional guidance for probation and parole staff.
8. 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.
9. In the event a weapon is discharged, either as an approved use of force or accidentally, the employee will be drug tested as soon as possible in accordance with [OP-110602](#) entitled "Reasonable Suspicion Drug and Alcohol Testing Program." The fired weapon will be immediately secured at the facility armory and a certified armorer will check the weapon to ensure that it was in proper working order.

#### IV. Training

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 Training

Designated staff will receive annual training in approved methods of self-defense and the use of force in accordance with the "In-Service" section of the "Summary of Minimum Orientation, Pre-Service and In-Service Training Hour Requirements," [Attachment A](#) of [OP-100101](#) entitled "Training and Staff Development." (4-4090)

##### 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." (4-4091M)

##### 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. (4-4092M)

D. Electronic Technology

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

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 include medical examination of involved offender(s) and staff, and placement of offender(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, to record all major disturbances or group insubordination, homicides, and suicides.

1. Training shall include use, storage, maintenance and transfer of images/video onto a DVD or Atoka Share Drive. 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 the Atoka Share Drive.

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/district 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 offenders 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/district head, assistant facility/district 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 by the facility head on the "Spontaneous Incidents/Use of Force Check List/Closure" form ([Attachment G](#)).
  - a. In instances of planned uses 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 and filming of the offender/ 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](#)).
  - b. In the event of an incident where multiple offenders are involved in the same use of force, multiple video cameras may be required 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 designated for that purpose. 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.
3. When video is requested by the appropriate division manager or the 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 will be stored and maintained in a secure area at the facility/district 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 the General Counsel for safe keeping pending the resolution of the lawsuit. A copy will be retained by the facility/district.
  - b. If criminal charges are being filed, the DVD 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/district

VI. Medical Care (4-4203M, 4-ACRS-2B-02, 4-APPFS-3G-02)

When an injury is inflicted during an incident or use of force, immediate medical attention will be given. When order has been restored, any offender 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.

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."

VIII. Arrests (4-APPFS-3B-10)

A. Limitations

Staff members who are commissioned by the director may exercise the power of arrest in the performance of department 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 departmental policy.

C. Arrest/Apprehension Procedures

Apprehension of offenders 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 affected with primary consideration for the safety and welfare of the public, the employee, and the offender. If at all possible, arrests will be conducted in a controlled environment such as a DOC 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 DOC to regain custody of an offender under supervision of DOC who has been determined to pose a risk to the public by his/her continued placement in the community or has absconded from custody; or any offender who is committing a felony or misdemeanor in the presence of the officer; or any offender who has a confirmed outstanding felony or misdemeanor warrant; or any non-offender as authorized in [OP-110801](#) entitled "Peace Officer Commissioning" and [OP-110802](#) entitled "Peace Officer Commissioning of Probation and Parole Officers." Officers/agents serving warrants issued by DOC, or resulting from a request of DOC, may take the lead in effecting an arrest when acting in

compliance with these procedures:

1. On-Duty Planned Arrest

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 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 be affected with team 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-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 offender. Local law enforcement will be notified and solicited for their assistance if there is not sufficient DOC staff to satisfy the minimum requirement of two armed officers per 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 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 offender's location;
  - (7) Other persons who may be with the 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 offender.
  - b. Solicit the assistance of local law enforcement or other DOC 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 and office of the Inspector General/chief agent immediately after the situation is secured or the 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 offender has been released to the proper authority.
3. When a warrant is not present and an officer observes an offender committing a new crime, an unplanned arrest may be effected only if there is no undue risk to the public, employee, or 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 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 Offenders." The individual will remain in physical restraints until such time as custody is assumed by the proper authority 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 divided into two distinct categories. The reporting requirement for each category is outlined below.

##### A. Level One Reportable Incidents

Level One reportable incidents are those that are listed below (items 1 through 8) that will require immediate notification by telephone to the appropriate division manager. Level One incident's also require the immediate electronic transmittal of the offenders' full name, DOC number, race, crime, and county of conviction, along with a brief/concise summary of the incident to the appropriate division manager or designee.

The division managers of Institutions, field support or community corrections will notify the associate director of Field Operations and the Inspector General. The associate director of Field Operations will be responsible for notifying the director. All other division managers will be responsible for notifying the director and the Office of the Inspector General of any incident occurring within their division.

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 or serious injuries requiring medical attention; such as stitches, broken bones,

concussion, loss of consciousness, etc., or requiring transport to a hospital as a result of an assault; (4-4373M, 4-4425

3. All escapes from minimum security and above;
4. Any incident at a facility which draws an emergency response by an outside law enforcement or media attention;
5. Any report of alleged sexual assault will be immediately reported to the appropriate division manager. The office of the Inspector General will be immediately contacted if it is suspected that evidence can be collected. (4-4281-3) This will include any report of alleged sexual activity with a staff member or volunteer as outlined in [OP-030601](#) entitled "Oklahoma Prison Rape Elimination Act (PREA)"; (4-4281-6)
6. Escape from community corrections/community contract facilities if the escape included the commission of a new felony offense, other than the escape;
7. 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 shall be reported to the division manager of Community Corrections; or
8. Spontaneous application of restraints to a pregnant offender requires completion of the "Report of Application of Restraints to a Pregnant Offender" form ([DOC 050108A](#), attached).

B. Level Two Reportable Incidents

Level Two reportable incidents are those incidents listed below (items 1 through 7) that will require immediate notification by telephone to the appropriate division manager.

The appropriate division manager will make appropriate notifications.

1. Situations or incidents resulting in the use of electronic technology, inflammatory agents, firearms, or similar technology; (4-4202)
2. Discharge of a firearm or use of other possible lethal weapon for purpose other than training or equipment maintenance or anytime a weapon is unholstered by staff and pointed at any individual; (4-4202M)
3. Any fire causing staff or offenders to be evacuated, causes damage to facility, or interferes with facility operations;
4. All use of force incidents;

5. Any burglary/vandalism of state property;
6. All escapes from pre-release programs (PPCS, SSP, GPS), including contracted facilities and jails; or
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.

C. Level Three Incidents

Level Three incidents are those incidents listed below that do not meet the criteria for a level one or two reportable incident and do not require notification to the appropriate division manager. An [Attachment H](#) will be completed and submitted to the chief of security who will maintain a file of all Level Three incidents.

1. Offender-on-Offender assaults without serious injury – An assault that results in an injury that does not require urgent and immediate medical treatment.
2. Offender-on-Offender fight – Do not count serious assaults or assaults that do not involve serious injury as “fights”. A fight may include a flare of tempers with physical contact (e.g. punch, hard shove, etc.), mutual combat, or minor physical contact between two or more offenders where there was no injury.
3. Offender-on-Offender assaults by throwing substances – Exclude assaults with serious injury. Include assaults by throwing or spitting liquid, blood, waste, chemicals, urine, etc. that involved non-serious injury or no injury.

- D. All Level One and Level Two reportable incidents will be reported in writing by the facility/district head as soon as possible, but no later than 11:00 a.m. the next working day to the appropriate division manager, utilizing the “Initial Notification Checklist” ([Attachment H](#)).

The “Initial Notification Checklist” must be accompanied by the “Serious Incident Database Report” ([Attachment K-1](#) (institutions), [Attachment K-2](#) (private prisons) or [Attachment K-3](#) (community corrections), attached).

Both reports shall be completed electronically by the facility head or designee. The “Serious Incident Database Report” must be completed utilizing the “drop down” menus available in the electronic version of the report. This will ensure that the reporting is compatible with the entries required in the database maintained by the office of the Inspector General. Upon electronic completion of the “Serious Incident Database Report,” the facility/district head or designee will print the form and attach it to the “Initial Notification Checklist.” (4-4202, 4-APPFS-3G-02)

1. The appropriate division manager will forward the report to the associate director of Field Operations by 1:00 p.m. the same working day written notification is received. The associate director will forward the report to the office of the Inspector General.
2. Probation and parole districts 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 division manager of Community Corrections in writing by the district supervisor/local administrator the next working day utilizing the “Media Attention/Outside Law Enforcement Contact” form ([Attachment J](#)). 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 offender, or if the offender dies as a result of the encounter with police or while in commission of the offense, the offender’s DOC field file will be audited and summarized by the district supervisor/assistant district supervisor in a narrative case report entitled “DOC File Audit.” This report, along with copies of the officer’s chronological records, will be forwarded to the division manager of Community Corrections.
3. Any time a probation and parole officer un-holsters a weapon and points the weapon at an individual/offender, this action will be recorded no later than the next working day in the weapons incident log maintained by each district. The incident will be reviewed by the immediate supervisor with all staff involved.
  - a. The weapons incident log will include the following information: incident, name of individual/offender involved, the DOC 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 division manager of Community Corrections.
4. Medical reports for all staff and offenders involved documenting any injuries and medical care/or treatment received.

E. Comprehensive Report (4-4206, 4-ACRS-2B-03, 4-APPFS-3G-01, 4-APPFS-3G-04)

After reviewing the “Initial Notification Checklist,” the appropriate division manager may order a “Comprehensive Report” ([Attachment A](#), attached). If a comprehensive report is ordered a tracking number will be assigned by the division manager’s office.

The “Comprehensive Report” is to be submitted within five working days of the incident to the appropriate division manager and/or designees. The “Comprehensive Report” will include all reports completed by staff and any new information that has been obtained (DVD’s, recordings and photographs will be included). “Incident Reports” ([OP-050109](#), [Attachment A](#)) will be submitted with the “Comprehensive Report.”

All appropriate misconducts will be issued to the offender with copies of the misconducts 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 “Critical Incident Report”) this will be noted in the “Comprehensive Report.” (4-4225-1) Information gathered during the debriefing will be included in the “Comprehensive Report” as provided below.

1. The following will be addressed in the “Comprehensive Report” ([Attachment A](#)):
  - a. A full description of the incident; (4-4225-1)
  - b. What staff was involved and the role they played; (4-4225-1)
  - c. Offender information will include: Security Threat Group (STG) affiliation, mental health level with medication compliance over past 90 days, age, race, days remaining, crime, and sentence length and attach an updated offender profile screening form;
  - d. If injuries occurred (staff and offenders):
    - (1) What were the injuries;
    - (2) How were they 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;
        - e. What future impact will /could this incident have on staff and/or offenders and other facilities; (4-4225-1)
        - f. What corrective measures were implemented and what follow-up action should be addressed to resolve and/or prevent future incidents; (4-4225-1)
        - g. What disciplinary actions/commendations for staff was issued;
        - 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.
      2. Offender profile screening forms will be updated on all offenders involved in an incident. The update should include a brief description of the incident, including the role the particular offender played. Normally, this information will be placed in the misconduct history and security considerations sections of the offender profile screening form. This updated information will be submitted with the "Comprehensive Report" ([Attachment A](#)).
      3. Mental health staff will conduct a mental health assessment on all offenders who are under mental health care involved in use of force/ incidents. This assessment should be aimed at determining if mental health issues played a part in the offender'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](#)).
- F. Reportable Incident Debriefing (4-4225-1, 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 "Critical Incident Program" 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 offender actions;
  2. The incident's impact on staff and offenders;
  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 appropriate division manager to ensure that all reportable incident reviews obtain closure. The facility/district will retain a copy of the reportable incident file and video for five (5) 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 Section V. of this procedure.

XI. Confidentiality

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

XII. Notice

- A. 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 Understanding" ([Attachment I](#), attached) that the employee has read and understands this procedure.
- B. The "Acknowledgement of Understanding" will be filed as documentation in the employee's personnel field file.

XIII. References

Policy Statement No. P-050100 entitled "Emergency Plans for the Oklahoma Department of Corrections"

OP-030601 entitled "Oklahoma Prison Rape Elimination Act (PREA)"

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 Offenders"

OP-050103 entitled "Escape Notification Procedures"

OP-100101 entitled "Training and Staff Development"

OP-100203 entitled "Firearms Qualification Standards"

OP-110501 entitled "Critical Incident Program"

OP-110602 entitled "Reasonable Suspicion Drug and Alcohol Testing Program"

OP-110801 entitled "Peace Officer Commissioning"

OP-110802 entitled "Peace Officer Commissioning of Probation and Parole Officers"

OP-140141 "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 division manager of West Institutions is responsible for compliance with this procedure.

The associate director of Field Operations is responsible for the annual review and revisions.

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

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-050108 entitled "Use of Force Standards and Reportable Incidents" dated February 14, 2014

Distribution: Policy and Operations Manual  
Department Website

<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
<a href="#">DOC 040115A</a>	“Physical Identification Form”	<a href="#">OP-040115</a>
<a href="#">DOC 050108A</a>	“Report of Application of Restraints to a Pregnant Offender”	Attached
<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>	“Use of Force by Probation and Parole Officer”	Attached
<a href="#">Attachment C</a>	“Checklist for Application of Four and Five Point Restraints”	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>	“Initial Notification Checklist”	Attached
<a href="#">Attachment I</a>	“Acknowledgment of Understanding”	Attached
<a href="#">Attachment J</a>	“Media Attention/ Outside Law Enforcement Contact”	Attached
<a href="#">Attachment K-1</a>	“Serious Incident Database Report (institutions)”	Attached

<a href="#">Attachment K-2</a>	“Serious Incident Database Report (private prisons)”	Attached
<a href="#">Attachment K-3</a>	“Serious Incident Database Report (community corrections)”	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>