



*"Service with Excellence
& Integrity"*

Arkansas Department of Community Correction

Two Union National Plaza Building
105 West Capitol, 2nd Floor
Little Rock, Arkansas 72201-5731
(501) 682-9510 Fax: (501) 682-9513

ADMINISTRATIVE DIRECTIVE: 12-05 USE OF FORCE

TO: DEPARTMENT OF COMMUNITY CORRECTION (DCC) EMPLOYEES

FROM: DAVID EBERHARD, DIRECTOR

SUPERSEDES: AD 12-01

PAGE 1

APPROVED: Signature on File

EFFECTIVE: September 28, 2012

I. APPLICABILITY. This directive applies to Department of Community Correction (DCC) employees.

II. POLICY. An employee shall use only the amount of force necessary, given the facts and circumstances perceived at the time of the event, to effectively bring an incident under control. In no event is physical force justifiable as punishment. A goal in every encounter is to minimize injury to everyone involved. However, nothing in this policy requires an employee to actually sustain injury before applying reasonable force. (3-3175)

III. DEFINITIONS.

A. Deadly Physical Force. Physical force that, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

B. Law Enforcement Officer (LEO). Parole/Probation Officer/Agent, Parole/Probation Manager/Assistant Manager, Parole/Probation Assistant Director, Deputy Director of Parole/Probation Services, and others as designated by the Director who have met, or are in the process of meeting, Arkansas law enforcement certification requirements of Specialized Police Personnel.

C. Non-deadly Physical Force. Physical force that, under the circumstances in which it is used, is not intended and not reasonably likely to cause death or serious physical injury.

D. Physical Force. Any bodily impact, restraint, or physical confinement, or the threat thereof.

E. Stun Shield. A device which may be used offensively or defensively to immobilize or incapacitate a person by use of electronic current.

F. Weapon. An instrument of attack or defense including, but not limited to, firearms.

IV. GUIDELINES.

A. Application of Force. The amount and degree of force an employee may use is only that force which is reasonable and necessary based upon the circumstances. The force used must be the least amount of force required to bring the situation under control.

B. Resistance Control Continuum. Application of force may vary in intensity and can range from verbal direction to firearms (when authorized). The “resistance control continuum,” taught in use of force classes, is to be used as a guide along with the “ability, opportunity, and jeopardy” concepts and judgment and discretion.

C. Non-deadly Physical Force.

1. An employee may use non-deadly or the threatened use of non-deadly physical force as follows:
 - a. when it is reasonably believed to be necessary to prevent escape from custody
 - b. in the defense of self or others from what is reasonably believed to be the use or imminent use of unlawful physical force by that other person
 - c. to prevent another person from committing suicide or self-inflicting serious physical injury
 - d. to the extent reasonably necessary to maintain order and discipline
 - e. when it necessary to effect a lawful arrest
 - f. to prevent the destruction of property
 - g. to remove a person from an automobile or other closed area which is necessary to accomplish a legitimate DCC purpose.
 - h. to prevent or terminate the commission or attempted commission of a criminal trespass by the other person in or upon the premises or vehicle when in lawful possession or control of premises or a vehicle and to the extent that the employee reasonably believes it necessary.
 - i. when aiding a law enforcement officer in effecting an arrest of one reasonably believed to be committing or to have committed a felony; or in preventing the escape of one reasonably believed to have committed a felony, or
 - j. in carrying out a law enforcement officer's direction.
2. A law enforcement officer is justified in using non-deadly physical force or threatening to use deadly physical force upon another person if the law enforcement officer reasonably believes the use of non-deadly physical force or the threat of use of deadly physical force is necessary to

- a. effect an arrest or to prevent the escape from custody of an arrested person unless the law enforcement officer knows that the arrest is unlawful; or
- b. defend himself or herself or a third person from what the law enforcement officer reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape. (Ark. Code Ann. §5-2-610)

D. Deadly Physical Force. Use of deadly physical force upon another is not justified if an employee provokes the use of unlawful force by the other person with the purpose to cause physical injury or death to the other person.

1. An employee is justified in using deadly physical force upon another person when and to the extent he/she reasonably believes
 - a. it is necessary to defend himself/herself or others from what is reasonably believed to be an immediate threat of death or serious physical injury, or
 - b. it is necessary to protect himself/herself from the use or threatened use of a chemical agent when he/she reasonably believes that deadly physical force will be used against him/her if he/she becomes incapacitated by a chemical agent.
2. An employee is justified in using deadly physical force when directed by a law enforcement officer to assist in effecting an arrest or in preventing an escape if the employee reasonably believes the use of deadly physical force is necessary to defend himself or herself or a third person from what the employee reasonably believes to be the use or imminent use of deadly physical force. (Ark. Code Ann. § 5-2-611)
3. In addition to other circumstances that may warrant use of force, a law enforcement officer is justified in using deadly physical force upon another person if the law enforcement officer reasonably believes that the use of deadly physical force is necessary to
 - a. effect an arrest or to prevent the escape from custody of an arrested person whom the law enforcement officer reasonably believes has committed or attempted to commit a felony and is presently armed or dangerous; or
 - b. defend himself or herself or a third person from what the law enforcement officer reasonably believes to be the use or imminent use of deadly physical force. (Ark. Code Ann. 5-2-610)
4. Warning shots shall not be fired.

E. Medical Care. During and/or after the application of force, appropriate actions must be taken to save lives and provide for appropriate medical care.

F. Training. The Force Continuum used in training and any subsequent revisions must be pre-approved by the Chief Deputy Director and Director.

V. PROCEDURES.

A. Draw, Display, or Use of Firearms. Firearms may only be drawn, displayed, or used pursuant to the DCC Weapons policy, and the following:

1. to defend oneself or others from what is reasonably believed to be an immediate threat of death or serious bodily injury; or
2. for maintenance, storage, or use on an authorized firing range.
3. if the law enforcement officer reasonably believes that the use of deadly physical force is necessary to
 - a. effect an arrest or to prevent the escape from custody of an arrested person whom the law enforcement officer reasonably believes has committed or attempted to commit a felony and is presently armed or dangerous; or
 - b. defend himself or herself or a third person from what the law enforcement officer reasonably believes to be the use or imminent use of deadly physical force. (Ark. Code Ann. 5-2-610)

B. Draw, Display, or Use of Chemical Agents. Chemical agents may only be drawn, displayed, or used subject to the Weapons policy and the following:

1. in the removal of a person from an automobile or other enclosed area when it is necessary to accomplish a legitimate DCC purpose,
2. when it is necessary to prevent the destruction of property,
3. when it is necessary to prevent further escalation of force, or
4. when it is necessary to achieve control of a person.

C. Use of Stun Shields. Authorized and trained staff may display and use a DCC-issued stun shield as follows:

1. in the removal of a resident from an enclosed area when it is necessary to accomplish a legitimate DCC purpose
2. when it is necessary to prevent destruction of property
3. when it is necessary to prevent further escalation of force
4. when it is necessary to achieve control of a person.

D. When Force is Used. When an employee uses force which results in injury, the employee shall

1. take reasonable and appropriate action to manage the situation
2. provide for the safety of the subject
3. promptly seek medical care, if needed (4-ACRS-2B-02)
4. monitor the injured person and provide for first aid when possible
5. protect evidence and manage the scene until assistance arrives
6. summon a supervisor to the scene if necessary
7. contact the Arkansas State Police (or local police authority, as appropriate) to respond if a violent crime has been committed or someone has been shot or seriously injured or the situation appears to warrant police involvement
8. as soon as possible, report the incident in accordance with the policy on Reporting and Investigating Incident and Hazards.