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| <p align="center">State of Vermont, Agency of Human Services Department of Corrections</p> | <p align="center">Title: USE OF FORCE</p> | | <p align="right">Page 1 of 2</p> |
| <p>Chapter: Security and Supervision</p> | <p align="center"><i># 413 – “A”</i></p> | <p>Supersedes #413.07 (dated 09/01/00); 413.03 (dated 11/25/02); 413.01 (dated 7/31/06); Interim Procedure: Use of Force – Field and Threats on Staff (dated 7/31/2006); Interim Memo: #413.01 Use of Force (dated 10/06/2014)</p> | |
| <p>Any documents associated with this directive will be “Level A” security.</p> | | | |
| <p>Local Procedure(s) Required: No Applicability: All field and facility staff Security Level: “A” - Only staff may have access to this document.</p> | | | |
| <p>Approved:</p> | | | |
| <p align="center">SIGNED</p> | <p align="center">06/30/2016</p> | <p align="center">07/20/2016</p> | |
| <p align="center">_____ Lisa Menard, Commissioner</p> | <p align="center">_____ Date Signed</p> | <p align="center">_____ Date Effective</p> | |

PURPOSE

The purpose of this directive is to establish the Vermont Department of Correction’s (DOC) guiding principles and policies regarding the use of force in facilities, field sites, and in the community. This directive identifies the policies behind use of force as well as the DOC philosophy towards conflict resolution.

PHILOSOPHY

The DOC believes in non-violent conflict resolution. However, DOC recognizes that the potential for conflict is inherent in custodial and supervisory relationships with offenders. In its implementation and adherence to a non-violent conflict resolution policy, the DOC recognizes that there may be circumstances and/or occasions in which the use of physical force becomes necessary. DOC’s philosophy towards use of force is to use only the amount reasonably needed to overcome the amount of resistance offered. Conflict shall be resolved at the lowest level compatible with safety of staff, the public, and offenders. The DOC authorizes staff to use force when necessary to protect the safety of staff, the public, and other offenders.

AUTHORITY & REFERENCE

28 V.S.A, § 101(1), § 102(c)(1), (5), (6), § 601(2), (3), (4), § 801a, and § 851; American Correctional Association Standards for Adult Correctional Institutions, 4th Edition, January 2003;

Standards 4-4190, 4-4191, 4-4199, 4-4200, 4-4201, 4-4202, 4-4203, 4-4204, 4-4205, 4-4206.

POLICY

1. Conflict Resolution

The DOC believes in a non-violent conflict resolution process. As such, conflicts shall be resolved at the lowest level of intervention compatible with the safety of staff, the public, offenders, and the need to maintain order. Physical force shall only be used when alternatives to physical force have proven inadequate or the emergent situation does not provide the time or opportunity to attempt a non-violent conflict resolution process.

2. Prohibitions on the Use of Force

- a. Staff shall not use force prior to employing non-physical alternatives, except in an emergent situation.
- b. Staff shall not use or permit the use of excessive force.
- c. Staff shall not use or permit the use of force as punishment or discipline.
- d. Staff shall not use force when the use of that force would endanger a third party, except when failure to intervene creates a greater risk to all.

3. Levels of Force: The level of force and type of force equipment that may be used is dictated by the assessed risk presented, the severity of the conditions of the situation confronted, and the staff person's assessment of what would be objectively reasonable. Levels of force are characterized as:

- a. Non-Lethal Force – A level of force that would be reasonably expected not to result in serious bodily injury or death.
- b. Less Lethal Force – A level of force that significantly reduces the likelihood of serious physical injury or death as compared to force commonly known as lethal.
- c. Lethal Force – A level of force that creates a substantial likelihood of causing serious bodily injury or death. All force has a potential to be lethal depending on how it is employed.

4. Decision to Use Force: The decision to use force is situational, and should be employed only to the degree necessary to control an offender while minimizing the chance of injury to staff and the offender.