

**SAN BERNARDINO COUNTY
PROBATION DEPARTMENT PROCEDURE**

Movement of a Non-Compliant Minor in Juvenile Detention and Assessment Centers (JDAC) and/or Treatment Facility

Authority:

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Purpose:

This procedure outlines staff responsibilities when it becomes necessary to move a non-compliant or uncooperative minor within a JDAC and/or Treatment Facility. These situations often do not involve sudden or immediate non-compliance on the part of the minor; rather, this is more commonly an episode in which a minor repeatedly fails to follow directives or gradually escalates in their disruptive behavior.

Definitions:

Non-Compliant Minor: A minor that fails or refuses to comply with staff's directives or structure in disobedience to authority. This applies to both active and passive non-compliant minors.

Responsibilities:

A. Probation Corrections Officer (PCO)

1. Refer to 10-88 Soft Back Procedure, Code Red Procedure, or other applicable procedure if there is any immediate security concern or threat to the Safety of staff or minors.
2. Shall dialogue with the minor in an attempt to de-escalate the situation and control the minor's behavior through the use of counseling and verbal commands.
3. If non-compliance persists, shall begin videotaping when determined to be appropriate by staff present at the scene and when it is safe to do so. If the minor then complies with staff requests, notify the supervisor of the incident as the videotape will need to be saved for documentation.
4. If non-compliance persists, shall develop a plan of action to move the minor if necessary. If the minor is temporarily moved to another location, shall document the minors status in Caseload Explorer (CE) every two (2) hours until the minor returns to their permanent housing location.

B. Probation Corrections Supervisor I/II (PCSI/II)

1. Shall approve plans of action to move the minor.
2. Shall ensure the reason the minor is moved to a temporary location is documented in CE and the minors status is updated every two (2) hours until the minor returns to their permanent housing location.

Guidelines:

- A. Officers shall evaluate the need to move a minor who fails to follow directions. At times, a minor may fail or refuse to comply with staff's directives in a manner which jeopardizes the safe and secure operation of a facility. This would mandate their movement from one area of a facility to another, more controlled, environment.
- B. Compliance measures not requiring the application of force should be used prior to the application of force whenever circumstances allow. If the application of force becomes necessary, staff shall evaluate a minor's actions and respond in accordance with procedures on the use of force.
- C. If movement of the minor to a different location is necessary, officers shall attempt to move a minor and/or perform custodial functions in a manner that minimizes the use of force and maximizes compliance.

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Inspections:

Internal

The Superintendent shall facilitate an inspection of this procedure by review of logs, incident reports, safety reviews and other safe guards conducted in the normal course of business on a weekly, monthly and yearly basis.

External

The Professional Standards Unit, or a designated representative, shall facilitate an inspection of this procedure once every three years. A written report documenting compliance and/or recommending modifications to the procedure shall be forwarded to the Office of the Chief Probation Officer and kept on file in the Professional Standards Unit.

Foundation:

Penal Code 835(a)

“Any peace officer that has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to affect the arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.”

References:

Detention Corrections Bureau Procedure:

- #1357.1 Handling Aggressive and Hostile Behavior
- #1357.2 Behavior Management
- #1362 Incident Reports
- #1358 Use of Physical Restraints


Inter-Bureau Procedure:

- #05-07-113 10-88 Soft-Back
- #06-06-126 Force Options: Reporting Requirements and Training Guidelines
- #06-11-134 O.C. Spray (Oleoresin Capsicum)
- #15.5(2) Videotaping Incidents in Detention Centers and Treatment Centers
- #12.3 Code Red

Department Policy:

- #26 Behavior Management
- #20 Use of Force

Issued by:


Michelle Scray, Chief Probation Officer

Date:

June 29, 2011

Effective Date:

July 13, 2011