

Jail Administration for Chapter Section 10

Jail Staff and Volunteer Administration; and,
Missouri Core Jail Standards Section 7

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Missouri Core Jail Standards

Highlight MCJS Section 7: Administration and Training

- 7.1 Selection, Retention and Promotion
- 7.2 Training and Staff Development
- 7.3 Basic Jail Training
- 7.4 Pre-Service and Annual Training
- 7.5 Requirements during Initial Training Process
- 7.6 Weapons Training
- 7.7 Organization
- 7.8 Financial Practices
- 7.9 Inmate Funds RSMo. 221.102
- 7.10 Detainee Records
- 7.11 Staff Treatment
- 7.12 Facility and Equipment
- 7.13 Personnel Policies
- 7.14 Sheriff Records Retention Schedule

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Use of Force

- ▣ *Graham v. Connor* (1989) SCOTUS
 - "[t]he 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight."
 - "[a]s in other Fourth Amendment contexts . . . the 'reasonableness' inquiry in an excessive force case is an objective one: the question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation."

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Use of Force

Hudson v. McMillian (1992) SCOTUS

The use of excessive physical force against a prisoner may constitute cruel and unusual punishment even though the inmate does not suffer serious injury.

Key Factors in determining whether excessive force was used:

- 1. Threat perceived by a reasonable officer.
- 2. Need for Use of Force
- 3. Amount of Force used in relation to the need for force
- 4. Effort(s)made to temper forceful response
- 5. Extent of the Injury

Exigent circumstances: one factor to be considered in determining whether the use of force was wanton and unnecessary.

All other use of force scenarios- serious injury is not a requirement.

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Use of Force

- ❑ *Kingsley*, 135 S.Ct. 2466 (2015) was an excessive force claim brought by a pre-trial detainee against county jail officials in Wisconsin.
- ❑ SCOTUS ultimately applied the objective reasonableness standard to the excessive force claim.
- ❑ Claim was brought under the Due Process Clause of the 14th Amendment
 - 5th Amendment Due Process Clause didn't apply because the respondents/defendants were not federal actors
 - 4th Amendment analysis was not conducted by SCOTUS because they deemed the claim abandoned.
 - Plaintiff did not assert the 4th Amendment claim below

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Use of Force

- ❑ Kingsley is a pre-trial detainee being held on a drug charge in a Wisconsin county jail.
- ❑ During a cell check "an officer" observes a piece of paper over the light in Kingsley's cell.
- ❑ Kingsley is told twice by two different officers to remove the paper and he refuses
- ❑ The next morning the jail administrator orders Kingsley to remove the paper and he again refuses
 - Jail administrator tells Kingsley that officers will remove the paper and he will be moved to a receiving cell in the interim.

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Use of Force

- ▣ Four officers approach the cell and order Kingsley to stand, back up to the door, and to keep his hands behind him.
- ▣ When Kingsley refuses he is handcuffed behind his back, forcibly removed from the cell, carried to the receiving cell and placed face down on a concrete bunk.
- ▣ Officers claim Kingsley begins to resist
 - Sgt. Places his knee in Kingsley back (Kingsley also states that his head is slammed into the concrete bunk)
 - Sgt. Directs a deputy to stun Kingsley with a Taser and a Taser is applied to Kingsley back for approximately five seconds
 - Kingsley is left alone in the cell for 15 minutes and then officers return and remove his handcuffs

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Use of Force

- ▣ SCOTUS rejects the subjective standard applied by the 7th Circuit in determining whether or not the force was excessive
- ▣ SCOTUS concludes that the relevant standard is objective reasonableness
 - Cites *Graham v. Conner* and *Bell v. Wolfish*
- ▣ “A court must make this determination from the perspective of a reasonable officer on the scene, including what the officer knew at the time, not with the 20/20 vision of hindsight.”

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Use of Force

- ▣ “A court must also account for the legitimate interests that stem from [the government’s] need to manage the facility in which the individual is detained, appropriately deferring to policies and practices that in the judgment of jail officials are needed to preserve internal order and discipline and to maintain institutional security.”
- ▣ In rejecting the malicious and sadistic (subjective) standard used by the 7th Circuit SCOTUS noted that “pretrial detainees (unlike convicted prisoners) cannot be punished at all, much less maliciously and sadistically.”

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Use of Force

- ▣ SCOTUS listed a non-exclusive list of considerations that weigh on the analysis
 - The relationship between the need for the use of force and the amount of force used
 - The extent of the plaintiff's injury
 - Any effort made by the officer to temper or limit the amount of force
 - The severity of the security problem at issue
 - The threat reasonably perceived by the officer
 - Whether the plaintiff was actively resisting

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Use of Force

- ▣ Parting shot...
- ▣ "We acknowledge that our view that an objective standard is appropriate in the context of excessive force claims brought by pretrial detainees pursuant to the 14th Amendment may raise questions about the use of a subjective standard in the context of excessive force claims brought by convicted prisoners. We are not confronted with such a claim, however so we need not address that issue today."
- ▣ 5-4 decision
 - Majority: Breyer, Kennedy, Ginsburg, Sotomayor and Kagan
 - Dissent: Scalia, Roberts, Thomas and Alito

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Jail Administration for Chapter Section 19

QUESTIONS?

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