



Sheriff's Office Training Bulletin

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CORRECTIONS PERSONNEL SHALL UNDERSTAND THE PROVISIONS OF THE CORRECTIONS POLICY MANUAL PERTAINING TO THE USE OF RESTRAINTS.

Corrections personnel must have a complete understanding of Sheriff's Office policy regarding use of restraints. Corrections personnel shall be familiar with the policy and what it contains. Corrections Policy 512 establishes the Sheriff's Office policy regarding use of restraints. The following are excerpts from that policy. *Sworn personnel must be familiar with the entire Policy as stated in the Corrections Policy Manual.*

This policy does not apply to the use of electrical restraints (see the Electronic Restraints Policy). This policy does not apply to the temporary use of restraints, such as handcuffing or the use of leg irons to control an inmate during movement and transportation inside or outside the facility.

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DUI Checkpoint



FROM THE TRAINING MANAGER

With the numerous recent changes in law enforcement related legislation that have occurred, I think it's important to offer some insight into the high liability areas that concern us. In this month's training bulletin, we're going to start an article series involving Use of Force. The series will be written by Det. Cole Armando, who has been at the forefront of Use of Force training due to his deep involvement with the ECIT program and range duties. Look for part one of this series in the Rangemaster's Office section on page six.

I recently completed my annual training needs assessment surveys. Thank you to those of you that took the time to complete the anonymous online survey. Your feedback is valuable and will help to shape the training direction we head in for the next year and beyond.

- Sgt. Jason Leone

CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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DEFINITIONS

Definitions related to this policy include:

- ✓ Clinical restraints - Restraints applied when an inmate's disruptive, assaultive and/or self-injurious behavior is related to a medical or mental illness. Clinical restraints can include leather, rubber or canvas hand and leg restraints with contact points on a specialized

bed (four/five-point restraints) or a portable restraint chair.

- ✓ Therapeutic seclusion - Segregated confinement of an agitated, vulnerable and/or severely anxious inmate with a serious mental illness as part of his/her treatment when clinically indicated for preventive therapeutic purposes.

POLICY

It is the policy of this office that restraints shall be used only to prevent self-injury, injury to others or property damage. Restraints may also be applied according to inmate classification, such as maximum security, to control the behavior of a high-risk inmate while he/she is being moved outside the cell or housing unit.

Restraints shall never be used for retaliation or as punishment. Restraints shall not be utilized any longer than is reasonably necessary to control the inmate. Restraints are to be applied only when less restrictive methods of controlling the dangerous behavior of an inmate have failed or appear likely to fail (15 CCR

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1029(a)(4); 15 CCR 1058). Each incident where restraints are used shall be documented by the handling staff member and placed in the appropriate file prior to the end of the staff member's shift.

USE OF RESTRAINTS – CONTROL

Supervisors shall proactively oversee the use of restraints on any inmate. Whenever feasible, the use of restraints, other than routine use during transfer, shall require the approval of the Watch Commander prior to application. In instances where prior approval is not feasible, the Watch Commander shall be apprised of the use of restraints as soon as practicable.

Restraint devices, such as restraint chairs, shall only be used on an inmate when it reasonably appears necessary to overcome resistance, prevent escape, or bring an incident under control, thereby preventing injury to the inmate or others, or eliminating the possibility of property damage.

Restraints shall not be utilized any longer than is reasonably necessary to achieve the above goals. Excluding short-term use to gain immediate control, placing an inmate in a restraint chair or other restraints for extended periods requires approval from the Division Commander or the authorized designee prior to taking action. The medical staff shall be called to observe the application of the restraints, when feasible, prior to the application or as soon as practicable after the application, and to check the inmate for adequate circulation.

The use of restraints for purposes other than for the controlled movement or transportation of an inmate shall be documented on appropriate logs to include, at a minimum, the type of restraint used, when it was applied, a detailed description of why the restraint was needed, and when it was removed (15 CCR 1058).

COURT APPROVAL

Prior judicial approval should be obtained for the use of restraints when the inmate is in court if the

restraints will be visible to a jury.

RANGE OF MOTION

Inmates placed in restraints for longer than two hours should receive a range-of-motion procedure that will allow for the movement of the extremities. Range-of-motion exercise will consist of alternate movement of the extremities (i.e., right arm and left leg) for a minimum of 10 minutes every two hours.

FOOD, HYDRATION, AND SANITATION

Inmates who are confined in restraints shall be given food and fluids. Provisions shall be made to accommodate any toileting needs at least once every two hours. Food shall be provided during normal meal periods. Hydration (water or juices) will be provided no less than once every two hours or when requested by the inmate.

Offering food and hydration to inmates will be documented to include the time, the name of the person offering the food or water/juices, and the inmate's response (receptive, rejected). Inmates shall be provided the opportunity to clean themselves or their clothing while they are in restraints.

AVAILABILITY OF CPR EQUIPMENT

CPR equipment, such as barrier masks, shall be provided by the facility and located in proximity to the location where inmates in restraints are held.

RESTRAINED INMATE HOLDING

Restrained inmates should be protected from abuse by other inmates. Under no circumstances will restrained inmates be housed with inmates who are not in restraints. In most instances, restrained inmates are housed alone or in an area designated for restrained inmates (15 CCR 1058).

See "Corrections" continued on page 4

PREGNANT INMATES

Restraints will not be used on inmates who are known to be pregnant unless based on an individualized determination that restraints are reasonably necessary for the legitimate safety and security needs of the inmate, the staff, or the public. Should restraints be necessary, the restraints shall be the least restrictive available and the most reasonable under the circumstances.

Inmates who are known to be pregnant will not be handcuffed behind their backs or placed in waist restraints or leg irons. Once pregnancy has been confirmed, a pregnant inmate should be advised of the policies and procedures regarding the restraint of pregnant inmates (Penal Code § 3407; 15 CCR 1058.5).

INMATES IN LABOR

No inmate who is in labor, delivery, or recovery from a birth shall be restrained by the use of leg restraints/irons, waist restraints/chains, or handcuffs behind the body (Penal Code § 3407; 15 CCR 1058.5). No inmate who is in labor, delivery, or recovery from a birth shall be otherwise restrained except when all of the following exist (Penal Code § 3407; 15 CCR 1058.5):

- ✓ There is a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the inmate, the staff of this or the medical facility, other inmates, or the public.
- ✓ A supervisor has made an individualized determination that such restraints are necessary to prevent escape or injury.
- ✓ There is no objection from the treating medical care provider.
- ✓ The restraints used are the least restrictive type and are used in the least restrictive manner.

Restraints shall be removed when medical staff responsible for the medical care of the

pregnant inmate determines that the removal of restraints is medically necessary (Penal Code § 3407). The supervisor should, within 10 days, make written findings specifically describing the type of restraints used, the justification, and the underlying extraordinary circumstances. ☆

AN OFFICER WAS NOT JUSTIFIED IN TOWING A VEHICLE FROM PRIVATE PROPERTY IN ORDER TO OBTAIN A SEARCH WARRANT AND SEARCH THE VEHICLE.

A man went to a bar one evening. When he was there, he ran into the victim, who frequented the bar and occasionally drank with him. The next day, a woman who resided in a rural area was walking by a nearby irrigation canal when she noticed a man's body. There were drag marks from a road to the location where the body was located. The victim, according to an autopsy, suffered broken ribs, bruising on his left lung and eyelids, and abrasions on his face, abdomen, and arms. He had bleeding in the whites of his eyes and injuries to his neck that indicated that he was the victim of strangulation. He also had large bruises on his scalp and temple and bleeding on the surface of the brain due to forceful blows to the head. He died either due to strangulation or due to the blows to his brain.

Circumstantial evidence linked the death to the man who encountered the victim at the bar the night before. A few days after the crime was committed, law enforcement officers obtained a search warrant for the home of the man who had been in the bar and for "unknown vehicles" at the man's residence. When officers executed the warrant at the man's home, they became aware that the man's 1966 Cutlass was on a ranch across a river nearby. It was about a three-minute drive away.

The Cutlass was on a ranch where the man repaired and maintained farm equipment and vehicles for the owner. In return for the man's help, the man was allowed to keep his car on the ranch property. Sometimes, the man worked on

MISSION STATEMENT

The San Mateo County Sheriff's Office is dedicated to protecting lives and property and is committed to providing the highest level of professional law enforcement and correctional services. We pledge to promote public trust through fair and impartial policing and will treat all persons with dignity, compassion, and respect.

COMMITMENT

We are committed to protecting life and property and preserving the public peace by acting professionally, with integrity, and without prejudice, even in the most challenging circumstances, when no one is watching, and on and off duty. We hold others accountable to the same standards and challenge any inappropriate behavior.

INTEGRITY

We are committed to ethics, equity and excellence. We understand that making a difference in the quality of life is an opportunity that policing and correctional services provides. We provide excellent service by respecting and upholding the rights and freedoms of all people in all our interactions, free from bias or stereotype, seeking to understand and help others by making a difference.

COMPASSION

We understand that sometimes we interact with the community during their most trying times. We are committed to treating all people with compassion, empathy, and respect; going the extra mile to ensure others feel safe, supported, included, engaged, and valued; standing up for those who cannot stand up for themselves; and valuing others' life experiences.

INNOVATION

We promote an environment that encourages continuous improvement and innovation. We strive to be leaders in modern policing, acting on input and feedback from our communities and colleagues; constantly implementing best-practices; and exploring alternative solutions to current issues.

his car at the ranch. The ranch was not accessible by public road, but was accessed by a private driveway that was three-quarters of a mile long. The driveway had a gate, but it was unlocked at the time.

The officers went to the ranch, located the Cutlass, and towed it to their agency's station to be stored until they could obtain a search warrant. The ranch owner did not tell law enforcement not to take the car and did not try to stop the deputies from taking it. The officers obtained a search warrant to search the vehicle. The search revealed blood in the trunk of the car that matched the DNA profile from the victim. A DNA swab from the steering wheel matched the suspect's DNA profile.

In the case of People v. Rorabaugh, the California Court of Appeal ruled that the seizure of the Cutless violated the suspect's Fourth Amendment rights.

In its written decision, the Court looked at a 1971 landmark United States Supreme Court decision, Coolidge v. New Hampshire. In that case, the Court ruled that the "automobile exception" to the Fourth Amendment search

warrant requirement did not apply to seizure and subsequent search at a police station of a car that was parked in plain view in the suspect's driveway, when the suspect already had been arrested inside the residence. This rule applies even where the officers have probable cause to search the vehicle. In making its ruling, the Coolidge court noted that the underlying rationale of the automobile exception is that it is not practicable to secure a warrant because a vehicle can be quickly moved out of the locality or jurisdiction in which the warrant must be sought. The Court noted that once the vehicle is seized, it is no longer "fleeting."

The Court of Appeal noted that the suspect's case involved the seizure of a vehicle that was found by deputies in plain view. The Court looked at case law that addressed the seizure of a vehicle that was located in plain view. The Court stated that the rationale of the Coolidge case established two limitations on the plain view doctrine and stated, "First, that plain view alone is never enough to justify the warrantless seizure of evidence, and second, that the discovery of

See "Vehicle" continued on page 6

evidence in plain view must be inadvertent. It is, of course, an essential predicate to any valid warrantless seizure of incriminating evidence that the officer did not violate the Fourth Amendment in arriving at the place from which the evidence could be plainly viewed. There are, moreover, two additional conditions that must be satisfied to justify the warrantless seizure. First, not only must the item be in plain view, its incriminating character must also be immediately apparent. . . . Second, not only must the officer be lawfully located in a place from which the object can be plainly seen, but he or she must also have a lawful right of access

to the object itself."

The Court summed up current case law which, according to the Court, ". . . continues to stand for the proposition that if (a) police do not have an otherwise lawful right of access to an unattended car on private property, and (b) it is not impracticable to obtain a warrant, then (c) warrantless seizure of the car accomplished by trespassing on private property (and subsequently searching the car at another location) is a violation of the Fourth Amendment, and does not fall within the automobile exception, even if there is probable cause to search it." ☆

FROM THE RANGEMASTER'S OFFICE

Part 1: Realistic De-Escalation – a response model for increasing positive outcomes

De-escalation is a widely discussed topic in Law Enforcement training. Before an incident occurs, we all need to clearly understand the new legal requirements and the Sheriff's Office Use of Force Policy (Lexipol 300). We should also be prepared to articulate our de-escalation strategies and techniques in incident reports, court, or during a use of force review. If de-escalation techniques are deemed not feasible, we will need to be prepared to articulate why – such as the imminent danger to (others/Deputies) and what alternative actions were taken.

As we all know, de-escalation is now a mandatory requirement for all peace officers in the state of California. SB-230 went into effect January 1, 2021 and requires that agencies' policies have a requirement that officers utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible. AB-392 changed PC 835a, which now says: In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer. "Other available resources and techniques" translates to de-escalation. Lexipol 300 has the same requirements to utilize de-escalation techniques when possible.

Bottom line, we all need to have a comprehensive understanding of the following:

- What is de-escalation?
- When is it not feasible to use de-escalation?
- What if the subject is unable or unwilling to engage in conversation to be de-escalated?

POST defines de-escalation as the process of using strategies and techniques intended to decrease the intensity of the situation. However, it's essential to recognize that de-escalation is not one tactic; it's a broad and varied assortment of methods and techniques. In the POST definition, the term "process" illustrates a system or a progressive plan with a beginning, middle, and desired outcome.

The terms "strategies and techniques" encompass an incident's planning and response phase. How are we going to respond? Is there an immediate need to contact the subject, or do we have discretionary time on our side to slow things down and coordinate the response? Can we use time and distance to maintain a reactionary gap? Can we tactically reposition? Can we call in more resources? Is there a legal reason or obligation to act? If communications are ineffective, do we have less lethal options available and ready? All these considerations go into the Strategy and Techniques.

For example, if we respond to a call for service involving a subject in crisis, and the situation does not require us to make immediate contact, we can use time and distance to set up and organize resources before contacting the subject. The use of these tactics, when appropriate, is considered de-escalation.

According to the Force Science Institute, de-escalation is not something you "do" to a person. Instead, de-escalation is recognizing, creating, and maintaining conditions that allow someone to de-escalate their own emotions. It's essential to acknowledge that de-escalation is not a substitute for officer safety, but rather it is a component of it. De-escalation is one of many tactical and powerful tools that should be used when used successfully and suspended when it can't.

Realistic de-escalation recognizes that not everyone is able or willing to de-escalate. This concept is also codified in PC 835a(5): individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from peace officers. It is estimated that individuals with disabilities are involved in between one-third and one-half of all fatal encounters with law enforcement.

In summary, it is essential to use de-escalation strategies and techniques that account for the possibility that the subject is unwilling or unable to be verbally de-escalated. Additionally, we should be prepared to use other methods such as time and distance, less-lethal tools, and disengagement when appropriate.

In Part 2, we will look at the de-escalation tactics being discussed at Enhanced Crisis Intervention Training (ECIT) and how the Sheriff's Office is integrating these tactics into our Range and Defensive Tactics training programs.

Guest contributor – Detective Cole Armando

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