

**SAN DIEGO COUNTY SHERIFF'S DEPARTMENT  
COURT SERVICES BUREAU  
POLICIES AND PROCEDURES MANUAL**

DATE	DISSEMINATION	CATEGORY	NUMBER
June 11, 2018	BUREAU-WIDE	NORMAL OPERATIONS	F.20
SUBJECT: USE OF RESTRAINT DEVICES – TITLE 15 COMPLIANCE			PAGE 1 of 4

Purpose:

To establish Court Services Bureau (CSB) criteria and procedure for the use of restraint equipment. This section is intended to comply with California Code of Regulations (CCR), Title 15, Division 1, Chapter 1, Subchapter 4, Article 5 section 1058, use of restraint devices, and 1058.5, restraint of pregnant inmates.

Policy:

- A. A restraint is any device used to limit the motion of an inmate's extremities and/or prevent the inmate from being ambulatory. Physical restraints should be utilized only when it appears less restrictive alternatives would be ineffective in controlling the inmate's behavior. In no case shall restraints be used for discipline, or as a substitute for medical treatment.
- B. Adult inmates being transported to and from court shall be restrained minimally in handcuffs or waist chains. Deputies should consider the criminal sophistication of the inmate, classification, escape risk, potential of physical harm to the inmate or others, or destruction of property, and any other applicable factors on a case by case basis. If there are significant or abnormal safety concerns, deputies should contact their supervisor.
- C. Restraint devices used in courtrooms are subject to approval by the judge. Bailiffs are expected to establish standard operating procedures with their judges regarding the use and visibility of restraint devices.
- D. Juvenile custodies shall be transported without mechanical restraints when outside their detention facility unless probation, in consultation with the transporting deputy, determines the juvenile poses a physical threat to themselves, others, or is a substantial risk of flight. If mechanical restraints are determined to be necessary, the least restrictive form (handcuffs) should be used, unless other factors specific to each juvenile exist that justify increased restraints. (W&I 210.6)
- E. Pregnant or recovering inmates shall not be restrained with leg chains, waist chains, or handcuffed behind the body. Inmates in labor, during delivery, or recovering after delivery shall not be restrained unless deemed necessary for the safety and security of the inmate, staff, or the public. Restraints shall be removed if a medical care professional determines it is medically necessary.

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Procedure:

- I. CSB personnel are generally prohibited from using any restraint device not described in CSB Policy and Procedure section F.21.
- II. If physical force is used when an inmate is placed in restraints, a supervisor shall be notified, and the incident documented in accordance with Department Policy and Procedure 6.48.
- III. Uses of restraint devices generally do not have to be documented unless force is used, however, a supervisor must be notified of the placement if it is done for other than routine security. The placement may be made because the inmate is:
  - A. An escape risk;
  - B. Displaying behavior that can result in destruction of property;
  - C. A danger to self or others.
- IV. All inmates placed in restraints, including handcuffs, waist chains or leg chains, shall be segregated from inmates that are not restrained.
- V. Inmates placed in restraints must be monitored more closely than inmates not restrained.
  - A. Direct visual observation of the inmate shall be conducted at least twice every thirty minutes. These checks shall be documented on an observation log or a JIMS log and retained at the command for at least two years.
  - B. If restraints are used for reasons other than routine security, a medical opinion on the placement must be secured as soon as possible, but in no case later than four hours after the placement.
  - C. If the inmate is in need of medical care, medical assistance will be provided immediately. Potentially serious complaints shall be addressed by detention facility medical staff, response by paramedics, or transporting the inmate to a hospital.
  - D. If an inmate in restraints exhibits a desire, through physical actions or credible verbal statements, to harm themselves, personnel should consult

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CSB Policy and Procedure Section F.04 (Adult and Juvenile Suicide Prevention).

- E. Restrained inmates may not have access to needed hydration or sanitation facilities. CSB personnel should honor requests for either in a timely manner, as long as it can be accomplished without jeopardizing the safety of staff or other inmates, or the security of the courthouse.
  
- VI. Inmates in restraints will not be kept in a court holding facility for a period longer than what is necessary to complete the inmate's business with the court.
  - A. If the inmate still has a pending court hearing, the Court Holding deputy will notify the court of the situation. If the court still insists that the inmate be produced for the hearing, every effort shall be made to get the inmate into court as soon as possible.
    - 1. Absent exigent circumstances or other immediate safety concerns, restraint devices will not be placed upon a defendant during courtroom proceedings without the bailiff first discussing the need for such restraints directly with the judicial officer.
    - 2. If the level of restraint approved by the judicial officer is not sufficient, in the estimation of the deputies involved, he/she should utilize the chain of command to have his/her concerns addressed.
  - B. If it appears the inmate cannot be taken to the courtroom without a use of force, the deputy attempting to move the inmate will notify the court of the reason for the delay.
    - 1. Absent a specific court order, force will not be used to produce an inmate in a courtroom. If an order is issued, the supervisor shall be notified.
  - C. Once the hearing is completed, or the inmate's presence is no longer needed in court, the inmate shall be returned to a detention facility as soon as possible. When the inmate is returned to a detention facility, an Incident or Rules Violation report will be completed in JIMS for possible disciplinary action and documentation for the detention facility and CSB.

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- VII. Gagging of inmates is prohibited. If ordered to do so by the court, the deputy shall contact a supervisor prior to taking any action in furtherance of the court order.