



# San Diego County Sheriff's Department

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*William D. Gore, Sheriff*

March 26, 2018

Sandra I. Arkin, Chair  
Citizens' Law Enforcement Review Board  
555 West Beech Street  
San Diego, CA 92101-3819

Dear Chair Arkin:

CLERB CASE NO. 16-099 / Lasheenma Stegall

The Sheriff's Department welcomes and supports the Citizens' Law Enforcement Review Board's (the "Board") independent review of complaints alleging improper actions by members of this organization. We continuously strive to respond with professionalism and concern to the citizens we serve and the CLERB process provides invaluable assistance to that end.

The letter from the Board dated December 13, 2017 recommended policy changes. The Board recommended a modification to the Patrol Manual Policy 25, entitled "Prisoner Transportation", and a change to the language in "Pregnant Patient's Rights" as documented on Medical Chart (Form 433M MED) that is read to pregnant inmates. Specifically, the Board requested the following:

- It is recommended that the San Diego Sheriff's Department (SDSD) revise its Patrol Manual, Policy 25, entitled, "Prisoner Transportation," by deleting from Section D.2 the phrase, "per Penal Code 3407."
- It is recommended that the SDSD amend the "Pregnant Patient's Rights" as documented in SDSD Medical Records, to confirm with Penal Code 3407, specifically, "A pregnant inmate in labor, during delivery, or in recovery after delivery, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the inmate, the staff, or the public" rather than "You will be chained and handcuffed during labor and delivery."

Both of these policy recommendations were reviewed and evaluated. The discussion regarding these policy recommendations is below.

Patrol Manual, Policy 25, entitled "Prisoner Transportation", section D.2 had a portion of California Penal Code 3407 quoted, but in three places where the Penal Code had the word "inmate", Policy 25 used the word "prisoner".

This made the quotation in Policy 25 inaccurate. Instead of removing "per Penal Code 3407" as requested by the Board, the word "prisoner" was changed to "inmate" in the three places where it did not correctly quote the Penal Code (See attached). This section now correctly quotes the Penal Code. This addresses the issue identified by the Board. This review by CLERB was beneficial in providing assistance updating the Patrol Manual.

The second item refers to a recommended change to a medical charting form that is generated from the Jail Information Management System (JIMS). The medical chart (JIMS Form 433M) includes a section titled "Pregnant Patient's Rights" that is read to pregnant inmates by detentions staff. A portion of that statement reads, "You will be chained and handcuffed during labor and delivery." The Board is recommending that section be changed to, "A pregnant inmate in labor, during delivery, or in recovery after delivery, shall not be restrained by the wrists, ankles, or both unless deemed necessary for the safety and security of the inmate, the staff, or the public." According to the Board this change would be in compliance with California Penal Code 3407.

While the above quote from the Board is taken from the California Penal Code 3407, the same section allows for a pregnant inmate to be restrained if deemed necessary for the safety and security of the inmate, the staff, or in public. In the majority of cases the Sheriff's Department does restrain inmates during labor and/or delivery, because it is determined necessary for the safety and security of the inmate, the staff, and/or the public.


This form does not claim to quote the penal code. There is no mandate for the penal code to be read verbatim to a patient. The statement read to the inmate does advise they will be chained and handcuffed during labor and delivery.

As stated above, a quotation of California Penal Code 3407 is not required. The statement as it currently reads is an accurate advisement and therefore does not require changing at this time. Each situation regarding the medical treatment of an inmate is evaluated and handled appropriately within the law. If it is determined the inmate or situation did not pose a security risk or the inmate's medical needs required a removal of restraints, then the restraints would be removed as part of the individual's treatment plan.

We appreciate the time and effort the Board provides in policy discussions as it contributes to the best service possible to our community.

Sincerely,

WILLIAM D. GORE, SHERIFF



David Gilmore, Lieutenant  
Office of the Sheriff  
Division of Inspectional Services

DG:js