

19.1 USE OF FORCE/RESTRAINT: GENERAL POLICY

A. General Policy

Staff members have four options/techniques available to them to gain detainee compliance:

1. Staff relationship to detainee and proximity to detainee. (Refer to "Security & Discipline" section of Manual).
2. Dialogue and counseling (Refer to "Security & Discipline – Programming for Security" in Manual).
3. Empty hands physical restraint.
4. Mechanical restraint.

The above listing is not to be construed to mean that the force options are to be used only in the order listed. Circumstances may dictate that an employee begin at the first, third or even last option. It is expected that Options 1 and 2 will be used most often. A G.S. may go directly to any level of the continuum provided that the force selected is reasonable and the G.S. can articulate the reason for not using a lower level of force.

The following methods are **Not Permitted**:

1. Chemical Agents: Chemical Agents are not allowed in Santa Cruz County Juvenile Hall, unless deemed necessary and used by a Law Enforcement Agency called in for support.
2. Lethal Force: Santa Cruz County Juvenile Hall does not use lethal force (refer to "escalation of SCSO in Emergency" section of Manual).
3. Taser: Tasers are not allowed in Santa Cruz County Juvenile Hall, unless deemed necessary and used by a Law Enforcement Agency called in for support

B. Least Restrictive Methods Are to Be Used

1. Detainees will not be physically restrained in situations where control can be gained through the use of Staff Relationship/Staff Proximity or Dialogue/Counseling.

2. When physical restraint is used, staff members must escalate or de-escalate the use of force as the detainee's resistance or behavior changes. Use only the level of force needed to achieve and maintain control.
3. Staff are required to report any not only the use of inappropriate force but also are required to take action to stop the inappropriate use of force.
4. The use of restraints on pregnant youths is limited in accordance with W&I Code 222 and Assembly Bill No. 878. In all cases, pregnant youths or youth in recovery from delivery being transported outside of the facility may not be restrained, unless deemed necessary for the safety and security of the youth, staff, or public. If restraints are deemed necessary, the IS must complete a restraint assessment and document. A youth who is in labor shall at no time be shackled by the wrist(s) or ankle(s) or both. This shall include transport to the hospital, during delivery, and while in recovery after giving birth, except when deemed necessary for the safety and security of the youth, staff, or the public. All exceptions will need to be documented in writing.

19.2 USE OF FORCE/RESTRAINT: POLICY AND PROCEDURE

A. Staff Relationships and Staff Proximity

1. Good relationships with youth, along with close proximity, provide the best institutional control. Staff's honesty, professionalism, integrity, pride and reputation for fairness all affect a detainee's behavior. Rapport, cooperation, and respect are also necessary characteristics and must be consistently maintained.

B. Dialogue/Counseling

1. This option is the staff's ability to gain control of a situation through the use of verbal statements. Dialogue properly used on a daily basis can become the only option necessary in most control situations. Dialogue, including counseling efforts, may often be the single most successful option.

C. Physical Restraint

1. Physical restraint is the partial or total immobilization of a person by the use of hands or equipment. Mechanical restraint equipment includes handcuffs, leg shackles and waist belts with cuffs attached. Physically restraining a youth shall only be used as a last resort and shall not be used as a form of discipline or punishment. When restraint is used, staff shall utilize only the minimum force necessary to control the youth. At any moment that the youth is showing signs of medical injury or mental health distress, staff shall immediately contact medical and mental health staff.
 - a. Empty Hands Physical Restraint
 - 1) Santa Cruz County Juvenile Hall uses self defense and physical restraint control techniques and holds as taught in the Group Supervisor CORE Training and JKM Training STC-certified course on "Safe Crisis Management" and "Defensive Tactics" provided annually.
 - a) Authorized control and restraining techniques may only be utilized under the following circumstances:
 - In staff's own self defense
 - In the defense of another person
 - To prevent an escape

- To protect a detainee from self-inflicted injuries or suicide
 - To move a detainee from one location to another
- b) Whenever a staff member places his/her hands on a detainee or employs a control hold, the situation must be documented on an Incident Report and forwarded to the Institutional Supervisor, the Assistant Division Director and the Division Director.
 - c) Whenever a staff member physically restrains a detainee, the detainee must be referred to the medical staff.
 - d) Anytime a detainee receives any injury while in custody, the I.S. must photograph the injury and inform the youth's parent or guardian as soon as possible, but absolutely within 24 hours.

D. Mechanical Restraints

1. Mechanical restraints will **not**:
 - a. Be placed about the neck of a youth nor will restraint equipment be applied in any way so as to inflict physical pain or to restrict blood circulation or breathing.
 - b. Be used to secure a youth in any part of a transporting vehicle or to a fixed object. (When being transported, youth must of course, but secured in the vehicle by use of shoulder and lap belts).
 - c. Be used to "hogtie" (i.e. affix the hands and feet together behind the back).
2. Prior approval for utilization of mechanical restraints must be obtained whenever possible from the Institutional Supervisor, Division Director or Assistant Division Director. Whenever possible, there should be at least two staff present when restraints are applied (unless it is during an extreme emergency).

3. Staff shall attempt to have a staff witness present. All restraints shall be removed immediately upon the youth regaining self-control. There will be continuous physical supervision of the youths being restrained. Incident reports will be maintained on all physical contacts and incidents involving mechanical restraints. As soon as practical, a medical check will be done on youths who have been restrained.
4. If a youth must be mechanically restrained and placed in a room, a staff member will be physically present where he can see the youth. While in restraint devices, all youths shall be housed alone and placed in a camera room if possible. Assess feasibility of removal of restraints in 15-minute intervals. Record each assessment in the Unit Log.
5. Staff will document to ensure that the restraints are properly employed and to ensure the well-being of the youth.
6. Immediately advise the Institutional Supervisor when restraints are no longer deemed necessary. Upon direction of the I.S., immediately remove restraints.
7. If you are unable to remove restraints within 15 minutes, the Supervisor must submit factual documentation of the circumstances to Administration, clearly justifying the continued restraint.
8. Staff must check in with the youth and ensure that they youth is provided provisions for hydration, sanitation needs and ability to exercise their extremities.
9. If a youth remains in restraints for more than 15 minutes, an assessment will be made to determine if a 5150 evaluation is needed. Additional supporting material should be obtained from the medical and/or mental health staff whenever possible.
10. If continued retention in restraints are necessary, reasons are reviewed and documented every hour.
11. A medical evaluation on the safety of placement and retention is done as soon as possible, but no later than two hours from the time of placement. The youth is medically cleared for continued retention at least every three hours after the initial medical opinion.
12. A mental health consultation to assess the need for mental health treatment is secured as soon as possible, but no longer than four hours from the time of placement.

13. Employees observing improper restraint should immediately attempt to correct the situation and report the occurrence to the Division Director and/or an Institutional Supervisor.
14. Special Incident Reports shall be prepared and maintained on all physical contacts and incidents involving physical restraints as to persons present, time, date, reason, means, duration, and condition of the youth while in restraints. All staff who observe or have first hand knowledge of an incident will prepare an I.R. All I.R.s must be completed before leaving the shift. The incident should also be noted in the unit log.
15. As soon as practical, a medical check shall be done on youths who have been physically restrained.
16. Institutional Supervisors are responsible for training and reviewing their staffs' knowledge and performance of restraint techniques. The Assistant Division Director shall assign each full-time staff person to a yearly class on restraints. On-call staff should also be trained annually, if possible.
17. The burden of justifying the use of physical restraint is on the employee involved and is subject to administrative review. If physical control fails to fall within the parameters outlined above and a physical assault has been committed by a staff member on a youth, criminal charges will be filed against the employee involved pursuant to the following Penal Code Sections:
 - a) Section 273d of the California Penal Code states, "Any person who unlawfully inflicts upon any child any cruel or unusual punishment or injury resulting in a traumatic condition is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the State Prison for 2, 4, or 6 years or in the County Jail for not more than one year."
 - b) Section 240 of the California Penal Code states, "An assault is an unlawful attempt coupled with the ability to commit a violent injury on the person of another."
 - c) Section 241(a) of the California Penal Code states, "An assault is punishable by fine not exceeding \$1,000.00 or by imprisonment in County Jail not exceeding six months or both such fine and imprisonment."

- d) Section 242 of the California Penal Code states, "A battery is any willful and unlawful use of force or violence upon the person of another."
- e) Section 243(a) of the California Penal Code states, "A battery is punishable by fine not exceeding \$2,000.00 or by imprisonment in County Jail not exceeding six months or by both such fine and imprisonment."
- f) Section 673 of the California Penal Code states. "It shall be unlawful to use in the reformatories, institutions, jails, state hospitals, or any other state, county, or city institution, any cruel, corporal, or unusual punishment or to inflict any treatment or allow lack of care whatever which would injure or impair the health of a prisoner, inmate, or person confined is hereby prohibited. Any person who violates the provisions of this section or aides, abets, or in any way contributes to the violation of this section shall be guilty of a misdemeanor."

THE ABOVE MENTIONED GUIDELINES AND LAWS SHOULD NOT BE MISINTERPRETED BY STAFF TO MEAN THAT PHYSICAL RESTRAINT IS NOT USED IN THIS FACILITY. THERE ARE TIMES WHEN IT IS CLEARLY NECESSARY, PURSUANT TO THE GUIDELINES OUTLINED HEREIN.

E. Review of Policy/Summarization

1. Staff may use physical force to restrain a youth who becomes violent, displays signs of imminent violence, to prevent injury, escape, or suicide. In restraint and control situations, staff may utilize only those control and restraining techniques and devices, which are approved and provided by the department. When restraint is used, staff shall utilize only the minimum force necessary to effect control of the situation. The application and use of restraints must be done in a safe and proper method. Restraint equipment may include soft and/or hard restraints which must be used in accordance with the guidelines provided. Staff must be physically in the presence of any youth while the youth is in restraint equipment. There will be a supervisory and/or administrative review.

F. Procedures for Use of Handcuffs and Soft Restraints

1. Handcuffs and Hard Leg Restraints

- a. An inventory list of each set of handcuffs and leg restraints assigned to the Juvenile Hall will be kept at the I.S. counter in the restraint drawer. Additionally, they will be inventoried weekly at designated times by an assigned staff member. If there is a discrepancy in the count, it will be reported to the Division Director.
- b. Should handcuffs or leg restraints be checked out to anyone not a Juvenile Hall staff member, this fact will be noted in the I.S. log book, indicating the number of the set of handcuffs and who checked them out. The estimated time of return of the handcuffs should be indicated also. On-duty staff must note when the handcuffs/leg restraints are returned.
- c. Each unit must have two sets of handcuffs available for ready use at the control counter.
- d. When handcuffs are returned to storage they are to be left in such a position as to be available for use immediately.
- e. Knowledge of the use of handcuffs and leg restraints is important to staff. Hard restraints can become dangerous weapons, even when upon the wrists of a juvenile. Furthermore, they do not prevent escape. A staff member is most vulnerable to attack when in the process of putting on or taking off the handcuffs.
 - 1) To reduce the danger, the youth should be required to hold his or her arms extended behind his or her back, palms turned out, when the handcuffs are placed in position. Handcuff keyholes should be pointed in the direction least accessible to the juvenile. To prevent slipping, the safety double lock must be utilized. This is accomplished by inserting the key prong into the safety opening in the cuffs. The key must be securely attached to the staff set of keys.
 - 2) When applying leg restraints, have the youth kneel on a chair or bench facing away from you. Apply the restraints while the youth is kneeling and then assist the youth off the bench/chair.

- 3) The process of restraint removal can be particularly dangerous since handcuffs and leg restraints must be taken off singly and it is possible for the youth to use the loose cuff as a weapon. To prevent this, the removed cuff should always be firmly grasped by staff until both cuffs are completely off. The belt or chain should also be removed by staff only, as it could be used as a weapon by the youth.
- 4) Leg restraints are to be removed in the same manner as they were applied, i.e. by having the youth kneel on a chair or bench.
- 5) Staff are NEVER to allow youth's access to restraint equipment. When youths are transported more than singly, staff must take particular care to plan this out and review the situation prior to leaving with the Supervisor/Officer on duty. Numbers of youths, classification levels, transportation vehicles available, and destination must all be taken into account. When in doubt, ask.

G. Factors that must be considered when undertaking a restraint procedure:

- 1) As many staff as possible must be on hand to lessen the chance of harm to the youth or staff. At least one staff member of the same sex should be present if at all possible and assist fully in the procedures.
- 2) At times, it may be advisable to take other youths to their rooms before restraining an out-of-control ward. Having the other youths out-of-sight may help to calm the ward and defuse the situation without restraint.
- 3) Explain to the youth what you are doing and why, even though you think he or she understands.
- 4) Always be sure that circulation is not impaired or restricted.
- 5) If the youth's skin becomes irritated, remove restraints one at a time and pad with a soft material.
- 6) Remember that a restrained youth is totally dependent on staff for all of his or her needs. You are

responsible for fluids, toileting, etc. Fluids are to be offered every half hour and toilet facilities every hour.

- 7) Never give a restrained youth a pillow. It could cause suffocation. Remove all objects from the room to prevent accidental injury.
- 8) All youths will receive medical/mental health evaluations ASAP, with an on-going evaluation.
- 9) Staff should be aware of any known medical conditions that would contraindicate certain restraint devices and/or techniques.
- 10) An AED machine is located at the control center/reception.

13.1 DETAINEE'S RIGHTS

A. Discussion

1. All individuals detained in Juvenile Hall have basic rights and may not be deprived of these rights as a means of behavior control and/or discipline. A copy of these rights is to be permanently posted in each living unit.
2. All youth within the facility shall have fair and equal access to all available services, placement, care, treatment, and benefits, and no person shall be subject to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, gender, sexual orientation, gender identity, gender expression, mental or physical disability, or HIV status. This includes no restriction to housing or classification decisions based solely on any of the above mentioned categories.

B. Orientation

1. To most youths, entrance into the Juvenile Hall is a frightening experience, though many successfully camouflage their feelings of uneasiness. While the actual orientation of a youth begins at the time of booking, time should be set aside for him/her to discuss feelings and anxieties and get answers to questions. Within the first twenty-four hours after admission, a Juvenile Hall staff person should sit down with the youth and discuss the program of the Juvenile Hall, Unit Rules, etc. This should be done in the language most easily understood by each youth. Orientation booklets (available in English and Spanish) are to be given to the youths at this point. If the youth cannot read or has poor reading skills, staff will read the contents to the youth. The Senior Group Supervisors are responsible for verifying that an official orientation was completed.
2. Orientations are most effective when done on an individual basis. The setting should be the youth's room or a quiet place away from the pressure of group living. Orientations should normally take place in the morning following intake, or at least prior to the youth entering the program.
3. Below are some of the most frequently asked questions:
 - a. Questions about the offense bringing the youth to Juvenile Hall
 - 1) Ultimately, the offense itself is of little importance to the Group Supervisor, since staff need to accept him/her as a dignified human being with problems. If a youth mentions it, he/she may be trying to test your reaction to and acceptance of him/her as a person. Some youths use a discussion of their offense to enlist staff in their "defense".

- b. Questions about Court and Probation Officers
- 1) "Why am I here?" It can be explained that he/she was charged with a criminal offense and may need to appear in court before release can be considered. Assure him/her that a Probation Officer will be available to answer his/her questions the following day.
 - 2) "How long will I be here?" Welfare & Institutions Code protect a youth from detention without justification. Within 48 hours, a determination must be made by the probation officer as to whether or not a petition requesting a hearing in the Juvenile Court is to be filed. Within an additional 24 hours, an order demanding detention must be filed with the Court Clerk. Youths remaining more than 72 hours without a hearing must be released by the Court.
 - 3) If the Juvenile District Attorney agrees that a petition should be filed, they prepare the petition and then file with the Clerk of the Juvenile Court. The Clerk of the Court will set a date for a court hearing. The petition will give the date, time, and place of the hearing (either at the Felton or Watsonville court house).
 - 4) "Will I get to go home?" "Where do kids go from here?" You should explain that everyone here is going somewhere else. Reassure the youth that an enormous amount of time and energy is spent arranging for youth to go to the least restrictive setting. If the Court finds the youth to be delinquent, the youth can be put on probation, the majority go home, some youth are sent to a group home/placement, some youth sent to probation camp, or other program, or sent to a state institution for juvenile offenders.
 - 5) "How can I see my Probation Officer?" One of the rights of an individual here is access for probation services. We can assure the youth that we will pass a request on his behalf to the Probation Officer. If you make a determination that it would help a youth to see his/her P.O., you should call the P.O. and give your input.
 - 6) "What about an attorney?" If youth do not have an attorney, the court shall appoint an attorney for you. Youth are entitled to confidential access to licensed attorneys and their authorized representatives. Youth are provided legal correspondence and free telephone access to legal counsel.

C. Guidelines

1. Basic Rights

- a. Access to a telephone to place two free phone calls (to parent/guardian and attorney) within an hour.
- b. A place to sleep. This includes a clean and usable bed or mattress, pillow, blankets, sheets, etc.
- c. Full meals and a balanced diet and scheduled snacks.
- d. Full complement of clean clothes.
- e. Attorney and parental visits.
- f. Items necessary for personal hygiene. This includes soap, toothpaste, toothbrush, comb, etc.
- g. Minimum exercise (i.e., an opportunity to exercise large muscles for at least one hour daily).
- h. Visits/telephone contacts with attorneys.
- i. Receive and send unlimited letters each week.
- j. The opportunity for a daily hot shower and access to toilet and water as needed.
- k. The opportunity to attend religious services and/or religious counseling of his/her choice.
- l. Clean and sanitary living conditions.
- m. Medical care and mental health assistance.
- n. Access to reading materials.
- o. Advisement of the rules of the institution/living unit, the consequences for violation and access to a procedure which provides for a fair hearing and resolution of complaints pertaining to his or her care in juvenile institutions (e.g. Grievance Procedure, and/or Disciplinary Due Process).

2. Additional Program Elements

- a. All disciplinary action is determined and administered by staff and never delegated to youths.
- b. No corporal punishment or cruel, degrading punishment, either physical or psychological.
- c. A school program approved by the State.
- d. Counseling and casework services.
- e. Possession of books, magazines, letters, personal papers and photographs permitted in the amount and manner as determined by the Division Director.

D. Procedures

1. Juvenile Hall staff are responsible for:
 - a. Advising all detainees of their rights and of program elements listed above upon their entry into a living unit.
 - b. Posting a list of Youth's Rights, Rules of Conduct and Grievance Procedure in each living unit, accessible to all detainees.
 - c. Ensuring that no youth is deprived of his/her basic rights as a means of discipline.

E. Use of Force

1. Juvenile Hall staff are responsible for informing youth:
 - a. When necessary, to stop fights and unit disturbance, to remove threatening youth from rooms, to stop the threat of harm to one's self or others, and for personal defense against violent youth. All youth who engage in fights with other youth or direct violence toward staff, or do not respond to staff's direction during crisis situations run the risk of having force used upon them to regain calm.
 - b. Use of force will be imposed at the least restrictive level, which promotes the desired behavior.
 - c. Santa Cruz County Juvenile Hall does not use chemical agents (such as OC spray).
 - d. Force shall never be applied as punishment, discipline, or treatment.
 - e. Juvenile Hall rules are divided into two categories: major and minor rule violations. It is important the youth understand what is expected of them. The rules and standards of conduct for which youth will be responsible during their stay in Juvenile Hall are explained in detail in the Orientation Packet. It is staff's responsibility to ensure that youth understand the rules and expectations, and any questions are answered.

From: Valerie Thompson [Valerie.Thompson@santacruzcounty.us]
Sent: Wednesday, May 16, 2018 9:57 AM
To: Michelle Ochoa Castañeda
Cc: Diane Culcasi; Sara Ryan
Subject: Santa Cruz County Chemical Agent PRA
Attachments: image001.jpg; 16.1- policy philos discipline.pdf; 16.1A.pdf; 16.1-policy philos discipline.pdf; 19.1-force gen policy.pdf; 19.2-force restraint.pdf; Orientation Manual with PREA 12-4-14 pg1-16.docx; RE: Santa Cruz County Chemical Agent PRA ; Santa Cruz_Chemical Agent PRA 5.9.18.pdf; 1.3-philosophy.pdf; 5.2-code levels.pdf; 9.1-security.pdf; 13.1-Detainee rights.pdf

Importance: High

Hello Ms. Castaneda,

In response to your PRA request, please be informed that the Santa Cruz County Probation Department **does not** nor in the past, used chemical agents in our facility. Please reference the attachments in this communication as our response to the remainder of your PRA request.

Please contact me if you have any questions.

Regards,

Valerie

Valerie M. Thompson

Assistant Chief Probation Officer

Santa Cruz County Probation Department

(831) 454-3835

The challenge of social justice is to evoke a sense of community that we need to make our nation a better place, just as we make it a safer place. Marian Wright Edelman



From: Michelle Ochoa Castañeda <MOchoa@ACLU.SOCAL.ORG>

Date: May 9, 2018 at 9:32:55 PM CDT

To: ""fernando.giraldo@santacruzcounty.us"" <fernando.giraldo@santacruzcounty.us>

Subject: Santa Cruz County Chemical Agent PRA

To Whom It May Concern:

Attached please find our request for Public Records Act Request regarding chemical agents.

In Solidarity

Michelle Ochoa Castañeda

Senior Paralegal

ACLU of Southern California

Orange County Office
(o) 714.450.3962 x106
Pronouns: She/Her/Hers

"If there is no justice for the people, let there be no peace for the government." ~Emiliano Zapata

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