



Police Review Commission (PRC)

LEXIPOL POLICIES SUBCOMMITTEE
Commissioners Perezvelez (Chair), Ramsey, Roberts

AGENDA

Tuesday, June 18, 2019
5:00 p.m.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER

2. PUBLIC COMMENT

(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on this agenda only.)

3. APPROVAL OF AGENDA

4. OLD BUSINESS (discussion and action)

a. Complete review of the following Lexipol policies:

Lexipol #	G.O. (if any)	Title
302	H-06, T&IB 247	Handcuffing and Restraints
337	D-21	Biological Samples (see April 10, 2019 packet)
333	A-50	Private Persons Arrest (revision to be delivered)

b. Usage and meaning of the words "should" and "shall" in Lexipol policies.

5. NEW BUSINESS (discussion and action)

a. Decide which policies to review next.

6. SCHEDULE NEXT MEETING DATE

7. ADJOURNMENT

Communications Disclaimer

Communications to the Police Review Commission, like all communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the PRC Secretary. If you do not want your contact information included in the public record, do not include that information in your communication. Please contact the PRC Secretary for further information.



Communication Access Information (A.R.1.12)

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Police Review Commission, located at 1947 Center Street, 1st floor, during regular business hours.

Contact the Police Review Commission at (510) 981-4950 or prc@cityofberkeley.info.

Lee, Katherine

From: Greenwood, Andrew
Sent: Friday, June 14, 2019 1:57 PM
To: Lee, Katherine
Cc: Rolleri, Rico; Speelman, Samantha M.
Subject: Policy 302 revisions for Lexipol Subcomm and full PRC consideration
Attachments: 302 Handcuffing (36) - PRC.DOCX

Follow Up Flag: Follow up
Flag Status: Completed

Ms. Lee,

Please find our revised draft of Policy 302 Handcuffing and Restraints.

Following the PRC Lexipol Subcommittee's 6/12/19 meeting, I discussed the primary issue of concern with staff, and viewed some of the video made of the meeting.

We are revising the policy accordingly, in 302.10, para 4. I have included the versions below for ease of review. We change "should" to "shall" in two instances, and strengthened language regarding medical concerns.

Please agendize review of this policy at the earliest possible opportunity, so that we are able to report the PRC's review to Council at the July 9 meeting, when the Mental Health Commission's recommendation to ban use of spit masks is currently scheduled to be heard.

***DRAFT CHANGES**

6/12 Draft

302.10, para 4

Spit masks should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit mask, the spit mask should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit mask.

6/14 Changes with markup

302.10, para 4

Spit masks shall ~~should~~ not be used in situations where the ~~restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the restrained person has a medical condition evident in the area around the mouth or nose, such as difficulty breathing or vomiting.~~ In such cases, prompt medical care should be provided ~~obtained~~. If the person vomits while wearing a spit mask, the spit mask shall ~~should~~ be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit mask.

6/14 Changes, without markup visible

302.10, para 4

Spit masks shall not be used in situations where there are indications that the restrained person has a medical condition evident in the area around the mouth or nose, such as difficulty breathing or vomiting. In such cases, prompt medical care should be provided. If the person vomits while wearing a spit mask, the spit mask shall be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit mask.

Best regards,

Andrew Greenwood
Chief of Police
Berkeley Police Department
(510) 981-5700

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

302.2 POLICY

The Berkeley Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

302.3 USE OF RESTRAINTS

Only members who have successfully completed Berkeley Police Department approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- (a) The circumstances or crime leading to the arrest
- (b) The demeanor and behavior of the arrested person
- (c) The age and health of the person
- (d) Whether the person may be is known to be pregnant
- (e) Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes
- (f) Whether the person has any other apparent disability

302.4 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.5 ALTERNATIVE MEANS OF RESTRAINT

Alternative Means of Restraint include but are not limited to:

- (a) Handcuffing the person with their hands in front of their body
- (b) Handcuffing the person with multiple sets of linked handcuffs
- (c) Use of the entire WRAP system

cause unreasonable discomfort due to the person's size, officers should consider using alternative means of restraint alternatives, such as using an additional set of handcuffs or multiple plastic cuffs

If the person being handcuffed is on the ground or in a prone position, officers should, as soon as possible, place the person in an upright sitting position or on their side for respiratory recovery and to mitigate the potential for positional asphyxia.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

302.9302.10 APPLICATION OF SPIT HOODS/MASKS SOCKS

Spit ~~hoods/masks/socks~~ are temporary protective devices designed to prevent the wearer from ~~biting and/or~~ transferring or transmitting fluids (saliva and mucous) to others.

Spit ~~hoods-masks~~ may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit ~~hoods-masks~~ should ensure that the spit ~~hood-mask~~ is applied/fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit ~~hoods-masks~~ with other detainees.

Spit ~~hoods-masks~~ should-shall not be used in situations where ~~the restrained person is bleeding profusely from the area around the mouth or nose, or if~~ there are indications that the restrained person has a medical condition evident in the area around the mouth or nose, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained/provided. If the person vomits while wearing a spit ~~hoodmask~~, the spit ~~hood-shouldmask should shall~~ be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit ~~hoodmask~~.

Those who have been placed in a spit ~~hood-mask~~ should be continually monitored and shall not be left unattended until the spit hood is removed. Spit ~~hoods-masks~~ shall be discarded after each use.

302.10302.11 APPLICATION OF THE WRAPLEG RESTRAINT DEVICES

The WRAP is a temporary restraining device comprised of a velcro strapped leg panel, torso harness, ankle strap and backside handcuff carabiner. The device immobilizes the body into a straight-legged seated position. Used properly, it restricts a subject's ability to do harm to oneself or others. Officer safety is enhanced and the risk of injury to the subject is reduced.

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices

~~approved by the Department shall be used.~~

In determining whether to use the WRAP leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., ~~hitting his/her head against the interior of the patrol unit~~, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).
- (d) Whether conventional methods of restraint have failed.

302.11.1 GUIDELINES FOR USE OF THE WRAP LEG RESTRAINTS

When applying the WRAP leg restraints the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the ~~ankle WRAP strap device~~. In all cases, a supervisor shall be notified as soon as practicable after the application of the ~~ankle strap device~~ WRAP.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Restraint straps should be checked frequently for tightness, and adjusted as necessary until the WRAP is removed. The harness straps should never be tightened to the point they interfere with the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while the WRAP ankle strap is in use. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of distress such as sudden quiet or inactivity, complaints of chest pain, change in facial color, complaint of extreme heat, vomiting and/or labored breathing, and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) Movement of the person can be accomplished in three ways, depending on the level of their cooperation. The person can either be carried, allowed to stand and shuffle walk, or be transported in a vehicle.
- (g) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (h) If in custody and transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer

should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.11.2 **DEVICE REMOVAL**

Based on the person's combativeness or level of aggression, officers should employ appropriate control techniques and tactics when removing the WRAP.

302.11.3 **THE WRAP'S ANKLE STRAP**

The ankle strap is a part of the WRAP restraint system. The ankle strap may be used alone, without the rest of the WRAP system, to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Use of the ankle strap will follow the same guidelines listed above for the WRAP.

~~302.11~~302.12 **APPLICATION OF AUXILIARY RESTRAINT DEVICES**

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

~~302.12~~302.13 **REQUIRED DOCUMENTATION**

If an individual is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

- ~~(a)~~—The amount of time the suspect was restrained.
- ~~(b)~~(a) How the suspect was transported and the position of the suspect.
- ~~(c)~~(b) Observations of the suspect's behavior and any signs of physiological problems.
- ~~(d)~~(c) Any known or suspected drug use or other medical problems.

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

302.2 POLICY

The Berkeley Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

302.3 ALTERNATIVE MEANS OF RESTRAINT

Alternative Means of Restraint include but are not limited to:

- (a) Handcuffing the person with their hands in front of their body
- (b) Handcuffing the person with multiple sets of linked handcuffs
- (c) Use of the entire WRAP system
- (d) Use of the WRAP's ankle strap
- (e) Use of plastic handcuffs "flex-cuffs"
- (a)(f) An ambulance gurney with five point straps

302.4 USE OF RESTRAINTS

Only members who have successfully completed Berkeley Police Department -approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- (a) The circumstances or crime leading to the arrest.
- (b) The demeanor and behavior of the arrested person.
- (c) The age and health of the person.
- (d) Whether the person may be is known to be pregnant.
- (e) Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- (f) Whether the person has any other apparent disability.

302.4.1 RESTRAINT OF DETAINEES

M.S.D. Jackson 0877 111
P. 10/10/10

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.4.2 RESTRAINT OF PREGNANT PERSONS

~~Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body. If a person's hands cannot be restrained behind their back because of pregnancy, officers will attempt to accommodate their condition by using alternative means of restraint.~~

No person who is in labor, delivery or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers or others (Penal Code § 3407; Penal Code § 6030).

302.4.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

302.4.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

302.5 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is ~~discretionary and~~ not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that regardless of the circumstances, in order to avoid risk every person should be handcuffed. ~~regardless of the circumstances~~

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be applied between the base of the palm and the ulna bone of the wrist. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, officers should consider Alternative Means of Restraint. ~~alternatives, such as using an additional set of handcuffs or multiple plastic cuffs~~

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

302.6 APPLICATION OF SPIT HOODS/MASKS SOCKS

Spit ~~hoods/masks/socks~~ are temporary protective devices designed to prevent the wearer from ~~biting and/or~~ transferring or transmitting fluids (saliva and mucous) to others.

Spit ~~hoods-masks~~ may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit ~~hoods-masks~~ should-shall ensure that the spit ~~hood-mask~~ is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should-shall provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit ~~hoods-masks~~ with other detainees.

Spit ~~hoods-masks~~ should-shall not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should-shall be obtained. If the person vomits while wearing a spit ~~hoodmask~~, the spit ~~hood~~ ~~shouldmask~~ should-shall be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should-shall be thoroughly decontaminated including hair, head and clothing prior to application of a spit ~~hoodmask~~.

Those who have been placed in a spit ~~hood-mask~~ should be continually monitored and shall not be left unattended until the spit hood is removed. Spit ~~hoods-masks~~ shall be discarded after each use.

302.7 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

302.6.1 USE OF THE WRAP

The WRAP may be used:

- (a) To restrain a combative person
- (b) To prevent potential violent/combative behavior
- (c) To inhibit a violent subject's effort to injure themselves
- (d) To prevent a violent subject from causing property damage
- (e) To facilitate safe physical transportation of violent/combative subjects
- (f) When conventional methods of restraint are not effective

As with any restraint device, do not assume the WRAP is escape-proof. Once applied, the subject should not be left unattended.

A person restrained by The WRAP can be placed on their side or in a sitting position. This will increase the person's oxygen recovery rate and reduce the potential for respiratory fatigue or positional asphyxia.

Only qualified personnel who have received training in the use of the WRAP should use this restraining device. Throughout the application of the WRAP, the subject must be physically controlled. Notwithstanding the subject's restraint, officers should remain aware of the person's ability to bite, spit and/or use head strikes against them.

302.6.2 TRANSPORTATION

Movement of the subject can be accomplished in three ways, depending on the level of their cooperation. The subject can either be carried, allowed to stand and shuffle walk, or be transported in a vehicle.

302.6.3 DEVICE REMOVAL

To remove the WRAP restraint, reverse the application procedure. Based on the prisoner's combativeness or level of aggression, officers should employ appropriate subject control techniques and tactics when removing restraint devices.

302.6.4 SAFETY PRECAUTIONS

Officers who use the WRAP should always be mindful of the following safety issues:

- (a) The subject should not be left unattended.
- (b) The WRAP is a temporary restraint device and is not escape-proof.
- (c) The WRAP should only be used by personnel trained in its function and application.
- (d) All device restraint straps should be checked frequently for tightness, and adjusted, as necessary, until The WRAP is removed.
- (e) The torso harness restraint straps should never be tightened to the point they interfere with the subject's ability to breathe.

(f) As soon as possible after being restrained in The WRAP, a prisoner should be placed in an upright sitting position or on their side to allow for respiratory recovery and to mitigate the potential for positional asphyxia.

(g) If a restrained subject complains of, or exhibits any of the following physiological conditions, immediate medical attention may be required:

1. Respiratory distress
2. Sudden quiet or inactivity
3. Chest pains, shooting pains down the arm
4. Change in facial color
5. Elevated temperature ("I'm burning up!")
6. Vomiting

302.8 APPLICATION OF THE WRAP'S ANKLE LEG RESTRAINT STRAP DEVICES

The WRAP's ankle strap Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint ankle strap, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

302.7.1 GUIDELINES FOR USE OF THE ANKLE STRAP LEG RESTRAINTS

When applying leg the ankle strap, restraints the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the ankle strap device. In all cases, a supervisor shall be notified as soon as practicable after the application of the ankle strap device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

-
- (d) The restrained person should be continually monitored by an officer while the ankle strap is in use. The officer should ensure that the person does not roll onto and remain on his/her stomach.
 - (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
 - (f) If in custody and transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 REQUIRED DOCUMENTATION

If an individual is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

~~(a) — The amount of time the suspect was restrained.~~

~~(b)(a)~~ How the suspect was transported and the position of the suspect.

~~(e)(b)~~ Observations of the suspect's behavior and any signs of physiological problems.

~~(d)(c)~~ Any known or suspected drug use or other medical problems.

Per Sgt. Speelman's notes
Sept & Nov. 2018

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

302.2 POLICY

The Berkeley Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

302.4 USE OF RESTRAINTS

Only members who have successfully completed Berkeley Police Department approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- (a) The circumstances or crime leading to the arrest
- (b) The demeanor and behavior of the arrested person
- (c) The age and health of the person
- (d) Whether the person may be is known to be pregnant
- (e) Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes
- (f) Whether the person has any other apparent disability

302.4.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.3 ALTERNATIVE MEANS OF RESTRAINT

Alternative Means of Restraint include but are not limited to:

- (a) Handcuffing the person with their hands in front of their body
- (b) Handcuffing the person with multiple sets of linked handcuffs
- (c) Use of the entire WRAP system

For. det. discretion's notice
8/18/18. v. 18. 3000

(d) Use of the WRAP's ankle strap

(e) Use of plastic handcuffs "flex-cuffs"

(a)(f) An ambulance gurney with five point straps

302.4.2 RESTRAINT OF PREGNANT PERSONS

~~Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body. If a person's hands cannot be restrained behind their back because of pregnancy, officers will attempt to accommodate the person's condition by using alternative means of restraint.~~

No person who is in labor, delivery or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers or others (Penal Code § 3407; Penal Code § 6030).

302.4.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

302.4.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

302.5 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary ~~nylon or~~ plastic cuffs (aka "flex-cuffs"), may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is ~~discretionary and~~ not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that regardless of the circumstances, in order to avoid risk every person should be handcuffed. ~~regardless of the circumstances~~

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be applied between the base of the palm and the ulna bone of the wrist. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may

cause unreasonable discomfort due to the person's size, officers should consider using alternative means of restraint alternatives, such as using an additional set of handcuffs or multiple plastic cuffs

If the person being handcuffed is on the ground or in a prone position, officers should, as soon as possible, place the person in an upright sitting position or on their side for respiratory recovery and to mitigate the potential for positional asphyxia.

Commented [SSM1]: Sep 2018 Added per PRC request from 9/17/18

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

302.6 APPLICATION OF SPIT HOODS/MASKS SOCKS

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods-masks may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods-masks should ensure that the spit hood-mask is applied fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods-masks with other detainees.

Spit hoods-masks should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hoodmask, the spit hood-shouldmask should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hoodmask.

Commented [SSM2]: Nov 2018 PRC wanted SHALL, but conceded after discussion

Commented [SSM3]: Nov 2018 PRC wants SHALL

Those who have been placed in a spit hood-mask should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods-masks shall be discarded after each use.

~~302.7~~ ~~302.5~~ APPLICATION OF AUXILIARY RESTRAINT DEVICES

~~Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.~~

~~Only department authorized devices may be used. Any person in auxiliary restraints should be~~

~~monitored as reasonably appears necessary.~~

302.8302.7 APPLICATION OF THE WRAPLEG RESTRAINT DEVICES

The WRAP is a temporary restraining device comprised of a velcro strapped leg panel, torso harness, ankle strap and backside handcuff carabiner. The device immobilizes the body into a straight-legged seated position. Used properly, it restricts a subject's ability to do harm to oneself or others. Officer safety is enhanced and the risk of injury to the subject is reduced.

~~Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department shall be used.~~

In determining whether to use the WRAPleg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., ~~hitting his/her head against the interior of the patrol unit,~~ running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).
- (d) Whether conventional methods of restraint have failed.

302.7.1 GUIDELINES FOR USE OF THE WRAP LEG RESTRAINTS

When applying the WRAPleg restraints the following guidelines should be followed:

- (e) If practicable, officers should notify a supervisor of the intent to apply the ankle WRAP strap device. In all cases, a supervisor shall be notified as soon as practicable after the application of the ankle strap device WRAP.
- (e) ~~_____~~
- (f) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat. Restraint straps should be checked frequently for tightness, and adjusted as necessary until the WRAP is removed. The harness straps should never be tightened to the point they interfere with the person's ability to breathe.
- (g) The restrained person should be continually monitored by an officer while the WRAP ankle strap is in use. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (h) The officer should look for signs of distress such as sudden quiet or inactivity, complaints of

chest pain, change in facial color, complaint of extreme heat, vomiting and/or labored breathing, and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

- (i) Movement of the person can be accomplished in three ways, depending on the level of their cooperation. The person can either be carried, allowed to stand and shuffle walk, or be transported in a vehicle.
- (h)(i) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (i) —
- (k) If in custody and transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.6.3 DEVICE REMOVAL

Based on the person's combativeness or level of aggression, officers should employ appropriate control techniques and tactics when removing the WRAP.

302.6.4 THE WRAP'S ANKLE STRAP

The ankle strap is a part of the WRAP restraint system. The ankle strap may be used alone, without the rest of the WRAP system to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Use of the ankle strap will follow the same guidelines listed above for the WRAP.

302.5 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

302.8 REQUIRED DOCUMENTATION

If an individual is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the

related report. The officer should include, as appropriate:

- ~~(a)~~ ~~The amount of time the suspect was restrained.~~
- ~~(b)~~(a) How the suspect was transported and the position of the suspect.
- ~~(c)~~(b) Observations of the suspect's behavior and any signs of physiological problems.
- ~~(d)~~(c) Any known or suspected drug use or other medical problems.