

OFFICE OF
SHERIFF-CORONER

COUNTY OF SAN JOAQUIN

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May 2, 2005

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By TRISAL MARTINEZ
DEPUTY

Robert Heidelbach
Sheriff-Coroner
Public Administrator

Honorable Robert McNatt
Presiding Judge of the Superior Court
222 E. Weber Avenue
Stockton, California 95202

RE: Grand Jury Case #0604 – Sheriff's Department/San Joaquin County Jail

Dear Judge McNatt:

The following is our response to the Civil Grand Jury report, case #0604, Sheriff's Department/San Joaquin County Jail, pursuant to Section 933.05 of the Penal Code.

FINDINGS:

Finding #1: Procedures are now in place to maintain restraint belts.

Response to Finding #1:

The Department agrees with the finding. Procedures for the maintenance of restraint belts were devised as part of a revision to the Correctional Health Care Services Policy and Procedure Manual, Procedure number 607A, which calls for inspection and maintenance of restraint belts by Psych staff every day. Completion of a documentation form is also required.

Finding #2: Alternative belt styles and belt materials are being evaluated.

Response to Finding #2:

The Department agrees in part with the finding. The evaluation of alternative belt styles and materials has now been completed. It was determined that the alternative styles and materials were not conducive to both officer nor inmate safety, thus the Department has continued to use restraints of original design and material, albeit new. The department is still working with the manufacturer on an improved design of the alternative style that will accommodate the Department's needs.

Finding #3: Alternative positions are being used in the five-point restraint bed. Inmates are placed on their backs unless a medical condition exists. A foam wedge is used to elevate the inmate's head. The inmate's hands are secured at the sides of the bed rather than at the upper corners of the bed.

Response to Finding #3:

The Department agrees with the finding. This new procedure is consistent with procedure(s) being used in mental health facilities.

Finding #4: Sergeants in command must approve all plans of action.

Response to Finding #4:

The Department agrees with the finding. Sergeants now are directly supervising the placement of any inmate into five-point restraints.

Finding #5: All incidents requiring action by the C.E.R.T. team are being videotaped.

Response to Finding #5:

The Department agrees with this finding. The videotaping of critical incidents involving the C.E.R.T. team will be used for training purposes to improve techniques and procedures used during those incidents. Additionally, all restraint chair incidents and five-point restraint incidents are videotaped, even if there is no C.E.R.T. team involvement.

Finding #6: Additional questions have been added to the pre-book screening process to address possible infection of communicable diseases and drug use.

Response to Finding #6:

The Department agrees with this finding. These additional screens have been added to the pre-book process to obtain additional and more detailed information about an inmate's condition.

Finding #7: An arrestee's medical history cannot be included in the pre-book process without violating Federal medical privacy rules.

Response to Finding #7:

The Department disagrees with this finding. There is a valid and necessary penological interest in obtaining certain information about an arrestee's medical history in order to provide proper medical care to all inmates in the custody of the Department. Obtaining this medical information is required by Title 15 of the

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California Code of Regulations, Section 1207, and is authorized under the Code of Federal Regulations, Title 45, Section 164.512 (cite: 45CFR1640512).

RECOMMENDATIONS:

Recommendation #1: Develop and implement a time schedule for replacing restraint belts.

Response to Recommendation #1:

The recommendation will not be implemented, with an explanation therefore:

All the restraint belts used by the Department were recently replaced with new equipment. As indicated above, a procedure is already in place for ongoing inspection and maintenance of the restraint belts, which calls for replacement should the belts become discolored or cracked. Implementing an arbitrary "time schedule" for replacing restraints belts would be costly and could cause equipment that is in good working order to be unnecessarily replaced.

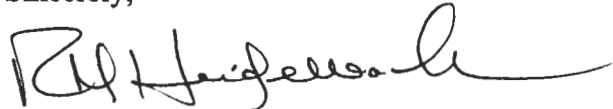
Recommendation #2: Program the pre-booking screening questionnaire to require a mandatory response in the "Officer's Observation" field. The Pre-Booking Officer should not be allowed to complete the pre-booking screening without entering a response in the "Officer's Observation" field.

Response to Recommendation #2:

The recommendation has already been implemented, with an explanation therefore:

The pre-booking screening questionnaire has been reprogrammed and the "Officer's Observation" field is now a mandatory field and cannot be over-ridden prior to completion of the screening questionnaire.

Sincerely,



ROBERT HEIDELBACH
Sheriff-Coroner

c: Steven Gutierrez, Chairman, Board of Supervisors
Clerk of the Board
Manuel Lopez, County Administrator