

July 12, 2021

CAC - Use of Force - Ad Hoc

Draft Recommendations to Sonoma County Sheriff's Office

Topic: PRONE RESTRAINT AND MAXIMUM PRONE RESTRAINT

ADD TO 300.1.1 DEFINITIONS

PRONE POSITION: Having the front or abdominal surface of a person's body facing downward, lying flat or prostrate.¹

PRONE RESTRAINT: Prone restraint is the extended restraint (either "physical" defined as using the body to restrain or "mechanical" defined as using an object or device to restrain) of an individual in the prone position. This may include holding an individual past the time of immediate struggle.²

MAXIMUM PRONE RESTRAINT (MPR): Using ankle, wrist, waist restraint devices and/or hobbles applied in any manner which places the individual in a prone or "supine" position (defined as lying on the back, face or front upward)³, while restricting his/her ability to move or change position without assistance.⁴

POSITIONAL ASPHYXIA: Death as a result of body position that interferes with one's ability to breathe.⁵

ADD NEW SECTION 300.3.8

300.3.8 RESTRICTIONS ON PRONE RESTRAINT

The use of prone restraint techniques shall be limited for use only on "high risk" or "violently resisting" people⁶, and people so restrained shall be constantly monitored to ensure their physical well-being.⁷ Deputies should address any medical emergency immediately should it arise.

¹ www.merriam-webster.com/dictionary/prone

² "THE LETHAL HAZARD OF PRONE RESTRAINT: POSITIONAL ASPHYXIATION," Disability Rights of California (previously known as Protection & Advocacy, Inc.), April 2002, Publication #7018.01, pg. 8.

³ <https://www.dictionary.com/browse/supine>

⁴ Alameda County Sheriff's Office, Policies & Procedures, Detention & Corrections Division, Ch. 8. Security and Control, 8.29 DC Positional Asphyxia.

⁵ US Department of Justice, National Institute of Justice, National Law Enforcement Technology Center Bulletin, "Positional Asphyxia -- Sudden Death," June 1995, pg. 1.

⁶ Santa Rosa Public Safety Training Center, Training on POST "Takedown Techniques"

⁷ Alameda County Sheriff's Office, Policies & Procedures, Detention & Corrections Division, Ch. 8. Security and Control, 8.29 DC Positional Asphyxia.

⁷ Alameda County Sheriff's Office, Policies & Procedures, Detention & Corrections Division, Ch. 8.

Deputies should avoid applying weight to the person's upper torso during this restraint process, restraining only the arms and legs whenever possible.⁸ Kneeling or placing bodyweight upon a person's torso with an elbow or other body part is prohibited unless overcoming violent resistance.⁹ Body weight should not be used to control an individual's head or neck.¹⁰ Deputies should not kneel on either a person's head or neck.¹¹ The less resistance offered by the individual, the less body weight a deputy should apply to the individual's back or abdomen.¹²

If deputies place their weight on a person's upper back or torso in order to apply handcuffs, once the person is handcuffed and compliant, deputies shall place the person in a "recovery position" to allow them to breathe freely. Recovery positions include placing the individual on his or her side, in an upright or sitting position.¹³ If a person indicates that they are having difficulty breathing regardless of the circumstances- the use of body weight should immediately cease.¹⁴

Deputies need to be aware of positional asphyxia as positional asphyxia may lead to sudden death while a person is in custody.¹⁵ Deputies should monitor the person and address any medical emergencies immediately should they occur.¹⁶

ADD NEW SECTION 300.3.9

300.3.9 RESTRICTIONS ON MAXIMUM PRONE RESTRAINT

Maximum Prone Restraint (MPR) may be used to gain control of a combative or violent person when such force is necessary to ensure the safety and security of deputies, members of the public, and the affected person.¹⁷ People in wrist, waist, or ankle restraints, or any combination thereof, and who are subsequently placed in a prone or supine position, shall be constantly monitored to ensure they remain alert and exhibit no signs of respiratory difficulty.¹⁸ Hovel ties and hog ties are strictly prohibited.

Security and Control, 8.29 DC Positional Asphyxia.

⁸ Kern County Sheriff's Office, Policy F-350, Directive #1.

⁹ Sacramento County Sheriff's Office, General Order, Use of Force Policy, pg. 5.

¹⁰ Denver Sheriff's Department, Policy 1.00.3013 - Use of Force, Section 6A. In consultation with the NYU Policing Project.

¹¹ Id.; Santa Rosa Public Safety Training Center, Training on POST "Takedown Techniques".

¹² Id.

¹³ Sacramento County Sheriff's Office, General Order, Use of Force Policy, pg. 5.; New Orleans Police Case: 20-10876 Document: 00515709171 Page: 20 Date Filed: 01/15/2021 14 Dep't, Operations Manual, Handcuffing and Restraint Devices at 4 (rev. Apr. 2, 2017).

¹⁴ Denver Sheriff's Department, Policy 1.00.3013 - Use of Force, Section 6A. In Consultation with the NYU Policing Project; SRJC Public Safety Training.

¹⁵ Id.; US Department of Justice, National Institute of Justice, National Law Enforcement Technology Center Bulletin, "Positional Asphyxia -- Sudden Death," June 1995, pg. 1.

¹⁶ Id.

¹⁷ Alameda County Sheriff's Office, Policies & Procedures, Detention & Corrections Division, Ch. 8. Security and Control, 8.29 DC Positional Asphyxia.

¹⁸ Id.

Special attention shall be paid to people who are obese, have known prior cardiac or respiratory problems, or who are under the combined effect of any drug and alcohol.¹⁹ Whenever possible, deputies should ask the person if he/she has used drugs recently or suffers from any cardiac or respiratory diseases or conditions such as asthma, bronchitis or emphysema. The risk of sudden death increases significantly when individuals are intoxicated.²⁰

The symptoms of intoxication can be, but are not limited to:

- (a) Bizarre and/or aggressive behavior/violence toward others
- (b) Shouting/paranoia/panic
- (c) Sudden tranquility
- (d) Unexpected physical strength²¹

Duration of the application of MPR techniques shall be limited to the time necessary to gain control of the person and ensure the safety and security of deputies, members of the public and/or the affected person.²² Deputies shall avoid placing people in a prone position any longer than necessary to complete the handcuffing process.²³

Once control is gained and the situation is secure, the person shall be returned to an upright or sitting position and deputies shall monitor the person's consciousness and breathing and address any medical emergencies immediately should they occur.²⁴

Call for emergency medical assistance immediately if the person is not at a recognizable level of consciousness, having difficulty breathing, convulsing, having a seizure, injured or complaining of pain.²⁵

No person shall be left unattended while restrained with wrist, waist and/or ankle restraints, or any combination thereof while in a prone or supine position.²⁶

MPR techniques shall not be employed while transporting people.²⁷ Do not transport people in a prone position.²⁸ People in wrist, waist and/or ankle restraints shall be transported in an upright

¹⁹ Id.

²⁰ US Department of Justice, National Institute of Justice, National Law Enforcement Technology Center Bulletin, 'Positional Asphyxia – Sudden Death,' June 1995, pg 2.

²¹ Alameda County Sheriff's Office, Policies & Procedures, Detention & Corrections Division, Ch. 8. Security and Control, 8.29 DC Positional Asphyxia.

²² Id.

²³ San Diego County Sheriff's Office, Policy and Procedure, Addendum F.

²⁴ Id.; SCSO Policy 302.7 "Application of Maximum Restraint Devices"

²⁵ SCSO Policy 302.7 "Application of Maximum Restraint Devices"

²⁶ Alameda County Sheriff's Office, Policies & Procedures, Detention & Corrections Division, Ch. 8. Security and Control, 8.29 DC Positional Asphyxia; SCSO Policy 302.7.

²⁷ SCSO Policy 302.7.

²⁸ Id.

or sitting position.²⁹ Personnel transporting people shall ensure their body position is such that normal respiration (breathing) is not inhibited.³⁰

Deputies will notify their supervisor as soon as practical when the technique is used, as well as notifying jail and/or medical personnel.³¹ Deputies will note in their report that the maximum restraint was used.³²

ADD/MOVE SECTION 300.3.9 (ALSO CURRENT SCSO POLICY 302.8)

300.3.9 REQUIRED DOCUMENTATION - MAXIMUM PRONE RESTRAINT

The use of the maximum prone restraint on a person shall be documented in a use of force report and/or related report.³³ The deputy should include, as appropriate:

- (a) The nature of the restraint procedure.³⁴
- (b) The amount of time the person was restrained.³⁵
- (c) The amount of time the person was face down.³⁶
- (d) How the person was transported and the position of the person.³⁷
- (e) The duration of the transport phase.³⁸
- (f) All observations of the person's behavior and condition during the prone restraint, post-restraint, and transport.³⁹
- (g) All statements made by the person during the prone restraint, post-restraint, and transport.

²⁹ Alameda County Sheriff's Office, Policies & Procedures, Detention & Corrections Division, Ch. 8. Security and Control, 8.29 DC Positional Asphyxia.

³⁰ Id.

³¹ SCSO Policy 302.7

³² Id.

³³ US Department of Justice, National Institute of Justice, National Law Enforcement Technology Center Bulletin, "Positional Asphyxia -- Sudden Death," June 1995, pg. 2.

³⁴ US Department of Justice, National Institute of Justice, National Law Enforcement Technology Center Bulletin, "Positional Asphyxia -- Sudden Death," June 1995, pg. 3.

³⁵ SCSO Policy 302.8.

³⁶ US Department of Justice, National Institute of Justice, National Law Enforcement Technology Center Bulletin, "Positional Asphyxia -- Sudden Death," June 1995, pg. 3.

³⁷ SCSO Policy 302.8.

³⁸ US Department of Justice, National Institute of Justice, National Law Enforcement Technology Center Bulletin, "Positional Asphyxia -- Sudden Death," June 1995, pg. 3.

³⁹ US Department of Justice, National Institute of Justice, National Law Enforcement Technology Center Bulletin, "Positional Asphyxia -- Sudden Death," June 1995, pg. 3; SCSO Policy 302.8.

(h) Any known or suspected drug use or other medical problems.⁴⁰

⁴⁰ SCSO Policy 302.8.