



# San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062



Rec'd 5/4/18 JH

*William D. Gore, Sheriff*

April 24, 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", this was addressed in an earlier letter. Secondly, a change was recommended 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 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."

This policy recommendation was reviewed and evaluated. The discussion regarding this policy recommendation is below.

This policy recommendation refers to outdated language that was found in a patient's medical chart. This language came from a "template" in JIMS that was developed many years ago, long before the passage of PC 3407, and which was intended to provide information to the pregnant inmate regarding pregnancy while in custody. When PC 3407 went into effect in 2013, the Sheriff's Department changed its policies and practices to conform to the new statute. However, the language from the template did not get updated, a fact that, unfortunately, went unnoticed. The effect has been that pregnant inmates have been incorrectly told in writing "You will be chained and handcuffed during labor and delivery" In reality, the practice and policy has been

Ms. Sandra I. Arkin  
April 24, 2018  
Page 2

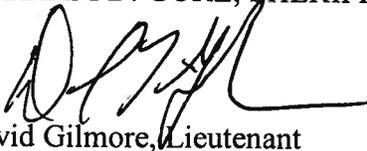
*not* to chain and handcuff pregnant inmates, except under the extraordinary circumstances as permitted by statute.

The Board is recommending that the language 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." The Sheriff's Department agrees completely. The language should have been updated in 2013 when the policy and our practices, were changed to conform to the new Penal Code section 3407. Detentions Command Staff have confirmed that this change has been made.

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

A handwritten signature in black ink, appearing to read 'D. Gilmore', written over the printed name of David Gilmore.

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

DG:js