Thank you for joining us!

- Please mute your phones during the presentation.

- Please do not put the conference call on hold.

- This presentation will be posted to our website this afternoon.
Reducing Liabilities in the Jail

M.D. Holderfield, Sr., Assistant Chief, Jacksonville Sheriff’s Office
&
Keith Tischler, Attorney at Jolley & Peterson, P.A.
Deputy: Strip Search Finds Crack Between Buttocks

Traffic Stop Leads To Multiple Charges
Carla Field, WYFF4.com Managing Editor

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SPARTANBURG COUNTY, S.C. — A deputy said the strip search of a “belligerent” man after a traffic stop turned up crack cocaine in a plastic bag tucked between the man’s buttocks.

The Spartanburg County deputy using speed radar on U.S. Highway 1 at about 3 a.m. Tuesday,

SEARCHES: If they are such a source of controversy, why do we insist on doing them?
We continue to defend the need for pat-downs, frisk searches, and even strip searches, as necessary, for the very reasons cited recently by United States Supreme Court, Justice Anthony Kennedy:

*Correctional officers have a legitimate interest in maintaining order and safety in the nation's jails, and in doing so, have the right to search prisoners for smuggled weapons, drugs and evidence of gang affiliations or diseases.*
Strip Search in Florida After
FLORENCE v. BOARD

★ FLORIDA LAW TRUMPS THE SUPREME COURT

★ Strip searches that violate Florida statutes will not necessarily violate the fourth amendment or create a federal cause of action for damages under section 1983

★ However, day to day operation of the jail must comply with Florida law (statutory and regulatory) even if it is more restrictive than federal case law
(2) No person arrested for a traffic, regulatory, or misdemeanor offense, except in a case which is violent in nature, which involves a weapon, or which involves a controlled substance, shall be strip searched unless:

(a) There is probable cause to believe that the individual is concealing a weapon, a controlled substance, or stolen property; or

(b) A judge at first appearance has found that the person arrested cannot be released either on recognizance or bond and therefore shall be incarcerated in the county jail.
Searches which were conducted by county jails as standard part of intake process, and which were invasive but did not include any touching of unclothed areas by inspecting officer, struck reasonable balance between inmate privacy and needs of the institutions; Fourth and Fourteenth Amendments did not require that some detainees be exempt from such procedures absent reasonable suspicion of concealed weapon or other contraband.

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... correctional officials must be permitted to devise reasonable search policies to detect and deter the possession of contraband in their facilities, and that “in the absence of substantial evidence in the record to indicate that the officials have exaggerated their response to these considerations courts should ordinarily defer to their expert judgment in such matters

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Exempting people arrested for minor offenses from a standard search protocol thus may put them at greater risk and result in more contraband being brought into the detention facility.

This case does not require the Court to rule on the types of searches that would be reasonable in instances where, for example, a detainee will be held without assignment to the general jail population and without substantial contact with other detainees. The accommodations provided in these situations may diminish the need to conduct some aspects of the searches at issue. The circumstances before the Court, however, do not present the opportunity to consider a narrow exception ... which might restrict whether an arrestee whose detention has not yet been reviewed by a magistrate or other judicial officer, and who can be held in available facilities removed from the general population, may be subjected to the types of searches at issue here.
A search should be conducted in the most discreet and professional manner possible.

The less controversy going on during the search, the safer it is for the officer.
Sometimes an inmate may create a distraction hoping the officer will discontinue the search.

If a search is interrupted for any reason, the officer should complete the search as soon as practical.
In Jacksonville, the strip search of an arrestee at intake shall only be conducted when there is reasonable belief or suspicion that he may be in possession of an item of contraband. However, in certain situations, a strip search may be conducted based on probable cause that the arrestee is in possession of contraband and/or a weapon.
Most hard contraband is found the groin area. It is the most uncomfortable area to search and for this very reason it is the **most popular** area to conceal.
Use of Restraints
Some popular restraints currently used:

- Leg Irons
- Hobble Restraint
- Plastic Cuffs
- Restraint Chair
- Spit Mask
- One-Piece Set
Restraint Equipment must **never** be used as a form of punishment.
USE OF RESTRAINTS
~or~
USE OF FORCE

THE STANDARD:

“Reasonably related to a legitimate governmental objective”.... “Ensuring security and order”

vs.

PUNISHMENT
Use of Restraints

~or~

Use of FORCE

ASK THIS QUESTION:

Is the conduct argumentative and uncooperative or is there a legitimate threat of injury to self or others, behavior that is disruptive toward the function of the institution and the maintenance of order or that creates security risks?

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DOCUMENT BY ARTICULATING SPECIFIC BEHAVIOR AND IMPACT

SUPPORT WITH PHOTOS, VIDEO IF PRACTICAL OR APPROPRIATE
USE OF RESTRAINTS
~or~
USE OF FORCE

How long to use?

• Based upon: “Observation & Management”

• Conduct while in restraints & response to being in restraints

• Physical response to restraints

• Examine

DOCUMENT, DOCUMENT, DOCUMENT
Staff should always refer to restraint equipment by the professional name.

The Torture Chair
The Dog Leash
Sparky’s Cousin
Hog Tied and Cattle Roped
The Devil’s Chair
Every agency should have a policy on the use of restraint equipment and approved restraint techniques.
At a minimum, your policy should include:

- Proper restraint techniques of which each staff member receives regular training and updates;

- Proper instructions for how to safely apply restraints to anyone injured and/or disabled;

- Time controls and indicators to establish mandatory intervals for requesting a medical professional to examine and document the inmate’s current health status.

- Proper chain of command structure for the use of every type of restraint equipment authorized by your agency.
USE OF RESTRAINTS

~or~

USE OF FORCE

Cautions & Problem Areas that will get you and your Corrections Officers in HOT WATER

✓ Use of force before the use of restraint:
  ✓ Be attentive to injuries or conditions that were pre-existing.
✓ Additional uses of force while restrained – Consider: WHY? ALTERNATES?
✓ Repeated uses of same technique that is not working – Consider: WHY? ALTERNATES?
✓ Medical evaluation at the time of restraint & regularly thereafter
  (DOCUMENT, DOCUMENT, DOCUMENT) Vital signs, communication, BE ATTENTIVE TO SPECIAL NEEDS
✓ Evaluation by Medical Professionals
✓ Watch for signs of distress – Do NOT assume faking
✓ Treatment while in restraints: Hydration & Nourishment; Movement; Sanitatio; Medication & Treatment
USE OF RESTRAINTS

~or~

USE OF FORCE

TRAINING & SUPERVISION

• Make sure training in **Use of Restraints**, including demonstration and hands on application, is part of initial training and periodic retraining

• Make sure training in **Policy** is part of initial training and periodic retraining

• Corrections Officers should not use restraint devices if not trained

• Training should be done by individuals who have been trained by manufacturer of device being used and who is Certified Corrections Officer, and preferably Certified Trainer

DOCUMENT, DOCUMENT, DOCUMENT
Each use of Restraints should be documented and reviewed

Approval by supervisors for certain use of restraints

Supervisors should be aware of problem areas to look for and to follow up

Problem areas should go up the chain of command and be reviewed, including supplemental reports or review of available video
USE OF RESTRAINTS

• Periodic or random review of video of use of **Restraints** if available

• Watch for Corrections Officers with **Repeated Uses of Restraints** or Reports with rote language

• **DOCUMENT, DOCUMENT, DOCUMENT!!!**

• Use remedial training and policy review even if it’s a close call

• **DON’T PUT LANGUAGE IN YOUR POLICY IF YOU CANNOT COMPLY WITH IT OR ENFORCE IT**
Questions???

- Maurice “Mo” Holderfield, Assistant Chief, Jacksonville Sheriff’s Office
  Maurice.Holderfield@jaxsheriff.org

- Keith Tischler, Attorney, Jolley & Peterson, P.A.
  kct@jollylaw.com

- Isaiah Dennard, FSA Jail Services Coordinator
  Idennard@flsheriffs.org
  (850) 877-2165