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9 Attorneys for Defendants
 CITY AND COUNTY OF SAN FRANCISCO,
 10 SAN FRANCISCO SHERIFF'S DEPARTMENT
 and SAN FRANCISCO COUNTY SHERIFF MICHAEL HENNESSEY
 11

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 MARY BULL, JONAH ZERN, LISA
 GIAMPAOLI, MARCY CORNEAU,
 15 ALEXIS BRONSON, MICKY
 MANGOSING, CHARLI JOHNSON,
 16 LEIGH FLEMING, LAURA
 TIMBROOK, and all others similarly
 17 situated,

18 Plaintiffs,

19 vs.

20 CITY AND COUNTY OF SAN
 FRANCISCO, SAN FRANCISCO
 21 SHERIFF'S DEPARTMENT, SAN
 FRANCISCO COUNTY SHERIFF
 22 MICHAEL HENNESSEY, IN HIS
 INDIVIDUAL AND OFFICIAL
 23 CAPACITY, AND SAN FRANCISCO
 COUNTY SHERIFF'S DEPUTIES DOES
 24 1 THROUGH 150,

25 Defendants.
 26
 27

Case No. C03-1840 CRB

**CROSS-COMPLAINT BY
 DEFENDANTS CITY AND COUNTY
 OF SAN FRANCISCO AND SAN
 FRANCISCO COUNTY SHERIFF
 MICHAEL HENNESSEY
 AGAINST PLAINTIFFS MARY BULL
 JONAH ZERN, LISA GIAMPAOLI,
 MARCY CORNEAU, ALEXIS
 BRONSON, MICKY MANGOSING,
 CHARLI JOHNSON, LEIGH
 FLEMING, LAURA TIMBROOK FOR
 DECLARATORY RELIEF**

1 CITY AND COUNTY OF SAN
2 FRANCISCO AND SAN FRANCISCO
3 COUNTY SHERIFF MICHAEL
4 HENNESSEY,

5 Cross-complainants,

6 vs.

7 MARY BULL, JONAH ZERN, LISA
8 GIAMPAOLI, MARCY CORNEAU,
9 ALEXIS BRONSON, MICKY
10 MANGOSING, CHARLI JOHNSON,
11 LEIGH FLEMING, LAURA
12 TIMBROOK,

13 Cross-defendants.

14 Pursuant to Federal Rule of Civil Procedure 13, Defendants and Cross-complainants, City
15 and County of San Francisco, and San Francisco County Sheriff Michael Hennessey, in his
16 official capacity (collectively "cross-complainants" or "defendants"), cross-complain and allege
17 as follows:

18 **GENERAL ALLEGATIONS**

- 19 1. Defendant and Cross-complainant City and County of San Francisco ("City" or "San
20 Francisco") is, and at all times herein was, a political sub-division of the State of
21 California.
- 22 2. Defendant and Cross-complainant San Francisco County Sheriff Michael Hennessey
23 was at all relevant times acting in his official capacity.
- 24 3. The City is informed and believes, and thereon alleges that Cross-defendants Mary
25 Bull, Jonah Zern, Lisa Giampaoli, Marcy Corneau, Alexis Bronson, Micky
26 Mangosing, Charli Johnson, Leigh Fleming, Laura Timbrook are, and at all times
27 herein, were individuals who are citizens of the United States and residents of the
28 State of California.

NATURE OF DISPUTE

4. Plaintiff Mary Bull alleges that she was arrested in San Francisco in November 2002 and charged with felony vandalism. Ms. Bull alleges that she was then taken to the San Francisco County Jail and subsequently searched and placed in a safety cell.
5. Plaintiff Jonah Zern alleges that he was arrested in San Francisco on January 18, 2003 and charged with felony vandalism and resisting arrest with serious injury to a police officer. Mr. Zern alleges that he was taken to the San Francisco County Jail and subsequently searched.
6. Plaintiff Lisa Giampaoli alleges that she was arrested in San Francisco on January 19, 2002 and charged with felony aggravated assault. Ms. Giampaoli alleges that she was taken to the San Francisco County Jail and subsequently searched and placed in a safety cell.
7. Plaintiff Marcy Corneau alleges that she was arrested in San Francisco on September 5, 2003, and charged with battery. Ms. Corneau alleges that she was taken to the San Francisco County Jail and subsequently searched.
8. Plaintiff Alexis Bronson alleges that he was arrested in San Francisco on August 5, 2002 for felony criminal threats, battery and being drunk in public. Mr. Bronson alleges that he was taken to the San Francisco County Jail and subsequently searched and placed in a safety cell.
9. Plaintiff Micky Mangosing alleges that she was arrested in San Francisco on December 12, 2002 for being drunk in public. Ms. Mangosing alleges that she was taken to the San Francisco County Jail and subsequently searched and placed in a safety cell.
10. Plaintiff Charli Johnson alleges that she was arrested in San Francisco on August 30, 2001 for outstanding arrest warrants. Ms. Johnson alleges that she was taken to the San Francisco County Jail and subsequently searched and placed in a safety cell.

- 1 11. Plaintiff Leigh Fleming alleges that she was arrested in San Francisco on April 12,
2 2003, and charged with disturbing the peace and resisting arrest. Ms. Fleming alleges
3 that she was taken to the San Francisco County Jail and subsequently searched and
4 placed in a safety cell.
- 5 12. Plaintiff Laura Timbrook alleges that she was arrested in San Francisco on January 6,
6 2003 for outstanding arrest warrants and charged with burglary, forgery and intent to
7 defraud. Ms. Timbrook alleges that she was taken to the San Francisco County Jail
8 and subsequently searched and placed in a safety cell.
- 9 13. Plaintiffs Mary Bull, Jonah Zern, Lisa Giampaoli, Marcy Corneau, Alexis Bronson,
10 Micky Mangosing, Charli Johnson, Leigh Fleming, and Laura Timbrook allege that
11 the policies of the San Francisco Sheriff's Department regarding search procedures
12 and safety cell use violate the California and United States' Constitutions and the
13 California Penal Code. Plaintiffs seek to enjoin Defendants' search and safety cell
14 use policies as applied to them. On January 21, 2004 Plaintiffs filed a Motion for
15 Preliminary Injunction.
- 16 14. Defendants and Cross-complainants contend that injunctive relief is moot at this time
17 as the policies applied to Plaintiffs no longer govern search or safety cell procedures
18 in the San Francisco County Jail. On January 21, 2004, San Francisco Sheriff
19 Michael Hennessey adopted two new policies entitled "Searches" and "Safety Cell
20 Use," true copies of which are attached hereto as Exhibits A and B, respectively.
21 Plaintiffs were on written notice that defendants intended to adopt these new policies
22 on January 21, 2004 and plaintiffs were invited to review and comment on the draft
23 policies prior to their implementation. Plaintiffs nevertheless elected to file a Motion
24 for Preliminary Injunction on the very day that the new policies were adopted.
- 25 15. Defendants and Cross-complainants further contend that the Sheriff's Department's
26 "Searches" policy adopted on January 21, 2004 satisfies the requirements of
27 California Penal Code § 4030 and is constitutional under California and federal law.

1 16. Defendants and Cross-complainants contend that the Sheriff's Department's "Safety
2 Cell Use" policy satisfies the requirements of the California Code of Regulations
3 Title 15 and is constitutional under California and federal law.

4 17. An actual controversy has arisen and now exists between Defendants and Cross-
5 complainants and Cross-defendants in that San Francisco asserts that Plaintiffs'
6 claims for injunctive relief are moot and that the new "Searches" and "Safety Cell
7 Use" policies comply with state and federal law.

8 **DECLARATION SOUGHT**

9 18. In order to resolve this controversy, Defendants and Cross-complainants request that,
10 pursuant to 28 U.S.C. §2201, this Court declare the respective rights and duties of the
11 parties in this matter and, in particular, that the Court declare that: 1) Plaintiffs' and
12 Cross-defendants' claim for injunctive relief is moot; and 2) the Sheriff's policies
13 entitled "Searches" and "Safety Cell Use," adopted January 21, 2004 and attached
14 hereto as Exhibits A and B, respectively, comply with state and federal law.

1 **PRAYER FOR RELIEF**

2 For the reasons set forth above, Defendants and Cross-complainants pray for relief as
3 follows:

- 4 1. A declaration that Plaintiffs and Cross-defendants request for injunctive relief is moot;
5 2. A declaration that the San Francisco Sheriff's policies entitled "Searches" and "Safety
6 Cell Use," adopted January 21, 2004 and attached hereto as Exhibits A and B,
7 respectively, comply with state and federal Law;
8 3. Costs including attorneys' fees; and
9 4. Any and all other relief to which Defendants and Cross-complainants may be justly
10 entitled.

11 Dated: January 22, 2004

12 DENNIS J. HERRERA
13 City Attorney
14 JOANNE HOEPER
15 Chief Trial Attorney
16 INGRID M. EVANS
17 DAVID B. NEWDORF
18 Deputy City Attorneys

19 /s/

20 By: _____
21 INGRID M. EVANS

22 Attorneys for Defendants
23 CITY AND COUNTY OF SAN FRANCISCO,
24 and SAN FRANCISCO COUNTY SHERIFF
25 MICHAEL HENNESSEY
26
27
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EXHIBIT A

SAN FRANCISCO SHERIFF'S DEPARTMENT



POLICY AND PROCEDURE

Policy / Procedure #		E-16
Date Issued:	1/21/04	Date Revised:
Approved by:		<i>Michael Hennessey</i> Sheriff Michael Hennessey
Chapter:		Custody Operations

SUBJECT:

Searches

POLICY: It is the policy of the San Francisco Sheriff's Department to conduct searches that meet the requirements of federal and state law while maximizing security in jail facilities and the safety of all persons in the county jail system. Under no circumstances shall searches be conducted as a punitive measure.

PURPOSE: To comply with state and federal laws and case decisions while maintaining the safety of prisoners, staff and jail facilities.

DEFINITIONS:

Contraband: Weapons, drugs, or other items that pose a threat to the safety and security of the jail or persons in the jail. In the jail, contraband also includes any item or article not issued by a jail facility, purchased from the commissary, purchased through other approved channels, or approved by the Custody Division Commander or designee. Any authorized items found altered in any way, except for sharpened pencils, will also be considered contraband.

Non-intrusive Sensor and Scanning Device Search: A search conducted on a clothed person using either a hand-held or walk-through mechanical device or metal detector or other non-intrusive detection device.

Pat Search: A search consisting of a pat down or body frisk of a clothed person, including examination of pockets, shoes and socks. A pat search may include the removal and examination of outer clothing including, but not limited to, hats, wigs, coats, jackets, and multiple layers of bulky clothing.

Physical Body Cavity Search: A physical intrusion into a body cavity, such as the mouth, stomach, rectum, or vagina, for the purpose of discovering any object concealed in the body cavity. This type of search always requires a valid search warrant and must be conducted by medical personnel.

Reasonable Suspicion: A degree of knowledge based on specific and articulable facts sufficient to induce a cautious and reasonable officer to believe that an individual is in possession of a weapon or other items of contraband. A “hunch”, without more, is insufficient. A fact or observation, giving rise to a reasonable inference, is necessary. Reasonable suspicion includes, but is not limited to:

1. Physical observations or information received from a reliable source that indicate that a person is concealing contraband on their person.

Security Search: A search focused on certain areas of the jail facility, including the bunk, clothing, locker, cell, tank, dormitory, or pod, or any other area within the jail facility or on the jail grounds. Prisoners located in, leaving, or returning to an area where a security search is being conducted may also be subject to search.

Strip Search: A search that requires a person to remove or arrange some or all of his or her clothing so as to permit a visual inspection of the breasts, buttocks or genitalia of such person. A strip search may also include a visual inspection of the person’s body cavities.

PROCEDURE

I. Pat Searches and Non-Intrusive Sensor and Scanning Device Searches

A. Personal Privacy:

1. Pat searches should be conducted by deputies of the same sex as the person to be searched, whenever possible.
2. Pat searches of transgender persons should be conducted by a deputy with the same genitalia.

B. When Such Searches Are Conducted:

1. At intake, the transporting officer will conduct a pat search and a non-intrusive sensor and scanning device search prior to the booking process.
2. Once the booking has been completed, any person not qualifying for a strip searched will be pat searched and scanned with a non-intrusive sensor and/or a scanning device as part of the dressing in process prior to housing in a jail facility.
3. Pat searches or searches by non-intrusive sensor and/or scanning devices may be conducted on prisoners at any time.

C. Searches of Civilians

1. All civilians who enter the jail facility to visit, conduct interviews or provide any service that requires entering a jail facility may be subject to a non-intrusive sensor and/or scanning device search.

2. All packages, brief cases, purses, or other containers will be searched for contraband prior to entering the jail.
3. A pat search may be conducted if approved by the Watch Commander and when a deputy has reasonable suspicion a civilian may possess contraband.
4. The approved pat search will be conducted by a staff person of the same sex, in a private location, and in a professional manner.
5. The civilian to be searched must be advised of his or her right to refuse the pat search and leave the jail facility and this must be documented in any report of the incident.
6. If the civilian refuses the pat search, the person will be escorted out of the jail and off the jail grounds and will be denied future access to the jail.
7. An Incident Report must be completed any time a pat search is conducted on a civilian and/or whenever a civilian refuses such a search.
8. The report must include the reasonable suspicion articulated and any contraband found on the civilian.
9. Any criminal conduct by civilians shall result in arrest for criminal prosecution.

D. Searches of Employees

1. All employees entering a jail facility may be subject to a non-intrusive sensor and/or scanning device search.
2. All packages, brief cases, purses, or other containers may be searched for contraband prior to entering the jail.
3. All employees may be subject to a non-intrusive sensor and scanning device search before entering a jail facility.
4. A pat search or strip search of an employee shall be done only with the permission of the Sheriff, Undersheriff or Assistant Sheriff.
 - a. There must be articulable reasonable suspicion the employee is bringing contraband into a jail facility to request permission for either type of search.
 - b. The Investigative Services Unit will be contacted when a request to perform either type of search of an employee is made to ensure such action will not interfere with an open investigation.

II. Permissible Strip Searches

A. Prior to Intake/Booking

1. A prisoner may be strip searched prior to booking only if:
 - a. There is reasonable suspicion and supervisor approval on the Strip Search Authorization Form prior to the search; or

b. Supervisor approval is not required if the prisoner:

1. Is charged with a crime of drugs, (except when arrested for violation of Health and Safety Code 11550 only), weapons and/or violence; or
2. Has been convicted or arrested within the last 5 years for drugs, (except when arrested for violation of Health and Safety Code 11550 only), weapons and/or violence, as documented in the criminal history information system; or
3. Is charged under California Penal Code Section 3056 or booked with a State Parole hold; or
4. Is charged under California Penal Code Section 1203.2; or
5. Is in the custody of another agency and is booked into the jail for safekeeping, including a prisoner booked on a U.S. Marshall hold.

B. At Intake/Booking

1. Prisoners may be strip searched at the time of booking only if:

- a. There is articulable reasonable suspicion and supervisor approval on the Strip Search Authorization Form prior to the strip search; or
- b. The prisoner is:

1. Is charged with a crime of drugs, (except when arrested for violation of Health and Safety Code 11550 only), weapons and/or violence; or
2. Has been convicted or arrested within the last 5 years for drugs, (except when arrested for violation of Health and Safety Code 11550 only), weapons and/or violence, as documented in the criminal history information system; or
3. Is charged under California Penal Code Section 3056 or booked with a State Parole hold; or
4. Is charged under California Penal Code Section 1203.2; or
5. Is in the custody of another agency and is booked into the jail for safekeeping, including a prisoner booked on a U.S. Marshall hold.

C. Pre-Sentenced Booked Prisoners

1. Pre-sentenced booked prisoners may be strip searched at any time if there is reasonable suspicion and supervisor approval on the Strip Search Authorization Form prior to the strip search.
2. Prior supervisor approval for the strip search is not required if the prisoner:

- a. Was strip searched at booking but a legitimate reason such as a security search of their housing unit exists to conduct another search; or
- b. Has been found to possess contraband during a prior search, as documented on the housing card; or
- c. Is returning from a work detail, a court-ordered pass, a hospital appointment, court appearance, contact visits, interviews, or other activities occurring outside their assigned housing unit.

D. Sentenced Prisoners

1. Sentenced prisoners may be strip searched at any time as part of a security search.

E. Prisoners shall not be strip searched as part of their final discharge and release to the community.

F. The circumstances under which strip searches are permitted are set forth in the chart on page 8 of this policy.

G. Sheriff's personnel may not conduct physical body cavity searches under any circumstances. All physical body cavity searches require a valid search warrant and must be conducted by medical personnel.

III. Search Conditions

A. Sheriff's personnel will take all reasonable measures to minimize the extent to which strip searches intrude on a prisoner's privacy.

1. All strip searches shall be conducted in a private location, such that persons not participating in the search cannot observe the person being searched.
2. All Sheriff's personnel present at a strip search shall be of the same sex as the person being searched.
3. Transgender persons shall be searched by personnel with the same genitalia as the transgender person.
4. Sheriff's personnel shall not touch the breasts, buttocks, genitalia, or body cavities of the person being searched.
5. The prisoner will be supplied with jail clothing immediately after the search.

B. Whenever a prisoner who meets the criteria for a strip search is non-compliant, the deputy will notify the on duty supervisor immediately.

1. If the non-compliant prisoner poses no significant threat to the safety of himself or herself, other prisoners, Sheriff's staff, and/or other civilian workers in the area, the prisoner will be placed in a holding cell to calm down.

2. The Watch Commander will make every effort to avoid having to order the forcible removal of clothing from a non-compliant prisoner.
3. If a prisoner continues to be non-compliant with the order for a strip search and is nearing 16 hours in the intake jail, the Facility Commander should consult with the Custody Division Commander to determine at what point the strip search will be conducted with or without compliance from the prisoner.
4. If the non-compliant prisoner poses a significant threat to the safety of himself or herself, other prisoners, Sheriff's staff and/or other civilian workers in the area, the supervisor will instruct staff to forcibly remove the prisoner's clothing so that the search can be completed. The force used should be no more than what is required to accomplish the search.
5. The supervisor will submit an Incident Report identifying the prisoner involved, the action taken and, if forcible removal of clothing is required, the articulable reason the prisoner posed a significant threat of danger.

- C. All strip searches conducted shall be recorded on the Strip Search Authorization Form and shall be kept on file at the jail facility for one year. After one year, the records should be put into storage and retained in accordance with the department records storage policy.
- D. Any contraband found while conducting a strip search shall be documented on the Strip Search Authorization Form.
- E. If the quantity or type of contraband found supports additional criminal charges, the officer conducting the search will complete an Incident Report and attach a copy of the Strip Search Authorization Form to the report. The Investigative Services Unit shall be contacted about the incident.

VI. Security Searches

- A. Security searches are conducted in jail facilities, jail grounds, and jail vehicles to detect contraband and illegal activity.
- B. Security searches may be conducted randomly at any time or may be conducted based on information that contraband may be found.
- C. Prisoners will be required to leave the area being searched, including their cell, room, or bunk areas prior to Sheriff's staff entering and searching the area.
- D. Prisoners returning to the area of the security search are subject to a pat search and/or a non-intrusive search conducted using either a hand-held or walk-through mechanical device or metal detector or other non-intrusive detection device.
- E. Prisoners returning to the area of the security search may be strip searched if there is articulable reasonable suspicion and supervisor approval on the Strip Search Authorization Form.
- F. Any contraband found while conducting a strip search shall be documented on the Strip Search Authorization Form.
- G. If the quantity or type of contraband found supports additional criminal charges, the officer conducting the search will complete an Incident Report and attach a

copy of the Strip Search Authorization Form to the report. The Investigative Services Unit shall be contacted about the incident.

- F. Any contraband found in areas of common prisoner space will be logged in a Contraband Log which will include the date and time of the security search, the location the contraband was found, what type of contraband was found, who found the contraband, and how the contraband was disposed of.

IV. Disposition of Contraband

A. Contraband items which are prohibited by law will be handled as follows:

1. The reporting deputy will confiscate the items.
2. If the contraband is not needed for evidence, the item(s) will be disposed of in a locked contraband disposal container to be maintained at each jail facility.
3. If the contraband is needed for evidence and criminal charges are being considered, the reporting deputy or supervisor should contact the Investigative Services Unit for instructions.

B. Contraband items which are not prohibited by law will be handled as follows:

1. The reporting deputy will confiscate the items.
2. If the contraband is in excess of jail issued items, the excess will be returned to its proper location.
3. The reporting deputy will log the contraband information in the Contraband Log.
4. The reporting deputy may also complete a Notice of Rule Violation if the contraband is in the possession of or in an area under the control of a specific prisoner.

PERMISSIBLE STRIP SEARCH GUIDELINES

PRIOR TO INTAKE/BOOKING	AT INTAKE/BOOKING	PRE-SENTENCED BOOKED PRISONERS	SENTENCED PRISONERS
<p>1. There is reasonable suspicion and supervisor approval on the Strip Search Authorization Form prior to the search; or</p> <p>2. Prior supervisor approval is not required if the prisoner:</p> <ul style="list-style-type: none"> • is charged with a crime of drugs, (except when arrested for violation of H&S 11550 only), weapons and/or violence; or • has been convicted or arrested with the last 5 years for drugs, (except when arrested for violation of H&S 11550 only), weapons and/or violence as documented in the criminal history information system; or • is charged under PC 3056 or booked with a State Parole hold; or • is charged under PC 1203.2; or • is in the custody of another agency and is booked into the jail for safekeeping, including a person booked on a U.S. Marshall hold. 	<p>1. There is reasonable suspicion and supervisor approval on the Strip Search Authorization Form prior to the search; or</p> <p>2. Prior supervisor approval is not required if the prisoner:</p> <ul style="list-style-type: none"> • is charged with a crime of drugs, (except when arrested for violation of H&S 11550 only), weapons and/or violence; or • has been convicted or arrested with the last 5 years for drugs, (except when arrested for violation of H&S 11550 only), weapons and/or violence as documented in the criminal history information system; or • is charged under PC 3056 or booked with a State Parole hold; or • is charged under PC 1203.2; or • is in the custody of another agency and is booked into the jail for safekeeping, including a person booked on a U.S. Marshall hold. 	<p>1. There is reasonable suspicion and supervisor approval on the Strip Search Authorization Form prior to the search; or</p> <p>2. Prior supervisor approval is not required for any prisoner who:</p> <ul style="list-style-type: none"> • was strip searched at booking but a legitimate reason such as a security search of their housing unit exists to conduct another search; or • has been found to possess contraband during a prior search, as documented on the housing card; or • is returning from a work detail, court-ordered pass, hospital appointment, court appearance, contact visits, interviews, or other activities occurring outside their assigned housing unit. 	<p>Sentenced prisoners may be searched at any time as part of a security search.</p> <p>Prisoners shall not be strip searched as part of their final discharge and release to the community.</p>

EXHIBIT B

SAN FRANCISCO SHERIFF'S DEPARTMENT



POLICY AND PROCEDURE

Policy / Procedure #		E-05
Date Issued:	5/15/90	Date Revised: 10/94, 1/21/04
Approved by:		<i>Michael Hennessey</i> Sheriff Michael Hennessey
Chapter:		Custody Operations

SUBJECT:

Safety Cell Use

POLICY: It is the policy of the San Francisco Sheriff's Department to use safety cells only when necessary to hold those prisoners who display behavior which reveals an intent to cause physical harm to self or others.

PURPOSE: To provide procedures to comply with Title 15, Section 1055.

DEFINITIONS:

Combative: A prisoner whose behavior requires physical restraint by one or more deputies to prevent harm to himself or herself, to staff and/or to other prisoners.

Danger to Self: A prisoner making overt gestures to harm himself or herself or who articulates a strong desire to harm himself or herself.

Danger to Others: A prisoner whose behavior is likely to cause harm to staff or other prisoners.

Jail Health Services Staff: The jail medical and jail psychiatric staff providing health Services in the jail system.

Safety Cell: A padded single cell

PROCEDURE:

I. General

- A. A prisoner will be placed in a safety cell only with the approval of the Facility Commander, the Facility Watch Commander or a designated physician as delegated by the Sheriff.
- B. Safety cells may be used only under the following circumstances:

Safety Cell Use

1. When a prisoner is physically combative or otherwise presents an imminent danger to others.
 2. When a prisoner is a danger to self, as determined by actions or words, including, but not limited to, physical or mental impairment to the point of falling down, banging his/her head against the wall, making suicidal gestures or threatening to commit suicide.
 3. When there is reasonable suspicion the prisoner has ingested an injury-causing item.
 4. When a prisoner requests such a placement.
 5. When Jail Health Services staff recommends a safety cell placement and the Watch Commander concurs after reviewing the basis for the Jail Health Service recommendation.
- C. The safety cell shall not be used for prisoners who only refuse to be strip searched or refuse other orders and do not otherwise meet the criteria for safety cell placement above.
- D. Only Jail Psychiatric Services staff may determine a prisoner to be gravely disabled.
- E. In no case shall the safety cell be used for punishment or as a substitute for treatment.

II. Safety Cell Placement

- A. A supervisor must be present during the placement of a prisoner into the safety cell.
- B. If a prisoner is cooperative, the prisoner should be allowed to walk to the safety cell.
- C. If the prisoner refuses to walk, the restraint chair or some other mobile means, such as a gurney or wheelchair, should be considered and used, if appropriate.
- D. Deputies may carry the prisoner as a last resort and in a manner that minimizes injury to staff and prisoner.
- E. If it is necessary to use force, the degree of force will be within the parameters set by the Department's "Use of Force" policy.
- F. The reason for the safety cell placement will determine whether the prisoner is stripped of clothing.
 1. In safety cell placements that result because the prisoner is a danger to self or at his/her request, the prisoner will be required to remove all clothing and a strip search will be conducted to ensure the prisoner does not have contraband that poses a threat to his/her safety. The prisoner will **immediately** be given a safety cell garment and/or safety cell blanket.
 2. Prisoners placed in a safety cell after being determined to be gravely disabled by Jail Psychiatric staff will not be strip searched unless Jail Psychiatric staff believe the person may be a danger to self. Jail

Safety Cell Use

- Psychiatric staff will document the reason for the strip search on the Strip Search Authorization form and in their psychiatric records.
3. In safety cell placements that result because a prisoner is a danger to others, the prisoner will be pat searched before being placed in the safety cell. Clothing will **not** be removed nor will a strip search be conducted unless the supervisor approving the placement can articulate reasonable suspicion that the prisoner has contraband hidden that poses a risk to prisoners, staff, or self.
 4. The approving supervisor must document the reasonable suspicion justifying the strip search and complete the Strip Search Authorization form. The form shall be kept on file at the jail facility for one year. After one year, the records should be put into storage and retained in accordance with the department records storage policy.
 5. Any contraband found must also be documented in an Incident Report to be attached to the Safety Cell Observation form.
- G. Once the prisoner is in the safety cell, the deputy responsible for the placement will provide the prisoner with the following:
1. If in the safety cell as a danger to self or at his/her own request, the prisoner will be given a safety cell garment and/or safety cell blanket **immediately** following the search for contraband.
 2. For all other safety cell placements, the prisoner may be given an exchange of jail clothing or a safety cell garment and/or a safety blanket **immediately** following the placement, if necessary.
 3. The actual time when items were provided will be documented on the Safety Cell Observation form.
- H. The deputy placing the prisoner in the safety cell is responsible for securing and proper storage of all personal property taken from the prisoner.
- I. A prisoner may remain restrained, with handcuffs, waist chains and/or leg irons, as necessary, while in the safety cell to prevent self-inflicted injury. Under no circumstance will a prisoner remain in restraints in the safety cell for more than one hour.
- J. Jail Health Services staff will be notified of the safety cell placement immediately and the person notified and the time of notification will be recorded on the Safety Cell Observation form.
- K. Jail Health Services staff will assess the prisoner as soon as possible, but no more than 30 minutes after safety cell placement.

III. Observation of Prisoner in the Safety Cell

- A. The deputy who placed the prisoner into the safety cell will describe on the Safety Cell Observation form the specific behavior observed that led to the placement.

Safety Cell Use

- B. The supervisor will insure that the Safety Cell Observation form is posted on the outside of the safety cell and that all visual observation checks of the prisoner are recorded.
1. The Safety Cell Observation form will be completed for all prisoners placed in safety cells regardless of the amount of time the prisoner is in the safety cell.
 2. The front side of the Safety Cell Observation form is to be completed as detailed on the form.
 3. The backside of the form is to be used for the entire time the prisoner is in the safety cell.
 4. Staff will enter legible initials, star number and the observed behavior during a security check.
- C. Visual observations conducted by deputy sheriff's are required as follows and must be noted on the Safety Cell Observation form:
1. A deputy must directly observe the prisoner a minimum of two times in a thirty-minute period.
 2. The actual time and initials and star number of the deputy completing the visual observation check must be legible and noted on the form.
 3. The specific behavior of the prisoner observed during the check must be recorded on the form.
 4. When a prisoner in the safety cell appears to be sleeping, the visual observation check must include a verbal response to verbal commands at least once every thirty (30) minutes.
- D. Water will be offered at least once every two hours to prisoners in safety cells, including those safety cells with sinks. The acceptance or refusal of water will be documented on the Safety Cell Observation form.
- E. Food will be offered at least once each shift to prisoners in the safety cells and the acceptance or refusal of food will be documented on the Safety Cell Observation form.
- F. Toilet paper will be provided when requested and toilets will be flushed at the request of the prisoner and/or at least twice every 8 hours. Both the provision of toilet paper and flushing of the toilet will be documented on the Safety Cell Observation form.
- G. Female prisoners will receive feminine hygiene products upon request when not a danger to self or when otherwise directed by Jail Psychiatric Services staff.
- H. Jail Health staff are required to perform checks consistent with their policy and procedure.

IV. Length of Stay in the Safety Cell

- A. The Watch Commander will conduct a visual observation check on any prisoner in a safety cell at the beginning of the watch, and at least once every 8 hours after the start of the watch when assigned to an alternative shift.
1. If continued retention beyond eight hours is warranted, the Watch Commander will document the reason for the continued retention
 2. The Watch Commander's visual observation will include response to verbal commands and movement of extremities.
- B. Jail Psychiatric staff will assess the initial safety cell placement as soon as possible but at least within 24 hours of placement.
- C. The prisoner will be medically cleared by Jail Health Services staff for continued retention at least once within 24 hours following the placement.
- D. The length of stay in a safety cell will not exceed 24 hours.
- E. If the length of stay is nearing the 24 hour time limit and San Francisco General Hospital (SFGH) Ward 7L does not have bed space available, the prisoner will be transported to Psychiatric Emergency Services (PES) at SFGH.
- F. When a prisoner in the Sheriff's custody must be transported to PES at SFGH, jail staff will submit an Incident Report to the Custody Division Commander.
- G. When the prisoner meets 5150 criteria based on the Jail Psychiatric staff assessment, and still has criminal charges pending, the prisoner cannot be removed from the safety cell until Jail Psychiatric staff determine and document on the Observation form that the prisoner no longer meets 5150 criteria.
- H. When a prisoner meets 5150 criteria based on the Jail Psychiatric assessment and no longer has criminal charges pending or has been granted a lawful release, the Watch Commander will assign the appropriate staff to transport the prisoner to PES at SFGH.
- I. When the prisoner in the safety cell no longer meets 5150 criteria as determined and documented by jail medical staff or jail psychiatric staff, the custody supervisor will remove the prisoner from the safety cell to appropriate housing as soon as the prisoner no longer poses a threat to self, others or no longer displays violent behavior and appropriate housing is available.

V. Safety Cell Maintenance

- A. The safety cell blankets and safety cell garment will be thoroughly cleaned, disinfected and dried after each use.
1. A supply of clean items will be maintained at all times.
 2. All food, waste, and water will be removed from the safety cell.
 3. The cell will be cleaned immediately so as to be available for use when needed.
 4. If a safety cell becomes unsanitary while occupied, the prisoner will be removed to another safety cell when it is safe to do so.