

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

302.2 POLICY

The Tewksbury Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

302.3 USE OF RESTRAINTS

Only members who have successfully completed Tewksbury Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee. The handcuffing of a compliant detainee will not be construed to be a use of physical force.

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

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No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others.

302.3.3 RESTRAINT OF JUVENILES

A juvenile who is taken into custodial protection pursuant to the Families and Children Engaged in Services Act shall not be handcuffed or shackled (G.L. c. 119, § 39H).

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer, or damage property.

302.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the receiving facility staff upon arrival that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation.

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

All prisoners shall be handcuffed. Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Handcuffs should be applied with the hands behind the person's back palms facing outward unless there are exigent circumstances (i.e. injury). When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists. Handcuffs shall be placed on the skin above the wrist, securely, but not so tight as to affect the circulation. Handcuffs shall not be placed over sleeves or clothing.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

302.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport. Gags of any form shall not be used.

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Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg shackles, and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort, and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

Officers should use a transport belt and leg shackles for detainees when being transported to court.

302.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

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- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by Emergency Medical Services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 RESTRAINT CHAIR

The purpose of applying the four-point Restraint Chair System is to ensure that anyone who is being held in custody or transported to the station or another holding facility is protected from harming themselves or staff. The use of the chair restraint shall only be used as a safety feature when all lesser means have failed or would be futile.

302.8.1 APPLICATION OF THE FOUR-POINT CHAIR RESTRAINT SYSTEM

The restraint chair shall be used in accordance with the following guidelines:

- (a) As an extraordinary precaution during the movement of person in custody within the facility.
- (b) As a prevention of prisoner self injury, injury to others, or as a proactive attempt to stop potential property damage.
- (c) For medical reasons at the direction of medical personnel.

Two or more officers shall place a prisoner in the restraint chair. Whenever practicable a team of three officers should be used to restrain a prisoner in the restraint chair.

A four -point restraint system shall only be used until the restrained prisoner has exhibited through their actions that they will not resume the conduct which resulted in the restraints being applied.

302.8.2 AUTHORIZATION

The Division Commander may authorize the use of the four-point restraint chair for up to four hours. The Division Commander shall contact the Deputy Chief or the Chief of Police after the

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four hours to receive authorization to continue the use of the four-point restraint chair up to eight hours. No prisoner shall be restrained for longer than eight hours in a four-point restraint system without the direct approval from the Chief of Police.

302.8.3 SAFETY CONSIDERATIONS

The Officer-in-Charge, when practicable and reasonable, shall obtain all medical information from the person in custody during the booking procedure to determine whether a four-point restraint system would be hazardous to the prisoner's health. If an emergency situation arises where the safety personnel or the safety of the prisoner requires 'immediate action' the Officer-in-Charge shall attempt to gain this information within the initial two-hour intervention.

Upon being placed in the restraint chair, the prisoner shall be checked every 15 minutes. A log shall be kept that includes the time the prisoner was placed in the restraint chair, any time the prisoner is removed from the restraint chair, any time the prisoner was allowed to eat or take medication, and the time the prisoner is permanently removed from the restraint chair.

Prisoners placed in a restraint chair must be placed in a holding area that is constantly under surveillance by the Officer-in-Charge.

If a prisoner is placed in the restraint chair and an excessive amount of time has passed without the prisoner de-escalating his/her behavior, then the Officer-in-Charge shall evaluate the circumstances to determine if additional intervention is necessary (i.e. mental health resources, medical intervention, etc.). The Officer-in-Charge shall take the appropriate actions based upon his/her evaluation of the circumstances.

302.9 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

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302.10 INVENTORY AND PREVENTATIVE MAINTENANCE OF RESTRAINT DEVICES

All restraint equipment shall be stored in an accessible place. Prior to the use of any restraint device the device shall be inspected by the Officer-in-Charge to ensure it is not damaged, worn or inoperable. If any of these conditions exist, the device shall be removed from service and the Deputy Chief of Police shall be notified as soon as possible for replacement.

Any restraint device contaminated by a bio-hazard should be decontaminated, refer to the Communicable Diseases Policy.

302.11 TRAINING

Subject to available resources, the Professional Standards Manager should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.