

## 1377 HANDCUFFING AND OTHER MECHANICAL RESTRAINTS

Chapter: **Juvenile Justice Field Services**

Section: **Authority Limitations**



New Hampshire Division for Children, Youth and Families Policy Manual

Policy Directive: **17-02**

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Approved:

A handwritten signature in cursive script that reads "Lorraine Bartlett".

Lorraine Bartlett, DCYF Director

Related Statute(s): [RSA 169-B](#), [RSA 169-C](#),  
[RSA 169-D](#), [RSA 170-G:16](#), [RSA 594:1](#), and  
[RSA 627](#)

Related Admin Rule(s):

Related Federal Regulation(s):

Related Form(s): [FORM 1346](#), [FORM 1360](#),  
[FORM 1379](#), and [FORM 2072](#)

Bridges' Screen(s) and Attachment(s):

The Division for Children, Youth and Families is committed to professionalism in its delivery of juvenile probation and parole services. DCYF recognizes that while responsibility to promote the safety of youth, the community, and JJS staff is paramount, everyone deserves to be treated with courtesy and respect, especially when JJS staff are exercising their statutorily authorized arrest and custodial authorities. The use of mechanical restraint by JJS staff is considered appropriate only in situations requiring the temporary restraint of youth to ensure safety. The Division strives to support this standard through policy, training, and practice.

### Purpose

This policy outlines the authority and standards for the use of handcuffs and/or other mechanical restraints by JJS staff to restrain youth they have arrested or taken into custody. This policy is to be used in conjunction with policies [1379 Use of Force](#), [1378 Use of Oleoresin Capsicum Spray](#), [1376 Arrest and Custodial Authority](#), and [1346 Search and Seizure](#).

### Definitions

**"Arrest"** means "the taking of a person into custody in order that he may be forthcoming to answer for the commission of a crime" [see: [RSA 594:1, I](#); and [State v. Sampson, 125 NH 544 \(1984\)](#)].

**"Deadly Force"** pursuant to [RSA 627:9, II](#) means any assault or confinement which the actor commits with the purpose of causing, or which he knows to create a substantial risk of causing death or serious bodily injury.

**"DCYF"** or the **"Division"** means the Department of Health and Human Services' Division of Children, Youth and Families.

**"Handcuffs"** means the Division-issued temporary, metal mechanical restraints, connected by a hinge or chain, which are locked around the wrist to help control an individual's movement.

**"JJS"** means the Bureau of Field Services' Juvenile Justice Services within DCYF.

**"JJS Staff"** for the purpose of this policy, means a staff employed as a Juvenile Probation and Parole Officer (JPPO), Juvenile Probation and Parole Supervisor, or Juvenile Justice Field Administrator.

**"Mechanical Restraint"** means the Division-issued, temporary device or devices, used to restrict or control the movement of a youth, or the movement or the normal function of a portion of his or her body.

**“Non-Deadly Force”** pursuant to RSA 627:9, IV means any assault or confinement that does not constitute deadly force.

**“Take into Custody”** means the act of asserting control over a person under circumstances that lead the person to reasonably believe they are no longer free to leave [see: [State v. Riley, 126 NH 257 \(1985\)](#)].

## Policy

- I. Only Division-issued mechanical restraints may be used by JJS staff.
  - A. The Division shall issue handcuffs to JJS staff who have completed required training and instruction.
    1. JJS staff must sign Form 1360 Equipment Inventory and Incident Report upon being issued handcuffs.
    2. JJS staff shall have their Division-issued handcuffs and keys readily available for use at all times during work hours.
    3. JJS staff must complete refresher courses when scheduled.
  - B. Mechanical restraints may only be used by JJS staff within the scope of their statutorily authorized powers and duties as established by RSA 170-G:16, and in accordance with this policy, when other means of de-escalation or safe departure have been exhausted or are determined impractical due to the emergent nature of the threat.
  - C. The Sununu Youth Services Center staff will issue leg irons and waist belts to JJS staff for secure transportation when required and approved for a youth.
    1. JJS staff are responsible for signing out and in, any leg irons and/or waist belts on Form 2072 Central Control Mechanical Restraint Check Out, upon issuance.
- II. Division-issued handcuffs remain the property of the Division.
  - A. JJS staff leaving the employment of the Division or transferring to another position shall return handcuffs to their immediate supervisor or designee.
  - B. The supervisor shall deliver the handcuffs to the Division Training Officer.
- III. Storage, Damage and Loss/Theft:
  - A. When not in use, JJS staff shall store their Division-issued handcuffs in a manner consistent with manufacturer’s guidelines that safeguards from moisture, damage, loss, or theft. Care and maintenance guidelines are available under Practice Guidance at the end of this policy.
  - B. JJS staff shall notify their immediate supervisor or designee by the end of their work day, of any damage to, loss, or theft of handcuffs the division has issued to them.
    1. Damaged, lost or stolen handcuffs shall be documented on Form 1360 Equipment Inventory and Incident Report and submitted according to instructions on the form.

2. Damaged handcuffs shall be returned to the Division Training Officer who shall determine if the damaged handcuffs must be removed from use pending repair/replacement.
3. The Division Training Officer shall expedite an order for replacement handcuffs and ensure any warranty that might apply is exercised.
4. JJS staff may be subject to disciplinary action if it is determined that the conduct which resulted in the theft, loss, or damage was inconsistent with the provisions of this policy or training.

IV. Inventory Control:

- A. Supervisors shall inventory Division-issued handcuffs during annual performance evaluations and document on Form 1360 Equipment Inventory and Equipment Incident Report.
- B. Field Administrators shall inventory Division-issued handcuffs during annual JPPS performance evaluations and document on Form 1360 Equipment Inventory and Equipment Incident Report.
- C. The Division Training Officer shall inspect Division-issued handcuffs during refresher trainings and document the inspection.
- D. The Division Training Officer shall maintain an up-to-date database of all handcuffs issued to JJS staff.

V. The use of handcuffs or other mechanical restraints by JJS staff is subject to the following requirements and limitations:

- A. JJS staff shall utilize mechanical restraints on a youth only under the belief that the restraint can be implemented in a manner that is consistent with the safety of the public, the youth, and the JJS staff.
- B. The use of handcuffs or other mechanical restraints is limited to JJS staff in the proper exercise of their statutorily authorized power and duty to arrest and take youth into custody, according to policy [1376 Arrest and Custodial Authority](#), when temporary restraint is required.
- C. No unnecessary or unreasonable force or means of restraint may be used by JJS staff in the exercise of the duties described in this policy (see policy [1379 Use of Force](#)).
- D. The benchmark for determining the authorization for any use of force shall be a conclusion made by a JJS staff based upon the knowledge and information available at the time which would cause a reasonable person to believe under the circumstances that the use of handcuffs or other restraining devices was necessary to maintain safety.
- E. Youth in handcuffs or mechanical restraints shall not be left alone or attached to a fixed object such as a railing, furniture, or a motor vehicle.
- F. The use of prone restraint beyond the establishment of control is not authorized due to the potential to cause positional asphyxia. Youth in handcuffs or mechanical restraints shall be

removed from a prone position into a seated or standing position immediately after the establishment of control according to policy and training.

1. "Positional Asphyxia" means the positioning of a person's body that restricts or interferes with their breathing leading to hypoxia, an inadequate amount of oxygen to meet the body's demand. Causes include: intense physical activity, drug or alcohol use, physical build, and environmental factors. Symptoms include: vomiting, loss of consciousness, labored breathing, going limp, and the inability to answer simple questions.
- G. No youth taken into [protective custody](#) pursuant to the Child Protection Act, RSA 169-C:6 VII, shall be mechanically restrained. JJS staff shall continuously monitor and assess safety during protective custody situations.
- H. JJS staff are prohibited from transporting a youth in custody in a private or other non-secure vehicle; for the safety of all concerned, JJS staff must arrange transportation in a state-owned vehicle or request transportation by law enforcement.
- I. In the circumstance that JJS staff must transport a youth in custody in a state-owned vehicle, JJS staff shall work in conjunction with other JJS staff and restrain the youth using authorized equipment addressed by this policy and according to instructions and training by the Division.
  1. The assisting JJS staff shall sit directly behind the driver with the youth placed in the back seat with the seatbelt appropriately secured.
  2. Either a state-owned or police vehicle must be used.
  3. JJS staff shall document any deviation on Form 1379 Use of Force Report.

### **Procedures**

- I. When JJS staff use mechanical restraints, JJS staff shall:
  - A. Use only the minimum force necessary to control the actions of the youth pursuant to policy [1379 Use of Force](#).
  - B. When applying mechanical restraints to the youth:
    1. Verbally command the youth into approved positions: standing, kneeling, or prone;
    2. Apply mechanical restraints, check for proper fit, and double lock; and
    3. Assist youth in prone positions to be placed in a seated or standing position.
  - C. Whenever a youth has mechanical restraints applied, JJS staff are responsible for their care and safety.
    1. If the youth is in a seated position, JJS staff must maintain arm's length proximity at all times.
    2. If the youth is in a standing position, JJS staff shall maintain hands on at all times.
    3. In cases where there is visible injury or when there is an allegation of injury:

- (a) JJS staff shall ensure proper medical care is provided to the youth by calling 911; and
    - (b) JJS staff must inform their supervisor and document on Form 1379 Use of Force Report.
  - D. After mechanical restraints are applied and when it is safe to do so, JJS staff must conduct a search of youth that is as thorough and unobtrusive as possible according to policy [1346 Search and Seizure](#), in order to ensure safety.
    - 1. Any contraband, weapons, criminal evidence, or personal items discovered on the person or in the possession of youth during a search shall be seized, documented on Form 1346 Seized Property Report and be disposed of according to policy [1346 Search and Seizure](#).
- II. Removal of mechanical restraints shall be in accordance with training and the instructions below.
- A. For youth with handcuffs applied:
    - 1. Verbally command the youth to standing position facing away, to bend slightly at the waist, and to remain stationary;
    - 2. Physically touch the first hand to be released and advise youth that the handcuff will be removed from this hand, at which time the youth is to place the identified hand on his/her head; and
    - 3. Physically touch the remaining hand to be released and advise youth that the handcuff will be removed from the remaining hand, at which time the youth is to place the remaining hand on his/her head and remain still.
  - B. For youth with leg irons applied:
    - 1. Direct the youth to kneel on a solid surface to gain access to the leg irons;
    - 2. Physically touch the leg and advise the youth of removal; and
    - 3. Repeat for the second leg.
  - C. For youth with waist belt applied:
    - 1. Advise the youth to stand facing away;
    - 2. Remove the waist belt;
    - 3. Remove the handcuffs one at a time; and
    - 4. Step away.
- III. All use of mechanical restraints shall be documented on Form 1379 Use of Force Report.

- IV. As soon as practicable after the use of handcuffs, JJS staff must clean and sanitize the items according to training and instructions.

### Practice Guidance

#### **What are the care and maintenance procedures for Division-issued handcuffs?**

- JJS staff shall inspect handcuffs once a month for working condition and safety factors pursuant to training by the Organizational Learning Team by:
  - Ensuring both single bars can move freely through the double bars with one finger;
  - Checking double bars for being too loose or too tight;
  - Checking the keyway for debris. Clear lint or other material out of the keyway;
  - Inspecting for any signs of rust or corrosion on the handcuffs, especially near the boss rivet and where the ratchet seats inside the handcuff;
  - Ensuring hinges are free of rust and move freely;
  - Checking the handcuff key to ensure there are no cracks in the metal and the flag still fits well into the keyway; and
  - Lubricating with graphite lubricant as needed. WD-40 must not be used to lubricate handcuffs.
- Juvenile Probation and Parole Supervisors or Field Administrators will monitor this through supervision and at annual performance evaluations.