

Policy Considerations: Restraints during Transports

The intent of this policy consideration is to evoke discussion within your jurisdiction regarding best practices and key elements to include in policies and procedures. Jurisdictions should consider these policies in the context of their unique juvenile justice system structure; state and local mandates; risk tolerance level; and other individual needs.

Throughout the policy considerations the acronym “PP” is used. This stands for “policy and/or procedure.”

General

- The PP clearly states the purpose/intent of the Policy and/or procedure and how it links to the agency mission
- The PP includes basic information such:
 - Name of the Policy and/or procedure owner (department, position, title)
 - Clear definitions of all key concepts related and that appear in the Policy and/or procedure
 - References to other relevant agency policies, state administrative rules, federal mandates, and agency forms related to the specific Policy and/or procedure
- The PP will be available to staff for review.
- The PP reviewed for revision/modifications at least annually.

Use of Restraints While Transporting Youth

- The PP requires the least restrictive restraint methods when transporting youth to/from the facility from one jurisdiction to another, including court hearings.
- The PP *prohibits* use of the following mechanical restraints of pregnant females (including when juveniles are transported to court proceedings):
 - Abdominal restraints (belly chains)
 - Leg and ankle restraints
 - Wrist restraints behind the back
 - Four-point restraints
- The PP specify the situations in which restraints may be applied to youth for transportation of youth outside the facility from one jurisdiction to another, including court hearings (i.e. juvenile is an escape risk; poses an immediate and present physical danger to himself, herself, or others; etc.).
- The PP prohibits staff to handcuff youth together during transport or restrain youth to the vehicle.
- The PP states that if additional restraints, besides handcuffs (e.g., belly belts/chains, leg shackles) during transport, staff must have the approval from the facility administrator/director or be stated on the court transport order, if permitted by law.
- The PP states staff training on proper application and removal of restraints, which includes demonstration of proficiency. New employees shall receive training and at minimal annually thereafter.

- The PP clearly identifies guidelines regarding use of restraints. The guidelines shall include conditions under which restraints may be applied and types of restraints to be applied.

Use of Restraints During Court Hearings

- The PP require mechanical restraints be removed during court hearings.
- The PP allows youth to be restrained during court hearings only in limited and specific circumstances necessary to prevent harm to the youth or others or to prevent fleeing where there is specific evidence of current risk or no less restrictive alternatives exist. Circumstances qualifying, but not limited to these examples: history of disruptive courtroom behavior that has placed others in potentially harmful situations or presents a substantial risk of inflicting self-harm or harm to others.
- The PP requires an objective and/or professional assessment of youth to determine the need for mechanical restraints during court hearings (in those unique circumstance permitted as per policy).
- The PP has an approval and/or override process if youth is determined to need restraints either during transportation and/or during court proceedings (i.e. a form to be completed. If yes:
 - The PP designates individuals who have the authority to override policy and make the determination that restraints are or are not necessary (i.e. judge)
 - The PP directs staff where to document this override request
 - The PP informs staff who should be informed and the appropriate method for communicating the decision made to place youth in mechanical restraints
- The PP allows juvenile's attorney an opportunity to be heard before the court decides whether to order use of restraints.
- The PP requires the court to identify the type of restraint equipment authorized, if any.