



CHAIRMAN'S MEMORANDUM

NO. 19-2001 September 17, 2001

TO: SHERIFFS, JAIL ADMINISTRATORS, COMMISSIONERS OF CORRECTION, DIRECTORS OF NURSING AND DIRECTORS OF TRAINING

RE: MECHANICAL RESTRAINT

**THIS MEMORANDUM REPLACES AND SUPERCEDES THE COMMISSION'S
ADVISORY DATED MAY 7, 1993**

The use of mechanical restraints in local correctional facilities continues to be the subject of intense interest and discussion. The physical restraint of inmates whose behavior presents a clear and present threat to the safety of themselves or others may be necessary and warranted. Nevertheless, the inappropriate use of restraints is contrary to good correctional practice, may cause serious injury or even death, and could violate the Constitution and/or section 500-c of the Correction Law. The Commission is currently developing a minimum standard on use of restraints. In the interim, however, this advisory will help ensure that inmates in local correctional facilities are restrained in a safe, humane, and legally acceptable manner. Please share this information with appropriate members of your staff.

“Restraint” as it is used in this advisory refers to the use of any apparatus which interferes with the free movement of an inmate’s arms and/or legs, or which totally immobilizes an inmate, and which the inmate is unable to remove. It does not refer to the incidental restraint during transport outside the facility or from place to place within the facility.

Before restraints are employed, a written policy should be developed which sets forth the procedures and practices for facility staff to follow when applying restraints. Facility staff should be trained in these procedures. The policy should clearly spell out the acceptable types and manner of restraint. Because of the increased likelihood of death or serious injury, camisoles, straight jackets, and body sheets should not be used to restrain an inmate **under any circumstances**. Chains, unpadded handcuffs, unpadded leg irons, and other metal restraints should not be used to restrain an inmate, except for the purposes of transportation of the inmate within or outside the facility. Instead, specially designed “restraint chairs” or leather or fabric restraints should be utilized to restrain inmates within their cells or housing areas.

The use of restraints should be in accordance with the following guidelines:

- Restraints should be used only with the approval of the chief administrative officer or his designee and after consultation with facility medical personnel. Facility mental health personnel should also be consulted in appropriate circumstances. In

emergency situations where prior consultation with medical and/or mental health personnel is not practicable, such consultations should occur as soon as possible. Such approval, including the reasons therefore, and consultations should be documented in writing.

- The use of restraints must be reasonably related to the purposes for which they are intended, i.e., the safety of the inmate or others and/or the safety of the facility. Restraints should not to be used for the convenience of staff or for purposes of discipline or punishment.
- Restraints must be used so as not to inflict unnecessary pain, injury, discomfort, or disability. Inmates should not be restrained in unnatural positions or in a way so as to cut off circulation to extremities, or to create positional tension, hyperextension, or torsion on the extremities. Hoods, bags and other devices which cover the face, nasal passages or mouth should never be used.
- Restraints must not be applied for more time than is absolutely necessary. The maximum period during which an inmate should be kept continuously in restraint should not exceed two (2) hours. Restraint may be continued where warranted, but only after examination by medical and/or mental health personnel. In no case should restraints be used for more that 12 hours.
- Restrained inmates must be provided regularly scheduled meals and must be permitted to use toilet facilities when necessary. Restraints must be removed to facilitate such activities.

The Commission urges you to consider whether it is absolutely necessary to use restraints, particularly for behavioral control purposes. Many correctional systems, including the New York State Department of Correctional Services, do not use restraints for behavioral control purposes. In addition, the New York State Office of Mental Health prohibits the use of restraints.

Finally, the use of mechanical restraints in a cell or housing area is a reportable incident, pursuant to 9 NYCRR Part 7022, and must be reported to the Commission by mail within 24 hours. The use of restraints for routine transport is not a reportable incident.

Questions concerning restraints may be directed to the Commission's Forensic Medical Unit.

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