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## Handcuffing and Restraints

### 302.1 PURPOSE AND SCOPE

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

### 302.2 POLICY

The use of handcuffs and other restraints is intrusive and can impact the community's trust in the police. As courts put it, the use of handcuffs "substantially aggravates the intrusiveness of an otherwise routine investigatory detention and is not part of a typical *Terry* (investigative) stop." The application of restraints shall never be considered a part of standard operating procedure.

At the same time, officers must ensure their safety and face many unknowns.

When using restraints, members must follow the use-of-force policy and the handcuffing and restraint procedure. Only members who have successfully completed Department-approved training on the use of restraint devices are authorized to use them.

If restraints are applied while waiting for medical response, the subject shall be continuously monitored until medical personnel arrive.

### 302.3 CUSTODIAL ARREST

Members shall use handcuffs on a person who is under custodial arrest unless health and safety considerations reasonably require modified restraints.

### 302.4 DETENTIONS

The use of handcuffs during investigative stops is authorized when the use of restraints is a reasonable and brief response to the investigating officer's articulable safety concerns and when one or more of the below factors is present. The totality of circumstances is what matters most. Simply because one of the below factors is present will not always mean that it is reasonable to use handcuffs.

- The stop is for a crime that commonly involves weapons or violence
- There is circumstantial evidence that the person is armed or dangerous
- The officer has to transport the person to another location and there is reason to believe that the person poses a danger
- The suspect is uncooperative or does something that raises a reasonable chance that he or she may flee
- The stop closely follows a violent crime
- The officer has information that a crime involving violence is about to occur
- The stop is for a suspected high-value drug deal
- The person refuses to keep his hands in sight
- The person pulls away from officers

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- The person is hostile or agitated
- The person tries to reach inside his clothing despite being told not to do so
- Officers are outnumbered and the totality of circumstances presents a reasonable safety concern

Probation or parole status alone is not justification to use handcuffs.

While handcuffing may be justified during a search, the performance of a search is not reason alone for handcuffing. Officers should determine and articulate whether the totality of circumstances justifies the use of handcuffs during a search.

When detaining a person who is not under arrest, members should use the least-intrusive means that are reasonably available to confirm or to dispel the members' suspicion for the stop as quickly as possible. Members should consider whether it is safe to use lesser means, such as commands to keep one's hands in sight or to stay in one place.

If the situation reasonably calls for handcuffs, the member should explain to the person that he or she is not under arrest and that an investigation is underway. The member should keep assessing whether handcuffs are needed. The member should remove the handcuffs as soon as they are no longer needed to investigate safely.

Handcuffs may be necessary for use on a person who is appearing to have a mental health crisis and is a danger to self or others.

#### **302.5 HEALTH AND SAFETY CONSIDERATIONS**

Modified restraints may be used in accordance with the accompanying procedure when health and safety considerations are reasonably known, such as:

- The person's age and health
- Whether the person may be pregnant
- Whether the person has a disability

#### **302.6 APPLICATION OF PLASTIC RESTRAINTS**

Members may use Department-issued nylon or plastic restraints (flex-cuffs) as an alternative to handcuffs when necessary (such as mass arrests or multiple suspects).

#### **302.7 REQUIRED DOCUMENTATION FOR USE OF RESTRAINTS**

Members must complete a Field Interview/Stop Data Report for self-initiated stops; members must complete a FI or Crime Report for dispatched encounters. Members must set forth all the facts that lead to their reasonable suspicion to detain a person. Also, members must set forth the reasons for using restraints, prolonging a detention, or otherwise making an investigative stop more intrusive.

If an individual is arrested, the use of restraints shall be documented in the related report. The application of restraints, in and of itself, is not to be considered a use of force. An injury requiring more than basic first aid shall be documented in accordance with the use of force policy.

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### **302.8 AUTHORIZED AUXILIARY RESTRAINT DEVICES (WRAP/HOBBLE/ANKLE RESTRAINTS)**

The Wrap, Hobble (Ripp Model H-100 and SB-100), and ankle restraints are the only authorized auxiliary restraint devices. Auxiliary restraints shall not be used in lieu of handcuffs absent extenuating circumstances.

These auxiliary restraints shall be used in accordance with the accompanying procedure.

In determining whether to use The Wrap, Hobble, or ankle restraints, officers should consider:

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

Only authorized personnel trained to use The Wrap, Hobble, or ankle restraints may do so if the totality of circumstances warrant their use. Field use of ankle restraints is discouraged absent extenuating circumstances. If appropriate, ankle restraints may be used on a hospitalized arrestee.