

# Handcuffing and Restraints

## 306.1 PURPOSE AND SCOPE

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

## 306.2 POLICY

The Fontana 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.

## 306.3 USE OF RESTRAINTS

Only members who have successfully completed Fontana 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.

### 306.3.1 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.

### 306.3.2 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.

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

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determination that such restraints are necessary for the safety of the arrestee, officers or others. (Penal Code § 3407; Penal Code § 6030). Restraints shall be removed when a professional, who is currently responsible for the medical care of a pregnant person during a medical emergency, determines the removal of the restraints is medically necessary.

### **306.3.3 RESTRAINT OF JUVENILES**

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.

### **306.4 NOTIFICATIONS**

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail 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 to the jail.

### **306.5 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

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

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Fontana Police Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

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.

### **306.6 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.

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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.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so 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.

### **306.7 APPLICATION OF SUPPLEMENTAL RESTRAINT DEVICES**

Supplemental restraints may be used to restrain a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices (e.g. hobble and violent prisoner transport restraint) approved by the Department shall be used. Only officers who have successfully completed department approved training in the use of supplemental restraint devices are authorized to use the device.

In determining whether to use a supplemental restraint, officers should consider:

- Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of the person.
- 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).
- Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

### **306.8 GUIDELINES FOR USE OF SUPPLEMENTAL RESTRAINTS**

When applying supplemental restraints the following guidelines should be followed:

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- If practicable, officers should notify a supervisor of the intent to apply a supplemental restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the supplemental restraint device.
- 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.
- If a supplemental restraint is used on the legs of a suspect, he/she should be placed in a seated and upright position and should not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe and may contribute to positional asphyxia.
- If a Total Appendage Restraint Procedure (T.A.R.P.) is used, officers should ensure the suspect's feet are not secured within 12-inches of the wrists behind the back in a "hog tie" position. (Cruz vs. City of Laramie, US Court of Appeals - 10th CIR 2001)
- The restrained person should be continually monitored by an officer while in a supplemental restraint.
- The Officer should ensure that the person does not roll onto and remain on his/her stomach.
- The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- A supplemental restraint device can be utilized to secure a violent or potentially violent prisoner inside a police vehicle for transportation purposes. If utilized, the restrained person should be placed in a seated and upright position and secured with the equipped seatbelt.
- 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).

#### **306.9 REQUIRED DOCUMENTATION**

If a person is taken into custody, the use of restraints, other than handcuffs, shall be documented in the related report. The officer should include, as appropriate:

- The factors that led to the decision to use restraints
- Supervisor notification
- The type of restraint used
- The amount of time the suspect was restrained
- How the suspect was transported and the position of the suspect
- Observations of the suspect's behavior and any signs of physiological problems

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- Any known or suspected drug use or other medical problems.

#### **306.10 TRAINING**

Subject to available resources, the Training Sergeant should ensure that officers receive periodic training on the proper use of handcuffs and other restraints.