

BERKELEY POLICE DEPARTMENT

DATE ISSUED: July 12, 2010

GENERAL ORDER H-6

SUBJECT: HANDCUFFING AND TEMPORARY RESTRAINT SYSTEMS

PURPOSE

- 1 - The purpose of this General Order is to provide guidelines on the use of handcuffs **and other temporary restraint systems**.

POLICY

- 2 - It shall be the policy of this Department to handcuff **or otherwise effectively restrain** all arrested persons (excluding infraction citations where no transport is necessary), **or detainees as reasonably necessary**, to protect the lives and safety of officers, the public, and the person arrested.

PROCEDURES

General

- 3 - Officers shall **restrain an arrested or detained** person's hands behind the person's back, except as **authorized in paragraph 6 of this Order**.
- 4 - **Temporary restraint systems shall be employed in a manner consistent with Department-approved training.**
 - (a) **When employed, hand or ankle cuff systems shall be double locked, if so designed.**
 - (b) **Officers shall not employ temporary restraint systems in a manner that results in extraordinary discomfort or would facilitate the person's opportunity to escape.**
- 5 - Officers shall ensure that the **restrained** person is supervised at all times.
- 6 - **If a person's hands cannot be restrained behind his/her back** because of **large body mass**, physical disability, injury, or obvious state of pregnancy, without causing **unnecessary** pain or aggravation of the **injury or** disability, officers **will** attempt to accommodate the person's **condition** by using alternative means of restraint.
 - (a) **Alternative means of restraint include, but are not limited to:**
 - (1) Handcuffing the person with his/her hands in front of his/her body.
 - (i) **If a person is handcuffed in front, the officer should use supplemental** restraining devices around the person's waist to prevent **him/her** from striking or choking **an officer or** others.

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- (2) Handcuffing the person behind the back with **multiple** sets of **linked** handcuffs.
- (3) **Use of a full or partial body restraint systems (e.g., the WRAP, ankle restraint systems, ambulance gurney with five-point straps, etc.)**
 - (i) **While initial use of handcuffs behind the back and hands-on control techniques may be necessary for officer safety, if circumstances dictate greater care should be taken during transportation, supplemental restraint devices and/or alternative transportation options should be considered.**
- (b) In deciding whether **restraint of a person's hands** behind **his/her** back will aggravate a physical disability, injury, or obvious state of pregnancy, the officer should consider the totality of circumstances, including:
 - (1) Observable signs of disability (e.g., partial paralysis, convulsive seizure activity, medic alert ID, disabled person placard, etc.);
 - (2) Statements of the person or others regarding the person's condition; and,
 - (3) Indications the person is at significant risk of positional asphyxiation (**ref. Training Bulletin #234**).

Juveniles

- 7 - **Juveniles under 12 years of age** shall **not** be handcuffed **unless** he/she:
 - (a) Resists being taken into custody;
 - (b) Threatens the officer, himself/herself, or others with harm;
 - (c) Through words or actions causes the officer to believe he/she may attempt to escape from custody; or,
 - (d) The detention is associated with a violent **incident**.
- 8 - **When evaluating** the use of **temporary restraint systems**, due consideration shall be given to the age of the juvenile and to the emotional impact which the use of handcuffs may have.

Detentions

- 9 - Handcuffing of individuals who are not under arrest, but are being detained, should be done only if reasonably necessary.

*Highlighted text is new.

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10 - The use of handcuffs during a detention, and reason for their application, shall be documented in a police report.

References: General Orders T-2 and J-18

Training **and** Information Bulletins #234 **and** 247

Special Order #03-26, "Change in Procedures – Juvenile Handcuffing and Juvenile Miranda Rights" (9/11/2003)