



PRISONER OPERATIONS

9.1 Prisoner Custody

RESTRAINING DEVICES

- A. Purpose:** The purpose of this directive is to establish USMS policy and procedures for the use of authorized restraining devices and any other restraint systems.
- B. Authority:** The Director's authority to supervise the USMS and to issue this written directive is set forth in 28 CFR 0.111, and 28 USC 561(g).
- C. Policy**
1. Restraints shall meet National Institute of Justice (NIJ) standards or be approved by the Prisoner Operations Division (POD). The specifications for authorized restraining devices will be maintained by POD. The following are authorized restraining devices to be used by USMS personnel:
 - a. handcuffs
 - b. waist chains
 - c. leg irons (shackles)
 - d. padlocks
 - e. flex cuffs and
 - f. security boxes (blue or black boxes)
 2. To fully restrain a prisoner on all movements -- handcuffs, waist chains, and leg irons are required. It is recommended that handcuffs and waist chain be supplemented by the use of security boxes and padlocks.
 3. All persons in the operational custody of the USMS will be fully restrained during transportation. This will include all adults, juveniles, material witnesses, or any in-custody or previously in-custody persons being transported at the request of a judge and/or other agency. For example, a judge may order a bonded prisoner to be delivered to a halfway house, etc. An arrest situation would be the exception to prisoners being fully restrained.
 4. A Restraint Special Use Dispensation must be obtained from POD prior to using any device other than authorized restraints or other instruments that may be applied to a person or used to restrain or restrict the movement of a person in USMS operational custody.
- D. Procedures**
1. **General**
 - a. Restraints will be applied to prisoners in accordance with the training procedures established by the Training Division. It is the responsibility of each deputy, district management, and the Training Division to ensure that any new methods or techniques of applying restraints are taught and implemented. The Training Division and/or POD are responsible for disseminating changes to the districts.
 - b. USMS personnel responsible for prisoner custody, production, and transport must ensure the safeguarding of all security equipment and upkeep of such equipment.

Restraining Devices

- c. Restraints may be applied to prisoners to prevent them from injuring themselves or others and/or to prevent property damage. District management shall be notified immediately and an incident report completed when restraints are applied for this purpose.
- d. Restraints will be applied to handicapped or medically impaired prisoners insofar as physically possible to safeguard the prisoner and USMS personnel and to prevent escape.
- e. Prisoners will not be secured to any fixed object that would endanger the prisoner's life or be left unattended.
- f. In the event restraints are damaged, they should be discarded or returned to the manufacturer for repair or replacement.

2. Restraining Devices

- a. Handcuffs and leg irons will be double locked when in use. The keyhole on handcuffs will face away from the body. The double locks on the handcuffs will face upward. The keyholes on leg irons will face the ground. The double locks on the leg irons will face towards the toes. Leg irons will not be placed over boots or excess/bulky clothing. Restraints will be inspected frequently to discourage escape or manipulation.
- b. Two sets of handcuffs may be applied in lieu of a security box if the situation warrants their use. Tape may be used to cover the key holes only if security boxes are not available.
- c. Prisoners with large wrists may be restrained with leg irons with the chain shortened to approximately the length of the handcuff chain by using a disposable nylon strap. Oversized handcuffs of high quality may also be used.
- d. Handcuffs will be connected to the waist chain in a manner which restricts the ability to touch the chin while standing erect. However, in a seated position prisoners should be able to eat or use lavatory facilities on their own.
- e. Prisoners may be handcuff behind the back in lieu of full restraints for any street arrest, or with district management approval for prisoner movements of one hour or less (commonly referred to as a short haul).
- f. Disposable nylon straps (flex cuff type) may be used in lieu of or in conjunction with handcuffs or leg irons when a prisoner's wrists or ankles are too large for conventional restraints. They may also be used in emergencies and mass arrest situations, or at the discretion of district management.

3. Use of Restraining Devices

- a. Escorting: Prisoners who are moved between the cellblock and court, or in any other short move within the same court facility, will be handcuffed behind the back or fully restrained. Handcuffing prisoners to each other is not permissible.
- b. Courtroom: All prisoners produced for court, with the exception of a jury trial, are to be fully restrained unless otherwise directed by a United States District Judge or United States Magistrate Judge. For a trial by jury proceeding the United States Marshal or his/her designee should follow the direction of the presiding judicial official. In the event that the deputy in charge or district management decides that a higher level of restraint is necessary, the judge will be informed of the need for higher security.
- c. Ground/Charter Aircraft: Prisoners will be fully restrained when transported by any ground conveyance or charter aircraft (other than JPATS). An exception may be made at the discretion of district management for situations that dictate alternate restraint methods.
- d. Commercial Aircraft: Prisoners will be fully restrained whenever possible. However, escorting deputies are expected to use their discretion about the appropriate level of restraints. It is the responsibility of the escorting deputies to know and adhere to the air carrier's policy regarding the transportation of prisoners. If the air carrier's policies prohibit the

Restraining Devices

level of restraints needed to transport a particular prisoner, district management and JPATS should be contacted immediately to coordinate alternative travel.

- e. Hospitals: In an unsecured hospital ward, prisoners will be restrained. Leg irons will be used to restrict a prisoner to or in a hospital bed. Handcuffs will be used in the event leg irons cannot be used or must be removed. Handcuffs will be applied prior to the removal of leg irons. Restraints should not be used when compelling medical reasons dictate, **including when a pregnant prisoner is in labor, is delivering her baby, or is in immediate post-delivery recuperation.** (added 10-30-2007)
- f. Proffer and Grand Jury Productions: Prisoners produced for the purpose of proffer and Grand Jury will remain in full restraints at all times. At no time will a prisoner's restraints be removed in an unsecured location. This means that a prisoner's restraints will remain on until said prisoner is returned to the custody of the USMS or to the facility that originally housed the prisoner.
- g. Electronic Restraint devices (Stun Belt, Band-It) may be used in lieu of or in conjunction with conventional restraints. Storage and use of Electronic Restraint devices are covered under USMS directives *Less Than Lethal Devices* and in section *Restraint Special Use Dispensation* (below).
- h. **Pregnant Prisoners: If a pregnant prisoner is restrained, the restraints used must be the least restrictive necessary to ensure safety and security. Any restraints used must not physically constrict the direct area of the pregnancy. Any deviations from the utilization of full standard restraints on a pregnant prisoner (waist chain, leg irons, and handcuffs) must first be approved by a USMS Management Official (SDUSM, CDUSM, or USM).** (added 10-30-2007)

4. JPATS: The following procedures pertain to JPATS

- a. All prisoners will be restrained with approved handcuffs, waist chains, and leg irons, unless accompanied by supporting medical documents exempting them from the use of particular types of restraints. Prisoners not medically able to wear restraints will require prior approval for flying by the Chief of Security, or designee, before acceptance by the Security Officer-In-Charge (SOIC).
- b. Only USMS-authorized restraint equipment will be used. Prisoners will not be delivered to a JPATS flight in any type of restraint which necessitates removal prior to the inmate boarding the aircraft.
- c. Handcuffs will be connected to the waist chain in a manner which restricts the prisoner's ability to touch the chin while standing erect. However, in a seated position the prisoner should be able to accomplish such tasks as eating and properly using the emergency oxygen masks while seated aboard the aircraft.
- d. Prisoners whose wrists are too large to permit the use of standard handcuffs will be restrained using leg irons or flex cuffs in place of handcuffs.
- e. Prisoners with a cast or brace on the arm will have that arm secured to the waist chain using two flex cuffs.
- f. Prisoners with legs too large to permit the use of leg irons and/or those with documented medical exceptions for leg irons will have their legs restrained with two flex cuffs prior to boarding the aircraft.
- g. Leg irons will not be inserted through the loops on boots or placed over boots or excess/bulky clothing. The boots will be turned down to ensure the leg irons are properly applied to prevent escape or manipulation.
- h. Waist chains will not be passed through the belt loops on prisoner clothing. Passing the waist chains through belt loops on prisoner clothing restricts the use of lavatory facilities while aboard the aircraft.

Restraining Devices

- i. The use of security boxes will be at the discretion of the FOIC. Prisoners identified as extremely dangerous or escape risk on the manifest will be delivered to the aircraft site with the security boxes and padlocks applied.
- j. Prisoner restraints will not be removed inside the secured perimeter. Prisoners will be delivered to the airlift in approved full restraints. Districts and BOP institutions must have an adequate supply of restraints with the transporting vehicle to exchange restraints on a one-for-one basis.
- k. JPATS is authorized to store and use special restraining devices (i.e. hobbles, tubes, modified tubes, sit belt, arm and ankle restraints) aboard all owned and leased aircraft to assist with restraining disruptive prisoners and aliens while in-flight. The storage of these special restraining devices aboard JPATS owned or leased aircraft must be approved by the Assistant Director for JPATS. The use of special restraining devices aboard the aircraft must be approved by SOIC. A USM-210 Field Report must document any use of these special restraints on a prisoner or alien, and the report must be approved by a Supervisor or Chief of Security and filed in the trip packet. JPATS special use restraints are not subject to the provisions of special use disposition identified below.

5. Restraint Special Use Dispensation

- a. Requests: POD is responsible for approving specialized restraint systems to be used by a district. A *Restraint Special Use Dispensation* may be requested from the Assistant Director, POD. Each request must contain the following documentation:
 - (1) A letter from the USM explaining the need for the specialized restraint device(s).
 - (2) A written Standard Operating Procedure (SOP) for the devices/system requested. The SOP will state the following information:
 - (a) A full description of the device
 - (b) The manufacturer's instructions on the use of the device (A copy of the owner/operator manual may meet this requirement)
 - (c) A description of the way the device is to be
 - (d) The circumstances under which the device is to be used
 - (e) Any training needed to use or apply the device
 - (f) Authorized users of the device
 - (g) The supervision required while the device is in use.
- b. Records: A log to track the use of the special devices will be maintained by the district. This record will include the following information:
 - (1) Date and time the device was used
 - (2) Identity of the prisoner
 - (3) Name of the supervisor who authorized the use
 - (4) Reason for use

E. Responsibilities

1. U.S. Marshal Chief/Deputy U.S. Marshal

- a. Establish and supervise all written directives developed by and for the local district. District directives may be more restrictive, but will not supersede or negate this policy directive. District directives are intended to establish local practices which are unique to the district.

Restraining Devices

- b. Ensure the district has an adequate number of serviceable restraints.
 - c. Ensure the restraints used by any contract, state, or local facility delivering prisoners to JPATS for the district meet the standards of this directive.
 - d. Purchase restraints and restraint systems for the district out of the District Work Plan in the absence of a national purchase program.
 - e. Request approval and supervise the use of any special use restraint devices (through a Restraint Special Use Dispensation).
2. **Prisoner Operations Division:** Review and authorize the use of all Restraint Special Use Dispensations.

F. Definitions

1. **Operational Custody:** The physical receipt of a prisoner by a district, followed by processing and retention of that prisoner.
2. **Fully Restrained:** Secured in a minimum of handcuffs, waist chain, and leg irons. Security boxes and padlocks should also be added.

Note: Minor change - Training Academy changed to Training Division - based on current reorganization and section D.1.a. (last sentence added per email from POD dated 10/10/09). Archived Policy: Restraint