



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
REHABILITATION ADMINISTRATION
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May 17, 2016

TO: JR Policy Holders

FROM:

A handwritten signature in blue ink that reads "John Clayton".

John Clayton, Assistant Secretary
Rehabilitation Administration

SUBJECT For Distribution: Policy 5.10, *Using Physical Restraints with Youth*

The JR Policy Committee has completed the revision of Policy 5.10, *Using Physical Restraints with Youth*. Policy 5.10 has been heavily revised and incorporates national standards and best practices to ensure consistency in application of restraints throughout the continuum, in order to support a safe and secure environment for staff and youth. Please add this policy to your on-site policy manual.

The attached policy summary provides an overview of the policy and the new requirements.

This policy has a scheduled effective date of June 1, 2016. If you have questions regarding the policy, please contact JR's policy staff at jrapolicy@dshs.wa.gov.

Policy 5.10- Using Restraints with JR youth *Summary*

- Provides guidelines for application of mechanical restraints and physical restraint techniques in alignment with training

Background:

The existing policy required updating to ensure that JR policy is aligned with national best practices (both PbS and ACA), and to clarify current practice regarding training and restraint use in order to support consistent application of the policy across the continuum.

Policy Summary

The new policy has been heavily revised. It includes the expectation that staff work with youth who exhibit physical or verbal aggressiveness, and that staff must use non-physical interventions and de-escalating techniques prior to physical restraints. It includes training requirements, addresses situations where restraint techniques may or may not be used, requires that medical attention be offered to staff and youth directly involved in a physical restraint, and prohibits excessive force. The policy incorporates a new practice and a new form in alignment with Juvenile Court Rule 1.6. It addresses the use of mechanical restraints in isolation and mechanical restraint programs, and clarifies the requirement for documentation in ACT for both physical and mechanical restraints. The policy integrates the relevant portions of the interim directive regarding restraints for pregnant youth (in alignment with RCW). Definitions were revised for clarity.

Changes from Current Practice

- The policy removes authorization for use of chemical agents and restraint chair, as well as medical restraints.
- A requirement to notify detention staff of behaviors that may require restraint in the courtroom was added, and a new form developed to use during court transports, if needed
- Medical attention must be offered immediately to staff and youth who have been directly involved in an incident requiring physical restraint
- The requirement for monitoring any youth in mechanical restraints has changed to “constant and direct visual monitoring”, with documented observations every 5 minutes.

Training Required: No

Policy Effective Date: June 1, 2016

*Staff are responsible for reading and understanding the information contained in the full policy.
Review of this summary is not sufficient for full understanding.*

WASHINGTON STATE DEPARTMENT OF SOCIAL & HEALTH SERVICES
REHABILITATION ADMINISTRATION
JUVENILE REHABILITATION

POLICY 5.10 USING PHYSICAL RESTRAINTS WITH YOUTH

Policy Committee Chair

Don Mead, Ed. D.
Superintendent, Echo Glen
Juvenile Rehabilitation

Approved



John Clayton, Assistant Secretary
Rehabilitation Administration
5/17/2016

Authorizing Sources

Court Rule JuCR 1.6
RCW 13.40.210
RCW 13.40.460
RCW 13.40.650 – 651

Information Contact

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Effective Date

6/1/2016

Sunset Review Date

6/1/2020

I. PURPOSE AND SCOPE

This document establishes policies and procedures governing physical restraint and the use of mechanical restraint devices with JR youth. The policy incorporates national standards and best practices in order to improve consistency of practice and ensure that staff use the least force necessary to keep staff and youth safe. This policy does not include the authorization for use of clinical (medical) restraints or restraint devices. The policy supports a safe and secure environment within JR that is conducive to appropriate treatment, education and skills development.

All staff, contractors, volunteers, and interns working in the Division of Institution Programs, Division of Community Programs and Parole, and the Division of Operations and Support Services are responsible for reviewing and complying with JR policies.

II. POLICY

1. JR staff assigned to a juvenile residential facility or parole office work with youth who may exhibit physical and verbal aggressiveness due to complex needs.

- 1.1. Staff will take reasonable precautions to prevent physically dangerous situations.
- 1.2. Staff must use non-physical interventions and de-escalating techniques prior to physical restraints, unless there is an imminent risk of harm to self or others.
(PbS Standard SaP20, ACA 4F-2A-29)

Policy **5.10, Using Physical Restraints with Youth 6/1/2016**

- 2. JR staff must successfully complete approved training in the appropriate use of restraints and the approved continuum of force PRIOR to applying physical restraint techniques, if training is required by job class. (PbS SaP14)**
 - 2.1. Each residential facility and regional office is to provide staff with appropriate Dealing with Resistive Youth (DWRY) training or Community Safety Training (CST), based on job classification (Attachment A). Training will be documented in staff records.
 - 2.2. Training must address a continuum of response to disorderly behavior.
 - 2.3. Standards for DWRY and CST training and trainers are to be met.
- 3. Staff are authorized to use JR-approved physical restraint techniques and mechanical restraints consistent with their position description, job class and training. (See Attachment A)**
- 4. Physical intervention and restraints may be used in situations where a youth presents a danger to self, others, or property; is attempting to escape, or in an instance of justifiable self-defense, and then only as a last resort in accordance with statutory authority. (ACA 4F-2A-29)**
- 5. Physical restraint or mechanical restraint must not be used for the purpose of coercion, punishment, retaliation, or as a means of degradation. (ACA 4F-2A-17, 4F-2A-29)**
- 6. A physical restraint or mechanical restraint may be used only for the period of time necessary to ensure that the youth is no longer a danger to self or others, property, or to escape.**
- 7. Staff must maintain constant and direct visual observation of a youth who has been placed in mechanical restraints.**
 - 7.1. If a youth in mechanical restraints exhibits signs of distress, the restraints must be removed immediately. Medical attention must be provided immediately if distress continues after the restraints are removed.
 - 7.2. Staff will document observations at least every five minutes.
- 8. If a physical or mechanical restraint is used, a youth's head or airway must not be covered.**
 - 8.1. Use of "spit masks" must be pre-authorized by the Superintendent, Regional Administrator or designee based on the youth's history. Use of the spit mask must be documented.
- 9. Medical attention must be offered immediately to staff and youth who have been directly involved in an incident requiring physical restraint. (ACA 4F-2A-29)**
 - 9.1. If youth requests to see a nurse, the request will be approved and the youth will be seen as soon as is safely possible.
 - 9.2. Staff must request medical attention on the youth's behalf when there is obvious injury, when a youth claims to be injured, or when staff believes a youth may be injured.

Policy **5.10**, Using Physical Restraints with Youth 6/1/2016**10. Excessive force is prohibited in the use of physical restraint or the application of mechanical restraints (PbS SaP13).**

10.1. Staff will use only the force necessary to protect the safety and security of staff, youth and others.

10.2. Physical force used will be consistent with Dealing With Resistant Youth training.

11. Management must take all allegations of excessive force seriously. All reported incidents will be investigated in a timely manner. If an investigation concludes that excessive force was used, corrective or disciplinary action will follow. (PbS SaEP16)**12. Medical restraints are prohibited.****13. Use of chemical agents and use of the restraint chair are prohibited in JR facilities.****14. Youth may submit complaints regarding restraints in accordance with Policy 2.10, *Handling Youth Complaints*.****15. Staff are required to report conduct that violates this policy to a Supervisor, Program Manager or an administrator.****16. JR must inform the court and the detention staff upon arrival of youth who may meet criteria for restraint in the courtroom in accordance with Juvenile Court Rule (JuCR 1.6) using Notice to Detention Staff (DSHS Form 20-308).****17. Use of mechanical restraints during transportation must be consistent with Policy 5.40, *Transporting Youth*.****18. If a physical or mechanical restraint is used during or following an assault of staff by a youth, refer to Policy 5.80, *Reviewing and Reporting Staff Assaults by Youth*.****19. If a youth is in mechanical restraints after being placed in an isolation room, the restraints must be removed as soon as the youth makes a commitment to not harm self or others, or the restraints can be removed without the risk of harm.**

19.1. The Superintendent, Officer of the Day (OD) or designee must be notified immediately that the youth has been placed into isolation while in mechanical restraints.

19.2. The Superintendent or designee will determine further action if the use of mechanical restraints in isolation continues beyond 20 minutes.

20. A youth exhibiting continued aggressive behavior that creates a danger of harm to self or others may be placed on a mechanical restraint program in accordance with Policy 5.53, *Placing Youth on a Therapeutic Program Schedule*.**21. Youth will be restrained during routine transportation in accordance with Policy 5.40, *Transporting Youth***

Policy **5.10, Using Physical Restraints with Youth 6/1/2016****22. Use of physical or mechanical restraints must be documented in the Automated Client Tracking (ACT) system in accordance with Policy 1.32, *Reporting Incidents*. (ACA 4F-2A-29)**

22.1. Documentation will be completed immediately. If the documentation cannot be done immediately, it must be completed before the involved staff leave shift.

22.2. The incident report must include:

22.2.1. A detailed description of the incident including the sequence of events leading to, during and following the use of physical restraint, injury to staff or youth, provision of medical assistance to the youth (and staff, if applicable) and any less intrusive intervention attempted;

22.2.2. The reason physical restraint was used;

22.2.3. The staff directive given to the youth;

22.2.4. The names of staff and youth involved;

22.2.5. A detailed description of any physical evidence recovered and the steps taken to secure it. Staff must follow established evidence preservation techniques and ensure the integrity of the chain of custody.

22.3. The Superintendent, Regional Administrator or designee will review these reports within three working days to ensure the requirements of this policy were met.

23. JR Community Counselors will be authorized to arrest a youth on parole supervision. (RCW 13.40.210)

23.1. Community Counselors must complete JR Community Safety Training prior to an arrest.

23.2. Community Counselors will use compliant handcuffing techniques during an arrest.

23.3. The Community Counselor must obtain prior approval from a supervisor before a planned arrest of a youth on a parole violation warrant.

23.4. Two Community Counselors must be present for an arrest.

23.5. Counselor Assistants do not have authority to arrest.

RESTRAINING PREGNANT YOUTH

24. Any time restraints are used on a pregnant youth, the restraints must be the least restrictive available and the most reasonable for the circumstances (RCW 13.40.650)

25. No youth known to be pregnant is to be placed in ankle restraints or a waist restraint.

26. No youth in labor or delivery may be placed in any mechanical restraint, except medical restraints by the order of the treating physician.

27. Determination of pregnancy, trimester, labor, and postpartum period is made by the youth's treating physician in accordance with Policy 4.30, *Providing Health Care to Youth*.

Policy **5.10**, Using Physical Restraints with Youth 6/1/2016

- 28. JR staff are authorized to employ physical (non-mechanical) restraint with pregnant or postpartum youth as approved and taught in DWRY/CST only to prevent a pregnant youth from escaping or from injuring herself or others.**
- 29. Any use of mechanical restraints on a pregnant or postpartum youth must be immediately documented in an incident report in ACT. The report must indicate why mechanical restraint was necessary, the type of restraint used, and why this type of restraint was considered the most appropriate and least restrictive. (RCW 13.40.650)**
- 30. Restraints on pregnant youth being transported by JR are addressed in Policy 5.40, *Transporting Youth*.**
- 31. Pregnant youth must be provided a copy of the brochure “Limits on the Use of Restraints with Pregnant JR Youth” in accordance with RCW 13.40.651.**

Policy 5.10, Using Physical Restraints with Youth 6/1/2016

III. DEFINITIONS

Chemical agents: Usually pressurized devices which deliver (as a stream, spray or fog pattern) small amounts of irritants directly to an individual or group.

Medical Restraint: A therapeutic intervention initiated by medical or mental health staff using devices or chemicals designed to safely limit a patient’s mobility.

Community Safety Training (CST): Authorized JR training program

Dealing with Resistive Youth (DWRY) Training: Authorized JR training program

Excessive Use of Force: Use of force that exceeds the procedurally authorized response to the behavior or event that is being managed. In some instances excessive use of force is the use of a force technique that exceeds the procedurally authorized and trained response. (PbS Standards)

Physical Restraint: Direct physical contact where force is applied by staff to a youth. The force is applied either to restrict movement or mobility or to disengage from harmful behavior.

Mechanical Restraint: Device used to physically restrain youth to assist in behavioral intervention. This includes, but is not limited to: handcuffs, ankle restraints, waist chains, leather cuffs, PADS (special leather locking restraints) or capture pad or soft shield. It does not include clinical (medical) restraint.

Routine Transportation: Transportation provided per Policy 5.40, *Transporting Youth*. Transportation may be provided by a JR Transportation Unit staff, parole staff when transporting youth to a more secure environment, or residential security staff when transporting to community appointment or another JR facility.

IV. REFERENCES

Standards (ACA, NCCHC, PbS)

Juvenile Court Rule (JuCR) 1.6, 2014

V. RELATED JR POLICIES

Policy 2.10 - Handling Youth Complaints

Policy 5.40 – Transporting Youth

Policy 4.30 – Providing Health Care to Youth

Policy 5.80 – Reviewing and Reporting Staff Assaults by Youth

Policy 5.20 – Assigning Security Classification Levels for Youth

Policy **5.10**, **Using Physical Restraints with Youth** 6/1/2016

VI. FORMS AND DOCUMENTS

Document Title	Available In ACT	Link to Paper form
Standards for DWRY and CST (Attachment A)		
“Limits on the Use of Restraints with Pregnant JR Youth” Brochure		
JuCR Notification to Detention Staff		DSHS Form 20-308

**Juvenile Rehabilitation Standards
Dealing with Resistive Youth (DWRY)
Institutions**

JR staff, identified by job class, must actively participate in and successfully complete the minimum standards of the JR DWRY training program.

Minimum Technique & Training Standards

- Verbal De-escalation,
- Safety, Security and Rehabilitation,
- Security Management

AND

Two of the following techniques:

- Gooseneck counter joint
- Straight arm bar takedown
- Wrist out turn

Identified Job Classification

- Juvenile Rehabilitation Residential Counselor
- Juvenile Rehabilitation Residential Counselor Assistant
- Juvenile Rehabilitation Supervisor
- Juvenile Rehabilitation Coordinator
- Juvenile Rehabilitation Security Officer 1, 2 and Manager
- Juvenile Rehabilitation Program Manager 1, 2
- Recreation Specialist 1, 2, 3, 4

Training Hour Requirements

- Initial training: 40 hours
- Annual Refresher: 8 hours

DWRY optional techniques

DWRY optional techniques may be used with successful completion of specific training in those techniques by a qualified instructor.

- | | |
|-----------------------------|------------------------|
| • Reverse Gooseneck | • Finger locks |
| • Straight Jacket Hold | • U-Hold |
| • Spin to the Wall | • Figure 4 |
| • Z- Hold | • Far-hand cross face |
| • Wrist Out | • Yoshida Come Along |
| • Straight Wrist Twist Lock | • Near-hand cross face |

Juvenile Rehabilitation Standards
Dealing with Resistive Youth (DWRY)
Community Programs and Community Facilities

JR staff, identified by job class, must actively participate in and successfully complete the minimum standards of the JR Community Safety Training program.

Minimum Training Standards

- Verbal De-escalation,
- Safety, Security and Rehabilitation,
- Security Management,
- Community and Office Safety

Identified Job Classification

- Juvenile Rehabilitation Community Counselor
- Juvenile Rehabilitation Community Counselor Assistant
- Juvenile Rehabilitation Residential Counselor Assistant
- Juvenile Rehabilitation Program Manager 1
- Juvenile Rehabilitation Program Manager 2
- Juvenile Rehabilitation Residential Counselor
- Juvenile Rehabilitation Supervisor
- Juvenile Rehabilitation Security Officer
- Juvenile Rehabilitation Coordinator

Training Hour Requirements

- Initial training: 24 hours
- Annual Refresher: 8 hours

**Juvenile Rehabilitation Standards
Dealing with Resistive Youth (DWRY)
*Support Staff in Residential and Community Programs***

All JR staff, identified by position, must successfully complete the minimum standards for DWRY for support staff program.

Minimum Training Standards

- Verbal De-escalation,
- Safety, Security and Rehabilitation,

Identified Job Classification

- Clerical/fiscal
- Maintenance
- Health care
- Food service
- Other non-custodial staff

Training Hour Requirements

- Initial training: 16 hours
- No required refresher

Definition of Terms

Labor means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix.

Physical restraint means the use of any bodily force or physical intervention to control an offender or limit a pregnant youth's freedom of movement in a way that does not involve a mechanical restraint.

Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, with the aid of a mechanical restraint, accomplished with limited force and designed to:

(a) Prevent a pregnant youth from completing an act that would result in potential bodily harm to self or others or damage property; (b) Remove a disruptive pregnant youth who is unwilling to leave the area voluntarily; or (c) Guide a pregnant youth from one location to another.

Restraints means anything used to control the movement of a person's body or limbs and includes: physical restraints or mechanical devices including but not limited to metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons.

Postpartum recovery means (a) the entire period a female is in the hospital, birthing center, or clinic after giving birth, and (b) an additional time period, if any, a treating physician determines is necessary for healing after the youth leaves the hospital, birthing center, or clinic.

Transportation means the movement, by any means, of a JR pregnant youth from one location to another and includes the escorting of the pregnant youth on the grounds of a JR program. .

For more information contact:

Echo Glen Children's Center

Patti Berntsen

Associate Superintendent

206-624-6514



Juvenile Rehabilitation
(Rehabilitation Administration)

Limits on the Use of Restraints with Pregnant JR Youth



Substitute House Bill 2747

Overview

This brochure explains the requirements of the law that limits the use of restraints with pregnant youth. It explains also how Juvenile Rehabilitation (JR) meets these requirements.

Substitute House Bill 2747

Substitute House Bill 2747 is an act relating to the use of restraints on pregnant offenders. The bill limits the use of restraints on any pregnant youth in JR as defined in RCW 70.48.020, during transports during the third trimester of her pregnancy, while in labor, during delivery or postpartum recovery.

Requirements of the Law

JR must inform all pregnant youth of the requirements of the law. This must be done at the time of intake or when the youth receives information about facility rules, rights and obligations, according to current JR policy.

Determination of Pregnancy

On admission, a youth who claims to be pregnant must be treated as such until a medical examination either confirms or does not confirm pregnancy.

Use of Restraints

Whenever restraints are used on a pregnant youth during any stage of pregnancy, the



restraints must be the least restrictive available. It must also be the most reasonable under the circumstances.

If a health care provider requests that restraints be removed, they must be removed immediately. No waist chains or leg irons may be used at any time during any stage of pregnancy on any youth known to be pregnant.

Labor or In Child Birth

While a pregnant youth is in labor, or in child birth, no restraints of any kind may be used. However, the treating physician may request the use of hospital restraints for the medical safety of the patient. If a health care provider requests that restraints be removed, they must be removed immediately.

Staff may be present during routine medical checkups, consistent with custody requirements and considering reasonable privacy of the youth.

Counseling staff, other staff who act as the youth's birthing coach, or a program manager escorting a youth may be present in the exam

or delivery room when the treating medical provider asks for their presence when the youth is:

- In labor and is being attended to by the medical provider,
- In delivery, the staff is to be female if practicable.

During Transportation

During transport, no youth in the third trimester of pregnancy, or during postpartum recovery is to be placed in restraints of any kind unless the use of wrist restraint is necessary due to extraordinary circumstances.

When transporting a pregnant or post-partum youth, within operational limits, assigning two staff escorts, at least one of whom is female, should be standard.

Extraordinary Circumstances

Extraordinary circumstances exist when restraints are necessary to prevent a pregnant youth from escaping, or from injuring herself, medical or JR staff or others.

The determination of extraordinary circumstances may be made by staff with the approval of appointing authority/designee on a case by case basis and the resulting use of restraints must be documented.

Notice to Detention Staff Youth May Meet JuCR 1.6 Criteria for Restraints in Courtroom

YOUTH'S NAME	JR NUMBER	
<p>Juvenile Court Rule 1.6 provides criteria for situations where youth may be brought before the court wearing physical restraint devices. In order to support safety for youth and court staff, Juvenile Rehabilitation wishes to notify the court of behaviors that the court should consider in determining whether restraints may be necessary in the courtroom.</p> <p><input type="checkbox"/> Present behavior (within the past 24 hours) of the youth represents a threat to his or her own safety, or the safety of other people in the courtroom;</p> <p><input type="checkbox"/> Recent disruptive behavior (within the last 25 - 72 hours) of the youth has placed others in potentially harmful situations or presents a substantial risk of inflicting physical harm to him- or herself or others;</p> <p><input type="checkbox"/> Present behavior (within the past 24 hours) presents a substantial risk of flight from the courtroom.</p> <p><input type="checkbox"/> There are no less restrictive alternatives to restraints that will prevent flight or physical harm to the youth or others.</p>		
PROGRAM MANAGER'S SIGNATURE	DATE	PRINTED NAME
LOCATION		TELEPHONE NUMBER (AND AREA CODE)