





## San Francisco Juvenile Probation Department

### Juvenile Hall Policy and Procedures Manual

#### Chapter 10 - Security and Control

Policy Number:	10.07
Policy Name:	Mechanical Restraint Determination
Authority:	Title 15, 1358.5 Title 15, 1358 WIC 210.6 WIC 628
Replaces:	New
Effective Date:	08/01/2019
Revision Date:	
Related Policies and Procedures:	10.08 – Use of Mechanical Restraints for Movement and Transportation within the Facility 10.17 – Use of Physical Restraints 10.22 – Court Room Holding Cells
Related Forms:	Mechanical Restraint Determination Checklist
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## I. POLICY

In accordance with Welfare and Institutions Code section 210.6, it is the policy of the San Francisco Juvenile Probation Department in cooperation with the responsible physician and behavioral/mental health director that mechanical restraints shall not be used on detained youths being transported outside of the secure juvenile hall facility unless one of the following categories apply to the youth: necessary to prevent physical harm to the juvenile or another person or due to substantial risk of flight. A youth needs to only meet one of the categories listed as determination and justification for the use of mechanical restraints. Multiple categories and factors may be applicable to a given youth. If none of the categories or factors apply to the youth, transportation without mechanical restraints shall be conducted.

Transportation Officers are always to have one arm in physical contact with the youth in mechanical restraints during movement, excluding restrooms, examination rooms, courtrooms, and holding cells in accordance with JPD policy 10.19. While a 1:1 ratio for transportation without mechanical restraints is authorized, such transports should be conducted with two transportation officers whenever possible. The use of the Mechanical Restraint Determination checklist shall be applied for each separate transport outside of the secure facility. When mechanical restraints are required, the transportation officer shall use the least restrictive device to accomplish safe and secure movement.

The Mechanical Restraint Determination Checklist shall be completed by the assigned Deputy Probation Officer and cosigned by the Supervising Probation Officer the evening prior to each Court Hearing. The MRD Checklist shall then be forwarded to the email distribution list: [JUV-JJCAAdmin@sfgov.org](mailto:JUV-JJCAAdmin@sfgov.org).

For other transports outside of secure detention including, but not limited to, transporting a youth to other off-site Court appearances, medical appointments, placements, and for inter-county transfers, the case-carrying Probation Officer, Juvenile Hall Office of the Day or their designee will complete the MRD Checklist, obtain proper supervisory approval, and provide the checklist to the transporting officer.

Reminder: If a determination for the use of restraints is made, pregnant youth shall only be cuffed with hands in front of their body and the use of waist chains and/or leg restraints are prohibited.

## History

On October 17, 2017, the Governor of California authorized Assembly Bill 878 which amended existing law to require that the use of mechanical restraints on a juvenile during transportation outside of a local secure juvenile facility, camp, ranch, or forestry camp, only upon a determination by the probation department, in consultation with the transporting agency, that restraints are necessary to prevent physical harm to the juvenile or another person or due to a substantial risk of flight. The bill requires county probation departments that choose to use mechanical restraints, other than handcuffs, to establish procedures for the documentation of the use of mechanical restraints including the reasons for the use of those restraints. The bill authorizes the use of mechanical restraints during a juvenile court proceeding if the court determines that the youth's behavior in custody or in court establishes a manifest need to use mechanical restraints to prevent physical harm to the youth or another person or due to a substantial risk of flight. The burden to establish the need for restraints in the courtroom is on the prosecution. The bill requires the court to document the reasons for the use of mechanical restraints during court proceedings on the record. If mechanical restraints are used pursuant to these provisions, the bill requires that the least restrictive form of restraint be used under the circumstances.

## II. PURPOSE

The purpose of the Mechanical Restraints policy is to establish a process for systematically assessing and recording the application of mechanical restraints to youth who are being transported outside of secure detention in compliance with WIC 210.6 and to ensure mechanical restraints are only applied when necessary.

### III. PROCEDURE

#### A. Decision to use mechanical restraints

- i. Prior to transporting a youth outside of secure detention, the appropriate JPD personnel will complete the MRD checklist to determine if mechanical restraints are necessary because the youth poses a danger to themselves, a danger to others, and/or are a substantial flight risk.
- ii. As stated in Probation Services Policy 10.19 - Mechanical Restraints, Probation Officers shall be responsible to complete the MRD checklist no later than 5:00pm the night prior to the court hearing.
- iii. To ensure that the most current and accurate information is available prior to transporting the youth from the secure facility to the courtroom, the 11:00 pm to 7:00 am Juvenile Hall Officer of the Day or designee shall be responsible to email all updates on the youth's behavior that may have occurred over the previous 7 days to JUV-JJCAAdmin@sfgov.org. (DPOs are responsible to check on their clients at least once a week). It is imperative that Juvenile Hall provides the latest information to Probation to ensure the safety and security of the youth and transporting staff.
- iv. When a determination is made that mechanical restraints are necessary, the case-carrying Deputy Probation Officer, the Juvenile Hall Officer of the Day or their designee will utilize the least restrictive form of mechanical restraint and shall provide additional written documentation for their rationale for utilizing restraints other than handcuffs (waist chains, leg restraints, cloth or leather restraints, etc.) when deemed necessary.

- a. For the purposes of Court Hearings, the case-carrying Deputy Probation Officer shall complete the MRD checklist by 5:00pm the day prior to the hearing wherever possible.
  - b. For all other transports outside of secure detention including, but not limited to, transporting a youth to other off-site Court appearances, medical appointments, placements, and for inter-county transfers, the case-carrying Deputy Probation Officer, the Juvenile Hall Officer of the Day or their designee will complete the MRD checklist, obtain proper supervisory approval, and provide the checklist to the transporting officer.
- v. When a determination is made that mechanical restraints are necessary for a pregnant youth, the pregnant youth shall only be handcuffed with hands in front of her body. The use of waist chains and/or leg restraints on pregnant youth is prohibited.
- vi. Upon completing the Mechanical Restraint Determination checklist and prior to the transport, the Deputy Probation Officer, Juvenile Hall Officer of the Day or their designee shall submit the completed MRD checklist to their Supervisor, or their designee, for review and signed approval.
- a. For the purposes of Court Hearings, the case-carrying Deputy Probation Officer or Supervising Probation Officer will forward an electronic copy of the MRD checklist to the email distribution list: [JUV.JJCAAdmin@sfgov.org](mailto:JUV.JJCAAdmin@sfgov.org). The Supervisor of the Court Officer/Special Services Unit or their

designee will review all MRDs, checking for accuracy, and forward the checklist to the appropriate court and transporting officer for their review.

- b. If no MRD is received by 5:00pm the day prior to the transport, the Supervisor of the Court Officer/Special Services Unit or their designee shall notify the case-carrying Deputy Probation Officer and their Supervisor so that an MRD can be completed.
- c. Upon conclusion of all Court hearings, the officer transporting the youth back to Juvenile Hall, in consultation with the court officer, will again review the MRD checklist to determine whether factors requiring mechanical restraints continue to be applicable and sign the checklist on the reverse for return transport.
- d. For all other transports including, but not limited to, other off-site Court appearances, medical appointments, placements, and for inter-county transfers, the transporting officer will sign and maintain the checklist during the transport. The transporting officer will return the completed MRD checklist to the Officer of the Day.

**B. Application of mechanical restraints for youth being transported**

- i. The Juvenile Hall Officer of the Day or designee is required to complete an MRD for all youth being transported outside of the secure facility (i.e. medical appointments). The Juvenile Hall Transporting Officers shall not transport youth unless they are in possession of

the MRD for the youth being transported. The Officer of the Day or designee shall be immediately consulted for guidance if an MRD has not been completed.

- ii. The transporting officer will review the completed and signed MRD checklist prior to transporting the youth outside of secure detention. No youth shall be transported without the transporting officer first reviewing the completed MRD checklist and understanding the decision to transport without mechanical restraints or the justification for restraints. The transporting officer shall always have in their possession a copy of the completed MRD checklist during the transportation.
- iii. The transporting officer will apply the least restrictive form of mechanical restraint as determined by the MRD checklist in accordance with this policy. All Juvenile Hall staff who complete or rely on the completion of the MRD checklist shall be trained in its use and application.
- iv. When applying mechanical restraints, SFJPD personnel shall check handcuffs, waist chains, and leg restraints to make certain they are properly applied with correct tightness and double-locked to prevent overtightening.
- v. The transporting officer shall always maintain one arm on the youth in restraints during the movement excluding restrooms, examination rooms, courtrooms, and holding cells in accordance with JPD policy 10.08. If the youth requests not to be touched by the transporting officer, the youth will be returned to the holding cell and the transporting officer will request an additional staff to accompany the transport.

- vi. The transporting officer shall have a radio in their possession to announce their movements in accordance with JPD policy 10.23.
- vii. Upon completion of the transport, the transporting officer will remove the mechanical restraints in accordance with their training.
  - a. The transporting Deputy Probation Officer shall return the completed MRD checklist to the Supervisor of their assigned unit where the checklist shall be scanned and uploaded to the document's folder of the minor's Augustus case record and the hard copy filed in the youth's case file.
  - b. The Juvenile Hall Transportation Officer shall return the completed MRD checklist document to the Officer of the Day for uploading and filing.