

Policy Title:		Handcuffing and Restraints	
	OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER	Category	Security
		Administrative Policy #	100-ADM-Handcuffing and Restraints
		Revision #	N/A
		Review Frequency	As Needed – no less frequently than annually
Administrative Division	Safety and Integrity Division	Reviewed By	Chief Administrative Officer, General Counsel, Chief of Security & Integrity
BOWC Approval	3/25/2019	Last Reviewed/Update Date	3/25/19
Implementation Date	3/25/2019	Resolution #	19-0079

## 1. AUTHORITY

- 1.1 Section 16 of the Michigan Code of Criminal Procedure (MCL 764.16) regulates arrest by a private person. A private person may make an arrest in the following situations:
- (a) For a felony committed in the private person's presence.
  - (b) If the person to be arrested has committed a felony although not in the private person's presence.
  - (c) If the private person is summoned by a peace officer to assist the officer in making an arrest.
  - (d) If the private person is a merchant, an agent of a merchant, an employee of a merchant, or an independent contractor providing security for a merchant of a store and has reasonable cause to believe that the person to be arrested has violated section 356c or 356d of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.356c and 750.356d of the Michigan Compiled Laws, in that store, regardless of whether the violation was committed in the presence of the private person.
- 1.2 DWSD employees will endeavor at all times to contact the Detroit Police Department when an incident arises that may lead to detention or arrest. In those instances where time or circumstances do not provide an opportunity for the Detroit Police Department to arrive on the scene as first responder, this policy applies.

## 2. OBJECTIVES

- 2.1. Establish policies and procedures for the use of handcuffs and other restraints by the Detroit Water and Sewerage Department (DWSD) Security and Integrity Division personnel.

## 3. PURPOSE

- 3.1. To ensure the rights of persons subject to deprivation of their freedom of movement are treated in an appropriate manner and to prevent a liability risk to DWSD.

#### **4. DEFINITIONS**

“Arrest” means to use legal authority to deprive a subject of his or her freedom of movement. An arrest involves the Security Officer determining probable cause for a felony, advising the subject that they are under arrest, and taking the subject into custody through a more significant restraint on movement (i.e., handcuffs).

“Detain” means a Security Officer’s “brief and cursory” holding and questioning of a subject based upon reasonable suspicion. The suspect is not free to leave, but they also are not under arrest, at least until the Security Officer develops probable cause (i.e., detaining without handcuffs) or Detroit Police arrive on the scene.

“DWSD” stands for Detroit Water and Sewerage Department.

“DWSD Security” means the DWSD Security and Integrity Division.

“Officer” means any person employed by the DWSD Security and Integrity Division.

#### **5. SCOPE**

- 5.1. This policy applies to all DWSD Security and Integrity Division Officers who exercise authority to arrest or detain persons pursuant to Section 16 of the Michigan Code of Criminal Conduct (MCL 764.16).

#### **5. RESPONSIBILITIES**

- 5.1. The Chief of Security and Integrity is responsible for administration and oversight of this policy.

#### **6. POLICY**

- 6.1. DWSD authorizes the use of restraint devices in accordance with this policy, the Use of Force Continuum Policy and DWSD training for Officers. Restraint devices shall not be used to punish, to display authority or as a show of force.

##### **6.2. Use of Restraints**

- 6.2.1. Only Officers who have successfully completed DWSD-approved training on the use of restraint devices are authorized to use them.
- 6.2.2. When deciding whether to use any restraint, Officers should carefully balance personal safety concerns with factors that include, but are not limited to:
  - a) The circumstances or alleged crime leading to the arrest
  - b) The demeanor and behavior of the arrested person
  - c) The age and health of the person
  - d) Whether the person is known to be pregnant

- e) Whether the person has a hearing or speaking disability. In such cases, consideration can be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes
- f) Whether the person has any other apparent disability

### **6.3. Restraint of Detainees**

- 6.3.1. Officers shall only make an arrest and handcuff when a subject has committed a felony in the Officer's presence.
- 6.3.2. Subject may be detained for questioning without arrest or handcuffing.

### **6.4. Arrest of Pregnant Persons**

- 6.4.1. Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for Officer safety and in no event shall pregnant women be restrained by the use of handcuffs behind the body.

### **6.5. Detention of Juveniles**

- 6.5.1. A juvenile under 17 years of age should not be restrained unless he/she has committed a felony in the Officer's presence.

### **6.6. Use of Force Continuum Policy**

- 6.6.1. DWSD's Use of Force Continuum Policy also applies in handcuffing and restraint situations and is incorporated herein by reference.

### **6.7. Reasonable and Necessary Accommodations**

- 6.7.1. Management may issue reasonable and necessary directives to accomplish the intent of this policy.

## **7. Procedure**

### **7.1. Application of Handcuffs**

- 7.1.1. Handcuffs may be used only to restrain a person's hands who has committed a felony in the presence of an Officer.
- 7.1.2. In most situations handcuffs should be applied with the hands behind the person's back. Handcuffs shall be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.
- 7.1.3. In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, Officers should consider alternatives, such as using an additional set of handcuffs.
- 7.1.4. Once handcuffs are applied, the Detroit Police Department should be contacted as quickly as practicable.
- 7.1.5. Handcuffs should be removed as soon as it is reasonable or when the person has been searched and is safely turned over to law enforcement.

### **7.2. Required Documentation**

7.2.1. If an individual is arrested, the Officer shall prepare a report that includes the following information, as appropriate:

- a) The amount of time the suspect was handcuffed.
- b) Observations of the suspect's behavior and any signs of physiological problems.
- c) Any known or suspected drug use or other medical problems.
- d) Law enforcement agency receiving transfer of the suspect.

**7.3. Use of Force Continuum**

7.3.1. DWSD's Use of Force Continuum Procedures also apply in handcuffing and restraint situations and are incorporated herein by reference.