



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

Canc frp: Jul 09

SECNAVNOTE 1640
N135
17 July 2008

SECNAV NOTICE 1640

From: Secretary of the Navy

Subj: SUPPLEMENTAL POLICY AND AMPLIFYING GUIDANCE GOVERNING THE
USE OF RESTRAINT EQUIPMENT WITHIN NAVAL BRIGS

Ref: (a) SECNAVINST 1640.9C
(b) DOD Directive 1325.4 of 17 Aug 01
(c) ACA, Standards for Adult Correctional Institutions,
4th Edition of Jan 03 (NOTAL)
(d) U.S. Navy Regulations, 1990

1. Purpose

a. To provide supplemental policy and amplifying guidance to naval brigs on the use of restraint equipment per references (a) through (d). As used herein, the term "brig" refers to shore and afloat confinement facilities designated by the Secretary of the Navy (SECNAV) as a naval place of confinement. Unless otherwise noted, the term "prisoner" refers to pretrial detainees, post-trial prisoners and servicemembers awarded confinement to bread and water under the Uniform Code of Military Justice, article 15.

b. This policy and guidance does not address use of restraint equipment on prisoners in medical settings external of the brig as such usage is governed by medical policy and procedures.

2. Definitions

a. Ambulatory Restraints. Corrections-related restraint equipment (as opposed to medical-related) that limits movement of body extremities without preventing the prisoner from moving about an area (also referred to as "walking restraints"). Ambulatory restraints generally allow the prisoner to eat, drink, move and take care of basic human needs with no or minimum staff intervention.

b. Authorized Restraints. Authorized restraints include traditional steel handcuffs, leg irons, waist chains (independently and collectively referred to as "hard restraints"), transportation belts and other restraints to include "soft restraints" when specifically authorized for use by the Chief of Naval Operations (CNO) (N135 (Office of Corrections and Programs)) or Commandant of the Marine Corps (CMC) (PSL Corrections).

c. Brig Commanding Officer (CO). The brig CO has overall responsibility for the operation of the brig. Per reference (a), article 3201.1, the brig CO refers to one of the following:

(1) Navy. If a brig is established as an activity, the term "commanding officer" refers to the CO of that activity. If the brig is not established as an activity, the term "commanding officer" refers to the CO of the shore installation, or region where applicable, where the brig is located, or the CO of the ship wherein the brig is located.

(2) Marine Corps. The term "commanding officer" refers to the officer who is appointed in writing as CO of the brig by the CO of the installation where the brig is located.

d. Brig Officer. Per reference (a), article 3201.2a, the "brig officer" refers to the officer who is assigned responsibility for the day-to-day operation of the brig.

(1) Navy. The term "brig officer" refers to COs, Officers in Charge (OICs), Chief Petty Officers in Charge (CPOICs) and other officers as assigned to a brig officer billet. Navy Personnel Command orders COs/OICs into the brig officer billet as CO/OIC. The CO of the activity shall appoint CPOICs in writing to a brig officer billet where the brig is located. The CO of the ship shall appoint afloat brig officers in writing.

(2) Marine Corps. The brig officer shall be appointed in writing by the CO of the brig and shall be directly responsible to the CO for all matters related to the operation and administration of the brig.

e. Full Restraints. Full restraints include the collective use of steel handcuffs, leg irons and waist chains.

f. Progressive Restraint. Use of the least restrictive restraints deemed necessary to control the prisoner (e.g., first use hand irons, then leg irons, then waist chains, etc.). When facility design supports single cells within the general population berthing areas, progressive restraint may also include de-escalation interventions such as staff directing a disruptive prisoner or prisoners to their cell for a "cool down" period. Based on the prisoner's behavior, more/less restrictive restraints and transportation belts may be used.

g. Security Garment. Security garments generally refer to a smock, wrap or blanket made of tear and fire resistant material for use as a safe alternative to prisoner clothing. Security garments are not considered restraint equipment, unless such materials employ a restraint capability.

h. Senior Security Personnel. Brig billets, military and civilian, specifically authorized to direct restraint application on behalf of the brig CO.

(1) Navy. Such billets generally include the brig CO, executive officer, OIC, assistant OIC, CPOIC, technical director, security officer, and Command Duty Officer (CDO).

(2) Marine Corps. Such billets generally include the brig CO, brig officer, brig supervisor, operations officer, and Duty Brig Supervisor (DBS).

i. Soft Restraints. Soft restraints are made of material such as velcro, vinyl, plastic or leather and designed to prevent excessive movement of the prisoner's body part to which they are attached in order to prevent prisoners from harming themselves. Soft restraints are generally considered "therapeutic restraints" and their use is authorized when directed by a medical officer, most often a psychiatrist, for use on mentally ill/distraught or self-destructive prisoners to promote their personal health and safety. Select soft restraints may also be considered "authorized restraints" when specifically authorized for use by CNO (N135 (Office of Corrections and Programs)) or CMC (PSL Corrections).

j. Therapeutic Restraints. Therapeutic restraints include restraint equipment directed by a medical officer, most often a psychiatrist, for use on mentally ill/distraught or self-

destructive prisoners to promote their personal health and safety. Therapeutic restraints may include, but are not limited to, ambulatory soft restraints and immobilizing restraints such as "four-point" or "five-point" restraints, straitjacket or restraining chair. Immobilizing restraints secure the prisoner in such a way that the prisoner is prevented from self-rising, using toilet facilities, drinking or eating. The use of four- or five-point restraint is not authorized in a naval brig but may be utilized during hospitalizations as prescribed. Medical policy and regulation applies, vice correctional, for the use of therapeutic restraints and the brig CO or staff do not have the authority to authorize the use of these restraints within the brig.

3. Background

a. The brig CO is responsible for implementation of all aspects of prisoner "ambulatory restraint" policy and management with one exception. A military judge may direct that restraints be removed from a prisoner in the courtroom (and that he remain unrestrained while in the courtroom) if, in the judge's opinion, such restraint is deemed unnecessary. This exception does not extend to legal visits such as prisoner and attorney meetings occurring outside of court-martial proceedings.

b. The brig CO may delegate restraint authority to "senior security personnel". The brig CO is guided in the use of restraints per references (a) through (d) and this notice. Brig COs shall employ use of "progressive restraint" consistent with governing policy and guidance herein.

c. Medical officers are responsible for the use of therapeutic restraints, to include soft restraints, per applicable medical policy and regulation.

d. Per reference (b), paragraph 4.9, to the greatest extent possible, national accreditation standards issued by the American Correctional Association (ACA) shall be followed in determining corrections policies and administering correctional facilities and functions.

e. Per reference (a), article 4309, reference (c), ACA standard 4-4190, and reference (d), article 1102, restraint equipment is never applied as punishment, discipline, coercion,

convenience or retaliation by staff. They are applied only with the approval of the brig CO or designated senior security personnel per this instruction.

f. Restraint policy and guidance associated with prisoner custody classification is found in reference (a), article 4201.2.

(1) Maximum (MAX) Custody

(a) MAX custody prisoners will wear restraints at all times when outside the segregation area. There will be two escorts with each MAX custody prisoner at all times while outside the cell.

(b) Brig officers shall determine the restraints for each MAX custody prisoner, on a case-by-case basis, for movement external of their cell and the segregation area. The scope of restraints may differ for movement external of their cell and the segregation area.

(c) MAX custody prisoners will wear "full restraints" outside the security perimeter of the brig, unless senior security personnel, on a case-by-case basis, determine such collective restraints are not required in a particular circumstance.

(2) Medium In (MDI) Custody

(a) MDI custody prisoners will wear restraints (normally handcuffs only) outside the security perimeter of the brig, unless senior security personnel determine, on a case-by-case basis, restraints are not required in a particular circumstance or if additional restraints are necessary.

(b) Per reference (a), article 4202.2, all new prisoners, except those specifically deemed to be serious management problems (MAX custody), should be assigned a MDI custody classification during the reception phase. Detainees will not be assigned a Medium Out (MDO), Minimum (MIN) or Installation Custody (IC) classification.

(3) MDO, MIN or IC. MDO, MIN or IC custody prisoners do not wear restraints outside the security perimeter of the brig,

unless for cause and as authorized by the brig CO or designated senior security personnel.

4. Policy

a. The brig CO is responsible for implementation of prisoner ambulatory restraint policy and management.

b. Medical officers are responsible for soft and therapeutic restraint management. A medical officer, consistent with existing medical regulations, may authorize use of soft restraints within the brig, on a case-by-case basis, to prevent prisoners from harming themselves. The use of four- or five-point restraint is not authorized within naval brig.

c. Restraint equipment is never to be applied as punishment, discipline, coercion, convenience or retaliation by staff. Restraints are applied only with the approval of the brig CO or designated senior security personnel.

d. Restraint equipment will be applied only for appropriate purposes and per applicable procedures. Staff and prisoner escorts must be specifically trained to each type of applicable available authorized restraint.

e. Restraints are not normally authorized for use within the security perimeter of the brig, except when preparing to move a MAX prisoner outside the segregation cell or area, when regaining control during a disorder or when a prisoner is violent, self-destructive or escape-minded. Normally, the senior military staff member on duty at the brig is the one authorized to order the use of restraints in these situations. If restraints are used as a result of a disorder or on a violent or disruptive prisoner, the brig officer shall be notified immediately. The brig officer or designated senior security personnel shall make an immediate on-site visit to observe that the use of restraints is appropriate and, where warranted, shall report that use to their immediate superior in command. An incident report shall be submitted as directed in reference (a), article 8112, if the situation warrants, though in all cases reported when a prisoner is restrained within a cell (not awaiting imminent movement). All non-routine restraint use will be reported to the brig officer and documented in an incident report. In any case, the senior staff member on duty at the

brig shall ensure that restraints are removed as soon as practical.

f. Care shall be taken not to unnecessarily display restrained prisoners to the public during transportation.

g. When immediate use of restraints is required, staff may temporarily apply such restraints to a prisoner to prevent that prisoner from hurting self, staff or others and/or to prevent serious property damage and/or escape. When the temporary application of restraints is determined necessary and after staff has gained control of the prisoner, the brig officer or designated senior security personnel is to be notified immediately for a decision on whether the use of restraints should continue. Restraints should be used only when other effective means of control have failed or are impractical.

h. Staff may apply restraints to a prisoner who continues to resist after staff achieves physical control of that prisoner and may apply restraints to any prisoner who is placed under control by use of force. If a prisoner in a forcible restraint situation refuses to move to another area on their own, staff may physically move that prisoner by carefully lifting and carrying the prisoner to the appropriate destination. Staffs are cautioned not to use the restraints for lifting or carrying a prisoner.

i. Except when immediate use of restraints is required for control of the prisoner, staff may apply restraints to, or continue the use of progressive restraints on, a prisoner while in a cell in administrative or disciplinary segregation only with approval of the brig officer or designated senior security personnel. In all cases, restraint and segregation (e.g., a restrained prisoner within a cell) cannot be used simultaneously unless a staff member, or preferably a corpsman, directly and continually monitors the prisoner face-to-face; further, a medical officer will be notified and apprised of the situation. Staff must be cautioned and trained regarding the potential of injury to a prisoner who is in restraints while in a cell. Injury can result from situations where a prisoner falls and is not able to protect themselves from harm because of restricted movement.

j. Restraint equipment or devices shall be used as designed and may not be used in any of the following ways:

(1) As a method of punishing a prisoner or per paragraph 4c, above.

(2) About a prisoner's neck or face or in any manner that restricts blood circulation or obstructs the prisoner's airways. Binding shall never be placed around a prisoner's mouth, nose, neck or so tight to a limb that circulation is restricted. Staff protective gear generally provides sufficient insulation from a prisoner's spitting or biting; therefore, no effort should be made by use of towels, sheets, blankets, hosiery, masks or any other devices to prevent a prisoner from spitting or biting. When endorsed by a medical officer and approved by the brig CO, the use of a medical mask may be authorized on a prisoner.

(3) In a manner that causes unnecessary physical pain or extreme discomfort.

(a) Staff in general and supervisory personnel in particular shall ensure that unnecessary pressure is not placed on a prisoner's body in applying restraints (e.g., the prisoner's chest, back or neck). While the proper application of restraints may result in some discomfort, examples of prohibited uses of restraints would include, but are not limited to: hog-tying, unnecessarily tight restraints, improperly applied restraints or unauthorized restraints. Soft restraints, when specifically authorized by a medical officer, should only be used when all lesser measures to prevent the prisoners from harming themselves are not working or such use is in the interest of safety. Helmets may also be considered as a protective device. Video taping the application of restraints during a forced-cell move or for self-injurious prisoners is a good practice. Having medical personnel observe the scenario and examine the prisoner briefly after application is also good practice.

(b) Restraints will be administered in a natural body position. If restrained in a supine position, head should be free to rotate from side to side and, when possible, elevate head of bed to prevent risk of aspiration. Always avoid use of

prone position due to possibility of prisoner's airway becoming obstructed and lung expansion may be restricted.

(4) To secure a prisoner to a fixed object, such as a cell door, cell grill or vehicle component.

k. De-escalation Interventions

(1) The effective handling of aggressive prisoners is one of the most demanding aspects of working in corrections. It is an area where good interaction and communication skills are required. The majority of situations, where there is a potential for violence, can be handled through effective communication. Staff must be trained to recognize the signs of aggression (e.g., standing tall, red faced, raised voice, rapid breathing, direct prolonged eye contact, exaggerated gestures) and reasons for aggression (e.g., frustration, unfairness, humiliation, immaturity, excitement, learned behaviour, reputation, means to an end, decoy).

(2) Staff faced with aggressive prisoners should seek to defuse the situation as they continually assess the risk of violence. Staff should be cautious to do nothing to further escalate the situation, yet maintain control of the situation. Training will be provided to staff in methods to: appear confident; display calmness; create some space; speak slowly, gently and clearly; lower their voice; avoid staring; avoid arguing and confrontation; show that they are listening; calm the prisoner before trying to solve the problem. Staff should adopt a non-threatening body posture: use a calm, open posture (sitting or standing); reduce direct eye contact (as it may be taken as a confrontation); allow the prisoner adequate personal space; keep both hands visible; avoid sudden movements that may startle or be perceived as an attack; avoid audiences - as an audience may escalate the situation.

(3) When facility design supports single cells within the general population berthing areas, progressive restraint may also include de-escalation interventions such as staff directing a disruptive prisoner or prisoners to their cell for a "cool down" period. Such periods cannot exceed 30 minutes and all cases shall be reported immediately to the CDO/SDO/DBS, documented and brought to the attention of senior security personnel to include the brig

CO/OIC. Where warranted, the CDO/SDO/DBS can extend the cool down period by an additional 30 minutes.

l. Staff and prisoner escorts should be thoroughly trained in the use of applicable authorized restraints. Restraints can be cumbersome to apply and harmful to a prisoner if proper training is not provided. In the rare cases where restraint is required for pregnant prisoners, an approved vinyl or leather restraint belt should be used instead of a metal waist chain, whenever possible, to prevent injury to the prisoner or fetus. Where a metal waist chain is directed for use on a pregnant prisoner, where possible, medical personnel should check for proper application.

m. All prisoners in restraints, internal or external of the brig, must be under direct and continuous observation, supervision and, if under movement, assisted control.

n. To support prisoner escorts, restraint guidance for use on a specific prisoner shall be indicated in the "Remarks" field (Block 11) of DD 2708 (Nov 1999), Receipt for Inmate or Detained Person.

o. Requests for use for other than traditional "hard restraints" shall be forwarded to CNO (N135 (Office of Corrections and Programs)) with pictures, design intent, technical specifications, application procedures and training curriculum.

5. Staff Training

a. Brig officers shall ensure all correctional staff, to include support staff, are thoroughly trained in the policy, application and use of available authorized restraint equipment and such training shall be inclusive within pre-service and in-service training programs and documented within staff training records.

b. At a minimum, restraint-related training should include such issues as: restraint terminology; types of restraints; staff authorized to direct restraints; proper procedures for applying and removing restraints; de-escalation interventions; communication skills; role of the medical officer; terminology, physiology, and medical risks associated with the application

and the use of restraints; procedures for lifting or carrying a restrained prisoner; supervision, movement and monitoring prisoners in restraints; measures to reduce the risk for asphyxia and death; and legal implications and liability.

6. Applicability. This supplemental policy and amplifying guidance applies throughout the naval corrections system, shore and afloat.

7. Action. Brig officers shall ensure the provisions of this supplemental policy and amplifying guidance is inclusive within local policy and procedures.

8. Form. DD 2708 (Nov 1999), Receipt for Inmate or Detained Person is available at <http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>.

9. Cancellation Contingency. This notice remains in effect for 1 year or until issuance of a revision to reference (a), whichever occurs first.



Anita K. Blair
Assistant Secretary of the Navy
(Manpower and Reserve Affairs)
Acting

Distribution:

Electronic only, via Department of the Navy Issuances Web site
<http://doni.daps.dla.mil>