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Policy Owner:				
Director, Administrative Support Services Group				

## Use of Handcuffs

Handcuffs are issued by the Office of Mental Health to Safety Officers. Handcuffs can **ONLY** be employed during the following scenarios:

**Law Enforcement Purposes** - e.g., to effect an arrest and/or during the rare occasion that Safety Officers conducting a Terry stop; defined as a brief, temporary involuntary detention of a person suspected of being involved in criminal activity for the purpose of investigating the potential criminal violation, and determine there is a reasonable basis to think that the person detained poses a present physical threat, handcuffs may be used if it is the least intrusive means to protect against that threat.<sup>1</sup> Handcuffs are to be used only by Safety Officers who have completed the Defensive Tactics and Principles of Control portion of the Basic Course for Peace Officers conducted at the OMH Peace Officer Academy, which includes criteria for application as well as proper techniques for the application of handcuffs

**OR**

**Transport Purposes** - When handcuffs are applied for transport purposes, Safety Officers must follow Use of Safety and Security Devices for Transportation Purposes, **Policy Manual OM-660**<sup>2</sup>.

Handcuffs are not and should never be considered as a therapeutic device for restraint of persons receiving OMH State-operated or Licensed services.

### **Use of Handcuff Guidelines:**

1. Those placed under arrest and handcuffed shall not be left alone and/or unsupervised.
2. When an individual is handcuffed, the cuffs will be double locked to prevent the individual from injuring themselves.
3. Handcuffs contain an individual serial number and are issued to the officers by this number.
4. Only handcuffs issued by the Office of Mental Health shall be carried or utilized by duly trained OMH Safety Officers.

<sup>1</sup> United States v. Fiseku, 915 F.3d 863 (2d Cir. 2018)

<sup>2</sup>[OMH Policy Manual OM-660 Use of Safety and Security Devices for Transportation Purposes](#)

5. It is the responsibility of the Safety Officer to maintain the handcuffs that are issued to them in serviceable condition.
6. Depending on the situation Safety Officers may be held responsible for the replacement of lost, missing and/or stolen handcuffs issued to them by OMH.
7. When OMH Safety Officers, in the course of their duties, employ handcuffs, they will always follow proper law enforcement procedure related to the safe application and removal of said handcuffs.
8. Whenever an Officer applies handcuffs, in the performance of their OMH law enforcement duties, written documentation of the situation and the required use will be completed immediately following the arrest using Form 250 ADM.
9. If handcuffs are used outside of law enforcement or transportation purposes on an individual receiving OMH services, Safety shall submit the ADM 250 investigative report to the facility's Risk Management Department and the Office of Quality Improvement (OQI) as soon as possible but not to exceed 72 hours from the time of the incident. Reports can be submitted to OQI via email at [dqm@omh.ny.gov](mailto:dqm@omh.ny.gov). In addition, this incident would require a report to the NYS Justice Center.