

**Pennsylvania Department of Corrections  
Right-to-Know Office  
55 Utley Drive  
Camp Hill, PA 17011  
(717) 731-0444**

June 8, 2009

Dena Lefkowitz, Esq. (*via facsimile*)  
Office of Open Records  
Commonwealth Keystone Building  
400 North Street; 4<sup>th</sup> Floor  
Harrisburg, PA 17120-0225

**Re:** AP 2009-0440

Dear Ms. Lefkowitz:

Please allow this correspondence to serve as my Entry of Appearance on behalf of the Department of Corrections ("Department") in this appeal, filed by the American Civil Liberties Union of Pennsylvania ("ACLU") on behalf of the American Friends Service Committee ("AFSC").

AFSC's request, received by the Department's Open Records Officer ("ORO") on April 1, 2009, was for (1) names, biweekly salary, rank, and job titles for staff at SCI-Mahanoy and (2) Department policies regarding the use of the restraint chair. *See Request.* On May 1, 2009, the Department's ORO granted the request for the names, biweekly salary, rank, and job titles for staff at SCI-Mahanoy, but denied the first names of corrections officers on the grounds that such records fall within the personal security, law enforcement, and personal identification exemptions of the Right to Know Law ("RTKL"), as well on as the basis that employees have a constitutional right to privacy which would be violated by the disclosure of their first names. *See Response.* The Department's ORO also denied the request for the Department policies regarding the use of the restraint chair on the grounds that such records fall within the personal security and law enforcement exemptions of the RTKL. *See Response.*

Subsequently, the Department received notice that AFSC filed an appeal of the denial of the Department policy on the restraint chair.<sup>1</sup>

Following further review, the Department has determined to release a copy of the restraint chair policy to the AFSC. The Department's restraint chair policy is set forth in the Facility Security Procedures Manual 6.3.1, Section 33, Part F. Accordingly, AFSC is granted access to Part F of Section 33. A copy of the restraint chair policy is being sent to counsel for the AFSC at no charge, along with a copy of this response.

Because the AFSC has received access to the Department's restraint chair policy, this appeal as to this record is rendered moot.

Sincerely,



Maria G. Macus-Bryan  
Assistant Counsel

cc: Mary Catherine Roper, Esquire (*via facsimile*)

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<sup>1</sup> AFSC does not raise any other issues for appeal. By failing to raise these issues AFSC waives any right to challenge the denial of access to records for any other reason. 65 P.S. § 67.1101(a) ("The appeal shall state the grounds upon which the requester asserts that the record is a public record. . . and shall address any grounds stated by the agency for delaying or denying the record."); *Martella v. Department of Transportation*, 841 A.2d 633 (Pa. Cmwlth. 2004).

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**F. Restraint Chair**

**1. Authorized Types of Chairs**

The restraint chair is equipped with armrests, a foot platform, and permanent wheels. The chair can be stationary or mobile when the wheels are engaged, to allow the chair and restrained inmate to be moved from location to location. Restraint chairs are authorized for Level **3 and 4** facilities and facilities with an MHU/SSNU. A facility of a lower security level with a justified need for a restraint chair may request authorization from the Regional Deputy Secretary. No facility may have more than two restraint chairs.

**2. Restraint Chair Use**

- a. The restraint chair will only be used in a Security Level 5 Housing Unit, or to transport an inmate to an L5 Housing Unit, in a POC, or MHU/SSNU, unless otherwise authorized by the Regional Deputy Secretary.
- b. The restraint chair is used only when lesser degrees of force and/or restraints have not afforded adequate control of the inmate, or the Shift Commander determines that a lesser degree of force and/or restraint will not sufficiently control the inmate. If an inmate's behavior warrants immediate placement into the restraint chair, justification and documentation must be provided. The restraint chair may be considered before placement of an inmate into four point restraints. The restraint chair may never be used as punishment.
- c. The restraint chair may be used to gain control of an inmate:
  - (1) when the inmate is throwing material or objects (urine, feces, food, etc.), and other interventions have failed to stop the behavior;
  - (2) after a physical confrontation involving staff or another inmate;

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- (3) for medical procedures such as DNA collection, forced feeding, etc.;
  - (4) whose behavior presents a danger to himself/herself or others; and/or
  - (5) to prevent the inmate from destroying Commonwealth property.
3. Authorization to Use the Restraint Chair
- a. The Officer-in-Charge of the L 5 Housing Unit or MHU/SSNU is responsible for requesting authorization to use the restraint chair from the Shift Commander.
  - b. Prior to placing an inmate in the restraint chair, medical and psychiatric clearance must be obtained. This is to verify that there are no medical or psychiatric conditions that would preclude use of the restraint chair. If prior approval cannot be obtained, in cases where the inmate's behavior could result in immediate harm to himself/herself or others, then such approval shall be sought immediately after placing the inmate in the restraint chair. During non-regular working hours, the Shift Commander may authorize placement of an inmate into the restraint chair pending medical and psychiatric clearance.
  - c. When an inmate is placed in a restraint chair, the Officer-in-Charge/designee of the L5 Housing Unit or MHU/SSNU shall complete the **DC-709, Security Level 5 Housing Unit Inmate Activity Restriction Form (refer to Department policy 6.5.1, "Administration of Security Level 5 Housing Units," Section 1, Attachment 1-K)** to document the approval from the medical department and the behavior(s) that warranted use of the restraint chair.
4. General Procedures for Use of the Restraint Chair
- a. The placement or removal of an inmate from the restraint chair is considered a planned Use of Force and shall be videotaped in accordance with **Section 32** of this procedures manual.
  - b. A **DC-121, Extraordinary Occurrence Report** shall be completed each time a restraint chair is used, in accordance with **Section 17, Reporting of Extraordinary Occurrences**.
  - c. The Officer-in-Charge/designee will explain to the inmate the reason(s) the restraint chair is being used and read the **Notice for Use of Restraint Chair (Attachment 33-B)**. This explanation will be videotaped.
  - d. Only officers who have been trained in the use of the approved restraint chair, in accordance with Department policy **5.1.1** will place an inmate in the chair.
  - e. The inmate will be handcuffed and placed in leg irons before being placed in the restraint chair. A spit hood should be applied when the inmate's behavior warrants it.

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- f. The inmate will be placed in a cell that is equipped with video surveillance and he/she will be videotaped while secured in the restraint chair. The officer in the control booth has constant surveillance of the inmate through the use of the cell camera. The videotape will be labeled, secured, and maintained for administrative review in accordance with **Section 32** of this procedures manual.
- g. An officer will check on the inmate every 15 minutes and document his/her observations on the **DC-17X, Adjustment Record for Security Level 5 Inmates**.
- h. The Officer-in-Charge/designee will contact the Shift Commander to advise him/her of the inmate's behavior at least once every two hours. Based on his/her assessment of the inmate's behavior, the Shift Commander may order the inmate's release from the restraint chair at any time, and he/she determines whether the use of the restraint chair should be continued.
- i. Use of the restraint chair may not exceed eight hours without approval of the Facility Manager/designee.
- j. The nurse shall ensure that after the initial two hours, and every two hours thereafter, the inmate will be permitted a total of at least ten minutes for all limbs to be exercised. Each limb can be freed and then secured, in progression. Exercise will only be granted if freeing the limb will not pose a threat of harm to others or to the inmate being restrained. The Officer-in-Charge/designee is responsible for determining if an exercise period is to be denied. If an exercise period is denied the Officer-in-Charge/designee shall document the reason for the denial on the **DC-709**. Denials will be reported immediately to the Shift Commander who will notify the Medical Department. The inmate should be offered an opportunity to exercise at the next scheduled exercise period.
- k. Meals may not be withheld from an inmate in the restraint chair. He/She will receive the same meals as those served to the general population, or a modified meal as approved in accordance with Department policy **6.5.1**. Sufficient time will be provided to permit the inmate to eat. One arm will be released from the restraint and the inmate will feed himself/herself. The spit hood, if applied, will be removed during this time; replacement of the spit hood will be based on the inmate's behavior.
- l. Refusals by the inmate to eat and/or drink shall be handled in accordance with Department policy **13.1.1, "Management and Administration of Health Care."** Should an inmate become disruptive during the meal, his/her actions may be interpreted as refusing to eat.
- m. Access to a toilet will be made available as needed, and should be offered at the same time that exercise is offered. The use of restraints to assure safety of the inmate and staff (leg irons, handcuffs, waist belt, ambulatory restraints, and/or spit hood) during toilet access and/or exercise will be reviewed and approved by the Shift Commander and documented on the **DC-709**.

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**5. Procedures for Placing an Inmate in the Restraint Chair**

- a. Glasses, shoes, boots, coat, hat, religious headwear and medal, watch, and belt will be removed, inventoried, and stored in accordance with Department policy 6.5.1. The inmate is permitted to retain a wedding ring, when applicable.
- b. The inmate may be placed in the restraint chair in whatever clothing he/she is wearing at the time the placement is ordered. If the inmate is placed in the restraint chair while unclothed or wearing only underwear, he/she shall be covered with an anti-suicide smock after being secured in the chair.
- c. An officer will position himself/herself behind the chair to control the inmate's head.
- d. One officer will stand at the right arm and one will stand at the left arm, each controlling the arm and shoulder.
- e. One officer will stand ready to control the inmate's legs.
- f. The inmate will be ordered to sit in the chair.
- g. One officer will fasten the lap belt restraint across the inmate's abdomen.
- h. The officer controlling the inmate's legs will fasten the lead rope on the leg iron chain and fasten the other end to the chair leg or safety O ring, as applicable.
- i. The officers controlling the inmate's arms will place the chair wrist restraints around the inmate's wrist or lower arm area, one at a time, by:
  - (1) releasing the inmate's right wrist from the handcuff, and securing it to the arm of the restraint chair with the right wrist strap and pulling the strap until it is snug, but not so tight as to cut off circulation to the inmate's hand; and
  - (2) releasing the inmate's left wrist from the handcuff, and securing it to the arm of the restraint chair with the left wrist strap and pulling the strap until it is snug, but not so tight as to cut off circulation to the inmate's hand.
- j. Re-tighten the lap belt, if necessary.
- k. Fasten the shoulder strap by passing the free ends over the shoulders, under the armpits, and secure them to the shoulder strap clevis, located on the back of the chair. Then tighten by pulling down on the shoulder strap handle. Do not wrap the straps around the chest, head or neck.
- l. The officer controlling the inmate's legs will secure the inmate's legs by passing the free end of the ankle strap around the front of the ankle and securing it to the ankle strap until snug, but not so tight as to cut off circulation.
- m. After securing the inmate's legs to the chair the leg irons will be removed.

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- n. If the inmate is resistive while being placed in the restraint chair, he/she may be handcuffed behind the back until it is deemed safe to place him/her in the chair's wrist restraints. Steps a. through h. and j. through m. above are to be followed with the exception that the inmate will be cuffed behind the back. The maximum length of time an inmate may be held in the restraint chair while cuffed behind the back is 30 minutes. The handcuffs shall be double-locked to prevent tightening of the handcuffs, which could result in potential circulatory problems.
- o. The procedures for placing the inmate in the restraint chair are followed in a reverse sequence to remove him/her from the restraint chair.

**6. Medical Examination**

Nursing staff shall evaluate and document the circulation and respiratory status of the inmate in the medical record immediately after the inmate is placed in the restraint chair, every two hours thereafter, and at the time the inmate is removed from the restraint chair.