

SMYRNA SCHOOL DISTRICT

POLICY

Section:	2000 Administration	Office Responsible:	Board of Education
Policy:	2203 Constables – Use of Restraint Devices		
Related Policies:	N/A	Administrative Procedure:	N/A

I. Purpose

Outline the Use of Restraint Devices permitted to be used by Smyrna School District Constables.

II. Authority

Delaware Code, Title 24, Title 11, and Title 14

III. Definitions

None

IV. Policy Statement

The Smyrna School District Board of Education and its school constables recognize that the use of restraint devices may necessary to provide a safe and secure environment. The Constable shall carefully balance the safety concerns with factors that include, but are not limited to:

- a. The circumstances or crim leading to detention
- b. The demeanor and behavior of the detained person
- c. The age and health of the person
- d. Whether the person is known to be pregnant
- e. Whether the person is having a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.

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- f. Whether the person has any other apparent disability.

V. Policy

It is the policy of the Smyrna School District to afford school constables the authority to use restraint devices to the extent permitted by Delaware law statute. A school Constable is authorized to use restraint devices only when the Constable feels such devices are necessary in order to protect students, school employees, or visitors of the Smyrna School District. **At no point shall a School Constable utilize handcuffs on an individual known or identified to be a Smyrna School District student or provide handcuffs to another employee for any purpose.** Utilizing handcuffs on a student is considered a mechanical restraint which violates Delaware Code for school employees. In the event that a student's behavior has escalated to the point where these measures may be needed, the police should be contacted.

The Superintendent and/or their designee is empowered to implement and monitor the provisions of this policy.

Physical (Not Handcuff) Restraint of Students

A Constable shall receive annual training in the use of crisis prevention and intervention techniques consistent with nationally-recognized training programs.

Whenever a physical restraint is used, parental notification shall occur pursuant to 14 Del. Admin. C. §610(5.0).

- a. The student's behavior presents a significant and imminent risk of bodily harm to self or others;

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- b. The physical restraint does not interfere with the student's ability to communicate in the student's primary language or mode of communication;
- c. The physical restraint does not interfere with the student's ability to breathe or place weight or pressure on the student's head, throat, or neck;
- d. The physical restraint does not recklessly exacerbate a medical or physical condition of the student;
- e. Less restrictive interventions have been ineffective in stopping the imminent risk of bodily harm to the student or others, except in case of a rare and clearly unavoidable emergency circumstance posing imminent risk of bodily harm, including, without limitation, intervening in a student initiated physical assault or altercation;
- f. For a student with a disability as defined in 14 Del.C., Chapter 31 or 34 C.F.R. Part 104, the physical restraint does not contravene provisions in an IEP, behavior intervention plan, accommodation plan, or any other planning document for the individual student;
- g. Personnel use only the amount of force necessary to protect the student or others from the threatened harm; and;
- h. The physical restraint ends when a medical condition occurs putting the student at risk of harm or the student's behavior no longer presents an imminent risk of bodily harm to the student or others.

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Restraint of Detainees

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints in detainees should continue only for as long as is reasonably necessary to assure the safety of Constables and others. When deciding whether to remove restraints from a detainee, Constables should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

Restraint of Pregnant Persons

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

Restraint of Juveniles

A non-student juvenile may be restrained when she/he is suspected of a dangerous felony or when the Constable has a reasonable suspicion that the juvenile may resist, attempt escape, injure others/himself/herself, injure the Constable or damage property.

Application of Restraint Devices

Handcuffs may be used only to restrain a person's hands. Although recommended for most detention circumstances, handcuffing is discretionary and not an absolute requirement of the Smyrna School District. Constables should consider handcuffing any person they reasonably believe merits that degree of restraint. However, Constables should not determine that in order to avoid risk every person should be handcuffed, regardless of the circumstances. In most situations,

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handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists. Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined.

Required Documentation

If an individual is restrained and released without arrest, the Constable shall document the details of the detention including the need for handcuffs, the name of the detainee and the amount of time the individual was detained. If an individual is arrested following the detention, the Constable shall document the above requirements and include the name of the Law Enforcement agency and officer that the suspect was released to.

*Italics indicate Delaware Regulation Administrative Code Title 14 wording

Board Approval Acknowledged by:



Christopher Scuse, *President*
Smyrna School District Board of Education

Policy Actions

Adopted: 10/25/2023

Revised: