



ADMINISTRATIVE RULES OF MONTANA



20.9.630 MECHANICAL RESTRAINT

- (1) Each facility which utilizes mechanical restraint must have a written statement of its policies.
- (2) The use of four or five-point restraints is prohibited in youth detention facilities.
- (3) The use of mechanical restraint may only be permitted to transport youth or to control aggressive or assaultive behavior that is a clear and present danger to the youth, other youth, staff, property damage, or the safety and security of the facility.
- (4) The facility shall not:
 - (a) deny food to a youth who is mechanically restrained; or
 - (b) subject a youth to corporal punishment or abusive or degrading treatment.
- (5) Mechanical restraint may not be used for punishment, for the convenience of staff, or as a substitute for programming.
- (6) Whenever mechanical restraint is used, for any purpose other than transportation, an incident report which documents all relevant information must be entered into the youth's case record.
 - (a) The information contained in (6)(b)(i) through (iv) must be sent to the licensing specialist within 24 hours of the incident excluding weekends and legal holidays.
 - (b) The information contained in the incident report must include but need not be limited to the following:
 - (i) the specific behavior that necessitated the use of mechanical restraint;
 - (ii) alternative interventions that were unsuccessful in controlling the youth's behavior;
 - (iii) authorization by the director or designee;
 - (iv) the time and date that the use of mechanical restraint began and ended; and
 - (v) monitoring reports, with observations and notations regarding the youth's physical and emotional condition, at no greater than 15-minute intervals.
- (7) The following procedures and conditions must be observed whenever the use of mechanical restraint on a youth is implemented:
 - (a) authorization for the use of mechanical restraint must be provided by the facility director or designee;

- (b) the use of mechanical restraint must be for the minimum period of time necessary to enable the youth to gain control of the youth's behavior and if in excess of one hour, the youth must be evaluated by a mental health professional;
 - (c) while in mechanical restraints, the youth shall remain under constant direct visual observation by a staff person. The staff person may have no duties or responsibilities other than the supervision of the youth;
 - (d) the staff person shall ensure that the physical needs of the youth are met promptly;
 - (e) mechanical restraint must be applied in a manner to minimize the risk of injury to the youth or the staff person responsible for supervising the youth;
 - (f) mechanically restraining a youth to a stationary object is prohibited; and
 - (g) a youth who requires a mechanical restraint in excess of one hour must have a mental health report attached to the incident report.
- (8) A log recording all incidents where mechanical restraint was used except for the purpose of transportation must be maintained by the facility director. Information contained in the log must include but need not be limited to the following:
- (a) the youth's name;
 - (b) the date and time period over which mechanical restraint was used;
 - (c) staff who used mechanical restraint; and
 - (d) the signature of the director or designee who authorized the use of mechanical restraint.
- (9) Facility staff must be trained by a Peace Officer Standard Training (POST) certified trainer in the use and effects of mechanical restraint.
- (10) The use of mechanical restraints during transportation is permitted. The mechanical restraints should be applied so as to minimize the discomfort of such devices. Lap and shoulder restraints which are part of a vehicle's safety equipment must be worn at all times during transportation.
- (11) The youth's probation officer or referring agency must be notified whenever mechanical restraints are used.

Authorizing statute(s): 41-5-1802, MCA

Implementing statute(s): 41-5-1802, MCA

History: NEW, 1999 MAR p. 121, Eff. 1/15/99; AMD, 2005 MAR p. 2665, Eff. 12/23/05; AMD, 2011 MAR p. 570, Eff. 4/15/11.