

109 CMR: DEPARTMENT OF YOUTH SERVICES

109 CMR 6.00: RESTRAINTS AND USE OF FORCE WITH YOUTH DETAINED BY OR COMMITTED TO THE DEPARTMENT OF YOUTH SERVICES

Section

6.01: Purpose and Scope

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6.03: Documentation and Reporting

6.01: Purpose and Scope

109 CMR 6.00 describes the rules and procedures governing the use of restraints, including mechanical restraints, and the use of force in DYS operated or Provider programs.

(1) Restraints and use of force shall be limited to those situations where a youth demonstrates by his or her actions that he or she is dangerous to him or herself or others, and no other intervention has been or is likely to be effective in averting the danger posed by the youth's behavior.

(2) Reasonable efforts shall be made to verbally deescalate and disengage youth from volatile situations prior to the use of force or restraint.

(3) DYS shall have policies detailing the use of restraints and use of force in situations involving individual youth as well as group disturbances. These policies shall be approved by the Commissioner and reviewed annually by the Department to ensure consistency with best practices.

(4) DYS shall train its employees, and providers where applicable, to address situations with youth in a manner that minimizes the use of restraints and force, consistent with 109 CMR 6.00 and the policies described in 109 CMR 6.04(3).

(5) Only employees specifically trained in the use of force and restraints are permitted to use such techniques or the devices associated with restraints.

(6) 109 CMR 6.00 pertains only to the use of restraints to address programmatic safety and security and does not cover the use of mechanical restraints by Department employees, Providers, the Department of Correction or the various sheriffs during transportation of youth detained by or committed to the Department.

6.02: Applicability

109 CMR 6.00 is applicable to all programs operated by the Department of Youth Services as well as Provider programs that are co-located with Department programs. Provider programs that are not co-located with Department programs shall comply with the restraint requirements of the Department of Early Education and Care or the equivalent licensing body.

6.03: Documentation and Reporting

All restraints shall be documented and reported in accordance with the policies described in 109 CMR 6.01(3).

(1) The Program Director, Assistant Program Director, Clinical Director and Shift Administrator, or their equivalents shall review each restraint conducted in their program in accordance with the requirements established by the relevant policy. Restraint data shall be collected and reviewed by the Department at least annually.

(2) Any employee who witnesses a violation of 109 CMR 6.00 or the Department of Youth Services' policy on restraints and use of force shall report such violation using the applicable reporting process for serious incidents.

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6.03: continued

(3) Violations of 109 CMR 6.03 or the Department of Youth Services' policy regarding restraints and use of force, or a failure to report violations of this policy may result in disciplinary or corrective action.

REGULATORY AUTHORITY

109 CMR 6.00: M.G.L. c. 120, §§ 4 and 6.