



Reduce the state-wide use of restraints involving children, limit certain inhumane practices, and ban inherently dangerous practices involving children across all settings

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Issue Overview

The Disabilities Rights Center, pursuant to its authority as NH's designated protection and advocacy system for individuals with disabilities, has investigated and reported on the use of unnecessary and excessive force at the Sununu Youth Services Center in Manchester. In reviewing hundreds of reports involving youth at SYSC, one of the most troubling issues we found is the dangerous overuse and misuse of prone restraints by staff. DRC also regularly receives reports from parents and guardians with children in schools, agencies, facilities and community residences that raise concerns over the inappropriate, often dangerous, use of restraints.

In January, 2009, the National Disability Rights Network (NDRN) reported on seclusion and restraint in U.S. schools. NDRN called for a ban on the use of prone restraint and seclusion at the federal level. Congressional hearings on the issue resulted in a letter from Secretary of Education Arne Duncan to all Chief State School Officers asking states to review their current policies regarding the use of restraint and seclusion and to revise them if necessary.

Banning certain inherently dangerous practices involving children is supported by many factors, including safety issues, legal and risk management concerns and an effort to follow the emerging standard of practice. The most important practice to ban is restraining youth in a prone or face-down position. There is a high risk of serious injury and even death associated with this practice since it restricts the ability to breathe. There is also a clear consensus among experts that restraints are a result of a treatment failure.

Proposed Solution

We propose legislation aimed at 1) reducing and reforming the state-wide use of restraints; 2) limiting certain inhumane practices; and 3) banning certain inherently dangerous practices involving children across all settings.

The use of restraints should be reserved for emergency situations in which an individual poses an imminent danger to someone's safety, in keeping with the consensus recommendation of experts. While prone or face-down restraint is perhaps the most obvious to prohibit, there are other practices that should also be forbidden or regulated. We propose to limit the indiscriminate placement of youth in mechanical restraints during transport from facilities such as SYSC and during court appearances. Regulation of the use of seclusion may also be considered.

Call to Action

We will seek support through direct contact with a range of NH organizations that DRC regularly collaborates with on policy and legal issues, including, but not limited to, the Parent Information Center, Child and Family Services, the NH Medical Society, NH Psychological Association, the Mental Health Council, NAMI, New Hampshire Partners in Service (NHPS) and the NH Civil Liberties Union. Consultation with some of the organizations has already begun.