

Content

Title :	Regulations Governing the Management of Use of Guard Instruments, Protective Restraints and Placement in Protective Cell in Prisons CH
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Article 1	These Regulations are established in accordance with Paragraph 6, Article 23 of the Prison Act (hereinafter referred to as the Act).
Article 2	<p>The terms used in these Regulations are defined as follows:</p> <ol style="list-style-type: none">1. Prison: Referring to any prison under the Agency of Corrections, Ministry of Justice, including any branch or female unit set up by the prison.2. Prison official: Referring to the head of a prison under the preceding subparagraph and the person authorized thereby.3. Prison officer: Referring to the relevant staff that processes guard and security activities of a prison under Subparagraph 14. Family members: Referring to persons who cohabit with a prisoner for the purpose of living together on a permanent basis in accordance with Articles 1122 and 1123 of the Civil Code.5. Nearest relatives: Referring to the prisoner' s spouse, lineal family, non-lineal family within 3 degrees of kinship, or marital family within 2 degrees of kinship.
Article 3	<p>Prisons may use guard instruments, protective restraints, or placement in a protective cell when a prisoner has one of the circumstances set forth in Paragraph 1, Article 23 of the Act after having the approval from the prison official.</p> <p>In case of emergency, the prison officer may use guard instruments, protective restraints, or placement in a protective cell in advance and promptly follow the procedure in the preceding paragraph.</p> <p>Once the prison official has approved the use of guard instruments, protective restraints, or placement in a protective cell, the health section shall be informed to send suitable medical personnel to assess the prisoner' s physical and mental conditions. If the medical personnel deems it necessary to terminate the use of measures or change the measures after assessments, the assessments shall be reported to the prison official immediately.</p>
Article 4	<p>When prisons decide to use guard instruments, protective restraints, or placement in a protective cell, the implementation shall be in accordance with the following principles:</p> <ol style="list-style-type: none">1. The use of guard instruments, protective restraints, or placement in a protective cell shall facilitate the serving of the purpose.2. Where there are multiple approaches to equally serve the purpose, the use of guard instruments, protective restraints, or placement in a protective cell, and any approaches therewith shall pose the least damage to the prisoner' s rights and interests.3. The damage caused by the use of guard instruments, protective restraints, or placement in a protective cell shall not be significantly offset the benefit of serving the intended purpose. <p>Guard instruments, protective restraints, or placement in a protective cell shall not be used as punishments by prisons.</p>
Article 5	Guard instruments stipulated in these Regulations shall refer to leg shackles, handcuffs, chains, ropes and other guard instruments approved by the Ministry of Justice as stipulated in Paragraph 3, Article 23 of the Act.

The types and specifications of the guard instruments under the preceding paragraph are listed in the attached table.

Attachments :

Appendix : Types and Specifications of Guard Instruments Equipped in Prisons.pdf

Article 6	<p>For the use of guard instruments in accordance with Article 3, its approval, changes, and termination, start time and end time, and the reasons shall be recorded on the Prisoner Guard Instrument Use Record. When the use of guard instruments exceeds 4 hours, the prison shall ask for the prisoner's signature on the Prisoner Guard Instrument Use Record and give the prisoner a copy of the record. If the prisoner refuses or is unable to sign the receipt, the prison shall note the reasons on the records.</p>
Article 7	<p>The use of guard instruments may not exceed 48 hours each time except when the prisoner commits violent acts or when there are other disruptive acts that cause commotions or riots and the prison deems it necessary to continue the use. The prison shall fill in Report on Continuous Use of Guard Instruments on the prisoner prior to the expiration of the 48 hours and may continue the use of guard instruments after the 48 hours only upon approval by the prison official. The continuous use of guard instruments shall be less than 24 hours at a time. During the continuous use of guard instruments as approved in the preceding paragraph, the prison officer shall record the observed situations of the prisoner on the Observation Record of Continuous Use of Guard Instruments on the prisoner.</p>
Article 8	<p>When prisons use guard instruments, the following aspects have to be considered:</p> <ol style="list-style-type: none">1. Closely observe the prisoners' conditions and promptly cease the use when the situations set forth in Paragraph 1 and proviso of Paragraph 3, Article 23 of the Act become inapplicable.2. The use of guard instruments shall be exerted by the prison officers.3. Avoid damaged or unclean guard instruments.4. Avoid causing pains on prisoners by excessive tightness or improper posture.5. Provide sheaths made of appropriate materials to prevent injuries caused by frequent frictions in using the guard instruments.6. Change or cease the use if the prisoners are injured in using the guard instruments.7. Guard instruments shall not block the prisoners' sight.8. Where the prisoner engages in self-harming conduct such as hitting one's head against the wall, the prison may use sponge or protective gears made of other anti-collision materials to protect prisoner's head. The use of protective gears shall not exceed necessary level, and the sanitation of the protective gear shall be a matter for attention.
Article 9	<p>When the prison needs to purchase additional guard instruments due to service needs, the reason for the planned purchase, the style, specifications and quantity of the guard instruments shall be reported to the supervisory authority for approval before such purchase can be made.</p>
Article 10	<p>Prisons shall use protective restraints to constrain and protect prisoners' bodies or limbs by using the protective restraining gears. Types and specifications of protective restraining gears are as follows:</p> <ol style="list-style-type: none">1. Limb restraining belt: made of cotton, cloth or other suitable materials to restrain and protect the prisoner's wrists or ankles and restrict the movement of the prisoner's limbs or fix the prisoner onto the sick bed.2. Chest restraining belt: made of cotton, cloth or other suitable materials to restrain and protect the prisoner's chest and restrict the movement of the prisoner's body or fix the prisoner onto the sick bed.3. Abdomen and lumbar restraining belt: made of cotton, cloth or other suitable materials to restrain and protect the prisoner's abdomen or waist and restrict the movement of the prisoner's body or fix the prisoner onto the sick bed.4. Restraining gloves: made of cotton, cloth or other suitable materials to restrain and protect the prisoner's palms and restrict the movement of

the prisoner' s palms.

5. Other protective restraining gears approved by the supervisory authority.

Article 11	<p>For the use of protective restraints in accordance with Article 3, its approval, changes, and termination, start time and end time, and the reasons shall be recorded on the Prisoner Protective Restraint Use Record.</p> <p>After the prison uses protective restraints, the prison shall immediately inform the restrained prisoner' s family members or nearest relatives by phone, video-call, or other appropriate methods. If the prisoner has several family members or nearest relatives, the prison may inform one of them; the prisons may not inform the family members or nearest relatives if they cannot be reached. A notice of using protective restraints on the prisoner shall be made in triplicate, the first copy is for the prisoner and if the prisoner refuses to sign or is unable to sign the receipt, the prison shall note the reasons; the second copy is for the family members or nearest relatives appointed by the prisoner, if the form cannot be served, the prison may not serve the form; the third copy of the form is for the prison' s record.</p>
Article 12	<p>The prison shall appoint specific personnel to observe and video-record the prisoner' s behavior and condition under protective restraints and record his/her emotional reactions, behaviors, vital signs, blood circulation of the limbs, etc. every 15 minutes on the Protective Restraint Use Observation Record.</p> <p>If the prisoner has poor blood circulations (e.g. limb swelling, skin color changes, and cyanosis) or unstable vital signs observed, the prison shall immediately cease or change the protective measures and arrange proper assistance of medical personnel.</p>
Article 13	<p>When prisons use protective restraints, the following aspects have to be considered:</p> <ol style="list-style-type: none">1. The use of protective restraints shall not exceed 4 hours every time. Prisons shall closely observe prisoners' behavior and conditions and promptly cease the use when the prisoners do not have the situation set forth in Paragraph 1, Article 23 of the Act.2. The use of protective restraints shall be exerted by the prison officer.3. Before the use of protective restraints, the prison officer shall inspect the prisoners' bodies, clothes, and the protective places.4. The prisoners shall be fastened and protected in the Gatch (sick) bed, while fastened in a stretcher shall be strictly prohibited.5. The safety of the prisoners' head, body or limbs shall be attended to.6. Avoid damaged or unclean protective restraints.7. Avoid using protective restraints on prisoners' limbs or bodies with arteriovenous fistula.8. Proper tightness shall be attended to while using protective restraints.9. Protective restraints shall not block the prisoners' sight.10. Where the prisoners engage in self-harming conduct such as hitting one' s head against the wall, prisons may use sponge or protective gears made of other anti-collision materials to protect prisoners' heads. The use of protective gears shall not exceed necessary level, and the cleanliness of the protective gear shall be a matter for attention.
Article 14	<p>If any of the following situations occurs and it becomes inappropriate to use protective restraints, the use shall be ceased immediately:</p> <ol style="list-style-type: none">1. Medical history of epileptic seizures.2. There are nerve or skeleton problems in the limbs or spinal cord, and adoption of fastening protection is to worsen the problem.
Article 15	<p>Protective cells shall be set up as single occupancy, with proper ventilation and lighting and kept clean. The surface of walls, ceilings, door and floors of the wards shall be equipped with anti-collision cushions or other protective facilities, sound insulation, and intercom facilities.</p>
Article 16	<p>For the placement in a protective cell in accordance with Article 3, its</p>

approval, changes, and termination, start time and end time, and the reasons shall be recorded on the Prisoner Protective Cell Placement Record.

After the prison places a prisoner in a protective cell, the prison shall immediately inform the prisoner's family members or nearest relatives by phone, video-call, or other appropriate methods. If the prisoner has several family members or nearest relatives, the prison may inform one of them; the prisons may not inform the family members or nearest relatives if they cannot be reached. A notice of placement in a protective cell on the prisoner shall also be made in triplicate; the first copy is for the prisoner and if the prisoner refuses to sign or is unable to sign the receipt, the prison shall note the reasons; the second copy is for the family members or nearest relatives appointed by the prisoner, if the form cannot be served, the prison may not serve the form; the third copy of the form is for the prison's record.

Article 17	<p>The prison shall appoint specific personnel to observe the behavior and conditions of the prisoner placed in protective cell, and record the result of observation every hour on the Protective Cell Observation Record.</p> <p>The observation records for prisoners with protective restraints in protective cell shall be done in accordance with Articles 11, 12, and 14.</p>
Article 18	<p>When the prison places prisoner in a protective cell, the prison shall consider the following aspects:</p> <ol style="list-style-type: none">1. Placement in a protective cell shall be less than twenty-four hours at a time. The prison shall closely observe prisoner's conditions and behaviors at all time and promptly cease the placement when the prisoner no longer has situation set forth in Paragraph 1, Article 23 of the Act.2. Before the prison places the prisoner in a protective cell, the prison officer shall inspect the prisoner's bodies, clothes, and the belongings carried.3. Visits may be done by video-call.
Article 19	<p>Prisoners in a protective cell shall comply with following rules:</p> <ol style="list-style-type: none">1. Prisoners shall not use electronic appliances.2. Prisoners shall not keep or use items other than daily necessities such as clothes, comforter, and toiletries.3. No smoking shall be allowed.
Article 20	<p>The prison shall plan and designate places to store guard instruments and protective restraints, appoint specific personnel to maintain, control and record the number, the use and the receipt, as well as the returns of the restraints, and keep the record in list.</p> <p>The prison shall record the use of guard instrument, protective restraint, and protective cell of last month based on instructed methods and submit to the supervisory authority for record before the fifth day of each month.</p>
Article 21	<p>The supervisory authority shall formulate guidelines for the use of guard instruments and protective restraints, and provide the prison officers with relevant education and training.</p>
Article 22	<p>These Regulations may apply mutatis mutandis to the use of guard instruments, protective restraints, and placement in a protective cell for people under drug rehabilitation treatment, people subjected to compulsory labor and people subjected to reformatory education.</p>
Article 23	<p>These Regulations shall take effect as of July 15,2020.</p>
