

# UNITED STATES OF AMERICA

## The restraint chair

### How many more deaths?

As the use of the restraint chair proliferates in detention facilities nationwide, Amnesty International is concerned that inadequate training and supervision of detention officers in their use has caused unnecessary pain, injury and even death.

Since the beginning of 2000, at least four inmates have died in the USA after being subdued in a restraint chair -- a metal framed chair in which prisoners are immobilized in four-point restraints securing both arms and legs, with a strap across the chest. Three prisoners died within the space of three months. These cases are the latest in a disturbing line of restraint chair related deaths that have occurred in US prisons and jails nationwide.<sup>1</sup> There are also numerous reports of prisoners being subjected to verbal, physical or mental abuse while in restraint chairs.

Although restraint chairs have been promoted by their manufacturers as safer than other forms of four-point restraint, as the prisoner remains upright in a sitting position, there appears to have been no independent testing as to their safety. Amnesty International further believes that restraint chairs are particularly prone to abuse because they are so easily deployed, and their use is virtually unregulated in many jurisdictions. The organization has received many reports of prisoners being placed in restraint chairs as punishment for minor acts of non-compliance, contrary to US and international standards on the use of restraints. The restraint chair has also been used to “subdue” or control disturbed or mentally ill inmates, who have sometimes been stripped naked and left for hours strapped in chairs, with inadequate monitoring. In several cases prisoners have died, or suffered adverse effects, after being subjected to multiple forms of restraint, including pepper-spray, electro-shocks and “hogtying” before being placed in a restraint chair. The cases described below illustrate some of these concerns.

Amnesty International is urging the federal government to initiate a national inquiry into the use of restraint chairs in US detention and correctional facilities. Pending such an inquiry, Amnesty International is calling on all authorities to restrict or ban the use of restraint chairs in their facilities. Amnesty International has also called for a full investigation into each of the cases described below, with the findings made public.

#### **Maricopa Street Jail, Arizona**

- Charles Agster, a 33-year-old mentally-handicapped man who functioned on the level of a twelve-year-old-boy, died after being placed in a restraint chair on 6 August 2001, in Madison Street Jail, Maricopa County, Arizona.

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<sup>1</sup> See Amnesty International Report: *USA - Rights for all*, October 1998, AI Index AMR 51/35/98, page 67-70 and *A call to action by the UN Committee Against Torture*, July 2000, AI Index AMR 51/107/00.

Charles Agster was arrested by Phoenix police officers after a security guard alerted them to his “disturbed” behaviour in a store. Four officers are reported to have forcibly removed Agster – who was clinging to a coffee machine -- from the store, handcuffed him, thrown him to the ground and placed him in a “rip-restraint” - a form of “hogtie” in which his arms were handcuffed behind his back, his legs bound together at the ankle with a leather strap, and a strap tied between the handcuffs and leg strap.

Agster was taken to Madison Street Jail and left in the pre-Intake area where he reportedly attempted to crawl under a bench. Despite still being hogtied, at least three police officers and a sheriff’s deputy allegedly jumped on Agster and punched and kneed him in the side. An officer is then reported to have placed his hand over Agster’s face and applied upward pressure under his chin. Witnesses attest to Agster becoming quiet and unresponsive. It is alleged that Agster was then dragged face-down into the Intake area and strapped into a restraint chair with a spit hood over his head. Only after he was placed in the chair was the rip-restraint removed. Officers allegedly noticed within minutes that he was not breathing and a nurse unsuccessfully attempted resuscitation. Agster was later pronounced clinically brain dead in hospital. A subsequent autopsy report gave cause of death as “positional asphyxia due to restraint”.

Charles Agster ©private

Amnesty International is concerned that the degree of force used against Agster was grossly disproportionate to any threat posed by him. Amnesty International is also concerned that Agster was hogtied, a dangerous and potentially life-threatening form of restraint which has been banned by many US law enforcement agencies.<sup>2</sup> There have been many documented cases in which suspects have died from “positional asphyxia” after being hogtied, or placed in other positions which have restricted breathing; risks from such procedures appear to increase when someone is in an agitated state or under the influence of drugs.<sup>3</sup>

Hogtying is also banned in the Maricopa County Sheriff’s Office (MCSO) jail system. Following an investigation by the US Department of Justice into use of force at the jail, an agreement was reached in November 1997 which stated *inter alia* that: “MCSO policy will require that any person who is brought into any MCSO facility in hogtied restraints must be released from such restraints immediately”. Amnesty International is concerned that staff reportedly failed to follow this procedure in Agster’s case when he arrived at the jail after being hogtied by Phoenix police officers.

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<sup>2</sup> The New York Commission of Correction’s Medical Review Board issued a report in October 1995 [Chairman’s Memorandum No. 14-95, 20 October 1995 New York State Commission of Correction] in which it confirmed the dangers of hogtying, and the increased risk of asphyxia in the cases of people who struggle or have taken drugs. The National Institute of Justice, in *Bulletin on Positional Restraint* October 1995, also issued guidelines urging police departments to avoid hogtying.

<sup>3</sup> See Amnesty International Report: *USA -Rights for all*, October 1998, AI Index AMR 51/35/98, page 32-34.

The organization is also concerned that Agster was placed in a restraint chair after he had already been subdued and was no threat.

There has been a history of complaints of ill-treatment of inmates in the Maricopa County jail system, including abuses involving the restraint chair.<sup>4</sup> In 1996 Scott Norberg, another mentally disturbed inmate, died in Madison Street Jail after being jumped on by officers, shocked more than 20 times with a stun gun and placed in a restraint chair. Amnesty International wrote to the Sheriff's department in 1997, urging it to conduct an urgent review of the use of restraint chairs in the county jails with a view to restricting their use to the most urgent and exceptional cases. Amnesty International has also called for all stun weapons to be suspended for use by law enforcement agencies.

### **David Wade Correctional Center, Louisiana**

- On 6 July 2001, Kevin Coleman, an inmate in the David Wade Correctional Center, Louisiana, died after being subdued in a restraint chair for three days.

According to information received by the organization, Coleman, who had a history of disturbed and assaultive behaviour, was forcibly removed from his cell by a five-person "extraction team" when he refused to leave his cell for a court appearance. Before being strapped into the chair, Coleman was allegedly sprayed with OC pepper spray and shocked with an electro-shock shield. Coleman remained in the chair for three days, and was "periodically" allowed out to shower, eat and use the toilet. He was found not breathing during a routine check on his third day of restraint, and was pronounced dead on arrival at the hospital.

Amnesty International recognizes the challenges posed to custody staff in dealing with disturbed or combative inmates. However, the organization is concerned by the length of time Coleman was immobilized in the chair and by the use of chemical and electro-shock restraint devices. Studies have shown that prolonged immobilization is inherently dangerous, and carries the risk of death or injury from deep vein thrombosis or positional asphyxia; a risk which could be exacerbated if used in conjunction with OC pepper spray and/or electro-shock weapons, or, if the restrained individual is agitated, intoxicated or under the influence of drugs.

### **Columbia County Detention Center, Florida**

- On 26 June 2001, Albert Lee Cothran was found dead in a restraint chair in Columbia County Detention Center, Florida.

Albert Cothran, a 46-year-old homeless man, was arrested on 25 June on charges of loitering and prowling and resisting arrest without violence. According to Columbia County Sheriff's Office, Cothran was placed in a restraint chair during the day due to sustained combative

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<sup>4</sup> See Amnesty International Report: *USA - Ill-treatment of inmates in Maricopa County Jails*, August 1997, AI Index AMR 51/51/97.

behaviour. Cothran was reportedly released from the chair at approximately 10 p.m., but was restrained once again in the early hours of 26 June. Cothran was found unresponsive in the restraint chair by detention officers approximately 45 minutes later.

According to the Medical Examiner's subsequent report, Cothran suffered a heart attack while restrained in the chair. Amnesty International is disturbed that Cothran was left unsupervised in the chair for almost an hour: a clear breach of national and international standards on the use of restraints.

The restraint chair in which inmate Albert Lee Cothran died. ©KELLY DANFORTH/Lake City Reporter

### **Johnson City Jail, Tennessee**

- Hazel Virginia Beyer, mother of two, died after being placed in a restraint chair in Johnson City Jail, Tennessee, on 23 February 2000.

According to information received by the organization, Hazel Beyer, arrested on 23 February on charges of public intoxication, was placed against her will in a restraint chair in Johnson City Jail, in accordance with jail policy that classified her as a suicide risk. Hazel Beyer was found unconscious by a crisis response worker approximately one and a half hours later, by which time she had slipped down in the restraint chair so that the restraining straps had tightened around her throat, choking her. Hazel Beyer was taken to hospital where she remained comatose until she died on 7 March 2000. The autopsy determined Hazel Beyer's cause of death to be brain damage resulting from a failure to get oxygen supply to the brain. Placement in the restraint chair was deemed a proximate cause of death.

Amnesty International is alarmed that Hazel Beyer -- three times over the legal limit of alcohol and clearly at risk -- was neither attended to more quickly by the crisis response worker, nor was she more stringently observed by detention officers while she was in the restraint chair.

According to local sources, officers failed to physically check Hazel Beyer's restraints while she was in the chair, but observed her, no more than four times, through a small window in the cell door. The last visual check was made after a 25 minute duration.

### **Background: pattern of deaths and abuses involving the restraint chair**

The above cases form part of a disturbing pattern of deaths, torture and ill-treatment involving restraint chairs in the USA since they were first introduced nearly a decade ago. According to an article in the US journal *The Progressive*, between 1994 and 1999 at least 11 people died in detention facilities across the US after being immobilized in restraint chairs, including some who had also been subjected to chemical spray and/or electro-shock weapons. Although cause of death has sometimes been attributed to other factors (such as drug intake), the use of such restraint devices has been found to be a primary or contributory cause of death in a number of cases.

Despite these concerns, an increasing number of US custody facilities have purchased restraint chairs during the past decade. They are most widely used in local jails, although they are also deployed in immigration detention facilities, federal and state prisons and juvenile detention facilities. Amnesty International believes that the deaths raise serious questions about the safety of the chairs, particularly when used in combination with other forms of restraint.

Although international standards provide that restraints should be used only when “strictly necessary” to prevent damage or injury, the chairs appear to be routinely used in some facilities to punish or control prisoners who are disruptive but not a danger to themselves or others. Information suggests that the chairs are often used against mentally disturbed or intoxicated individuals in the “Intake” sections of local jails, often at night when there may be few staff on duty and in circumstances where there is little regulation or monitoring.

A number of deaths have occurred after prisoners have been exposed to electro-shock stun weapons and/or pepper spray. Amnesty International has called for all stun weapons to be suspended for use by law enforcement officials because of the ease with which they can be misused and the lack of rigorous independent studies into the medical effects of such weapons. Evidence suggests that electro-shock devices may produce harmful and even fatal effects, particularly in the case of persons suffering from heart disease, neurological disorders or who are under the influence of drugs.<sup>5</sup>

Amnesty International is also concerned by the use of pepper spray, particularly when used in combination with other restraints which can inhibit breathing. There have been warnings of the health risks from exposure to more than one or two second bursts of spray and from being sprayed in an enclosed space without the opportunity to wash spray residues from the skin. Amnesty International has called on law enforcement agencies to either cease using pepper spray or to introduce strict guidelines and limitations on its use, with clear monitoring procedures.

### **National and international standards**

Amnesty International is concerned that the prisoners whose cases are cited above were subjected to cruel, inhuman or degrading treatment in violation of the USA’s obligations under international human rights standards and treaties.<sup>6</sup>

The actions of police and custody officials also appear to have contravened the UN Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. These provide that officials “shall, as far as possible, apply non-

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<sup>5</sup> See Amnesty International Report: *USA: Cruelty in Control, The Stun Belt and other Electro-shock equipment in Law Enforcement*, June 1999, AI Index AMR 51/54/99.

<sup>6</sup> The International Covenant on Civil and political Rights to which the USA is a state party specifies that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (Article 7) as does the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment.

violent means before resorting to the use of force...”<sup>7</sup> and that force should be used only when strictly necessary and must always be proportionate to the threat encountered and designed to minimize damage and injury.

The use of the restraint chair in the above cases also appears to contravene both international and US standards on the use of restraints. The UN Standard Minimum Rules for the ‘Treatment of Prisoners stipulate that restraints should never be applied as a punishment, and provide that restraints may be used only when other measures are ineffective and only for so long as is “strictly necessary”.

The American Correctional Association (ACA) standards also ban the use of restraints as punishment, and state that four-point restraint should be used only in extreme instances and only when other types of restraint have proven to be ineffective and should not be applied in any event “for more time than is absolutely necessary”. They also state that advance approval must be obtained from the warden or designee and that the health authority or designee must be notified to assess the inmate’s physical or mental health. The standards further provide that direct visual observation by staff of someone in restraints must be continuous prior to obtaining approval from the health authority or designee, with 15-minute checks thereafter.

Standards set by both the American Public Health Association (APHA) and the National Commission for Correctional Health Care (NCCHC), provide that restraints should be checked every 15 minutes by mental health, nursing or “health trained staff”. The NCCHC recommends that the use of therapeutic restraints should generally not exceed 12 hours; APHA provides for automatic termination of restraints after four hours, renewable for a maximum of four more hours.

In May 2000, the United Nations (UN) Committee against Torture issued recommendations to the US Government, one of which was to abolish use of restraint chairs as a method of restraining people in custody, on the ground that their use led to breaches of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment.<sup>8</sup> Amnesty International has urged the US Government to take steps to implement the Committee’s recommendations and has called on it to institute an urgent national inquiry into the use of restraint chairs.

### **Amnesty International’s recommendations**

Amnesty International has written to the jail and county authorities in each of the above cases and to the US Department of Justice, with the following recommendations:

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<sup>7</sup> Article 4 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials [adopted by the Eighth UN Congress on the Prevention of Crime and Treatment of Offenders on 7 September 1990].

<sup>8</sup> The international treaty body set up to monitor states’ compliance with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, which has been ratified by the USA. See Amnesty International Report: *USA - A Call to Action by the UN Committee Against Torture*, July 2000, AI Index AMR 51/107/00.

- ! ensure that no-one is subjected to torture or other cruel, inhuman or degrading treatment; all allegations of ill-treatment should be the subject of a full, impartial inquiry, with the results made public and those found responsible for abuses brought to justice.
- ! there should be a full, impartial inquiry into each of the above deaths, by the relevant local authorities, with the results made public.
- ! each authority should review the use of the restraint chair in their facility, and consider discontinuing its use. There should be the strictest limitations on all use of restraints in accordance with international and US standards, with their use strictly documented and monitored.
- ! any law enforcement agency employing electro-shock weapons should suspend their use. Any use of chemical spray should be strictly limited and rigorously monitored.
- ! the federal authorities should take steps to implement the recommendations of the US Committee against Torture, one of which was for a ban on the use of restraint chairs. At the very least the government should take immediate steps to institute a rigorous, national inquiry into the use of restraint chairs in US custody facilities.