

## **HOG TYING-IS IT THE USE OF DEADLY FORCE ?**

**by  
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A prisoner in an urban jail became unruly on intake, challenging and threatening the officers over a pat down search. The officers immediately restrained the prisoner who was drunk, and overweight. It was customary in this jail to hog tie unruly and out-of-control prisoners. After securing the prisoner he was lifted by the restraints, thus causing pressure on his chest, and dragged twenty five feet to a holding cell. On the way to the cell he complained that he could not breathe. When placed in the cell it was obvious to the officers that he was in distress. CPR was begun but to no avail. He was dead within minutes.

The cause of death was "positional asphyxia", a little known and rare cause of death related to restraint and the inability of the prisoner to position himself to breathe. It is aggravated by factors such as substance abuse, injuries received while being restrained, and being overweight.

Positional asphyxia occurs when the position of the body interferes with respiration, resulting in a loss of consciousness as a result of too little oxygen and too much carbon dioxide in the blood. (1)

Most of the cases of reported positional asphyxia are police transport situations.

In one case a prisoner who resisted arrest was hog tied and placed face down in the back of the patrol car. His breathing was labored. Because he was injured while being subdued, he was brought immediately to a hospital. He died five hours later.

In another case a prisoner was similarly hog tied after a confrontation with police. He was placed on the rear seat of the vehicle. During the four minute ride to the jail he slipped onto the floor where his chest and stomach rested on the drive shaft hump of the floor, thus causing a breathing problem. Upon arrival at the jail he was unconscious and despite all efforts he never regained any vital signs.

In yet another case an arresting officer sat in the rear of the transport vehicle to safeguard his prisoner who was hog tied and lying on the floor. During a five minute ride to the jail the officer stated that the prisoner got quiet but noted nothing unusual until they arrived at the jail, at which time the officer realized his prisoner was dead.

In each of these cases positional asphyxia was diagnosed as the cause of death.

## Hog Tying is in Common Use

Hog tying has been an accepted and commonly used method of restraint to control unruly prisoner behavior. The method involves restraining a prisoner's hands behind his back, restraining his feet and then coupling the hand and feet restraints from the back. This leaves the prisoner's legs to the knees in a 90 degree angle to the rest of his body, thereby rendering the prisoner unable to stand.

While hog tying is in common use today evidence shows that its use can cause positional asphyxia and that jail officers need to examine alternative ways to restrain unruly prisoners. Police departments have already begun to disallow its use because of deaths due to positional asphyxia. In 1989 the San Francisco Police Department warned officers to avoid transporting hand cuffed prisoners lying down. The department cited the emergence of recent medical evidence "...that indicates that individuals hand cuffed behind the back who are transported lying down may suffer fatal injury due to obstruction of the air passage." The department's bulletin on the subject continued noting that: "This includes struggling or violent prisoners, prisoners who have just quieted down from a violent struggle, and prisoners with obvious psychiatric disorders. Officers should make every effort to keep the individual in an upright position". (2)

In a 1992 press release the San Diego Police Department reported the results of a national survey of in-custody deaths due to use of the carotid hold. It noted that many of those deaths were due to positional asphyxia because the hold was used as a "control hold", meaning that the hold was maintained on the prisoner over a period of time, thus causing asphyxia. While the study addressed carotid holds it also recommended that the department equip its vehicles with restraint chairs and additionally place chairs in the headquarters intake area. It further recommended that when it is necessary to use the weight of several officers to control and handcuff a person, officers should remove the weight as soon as possible and roll the prisoner on his side.

While the San Diego study did not ban the hog tying technique specifically, explicit in its recommendations are that the problem of positional asphyxia appears when trying to control and restrain unruly prisoners. Further, precautions regarding body position and impeding one's ability to breathe need to be taken. Also the use of restraint chairs in police vehicles would seem to suggest that prisoners were not to be transported hog tied. (3)

An article in Police Chief magazine, addressed liability issues related to use of restraints. It contained a recommendation that hog tying or placing a person in postures that hamper respiration be discouraged. It noted that: "Positional restraint has been known to kill restrained individuals, with death occurring in as little as five minutes". (4)

## The Need to Restrain

Jail officers use restraints for three general reasons: to protect themselves, the prisoner and others nearby.

There is probably no more critical time in the correctional process than during the intake process as officers are dealing with prisoners who may be under the influence, disoriented and confused, combative and generally uncooperative. When all attempts to reason and calm down such prisoners fail they may need to be restrained for their own protection. If not, officers, other staff, and

other prisoners may be injured.

Every experienced officer also knows that there are many other times in the process of detention where a prisoner has to be restrained. The problem then becomes what methods of restraint are acceptable and how to ensure that the use of restraints to protect does not become the use to kill.

The above cited examples dramatically illustrate that the use of hog tying as a means of restraint is potentially the use of deadly force. Until we know more about this phenomenon it would be wise to discontinue its use.

### Is Hog Tying the Real Culprit Here?

It is noted above that hog tying resulting in positional asphyxia has been documented as the cause of death for certain prisoners. The reader may be skeptical that hog tying was the real cause of death. One may cite that it could be caused by a variety of factors including blows to the head at the time of arrest, use of or combinations of use of drugs, etc.

This writer encourages such skeptics to read two articles from the American Journal of Forensic Medicine and Pathology by Donald T. Reay, M.D. and others, which are detailed in the footnotes and bibliography of this article. These articles describe in detail the physiology of breathing and respiration and provide case studies, autopsy findings and physiologic considerations.

In discussing the three police transport examples previously mentioned Reay notes "...in all cases of positional asphyxia, one or more contributory factors provide an explanation for the inability of the victim to correct the deleterious and potentially lethal position, for example alcohol/drug intoxication, concussive head injury, entrapment, restraint, or physical disability. In our view, the application of hog-tied-type restraints and subsequent positioning of the victim in a confined space are the critical factors that led to the respiratory compromise that caused these men's deaths." (5)

As an aside the National Commission on Correctional Health Care in its 1987 Standards for Health Services in Jails, when discussing the use of restraints for medical purposes, cautions: "Persons should not be restrained in an unnatural position (for instance, hog tied)." (6)

### Shall We Throw Out the Baby with the Wash?

This is a fair question to ask. Why not continue the use of hog tying but exercise precautions over the positioning of the prisoner ensuring that he can breathe? If hog tying was the only method of restraining an unruly prisoner then perhaps a case could be made to continue its use. However, many jails have found better ways to restrain and control prisoners such as the use of restraint chairs, restraint boards, etc, and have subsequently prohibited the use of hog tying.

Police officers have the problem of restraining prisoners on the street and often while being alone must face such issues as control, transport and individual safety. Jail officers, on the other hand, have a controlled environment. Such a controlled environment allows officers to anticipate and plan for those areas where restraints may be needed and to station those restraints for immediate use. Such areas may include intake, administrative or disciplinary segregation, and psychiatric/medical units.

### Conclusion

The information on in-custody deaths due to positional asphyxia caused by use of hog tying restraints is mostly anecdotal. In the absence of truly accurate reporting systems on prisoner deaths we have no idea as to the breadth of the problem. Indeed, it is possible that there have been greater numbers of deaths due to positional asphyxia but were mis-diagnosed by coroners who are unaware of the phenomenon.

This much is certain. Positional asphyxia is a reality. Correctional officials should be aware of how hog tying can lead to death. Knowing this it would only be prudent to disallow the use of hog tying, establish other means to restrain prisoners, and train and supervise officers in those means of restraint.

#### FOOTNOTES

1. Reay, Donald T., M.D. and others. "Positional Asphyxia During Law Enforcement Transport". The American Journal of Forensic Medicine and Pathology. 13(2). p. 94. 1992.
2. San Francisco Police Department Information Bulletin #89-121. December 8, 1989.
3. San Diego Police Department. Press Release. August 17, 1992.
4. Brave, Michael A. and John G. Peters. "Liability Constraints on Human Restraints". The Police Chief. March, 1993. p. 32.
5. Reay. p. 94.
6. "Standards for Health Services in Jails". National Commission on Correctional Health Care. January 1987. p. 39.

#### OTHER SOURCES

- a. McLaughlin, Vance, PhD. and Bruce Siddle. "Law Enforcement Custody Deaths". The Police Chief. August 1988. Pp. 38-41.
- b. Reay, Donald T., M.D. and others. "Effects of Positional Restraint on Oxygen Saturation and Heart Rate Following Exercise". American Journal of Forensic Medicine and Pathology. 9(1): 16-18, 1988.
- c. "Transportation of Prisoners" IACP/BIA Law Enforcement Policy Center. August 1990.

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