

2015-2016 Fiscal Year Summary Act 45 of 2010
Restraining Pregnant Females
Pennsylvania Department of Corrections

Correctional institutions in Pennsylvania are required to ensure the safety of pregnant prisoners or detainees in their custody within the facility and during transport outside of the facility. The restraint of a pregnant prisoner is considered an extraordinary occurrence and is permissible only when the prisoner or detainee presents a substantial flight risk or if there are extraordinary medical or security risks to: the prisoner, the staff of the correctional institution or medical facility, other prisoners or the public.

When the use of restraints is deemed necessary it is the responsibility of the correctional institution to provide adequate personnel to monitor a pregnant prisoner or detainee for the duration of her stay at a medical facility, in addition to her transport to and from the medical facility. If a restraint is used, the prisoner or detainee must always be accompanied by correctional institution staff with the ability to release the restraint, shall it become medically necessary. If a doctor, nurse or other health professional requests it, correctional institution staff must remove all restraints.

If there is knowledge that the prisoner is in the second or third trimester of pregnancy, the least restrictive restraint necessary should be used. Restraints shall not be used during any stage of labor, any pregnancy-related medical distress, any period of delivery, any period of postpartum, or for transport to a medical facility after the beginning of the second trimester of pregnancy without a determination that the prisoner presents a substantial flight risk or the existence of an extraordinary medical or security risk.

Act 45 of 2010 (SB 1074) establishes the documentation requirements for county jails and state correctional institutions that must be met in reporting incidents of restraint applied to pregnant prisoners or detainees. Initial reports are submitted in writing through a Monthly Extraordinary Occurrence Report to Pennsylvania Department of Corrections (DOC). Should a use of restraint occur, individual and separate written findings for each incident must accompany the report and must note the type of restraints utilized and the trimester of pregnancy.

Act 45 also requires the Pennsylvania DOC to provide a written report to the Governor's Office summarizing the use of restraints on pregnant prisoners or detainees incarcerated in State Correctional Facilities or County Jails. This document is the 5th annual report completed under Act 45 and covers the 2015-2016 fiscal year.

Between July 1, 2015 and June 30, 2016, the DOC received reports of pregnant inmates being restrained from 9 of the 62 county jails in Pennsylvania¹. Fifty two (52) counties reported zero on the monthly Extraordinary Occurrence Report during FY 2015-16 and one county (Venango) despite reporting one incident on the monthly report, did not provide any type of detailed report. During this time, there were no incidents of restraining pregnant inmates within the DOC's State Correctional Institutions or Community Corrections Centers.

A total of 27 separate incidents, involving 13 different inmates were reported from county jails. The reported age of the pregnant inmates ranged from 21 to 45.

¹The reporting requirement under Act 45 applies to correctional institutions. Some counties utilize outside agencies, such as Sheriffs or Probation to transport pregnant prisoners. Data on use of restraints from outside agencies may not be included in this report.

Data on trimester of pregnancy was documented for 9 out of 13 of the inmates involved. Of those reported, 4 inmates were in the 1st trimester of pregnancy, 2 inmates were in the 2nd trimester of pregnancy, and 3 inmates were in the 3rd trimester of pregnancy.

Of the reported incidents, 17 occurred during transport to a methadone clinic or medical facility, 4 occurred within a medical facility, 5 within the correctional facility and 1 was unknown. Additionally, in 21 of the incidents the inmate was handcuffed only, in 1 incident a restraint chair was used, in 3 incidents the inmate was cuffed on the opposite wrist and ankle to a bed in a medical facility and in 1 incident the inmate's right ankle was shackled. One incident reported did not specify the type of restraint used.

"Flight risk" during transport outside of the facility is cited as the reason for the use of restraints on pregnant females in 8 incidents. Additionally, 17 incidents cited "safety precaution" as the reason for the use of restraints and 1 incident cited "self-endangerment" as the reason. One incident did not cite the reason for restraint use.

A breakdown of the incidents by county is shown below, followed by a three year overview of the use of restraints by type.

Summary of Restraints Used on Pregnant Inmates, by County Jail

July 1, 2015 – June 30, 2016

County Jail	Number of Incidents	Types of Restraints	Incidents by Trimester	Number of Inmates
Armstrong	11	Handcuffs Only	11-1 st Trimester	1
Beaver	1	Handcuffs Only	1- Unknown	1
Blair	4	3- Handcuffs 1- Ankle Shackles	4-Unknown	1
Dauphin	2	1-Restraint Chair 1-Handcuff to bed	1-1 st Trimester 1-3 rd Trimester	2
Franklin	2	2-Handcuff to bed	1-1 st Trimester 1-3 rd Trimester	2
Lycoming	2	1-Handcuffs 1-Unknown	2-2 nd Trimester	1
Montgomery	2	Handcuffs Only	2-Unknown	2
Philadelphia	1	Handcuffs Only	1-3 rd Trimester	1
Somerset	2	Handcuffs Only	1-1 st Trimester 1- 2 nd Trimester	2
Total	27			13

Restraint of Pregnant Inmates 3-Year Overview

County Jail/Institution	Number of Pregnant Inmates Restrained		Total Number of Incidents	Type of Restraint							Number of Pregnant Inmates Restrained		Total Number of Incidents	Type of Restraint							Number of Pregnant Inmates Restrained		Total Number of Incidents	Type of Restraint						
	2015-2016	2016-2017		Handcuffs	Leg Shackles	Waist Belt	Restraint Chair	Ankle Shackles	Oleoresin capsicum	Unknown	2014-2015	2015-2016		Handcuffs	Leg Shackles	Waist Belt	Restraint Chair	Ankle Shackles	Oleoresin capsicum	Unknown	2013-2014	2014-2015		Handcuffs	Leg Shackles	Waist Belt	Restraint Chair	Ankle Shackles	Oleoresin capsicum	Unknown
Armstrong	1	11	11	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-			
Beaver	1	1	1	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-			
Blair	1	4	3	-	-	-	1	-	-	11	39	39	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-			
Bradford	N/S	-	-	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	1	1	1	-	-	-	-	-	-	-			
Dauphin	2	2	1	-	-	1	-	-	-	1	1	-	-	1	-	-	-	N/S	-	-	-	-	-	-	-	-	-			
Franklin	2	2	2	-	-	-	-	-	-	2	16	16	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-			
Lycoming	1	2	1	-	-	-	-	-	1	1	1	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-			
Montgomery	2	2	2	-	-	-	-	-	-	2	3	1	-	-	2	-	-	N/S	-	-	-	-	-	-	-	-	-			
Philadelphia	1	1	1	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-			
Snyder	N/S	-	-	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-			
Somerset	2	2	2	-	-	-	-	-	-	3	3	3	-	-	-	-	-	2	2	2	0	0	0	0	0	0	0			
Total:	13	27	24	0	0	1	1	0	1	20	63	60	0	0	3	0	0	3	3	3	0	0	0	0	0	0	0			

N/S - Nothing submitted

An overview of the last three years reveals that eleven of the 66 county jails have reported incidents involving the use of restraints on pregnant prisoners or detainees. It is not known whether outside agencies who transport pregnant prisoners were without incident or failed to report. Additionally, Extraordinary Occurrence Reports received are often lacking critical information, such as trimester of pregnancy and the required separate written findings describing the circumstances that led to the determination that the prisoner or detainee represented a substantial flight risk or a safety threat.