

2020-2021 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, the trimester of pregnancy and a justification for the use of restraints.

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 ninth annual report completed under Act 45 and covers the 2019-2020 fiscal year.

Between July 1, 2020 and June 30, 2021, the DOC received reports of pregnant inmates being restrained from 4 of the 58 county jails that house females in Pennsylvania. Fifty-four counties did not submit any Extraordinary Occurrence Reports of pregnant inmates being restrained during FY 2020-21. During this time, there were zero incidents of restraining pregnant inmates within the DOC's State Correctional Institutions.

Ten separate incidents, involving 5 different inmates were reported from county jails. The reported age of the pregnant inmates ranged from 21 to 31.

Data on trimester of pregnancy was not documented for any of the inmates involved. Of the reported incidents, four occurred during transport to a medical facility, two occurred in a medical facility and four within the correctional facility.

Restraints were administered as follows:

- Handcuffs were used in eight incidents.
- Ankle shackles were used in two incidents.
- Restraint chair was used in two incidents.

Harm to self or staff is cited as the reason for the use of restraints on pregnant females in five reported incidents. Additionally, two incidents cited and Inmate assault or fight and in three incidents the reason for the use of restraints was not documented.

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, 2020 – June 30, 2021

County Jail / Institution	Number of Incidents	Types of Restraints	Incidents by Trimester	Number of Inmates
Adams	1	Handcuff only (1)	1- Unknown	1
Bradford	1	Restraint Chair (1)	1 – Unknown	1
Montgomery	3	Handcuffs & Ankle Shackles (2) Restraint Chair (1)	3 – Unknown	1
Somerset	5	Handcuffs Only (3)	5 – Unknown	2
Total	10			5

Restraint of Pregnant Inmates 3-Year Overview

County Jail/Institution	2020-2021										2019-2020										2018-2019											
	Number of Pregnant Inmates Restrained		Type of Restraint								Number of Pregnant Inmates Restrained		Type of Restraint								Number of Pregnant Inmates Restrained		Type of Restraint									
		Total	Number of Incidents	Handcuffs	Shackle to bed	Restraint Chair	Ankle Shackles	Oleoresin Capsicum	Suicide Gown	Unknown			Total	Number of Incidents	Handcuffs	Leg Shackles	Waist Belt	Restraint Chair	Ankle Shackles	Oleoresin Capsicum	Unknown			Total	Number of Incidents	Handcuffs	Leg Shackles	Waist Belt	Restraint Chair	Ankle Shackles	Oleoresin Capsicum	Unknown
Adams	1	1	1	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-	-	-
Allegheny	N/S	-	-	-	-	-	-	-	-	2	2	1	1	-	-	-	-	-	-	-	6	9	7	-	3	-	1	1	-	-	-	
Armstrong	N/S	-	-	-	-	-	-	-	-	1	1	1	-	-	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-	-	
Berks	N/S	-	-	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-	-	2	2	1	-	1	1	-	-	-	-	-	
Bradford	1	1	-	-	1	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-	-	
Columbia	N/S	-	-	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-	-	2	2	1	-	1	-	-	-	-	-	-	
Dauphin	N/S	-	-	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-	-	1	1	1	-	-	1	-	-	-	-	-	
Fayette	N/S	-	-	-	-	-	-	-	-	2	2	2	-	-	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-	-	
Huntingdon	N/S	-	-	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-	-	1	1	1	1	-	-	-	-	-	-	-	
Lancaster	N/S	-	-	-	-	-	-	-	-	2	2	2	-	-	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-	-	
Lehigh	N/S	-	-	-	-	-	-	-	-	1	1	1	-	-	1	1	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-	-	
Montgomery	1	3	2	-	1	2	-	-	-	N/S	-	-	-	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-	-	-	
Somerset	2	5	5	-	-	-	-	-	-	5	9	9	-	-	4	-	-	-	-	-	2	3	3	-	-	2	-	-	-	-	-	
York	N/S	-	-	-	-	-	-	-	-	1	2	1	-	1	-	-	-	-	1	-	2	2	1	-	-	-	-	-	-	-	1	
Total:	5	10	8	0	2	2	0	0	0	14	19	17	1	1	5	1	0	1	16	20	15	1	5	4	1	1	1	1	1	1		

N/S - Nothing submitted

An overview of the last three years reveals that 14 of the 58 county jails that house females 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, some Extraordinary Occurrence Reports received lack critical information, such as trimester of pregnancy, type of restraint 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.