

**2016-2017 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 6th annual report completed under Act 45 and covers the 2016-2017 fiscal year.

Between July 1, 2016 and June 30, 2017, the DOC received reports of pregnant inmates being restrained from 7 of the 58 county jails that house females in Pennsylvania<sup>1</sup>. Fifty-one counties reported zero on the monthly Extraordinary Occurrence Report during FY 2016-17. During this time, there was one incident of restraining pregnant inmates within the DOC's State Correctional Institutions.

A total of 10 separate incidents, involving eight different inmates were reported from county jails and one state correctional institution. The reported age of the pregnant inmates ranged from 20 to 33.

Data on trimester of pregnancy was documented for six out of eight the inmates involved. Of those reported, one inmate was in the 1<sup>st</sup> trimester of pregnancy, two inmates were in the 2<sup>nd</sup> trimester of pregnancy, and three inmates were in the 3<sup>rd</sup> trimester of pregnancy. Of the reported incidents, three occurred during transport to a medical facility and seven within the correctional facility.

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<sup>1</sup>The 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.

Restraints were administered as follows:

- Handcuffs only were used in four incidents.
- Handcuffs and ankle restraint (opposite wrist & ankle) to a hospital bed were used in one incident.
- Handcuffs and a restraint chair were used in two incidents.
- Handcuffs, waist /chain belt, ankle shackles and restraint chair were used in one incident.
- Handcuffs, waist /chain belt, ankle shackles and bed restraints were used in one incident.
- Restraint chair and oleoresin capsicum were used in one incident.

“Flight risk” during transport outside of the facility is cited as the reason for the use of restraints on pregnant females in one incident. Additionally, five incidents cited “safety precaution” as the reason for the use of restraints and four incidents cited “self-endangerment” as the reason.

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, 2016 – June 30, 2017

<b>County Jail / Institution</b>	<b>Number of Incidents</b>	<b>Types of Restraints</b>	<b>Incidents by Trimester</b>	<b>Number of Inmates</b>
Berks	1	Handcuffs, Waist / Chain Belt, Ankle Shackles	1 - 3 <sup>rd</sup> Trimester	1
Columbia	1	Handcuffs Only	1 – Unknown	1
Dauphin	2	Handcuffs (1) Oleoresin Capsicum (1) Restraint Chair (both)	2 - 3 <sup>rd</sup> Trimester	1
Lancaster	1	Handcuffs	1 – 3 <sup>rd</sup> Trimester	1
Luzerne	2	Handcuffs (both) Restraint Chair (both) Waist / Chain belt (1) Ankle shackles (1)	2 - Unknown	1
Montgomery	1	Handcuffs Only	1 – 1 <sup>st</sup> Trimester	1
Somerset	1	Handcuffs Only	1 – 2 <sup>nd</sup> Trimester	1
SCI-Muncy	1	Handcuffs Only	1 – 1 <sup>st</sup> Trimester	1
<b>Total</b>	10			8

## Restraint of Pregnant Inmates 3-Year Overview

County Jail/Institution	2016-2017							2015-2016							2014-2015												
	Number of Pregnant Inmates Restrained	Total Number of Incidents	Handcuffs	Leg Shackles	Waist / Chain Belt	Restraint Chair	Ankle Shackles	Oleoresin capsicum	Unknown	Number of Pregnant Inmates Restrained	Total Number of Incidents	Handcuffs	Leg Shackles	Waist / Chain Belt	Restraint Chair	Ankle Shackles	Oleoresin capsicum	Unknown	Number of Pregnant Inmates Restrained	Total Number of Incidents	Handcuffs	Leg Shackles	Waist / Chain Belt	Restraint Chair	Ankle Shackles	Oleoresin capsicum	Unknown
Armstrong	N/S								1	11	11	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-
Beaver	N/S								1	1	1	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-
Berks	1	1	1		1		1																				
Blair	N/S								1	4	3	-	-	-	1	-	-	11	39	39	-	-	-	-	-	-	-
Columbia	1	1	1																								
Dauphin	1	2	1		2		1		2	2	1	-	-	1	-	-	-	1	1	-	-	-	1	-	-	-	-
Franklin	N/S								2	2	2	-	-	-	-	-	-	2	16	16	-	-	-	-	-	-	-
Lancaster	1	1	1																								
Lycoming	N/S								1	2	1	-	-	-	-	-	1	1	1	1	-	-	-	-	-	-	-
Luzerne	1	2	2		1	2	1																				
Montgomery	1	1	1						2	2	2	-	-	-	-	-	-	2	3	1	-	-	2	-	-	-	-
Philadelphia	N/S								1	1	1	-	-	-	-	-	-	N/S	-	-	-	-	-	-	-	-	-
Somerset	1	1	1						2	2	2	-	-	-	-	-	-	3	3	3	-	-	-	-	-	-	-
SCI-Muncy	1	1	1																								
<b>Total:</b>	8	10	9		2	4	2	1	13	27	24	0	0	1	1	0	1	20	63	60	0	0	3	0	0	0	0

N/S - Nothing submitted

An overview of the last three years reveals that 13 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 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.