

2013-2014 Fiscal Year Summary of Senate Bill 1074
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.

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. Reports must be submitted in writing through an Extraordinary Occurrence Report to Pennsylvania Department of Corrections (DOC) and must note the type of restraints utilized. In addition, individual, separate written findings for each restraint must accompany the report.

Act 45 also requires the Pennsylvania Department of Corrections 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 fourth annual report completed under Act 45 and covers the 2013-2014 fiscal year.

Between July 1, 2013 and June 30, 2014, the Department of Corrections received reports of pregnant inmates being restrained from two of the 62 county jails in Pennsylvania¹. There were three separate incidents, involving three different inmates. The reported age of the pregnant inmates ranged from 23 to 30.

¹ It is not known if the remaining 60 county jails were without incident or failed to report incidents as required.

Data on trimester of pregnancy was documented for only 2 of the inmates involved. One in each the 1st trimester and 2nd trimester of pregnancy. All of the three reported incidents involved restraint by use of handcuffs only, secured in front of the inmate.

Two of the incidents occurred during transport to and/or within a medical facility and one while being transferred to court. Flight risk during transport outside of the facility is cited as the reason for the use of restraints on pregnant females in all three incidents. Two of the inmates involved were being detained on bench warrants and one for escape and failure to appear charges.

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, 2013 – June 30, 2014

County Jail	Number of Incidents	Types of Restraints	Incidents by Trimester	Number of Inmates
Bradford County	1	Handcuffs Only	1 st trimester	1
Somerset County	2	Handcuffs only	1 – 2 nd trimester 1 – unknown	2
Total	3			3

Restraint of Pregnant Inmates 3-Year Overview

County Jail/Institution	2013-2014							2012-2013							2011-2012						
	Type of Restraint							Type of Restraint							Type of Restraint						
Number of Pregnant Inmates Restrained	Total Number of Incidents	Handcuffs	Leg Shackles	Waist Belt	Restraint Chair	Oleoresin capsicum	Number of Pregnant Inmates Restrained	Total Number of Incidents	Handcuffs	Leg Shackles	Waist Belt	Restraint Chair	Oleoresin capsicum	Number of Pregnant Inmates Restrained	Total Number of Incidents	Handcuffs	Leg Shackles	Waist Belt	Restraint Chair	Oleoresin capsicum	
Berks	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	
Blair	0	0	0	0	0	0	9	90	90	0	0	0	0	4	23	23	1	0	0	0	
Bradford	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Chester	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	1	0		
Dauphin	0	0	0	0	0	0	1	2	2	0	0	0	0	0	0	0	0	0	0		
Erie	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0		
Franklin	0	0	0	0	0	0	1	1	1	0	0	0	1	1	1	0	0	0	0		
Schuylkill	0	0	0	0	0	0	0	0	0	0	0	0	2	4	4	0	0	0	0		
Snyder	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	0		
Somerset	2	2	2	0	0	0	3	15	15	9	0	0	3	7	7	7	0	0	0		
SCI-CBS	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0		
SCI-Muncy	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0		
Total:	3	3	3	0	0	0	15	109	109	9	0	0	15	40	39	8	0	1	0		

An overview of the last three years reveals that 10 out of the 62 county jails have reported incidents involving the use of restraints on pregnant prisoners or detainees. It is not known if the remaining jails were without incident or failed to report incidents as required. 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.

While Act 45 of 2010 sets for guidelines for the proper use of restraints and the reporting of incidents to the DOC, the Act is lacking a mechanism to hold facilities accountable for properly reporting incidents involving pregnant prisoners or detainees in their custody.