

2021-2022 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 tenth annual report completed under Act 45 and covers the 2021-2022 fiscal year.

Between July 1, 2021 and June 30, 2022, the DOC received reports of pregnant inmates being restrained from 3 of the 58 county jails that house females in Pennsylvania. Fifty-five counties did not submit any Extraordinary Occurrence Reports of pregnant inmates being restrained during FY 2021-22. During this time, there were zero incidents of restraining pregnant inmates within the DOC's State Correctional Institutions.

Thirteen separate incidents, involving 3 different inmates were reported from county jails. The reported age of the pregnant inmates ranged from 26 to 33.

Data on trimester of pregnancy was not documented for any of the inmates involved. Of the reported incidents, one occurred during transport to a medical facility, one occurred in a medical facility and 11 within the correctional facility.

Restraints were administered as follows:

- Handcuffs were used in four incidents.
- Waste shackles were used in one incident.
- Bed shackles were used in one incident.
- Restraint chair was used in nine incidents.
- PSI Pro spray was used in two incidents.

Harm to self or staff is cited as the reason for the use of restraints on pregnant females in twelve of the reported incidents. Additionally, one incident cited transportation to a medical facility as the reason for the use of restraints.

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, 2021 – June 30, 2022

| County Jail / Institution | Number of Incidents | Types of Restraints | Incidents by Trimester | Number of Inmates |
|----------------------------------|----------------------------|---|-------------------------------|--------------------------|
| Chester | 1 | Handcuffs (1) Handcuffed to bed (1) | 1- Unknown | 1 |
| Dauphin | 1 | Waist Shackle (1) | 1 – Unknown | 1 |
| York | 11 | Handcuffs (3) Restraint Chair (9) PSI Pro spray (2) | 11 – Unknown | 1 |
| Total | 13 | | | 3 |
| | | | | |

Restraint of Pregnant Inmates 3-Year Overview

| County Jail/Institution | 2021-2022 | | | | | | | | | | 2020-2021 | | | | | | | | | | 2019-2020 | | | | | | | | | | | | |
|---------------------------------------|---------------------------|-----------|----------------|-----------------|----------------|---------------|--------------|----------|---------------------------------------|---------------------------|-------------------|--------------|------------|-----------------|----------------|--------------------|----------|---------------------------------------|---------------------------|-----------|-------------------|------------|-----------------|----------------|--------------------|-----------|-----------|----------|----------|----------|----------|----------|----------|
| | Type of Restraint | | | | | | | | | | Type of Restraint | | | | | | | | | | Type of Restraint | | | | | | | | | | | | |
| Number of Pregnant Inmates Restrained | Total Number of Incidents | Handcuffs | Shackle to bed | Restraint Chair | Waist Shackles | PSI Pro Spray | Suicide Gown | Unknown | Number of Pregnant Inmates Restrained | Total Number of Incidents | Handcuffs | Leg Shackles | Waist Belt | Restraint Chair | Ankle Shackles | Oleoresin Capsicum | Unknown | Number of Pregnant Inmates Restrained | Total Number of Incidents | Handcuffs | Leg Shackles | Waist Belt | Restraint Chair | Ankle Shackles | Oleoresin Capsicum | Unknown | | | | | | | |
| Adams | N/S | - | - | - | - | - | - | - | 1 | 1 | 1 | - | - | - | - | - | N/S | - | - | - | - | - | - | - | - | | | | | | | | |
| Allegheny | N/S | - | - | - | - | - | - | - | N/S | - | - | - | - | - | - | - | 2 | 2 | 1 | 1 | - | - | - | - | - | | | | | | | | |
| Armstrong | N/S | - | - | - | - | - | - | - | N/S | - | - | - | - | - | - | - | 1 | 1 | 1 | - | - | - | - | - | - | | | | | | | | |
| Bradford | N/S | - | - | - | - | - | - | - | 1 | 1 | - | 1 | - | - | - | N/S | - | - | - | - | - | - | - | - | - | | | | | | | | |
| Chester | 1 | - | 1 | 1 | - | - | - | - | N/S | - | - | - | - | - | - | N/S | - | - | - | - | - | - | - | - | - | | | | | | | | |
| Dauphin | 1 | - | - | - | 1 | - | - | - | N/S | - | - | - | - | - | - | N/S | - | - | - | - | - | - | - | - | - | | | | | | | | |
| Fayette | N/S | - | - | - | - | - | - | - | N/S | - | - | - | - | - | - | 2 | 2 | 2 | 2 | - | - | - | - | - | - | | | | | | | | |
| Lancaster | N/S | - | - | - | - | - | - | - | N/S | - | - | - | - | - | - | 2 | 2 | 2 | 2 | - | - | - | - | - | - | | | | | | | | |
| Lehigh | N/S | - | - | - | - | - | - | - | N/S | - | - | - | - | - | - | 1 | 1 | 1 | 1 | - | - | 1 | 1 | - | - | | | | | | | | |
| Montgomery | N/S | - | - | - | - | - | - | - | 1 | 3 | 2 | 1 | 2 | - | - | N/S | - | - | - | - | - | - | - | - | - | | | | | | | | |
| Somerset | N/S | - | - | - | - | - | - | - | 2 | 5 | 5 | - | - | - | - | 5 | 9 | 9 | - | - | 4 | - | - | - | - | | | | | | | | |
| York | 1 | - | 3 | - | 9 | - | 2 | - | N/S | - | - | - | - | - | - | 1 | 2 | 1 | - | 1 | - | - | - | 1 | - | | | | | | | | |
| Total: | 3 | 0 | 4 | 1 | 9 | 1 | 2 | 0 | 0 | 5 | 10 | 8 | 0 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 19 | 17 | 1 | 1 | 5 | 1 | 0 | 1 |

N/S - Nothing submitted

An overview of the last three years reveals that 12 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.