

**2014-2015 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.

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 and the trimester of pregnancy. In addition, individual and separate written findings for each incident must accompany the report.

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 fourth annual report completed under Act 45 and covers the 2014-2015 fiscal year.

Between July 1, 2014 and June 30, 2015, the DOC received reports of pregnant inmates being restrained from six of the 62 county jails in Pennsylvania<sup>1</sup>. During this time, there were no incidents of restraining pregnant inmates with in the DOC's State Correctional Institutions or Community Corrections Centers.

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<sup>1</sup> It is not known if the remaining 57 county jails were without incident or failed to report incidents as required.

A total of 63 separate incidents, involving 20 different inmates were reported from county jails. The reported age of the pregnant inmates ranged from 19 to 35.

Data on trimester of pregnancy was documented for only 4 of the inmates involved. Of those reported all were in the 1<sup>st</sup> trimester of pregnancy.

Two of the incidents occurred during transport to court, 44 occurred during transport to and/or within a medical facility and 17 within the correctional facility. Additionally, in 58 of the incidents the inmate was handcuffed only, in three a restraint chair was used and in two incidents the inmate was cuffed on the opposite wrist and ankle to bed in medical facility.

“Flight risk” during transport outside of the facility is cited as the reason for the use of restraints on pregnant females in five incidents. The remaining 58 incidents cited “security purposes” 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, 2014 – June 30, 2015

<b>County Jail</b>	<b>Number of Incidents</b>	<b>Types of Restraints</b>	<b>Incidents by Trimester</b>	<b>Number of Inmates</b>
Blair County	39	Handcuffs Only	39-Unknown	11
Dauphin	1	Restraint Chair	1-Unknown	1
Franklin	16	Handcuffs Only	14-1 <sup>st</sup> Trimester 2-Unknown	2
Lycoming	1	Handcuffs Only	1-Unknown	1
Montgomery	3	1- Handcuffs Only 2- Restraint Chair	3-Unknown	2
Somerset	3	Handcuffs Only	3-1 <sup>st</sup> Trimester	3
<b>Total</b>	<b>63</b>			<b>20</b>

## Restraint of Pregnant Inmates 3-Year Overview

County Jail/Institution	2014-2015							2013-2014							2012-2013						
	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
Blair	11	39	39					N/S	-	-	-	-	-	9	90	90	0	0	0	0	0
Bradford	N/S	-	-	-	-	-	-	1	1	1	0	0	0	0	N/S	-	-	-	-	-	-
Dauphin	1	1	-	-	-	1	-	N/S	-	-	-	-	-	1	2	2	0	0	0	0	0
Franklin	2	16	16	-	-	-	-	N/S	-	-	-	-	-	1	1	1	0	0	0	0	0
Lycoming	1	1	1																		
Montgomery	2	3	1	-	-	2	-														
Snyder	N/S	-	-	-	-	-	-	N/S	-	-	-	-	-	1	1	1	0	0	0	0	0
Somerset	3	3	3	-	-	-	-	2	2	2	0	0	0	0	3	15	15	9	0	0	0
<b>Total:</b>	<b>20</b>	<b>63</b>	<b>60</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15</b>	<b>109</b>	<b>109</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

N/S - Nothing submitted

An overview of the last three years reveals that eight 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.

