



## **Implementation of the Healthy Birth for Incarcerated Women Act: Details of Duvall Project's Data Collection Process**

The Duvall Project's investigation into the implementation of and compliance with the Healthy Birth for Incarcerated Women Act began in 2011, when we set out to conduct a research survey at 26 hospitals serving the pregnant women incarcerated in Pennsylvania jails. The survey was developed by Dr. Alison Colbert, a professor of nursing at Duquesne University and a nationally recognized expert in the health care needs of incarcerated women, and was approved by Duquesne's Institutional Review Board. While many nurse managers and Ob/Gyn doctors agreed to distribute the surveys to their staff, the survey response rate was low. However, through visits to 26 hospitals, the Duvall Project was able to gather a significant amount of anecdotal information about instances when restraints have been used on pregnant women incarcerated in Pennsylvania correctional facilities.

During meetings conducted in 2011–2013, we learned of restraint use throughout the state. For example, staff at Einstein Hospital in Philadelphia, Crozer Regional Health Center in Delaware County, and Magee Women's Hospital in Allegheny County all reported that restraints were routinely used during transportation of pregnant inmates. Staff at Magee Women's Hospital, which treats women from 29 counties and their prisons and jails, also reported that a significant number of women are still being handcuffed to their beds during deliveries and prenatal testing. Staff at Jefferson Hospital in Philadelphia reported that about half of their patients are restrained, despite assurances made by the Warden of the Philadelphia County Jail that pregnant inmates from his facility were not being restrained during prenatal care visits. Staff at Abington Hospital in Montgomery County reported that although restraints were no longer being used during childbirth, pregnant women were routinely restrained at other times.

Additionally, the Geisinger Women's Health Service Line used the Duvall Project's materials to conduct a survey of employees throughout the Geisinger Health System. The descriptive survey received IRB approval, and about 50 hospitals in Pennsylvania that provide obstretical care to incarcerated women were invited to participate. The survey asked 25 questions and was designed to take about 10-15 minutes to complete. It was completed by 38 participants, including nurses, physicians, midwives, physician assistants, lab technicians, and sonographers. Most of the participants (25 out of 38) were nurses. Results of the survey showed that the vast majority of clinicians were unfamiliar with the law. Most participants reported that they did not know that they could always ask a correctional officer to remove restraints from any pregnant patient. Most participants reported that they had not spoken with any correctional officer about security concerns, and a third of participants reported that they believed that restraint use is

strictly a matter for the correctional officer to decide.<sup>1</sup> The Geisinger system has decided to use the survey results as an opportunity to educate its doctors and nurses.

### *Estimating the Incidents of Actual Restraint Use*

We estimated the number of actual incidents of restraint use that should be reported by using county statistics available from the Department of Corrections. For 2013, the official one-day census of the total female population across all county jails was 4,558.<sup>2</sup> But because jail populations are characterized by short lengths of stay and high turnover, many more women than this go through the DOC facilities each year. To estimate the total number of women who are in DOC custody in the span of a year, we took into account the average length of stay for women in jail, which has been estimated at two weeks<sup>3</sup>, although Pennsylvania wardens report that the average stay is approximately one month. Using the more conservative estimate of an average one-month stay, we would expect the prison population to turn over 12 times each year, giving us an estimate of approximately 54,696 women who are in DOC custody each year. We then accounted for the fact that 6 percent of women who enter jail are pregnant upon intake.<sup>4</sup> Thus, approximately 3,281 women are pregnant and incarcerated in DOC facilities each year. Because so many of the health providers that we surveyed reported “routine” use of restraints on pregnant inmates, we conservatively estimated that between 10 and 25 percent of the approximately 3,276 women who are pregnant and incarcerated each year have been restrained in a manner that requires reporting. Accordingly, we would expect to see between 328 (10% of 3,281) and 820 (25% of 3,281) incidents of restraint use reported each year. These estimates are admittedly imprecise, but based on conservative assumptions.

In sharp contrast, in fiscal year 2012-13, county facilities only filed reports for 109 incidents of restraint using involving only 15 women.

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<sup>1</sup> Geisinger Women’s Health Service Line, *Care for pregnant incarcerated women: Clinician perspectives*.

<sup>2</sup> Pennsylvania Department of Corrections, 2013 County Statistics.

<sup>3</sup> Clarke, J.G., et al. (2010). Timing of conception for pregnant women returning to jail, *Journal of Correctional Healthcare*, 16(2), 133-138.

<sup>4</sup> Reproductive Health Locked Up: An Examination of Pennsylvania County Jails, ACLU of Pennsylvania.