

2012-2013 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 third annual report completed under Act 45 and covers the 2012-2013 fiscal year.

Between July 1, 2012 and June 30, 2013, the Department of Corrections received reports of pregnant inmates being restrained from five of the 62 county jails in Pennsylvania¹. There were 109 separate incidents and the total number of inmates involved, some multiple times, was 15. The age of the pregnant inmates ranged from 18 to 32 with the average being 25.

Data on trimester of pregnancy was documented for only 2 of the inmates involved in 14 of the 109 incidents. Both were in the 1st trimester of pregnancy for 13 incidents. One was in the 2nd trimester of pregnancy for one incident.

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

Nine of the 109 incidents involved restraint by use of handcuff and leg shackles. The remaining 100 incidents involved restraint by handcuffs only.

Security risk is cited most commonly as the reason for the use of restraints on pregnant females, accounting for 93 of the 109 incidents. Eleven were identified as a flight risk during transport outside of the facility and one for transport within the facility due to misconduct. Four incident reports failed to identify why the restraints were used.

Of the 109 incidents, 35 occurred during transport to and/or within a medical facility, 69 were during transport to a methadone clinic and two while being transferred to court. The remaining three incidents occurred at various locations within the institution, including the day room and cell block.

The most common offense of the 15 pregnant inmates was Parole/Probation Violations. Other offenses include bad checks, retail theft and theft by unlawful taking, forgery, criminal conspiracy, and technical parole violations.

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, 2012 – June 30, 2013

County Jail	Number of Incidents	Types of Restraints	Incidents by Trimester	Number of Inmates
Blair County	90	Handcuffs Only	Unknown	9
Dauphin County	2	Handcuffs Only	Unknown	1
Franklin County	1	Handcuffs Only	Unknown	1
Snyder County	1	Handcuffs Only	Unknown	1
Somerset County	15	9 Handcuffs & Leg Shackles 6 Handcuffs only	13 – 1 st trimester 1 – 2 nd trimester 2 - Unknown	3
Total	109			15

Restraint of Pregnant Inmates 3-Year Overview

County Jail/Institution	2012-2013							2011-2012							2010-2011											
	Number of Pregnant Inmates Restrained		Total Number of Incidents		Type of Restraint			Number of Pregnant Inmates Restrained		Total Number of Incidents		Type of Restraint			Number of Pregnant Inmates Restrained		Total Number of Incidents		Type of Restraint							
				Handcuffs	Leg Shackles	Waist Belt	Restraint Chair	Oleoresin capsicum					Handcuffs	Leg Shackles	Waist Belt	Restraint Chair	Oleoresin capsicum					Handcuffs	Leg Shackles	Waist Belt	Restraint Chair	Oleoresin capsicum
Berks	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Blair	9	90	90	0	0	0	0	0	4	23	23	1	0	0	0	0	0	5	5	5	0	0	0	0	0	
Chester	0	0	0	0	0	0	0	0	1	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Dauphin	1	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	6	9	4	2	6	1	0	0
Delaware	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	2	2	0	0	0	0	0	0
Elk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Erie	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Franklin	1	1	1	0	0	0	0	0	1	1	1	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0
Lackawanna	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0
Monroe	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0
Montgomery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	3	3	0	0	0	0	0	0
Schuylkill	0	0	0	0	0	0	0	0	2	4	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Snyder	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Somerset	3	15	15	9	0	0	0	0	3	7	7	7	0	0	0	0	0	1	3	3	3	0	0	0	0	0
York	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0
SCI-CBS	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	1	1	1	1	0	0	0	0	0
SCI-Muncy	0	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0	3	3	2	0	1	0	0	0	0
Total:	15	109	109	9	0	0	0	15	40	39	8	0	1	0	22	27	29	8	3	6	1	0	0	0	0	0

An overview of the last three years reveals that 15 out of the 62 county jails have reported incidents involving the use of restraints on pregnant prisoners or detainees. Blair and Somerset Counties have documented and consistently reported the highest number of incidents over the three year period.

It is not known if the remaining 47 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.