

240-RICR-30-00-1

TITLE 240 – DEPARTMENT OF CORRECTIONS

CHAPTER 30 – SECURITY

SUBCHAPTER 00 – N/A

PART 1 – Use of Restraints on Pregnant Detainees or Inmates

1.1 Authority

R.I. Gen. Laws § 42-56-10(22) Power of the director; R.I. Gen. Laws § 42-56.3-1, Healthy Pregnancies for Incarcerated Women Act.

1.2 Purpose

To specify the procedures to follow for the use of restraints on pregnant detainees or inmates and when they are transported to an outside medical facility and during hospital stays.

1.3 Policy

- A. Whenever RIDOC staff has actual or constructive knowledge that a detainee or inmate is in the second or third trimester of pregnancy, any restraints used on the pregnant detainee or inmate are only those deemed medically appropriate.
- B. RIDOC is committed to providing safe transport of pregnant detainees or inmates.
- C. If restraints are used on a pregnant detainee or inmate, the type of restraint applied and the application of the restraint is done in the least restrictive manner necessary.

1.4 General Restraint Procedures

Whenever RIDOC staff has actual or constructive knowledge that a detainee or inmate is in the second or third trimester of pregnancy, any restraints used on the pregnant detainee or inmate are only those deemed medically appropriate by the RIDOC Medical Program Director.

1.5 Transport, Labor and Delivery Restraint Procedures

- A. Transport
 - 1. No handcuffs, shackles or other restraints are used on a detainee or inmate known to be pregnant during transport to a medical facility unless

there are compelling grounds to believe that the detainee or inmate presents:

- a. An immediate and serious threat of physical harm to herself, staff or others; or
 - b. A substantial flight risk and cannot be reasonably contained by other means.
2. If handcuffs, shackles or other restraints are used on a pregnant detainee or inmate, the type of restraint applied and the application of the restraint is done in the least restrictive manner necessary.
 3. The RIDOC Medical Program Director/designee will be consulted if circumstances warrant restraints during transport.

B. Labor and Delivery

1. Under no circumstances can leg or waist restraints be used on any detainee or inmate during labor and delivery.
 - a. Labor is defined as the period of time before birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix.
2. To use handcuffs, compelling grounds to believe that the detainee or inmate presents the following must be met:
 - a. An immediate and serious threat of physical harm to herself, staff or others; or
 - b. A substantial flight risk and cannot be reasonably contained by other means

C. Postpartum

1. For the purposes of this policy "postpartum recovery" means, as determined by her physician, the period immediately following delivery, including the entire period a woman is in the hospital or infirmary after birth.
2. Waist restraints are not used under any circumstances during postpartum recovery.
3. If handcuffs or leg restraints are used on a pregnant detainee or inmate, the following compelling criteria must be met and the type of restraint applied and the application of the restraint is done in the least restrictive manner necessary:

- a. An immediate and serious threat of physical harm to herself, staff or others; or
 - b. A substantial flight risk and cannot be reasonably contained by other means
- 4. If the circumstances cited in §§ 1.5(C)(3)(a) through (b) of this Part exist, upon confirmation by RIDOC's Medical Program Director that a detainee or inmate in postpartum recovery may be subject to restraint, the treating health care professional, in consultation with RIDOC's Medical Program Director, determines whether leg or hand restraints shall be used.

1.6 Removal of Restraints

If the doctor, nurse or other health care professional treating the detainee or inmate requests, based on his/her professional medical judgment, that restraints not be used, any Correctional Officer accompanying the detainee or inmate immediately removes all restraints; provided further, however, that in the absence of exigent circumstances, as determined by the health care professional, RIDOC's Medical Program Director is first consulted.

1.7 Reporting Requirements

If restraints are used on a pregnant detainee or inmate, the Correctional Officer who applied the restraints submits within five (5) days of the event an Incident Report to the Shift Commander, articulating the grounds that dictated the use of restraints. These findings are kept on file by the Warden/designee and made available for public inspection (See policy 1.07-4 DOC; Public Access to Departmental Records/Inmate Information, or a successive policy). No individually identifying information of any detainee or inmate is made public without the detainee or inmate's written consent.

1.8 Notice

All pregnant inmates and detainees affected by this policy shall be advised of the requirements of R.I. Gen. Laws § 42-56.3-1 through the RIDOC Women's Facilities upon admission to the Women's Facilities Handbook and by the attending physician when known to be pregnant. Said notification shall also be made through a posting in the medical area.

240-RICR-30-00-1

TITLE 240 - DEPARTMENT OF CORRECTIONS

CHAPTER 30 - SECURITY

SUBCHAPTER 00 - N/A

PART 1 - USE OF RESTRAINTS ON PREGNANT DETAINEES OR INMATES (240-RICR-30-00-1)

Type of Filing: Refile Capabilities

Department of State

Regulation Effective Date

Original Signing Date

Department of State Initials

Department of State Date