**Substitute House Bill 2747**

Using Restraints on Pregnant Offenders



Definition of Terms

***Labor***means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix.

***Physical restraint*** means the use of any bodily force or physical intervention to control an offender or limit a pregnant offender’s freedom of movement in a way that does not involve a mechanical restraint.

Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, with the aid of a mechanical restraint, accomplished with limited force and designed to:

(a) Prevent a pregnant offender from completing an act that would result in potential bodily harm to self or others or damage property; (b) Remove a disruptive pregnant offender who is unwilling to leave the area voluntarily; or (c) Guide a pregnant offender from one location to another.

***Restraints*** means anything used to control the movement of a person’s body or limbs and includes: physical restraints or mechanical devices including but not limited to metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons.

***Postpartum recovery*** means (a) the entire period a female is in the hospital, birthing center, or clinic after giving birth, and (b) an additional time period, if any, a treating physician determines is necessary for healing after the female offender leaves the hospital, birthing center, or clinic.

***Transportation*** means the conveying, by any means, of an incarcerated pregnant offender from the correctional facility to another location from the moment she leaves the correctional facility to the time of arrival at the other location, and includes the escorting of the pregnant offender from the correctional facility to a transport vehicle to the other location.

Substitute House Bill 2747

Substitute House Bill 2747 is an act relating to the use of restraints on pregnant offenders. The bill limits the use of restraints on any pregnant offenders in a jail as defined in RCW 70.48.020, during transports during the third trimester of her pregnancy, while in labor, during delivery or postpartum recovery.





Requirements of the Law

The jail must provide the requirements of the law to all pregnant offenders at booking or intake or at the time an offender receives information regarding other facility rules, rights and obligations according to current agency policy.

Use of Restraints

Whenever restraints are used on a pregnant offender during any stage of pregnancy, the restraints must be the least restrictive available and most reasonable under the circumstances. If a health care provider requests that restraints used be removed, they must be removed immediately. No waist chains or leg irons may be used at any time during any stage of pregnancy on any offender known to be pregnant.

Labor or In Child Birth

While a pregnant offender is in labor or in child birth no restraints of any kind may be used whatsoever. However, the treating physician licensed under Title 18 RCW may request the use of hospital restraints for the medical safety of the patient. If a health care provider requests that restraints be removed, they must be removed immediately.

The jail will ensure that the appropriate personnel are aware of which health care providers are treating physicians licensed under Title 18 RCW. No correctional personnel are to be present during labor or childbirth, unless requested by medical personnel, and if so requested, the personnel are to be female if practicable.

During Transportation

During transportation to and from visits to medical providers and court proceedings during the third trimester of pregnancy, or during postpartum recovery no restraints of any kind maybe used on any pregnant offender except under extraordinary circumstances.

Extraordinary Circumstances

Extraordinary circumstances exist when restraints are necessary to prevent a pregnant offender from escaping, or from injuring herself, medical or correctional personnel, or others.

For jails, the determination of extraordinary circumstances may be made by the corrections officer or jail employee on a case by case basis and the resulting use of restraints must be documented.