



# Corrections and Community Supervision

## Use of Restraints During Transport of Pregnant Incarcerated Individuals

2017-2020

## Introduction

In accordance with the requirements of Correction Law Section 611(1)(e), this report details the single instance of the use of restraints, during transport, of a woman “known to be pregnant by correctional personnel or personnel providing medical services to the institution..., or a woman within eight weeks after delivery or pregnancy outcome” during 2017, 2018, 2019, and 2020.

By way of background, the New York State Department of Corrections and Community Supervision (DOCCS) Directive 4916, entitled “Transporting Pregnant Inmates and Inmate Mothers with Babies”, provides guidance to Department staff on the application of Section 611 of the Correction Law. The Department houses approximately 2,300 female inmates each year.

In caring for this population, the Department transports thousands of them each year. Of the thousands of females transported during the period from 2017 to 2020 there was a single instance in which the Department was not in compliance with Section 611(1). The Department identified the source of the error, which led to that instance and, following corrective action, is confident the same will not occur again in the future.

## Explanation

### **Application of restraints during transport on Pregnant Incarcerated Females in 2017-2020:**

	2017	2018	2019	2020
<b>Pregnant</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Within Eight (8) Weeks of Delivery/ Pregnancy Outcome</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>

### **Description:**

In 2017 one female incarcerated individual was transported in restraints during the eight weeks following her pregnancy. While the individual, who was approximately seven (7) weeks after her delivery date, had been identified as subject to Section 611(1) and placed on the “no restraints list” for transport, staff failed to review the list in advance of the transport. Restraints consisted of handcuffs, leg irons, waist chain, and a black box. The individual was restrained consistent with her fellow passengers during the group transport from Bedford Hills Correctional Facility (CF) to Albion CF and then to Willard Drug Treatment Campus.

In order to prevent any such reoccurrence in the future, the Department has taken steps to ensure that members of this class are appropriately identified and that restrictions on restraints are communicated effectively to staff. Currently, the Department utilizes a two-phase screening process to identify those members of the incarcerated population that are subject to Section 611 (1). First, prior to admission to a State Correctional Facility, the Department reviews the results of pre-admission medical screening that

was developed by the State Commission of Correction and administered by the local correctional facility. Second, incarcerated females upon admission to the State Facility are provided a medical screening which includes a blood test capable of identifying both pregnant and recently pregnant individuals. If at any point during either phase of the screening process an individual is identified as a member of this class, they are immediately included on the “no restraints list” which is updated daily. Finally, prior to any transport the Deputy Superintendent for Security or the Watch Commander must signoff that the trip itinerary is in compliance with that day’s “no restraints list”.