NEW YORK STATE | Department of Corrections and Community Supervision

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Use of Restraints During Transport of Pregnant Incarcerated Individuals

2019-2024

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Introduction

In accordance with the requirements of Correction Law Section 611(1)(e), this report details instances 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 2019, 2020, 2021, 2022, 2023, and 2024. To enable the reader to compare annual reporting information over time, this annual report will again include information for prior years starting with 2019, even though such information was included in the last Annual Report that was submitted to the Legislature.

By way of background, the New York State Department of Corrections and Community Supervision (DOCCS) Directive #4916, entitled "Transporting Pregnant Incarcerated Individuals and Incarcerated Individual Mothers with Babies," provides guidance to Department staff on the application of Section 611 of the Correction Law. The Department houses approximately 2,000 female incarcerated individuals each year.

In caring for this population, the Department dispatches numerous transportation details for such reasons as outside medical appointments, court trips, and funeral or death bed visits. Of the thousands of female transportation details during the period from 2019 to 2024, there were two incarcerated individuals in which restraints were utilized in compliance with Section 611(1)(a)(i.).

Explanation

Application of restraints during transport on Pregnant Incarcerated Females in 2019-2024:

	2019	2020	2021	2022	2023	2024
Pregnant	**0**	**0**	**1**	**0**	**0**	**0**
Within Eight (8) Weeks of Delivery/ Pregnancy Outcome	**0**	**0**	**0**	**1**	**0**	**0**

Description

During the year of 2022, one incarcerated individual had restraints applied during a transport to a court appearance. The transport detail was conducted by two New York City Police Department Officers. DOCCS staff notified the NYC Police Officers that the incarcerated individual was within the eight weeks delivery/pregnancy outcome period and the NYC Police Officers directed the incarcerated individual to place their hands behind their back and was handcuffed at approximately 9:30am and transported to the courthouse. The incarcerated individual returned to DOCCS custody from the court trip at approximately 1:00pm, on the same day, and the restraints were removed.

During the year of 2021, one incarcerated individual had restraints applied during their pregnancy/post-pregnancy outcome period. Based on the incarcerated individual's history of a fall during an escape attempt while pregnant, the facility Superintendent authorized the application of restraints each time they were transported outside the confines of the correctional facility for medical appointments. The agency from which the escape attempt was made, reported that the incarcerated individual feigned falling, as a distraction to assist in her escape. The determination for the use of mechanical restraints was made to maintain adequate security and prevent the incarcerated individual from potentially hurting themself or the baby, during another possible escape attempt. This was effectuated by securing each of the incarcerated individual's wrists to the arms of a wheelchair with two sets of handcuffs, one for each wrist. Restraints were removed, as needed for medical assessments/NICU visits, then reapplied and removed upon return to the facility/maternity unit.

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 and other agencies. 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."