

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.

400-BR022 (6/22/2010)



Substitute House Bill 2747



*Using Restraints on
Pregnant Women or Youth*



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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 offender in a correctional or detention facility during transports, during the third trimester of her pregnancy, while in labor, during delivery or postpartum recovery.



Requirements of the Law

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

In the case of pregnant offenders being taken into custody by a community corrections officer, the information should be provided as

soon as feasible upon taking the offender into custody.

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 be removed, they must

be 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 immediately.

No correctional personnel are to be present during labor or childbirth, unless requested by

medical personnel, and if so, 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 women except under extraordinary circumstances.

Extraordinary Circumstances

Extraordinary circumstances exist when restraints are necessary to prevent an incarcerated pregnant woman or youth from escaping, or from injuring herself, medical or correctional personnel, or others.

For the Department of Corrections, determination of extraordinary circumstances may be made by the corrections officer on a case by case basis.
