I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in Title 34-A M.R.S.A. Sections 3101, 3102, 3103 and 3104.

II. APPLICABILITY

All Department Facilities that house female prisoners or female residents

III. POLICY

It is the policy of the Department of Corrections not to use restraints on a prisoner or resident known to be pregnant, except in an extraordinary circumstance.

IV. CONTENTS

- Procedure A: Use of Mechanical Restraints, Notice to Female Prisoners or Residents
- Procedure B: Use of Mechanical Restraints during Movement, Transport, or other Situations, General
- Procedure C: Use of Mechanical Restraints during Labor, Delivery, and Postpartum Recovery
- Procedure D: Documentation on Use of Restraints

V. ATTACHMENTS

None
VI. PROCEDURES

Procedure A: Use of Mechanical Restraints, Notice to Female Prisoners or Residents

1. The facility Chief Administrative Officer, or designee, shall ensure that a copy of this policy is included in the handbook provided to female prisoners or female residents.

2. The facility Chief Administrative Officer, or designee, of a facility housing females shall also ensure that a female prisoner or female resident is verbally informed of the inclusion of this policy in the handbook during her initial orientation to the facility.

Procedure B: Use of Mechanical Restraints during Movement, Transport, or other Situations, General

1. Mechanical restraints shall not be used on a prisoner or resident known to be pregnant, unless the facility Chief Administrative Officer, or designee, makes a determination that the pregnant prisoner or pregnant resident is a substantial flight risk or there is another extraordinary medical or security circumstance that requires restraints to be used to ensure the safety and security of the pregnant prisoner or pregnant resident, other prisoners or residents, the staff of the Department facility, the staff of a hospital, or the public, if applicable.

2. Whenever possible, the determination that there is an extraordinary circumstance requiring the use of mechanical restraints on a pregnant prisoner or pregnant resident shall be made by the Shift Supervisor or higher ranking facility staff prior to the initiation of the movement, transport, or other situation, but may also be made by a security supervisor during the movement, transport, or other situation, if the extraordinary circumstance arises at that time.

3. If the prisoner or resident is to be transported to a hospital, the Shift Supervisor and appropriate facility health care staff shall contact appropriate hospital security and health care staff to plan for any foreseen security circumstances as much in advance of the prisoner’s or resident’s arrival as reasonably possible.

4. If, once at the hospital, a doctor, nurse or other health professional treating the prisoner or resident requests that restraints not be used, the security staff accompanying the prisoner or resident shall immediately remove all restraints.

5. If the prisoner or resident is to be transported to a hospital, court or anywhere else outside the facility, the Chief Administrative Officer, or designee, shall determine whether a security supervisor needs to be present during the transport.

6. If a security supervisor is present, that supervisor may make the determination that there is an extraordinary circumstance requiring the use of mechanical restraints if such a circumstance arises during the transport. If a security
supervisor is not present and such a circumstance arises during the transport, the
transporting security staff shall contact a security supervisor at the facility for
authorization to use mechanical restraints.

7. If mechanical restraints are used on a pregnant prisoner or pregnant resident, the
security staff shall apply the least restrictive type of restraints in the least
restrictive manner necessary. Leg and waist restraints may not be used at any
time.

**Procedure C: Use of Mechanical Restraints during Labor, Delivery, and
Postpartum Recovery**

1. In addition to the requirements of Procedure B., when a prisoner or resident is
admitted to a hospital for labor or childbirth, the security staff may not be present
in the room during labor or childbirth unless specifically requested by hospital
health care personnel. If a security staff’s presence is requested, the security
staff shall be female if practicable.

2. Mechanical restraints may not be used on a prisoner or resident during labor or
childbirth.

3. Once the delivery or the pregnancy otherwise ends, all post-delivery medical
procedures, and post-partum recovery have been completed, the prisoner or
resident shall be restrained consistent with Department policies applicable to
prisoners or residents who are not pregnant.

**Procedure D: Documentation on Use of Restraints**

1. If mechanical restraints are used on a prisoner or resident known to be pregnant,
in addition to any other documentation required by Department policy, the staff
who authorized the use of the restraints shall document in a separate report the
extraordinary circumstance that required the use of restraints and the type of
restraints used and shall submit this report to the facility Chief Administrative
Officer.

2. These separate reports shall be maintained by the facility Chief Administrative
Officer for five (5) years and shall be made available for public inspection upon
request, except that individually identifying information of any prisoner or resident
may not be made public without the prior written consent of the prisoner or
resident.

3. After the passage of five (5) years, these separate reports shall be destroyed.

**VII. PROFESSIONAL STANDARDS**

**ACA**

ACI – 4190-1  Added August 2008. Written policy, procedure, and practice, in general, prohibit
the use of restraints on female offenders during active labor and the delivery of a
child. Any deviation from the prohibition requires approval by and guidance on methodology from the medical authority and is based on documented serious security risks. The medical authority provides guidance on the use of restraints on pregnant offenders prior to active labor and delivery.

4-JCF-2A-18-1 Added August 2008. Written policy, procedure, and practice, in general, prohibit the use of restraints on female residents during active labor and the delivery of the child. Any deviation from the prohibition requires approval by, and guidance on, methodology from the medical authority and is based on documented serious security risks. The medical authority provides guidance on the use of restraints on pregnant offenders prior to active labor and delivery.