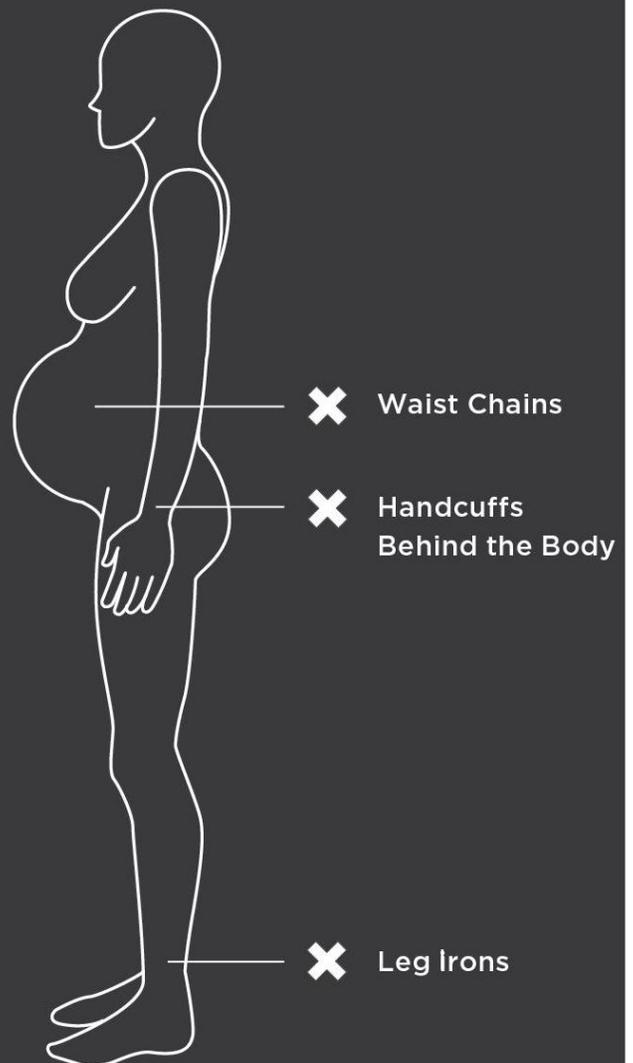




NO MORE SHACKLES

A report on the written policies of California's counties
under the new law that limits the use of restraints
on pregnant prisoners



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Introduction

Legal Services for Prisoners with Children (LSPC) believes in the human dignity of people in prison and advocates for the rights of pregnant prisoners in California. Pregnant women in correctional facilities are more likely to experience miscarriage, preeclampsia, preterm birth, and low birth-weight than pregnant women who are not incarcerated. Restraints that interfere with the ability of a pregnant woman to maneuver increase the likelihood of these and other complications. In 2012, LSPC worked with author Assemblymember Toni Atkins and supporters Nancy Skinner and Holly Mitchell to enact legislation that prohibits the most dangerous forms of restraint from being used on any incarcerated woman known to be pregnant (PC §3407). LSPC has been working to enact and enforce bans on shackling pregnant prisoners since 2005.¹

In March 2013, LSPC embarked on a project to determine whether all 58 California counties had written new policies on the shackling of pregnant prisoners to comply with the 2012 legislation.

This report explains the new statute, describes our efforts to obtain documentation from the counties, outlines our findings, and makes recommendations for additional legislation, regulation, and research. Our findings address each county's policy as it is written; we are not able to report on the counties' practices.

California Penal Code §3407

Enacted in 2012, California Penal Code §3407 specifically bans the most dangerous type of restraints (leg irons, waist chains, and handcuffs behind the body) for pregnant prisoners under any circumstances (PC §3407(a)). The law also limits the circumstances for restraining a pregnant prisoner in labor, during

¹ In 2005, LSPC worked with Assemblymember Sally Lieber to enact legislation that prohibited the shackling of pregnant prisoners in labor, during childbirth and during recovery from childbirth (California Penal Code §§5007.7 and 6030(f)). In 2010, after reviewing the policies from each of the 58 counties in California, LSPC published *Stop Shackling: A Report on the Written Policies of California's Counties on the Use of Restraints on Pregnant Prisoners in Labor*. The study reported that 17 counties included the anti-shackling law in their policies, but 13 counties had no written policy on shackling pregnant women in labor, 16 counties' written policies did not comply with specific terms of the law, and 12 counties did not respond at all to our Public Records Act request.

delivery, or in recovery after delivery by stating that she shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the prisoner, the staff, or the public (§3407(b)). PC §3407 also grants medical professionals the authority to direct that restraints be removed from pregnant prisoners at any time (§3407(c)). Furthermore, the law mandates that each county advise pregnant prisoners of these rights (§3407(e)). The text of PC §3407 is attached to this report in Appendix 1.

Methodology

In March 2013, LSPC mailed letters with Public Records Act (PRA) requests to all 58 county sheriffs,² requesting that they review and update their policies to reflect the changes outlined above, and that they send us a copy of their revised policies when they have done so. We provided the counties with the text of PC §3407. In July, after receiving policies from less than half of the counties, we began phoning the Sheriff's Departments of the remaining counties to again request that they send their policies.

While waiting for those counties to respond, we created a compliance grading system and drafted model policies based on the policies we had received. The grading system is based on whether a county's policies included the following four components:

- (1) specification that a prisoner known to be pregnant or in recovery after delivery shall **never** be restrained by the use of **leg irons, waist chains, or handcuffs from behind the body** (§3407(a));
- (2) statement that a pregnant prisoner in labor, during delivery, or in recovery after delivery, **shall not be restrained by the wrists, ankles, or both**, unless deemed necessary for the safety and security of the prisoner, the staff, or the public (§3407(b));
- (3) reference to **medical professionals' authority** to require the removal of all restraints from pregnant prisoners §3407(c));
- (4) requirement that **pregnant prisoners be advised, orally or in writing**, of these standards and policies governing pregnant prisoners (§3407(e)).

² There are no jail facilities in Alpine County. Jail services are primarily contracted to El Dorado County. Therefore, for the purpose of this report, we evaluated Alpine County's policies as the same as El Dorado County's.

Regarding the law's advisement requirement, some counties give individual written advisements and/or post notices at each facility that houses female prisoners in at least one conspicuous location accessible to female prisoners. Based on PC §3407 and the advisements and postings from these counties, we developed a "Model Policy," "Model Advisement," and "Model Posting" in compliance with PC §3407, which are attached to this report in Appendix 6, 7, and 8 respectively.

By December 16, 2013, we had received policies from 55 counties. Later in December, after evaluating each county's policies, we mailed individualized letters to each non-compliant county and enclosed our "Model" documents. We asked that the counties review and update their policies to reflect the changes outlined in our letters as soon as possible, and to send us a copy of their revised policies, written advisement, and conspicuous notice when they have done so.

The following findings are based on materials we have received as of February 7, 2014, and we will continue to follow up with the counties.

Compliance Findings

We reviewed the written policies we received from the 55 counties as of February 7, 2014 in response to our PRA and in response to our suggested revisions. Based on the most recently provided written policies, we found:

- **21 counties have policies that are *in compliance*;**
- **32 counties are *in partial compliance*;**³
- **2 counties are *entirely non-compliant*;**⁴
- **3 counties never sent their policies.**⁵

The 21 counties that are in compliance are Alameda, Alpine, Butte, El Dorado, Fresno, Humboldt, Kern, Los Angeles, Marin, Mariposa, Napa, Nevada, Placer, Riverside, San Benito, San Bernardino, San Diego, Shasta, Stanislaus, Tuolumne, and Yolo counties. Examples of exceptional policies, notifications, and advisements are attached to this report in Appendices 3 (Yolo), 4 (Alameda and Humboldt), and 5 (Fresno and Tuolumne) respectively.

³ 8 of these counties are in the process of revising their policies.

⁴ Inyo and Yuba counties.

⁵ Del Norte, Madera, and Sacramento.

We commend the counties that provided two forms of written notification of rights.

Of the 32 counties that were in partial compliance:

- **16 counties have *three components* of PC §3407;**
- **7 counties have *two components*;**
- **9 counties have only *one component*.**

Of the 32 counties that were in partial compliance:

- **24 counties do not refer to notification of rights;**
- **17 counties do not ban all three restraints;**
- **12 counties do not grant medical professionals authority to have restraints removed;**
- **2 counties do not state that restraints will not be used unless there is a safety issue.**

We took a special look at the counties with the five largest jail populations:

- Los Angeles: 18,257 total prisoners (2,463 women);
- Orange: 6,818 total prisoners (929 women);
- San Bernardino: 5,945 total prisoners (714 women);
- San Diego: 5,457 total prisoners (823 women);
- Sacramento: 4,154 total prisoners (467 women).⁶

Sacramento County, with the fifth largest jail population never sent us its policies. Therefore, we cannot determine whether its policies comply.

To their credit, Los Angeles, San Bernardino, and San Diego Counties are in total compliance with PC §3407. Orange County lacks one component (notifying pregnant inmates of their rights) but is still in the process of reviewing our suggested revisions.

Appendix 2, attached to this report, is a spreadsheet which lists each county alphabetically and indicates which of the components each county's most current policy includes.

⁶ "Jail Profile Survey" (2013), Board of State and Community Corrections, http://www.bscc.ca.gov/download.php?f=/2013_2nd_Qtr_JPS_full_report.pdf.

Other Findings

Reliance on Outdated Lexipol Material

During our review, we found that nine counties⁷ directly copied their anti-shackling policies from the “Custody Policy Manual” published by Lexipol.⁸ Those policies were not in compliance. This is of serious note, considering that Lexipol markets its “Custody Policy Manual” as being up-to-date on the most current legislative mandates.⁹ Glenn and Sierra counties offered to contact Lexipol about updating the sections of its manual that relate to PC §3407, and LSPC will follow up with Lexipol.

Reference to Repealed Section 5007.7

Although the legislation that created PC §3407 repealed PC §5007.7, we found that ten counties still referred to PC §5007.7.¹⁰ This was especially problematic, because PC §3407(b) directly improves upon PC §5007.7 by removing the requirement that a “prisoner [must be] declared by the attending physician to be in active labor” in order to obtain the benefits of the statute. In our letters with suggested revisions, we recommended that these counties remove references to §5007.7 and its requirements. Three did.

Electronic Control Devices

We found that three counties authorized the use of electronic devices to control violent prisoners and/or prisoners attempting to escape.¹¹ In our letters with suggested revisions, we recommended that these counties prohibit the use of such devices on pregnant prisoners under any circumstances. Butte County did.

⁷ Glenn, Lake, Modoc, Mono, San Joaquin, Shasta, Siskiyou, Tehama, and Trinity.

⁸ Lexipol is a provider of state-specific policy manuals for custody organizations.

⁹ “The Lexipol Custody Policy Manual directly addresses the needs of jails, detention centers and custody facilities. The Custody Policy Manual has more than 170 policies based on federal and state law, regulations and custody best practices. It is written by legal and custody professionals. Lexipol provides regular updates in response to legislative mandates, case law and the evolution of best practices.” <http://www.lexipol.com/disciplines/custody-pm-3.html>.

¹⁰ Los Angeles, Mendocino, Monterey, Napa, San Francisco, San Luis Obispo, Santa Barbara, Santa Clara, Sierra, and Tulare.

¹¹ Butte, Riverside, and San Luis Obispo.

Language Translations

During our review, we found that Yolo and San Diego counties distribute a Spanish translation of their advisement or posting. This is commendable considering that a significant percentage of California’s population are Spanish-speaking.¹²

Transportation vs. Custody Procedure

Some counties have incorporated the new restraints law into both their in-custody and transportation policies.¹³ This is the better practice. Based on the policies the counties sent us, it appears that 42 counties only incorporate the new law into their in-custody policies and 8 counties only incorporate the new law into their policies concerning transportation of prisoners.¹⁴

We urged the counties from which we only received transportation policies to send us their existing policy that addresses the shackling of pregnant inmates at the county jail, or add such a policy. When the shackling of pregnant prisoners is only banned in the “Transportation” section of a county jail’s policy manual, it leaves open the possibility that pregnant prisoners will be unlawfully shackled while in custody.

Recommendations

We strongly encourage the Department of Corrections and Rehabilitation (CDCR), the Board of State and Community Corrections (BSCC), and all California counties to:

- hold counties more accountable for having up-to-date policies with current legislation;
- provide translated versions of all materials distributed to female prisoners, especially those that outline their pregnancy rights;

¹² One-third of the adult female population in California’s state prisons is identified as Hispanic. “Prison Census Data” (2013), California Department of Corrections and Rehabilitation, http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Annual/Census/CENSUSd1306.pdf.

¹³ Calaveras, Colusa, Contra Costa, Lassen, Marin, Placer, San Benito, Santa Barbara, and Yuba.

¹⁴ Amador, El Dorado, Fresno, Imperial, San Diego, San Francisco, Santa Clara, and Solano.

- educate medical professionals on their critical role in ensuring that restraints are removed from pregnant prisoners;
- ensure that pregnant juvenile prisoners are afforded the same rights and shackling restrictions as female adult prisoners.

Informing Medical Facilities

The fact that PC §3407(c) grants medical professionals the authority to have restraints removed from pregnant prisoners makes this policy directly relevant to all medical professionals who care for female prisoners. Additionally, one county stated that the responsibility to advise pregnant prisoners of their rights fell to the jail’s contracted medical providers. We recommend that the non-profit community, medical associations, and the corrections community take measures to ensure that medical providers are informed of their role in caring for female prisoners as prescribed by this new law. It is equally important that the authority granted to medical professionals be incorporated into medical facilities’ policy manuals and that medical professionals be trained on the new law.

Researching Juvenile Policies

One county gave us separate policies for adult and juveniles. It needs to be determined whether other counties have separate policies for adult and juvenile prisoners. It is possible that future anti-shackling legislation should include specific references to juvenile prisoners.

Prohibiting Restraint/Safety Chairs

We found that eight counties permitted the use of a “restraint” or “safety” chair on pregnant prisoners.¹⁵ It is our position that the use of a restraint chair is tantamount to use of waist and leg restraints. It is possible that future anti-shackling legislation should specifically prohibit the use of such devices on pregnant prisoners under any circumstances.

¹⁵ Butte, Fresno, Lassen, Los Angeles, Mariposa, Mendocino, Riverside and Stanislaus.

Conclusion

We are pleased to have received policies from all but three counties. On the basis of our survey, we can now verify that a total of 21 of 58 counties (over a third) are in total compliance with PC §3407 one year after it went into effect.

We are proud to report that 20 counties have changed or are in the process of changing their policies to be more or fully compliant as a result of our suggestions. We are grateful to the counties that responded to our policy requests and recommendations.

However, we are concerned about the general lack of receptiveness on the part of many counties to our efforts to ensure each county's policies are in compliance with the law. After corresponding with each county for almost a year, more than two-thirds of the counties in California, 34 of 58, still have written policies that do not comply with the law. According to the written policies in some of those counties, pregnant women may be shackled in leg irons, waist chains, and handcuffs behind the body. Written policies in some of those counties do not grant medical professionals the authority to have restraints removed from pregnant prisoners at any time. Furthermore, county jail officials in 24 counties are not obligated by a written policy to inform pregnant prisoners of their rights provided by PC §3407.

PC §3407 was enacted to protect pregnant women from experiencing complications while pregnant and in labor. When legislation that pertains directly to the health and safety of prisoners takes effect, it is imperative that counties in California promptly adjust their policies to be in compliance with every component of that legislation. This report demonstrates that most counties in California are negligent in their policy-writing, thereby continuing to jeopardize the health and safety of pregnant prisoners.

Founded in 1978, LSPC continues to recognize that female prisoners have gender-specific needs that custodial institutions do not always acknowledge. Maintaining the health and well-being of incarcerated pregnant women requires unique considerations. This study has demonstrated that people in many counties support the humane treatment of pregnant women. However, it also shows that our work to protect these women remains unfinished.

Information on how to help implement PC §3407 is attached to this report in Appendix 9.

APPENDIX 1: Text of California Penal Code §3407

(a) A prisoner known to be pregnant or in recovery after delivery shall not be restrained by the use of leg irons, waist chains, or handcuffs behind the body.

(b) A pregnant prisoner in labor, during delivery, or in recovery after delivery, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the prisoner, the staff, or the public.

(c) Restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant prisoner during a medical emergency, labor, delivery, or recovery after delivery determines that the removal of restraints is medically necessary.

(d) This section shall not be interpreted to require restraints in a case where restraints are not required pursuant to a statute, regulation, or correctional facility policy.

(e) Upon confirmation of a prisoner's pregnancy, she shall be advised, orally or in writing, of the standards and policies governing pregnant prisoners, including, but not limited to, the provisions of this chapter, the relevant regulations, and the correctional facility policies.

(f) For purposes of this section, "prisoner" means an adult or juvenile who is incarcerated in a state or local correctional facility.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=3407.

APPENDIX 2: Overview of the compliance of California's 58 counties

CA Counties	(1) Ban 3 restraints	(2) No restraints unless safety issue	(3) Medical professional authority	(4) Notification
Alameda	X	X	X	X
Alpine	X	X	X	X
Amador	X	X	X	
Butte	X	X	X	X
Calaveras		X		
Colusa		X	X	
Contra Costa	X	X	X	
Del Norte				
El Dorado	X	X	X	X
Fresno	X	X	X	X
Glenn		X		
Humboldt	X	X	X	X
Imperial		X		
Inyo				
Kern	X	X	X	X
Kings		X	X	
Lake	X	X	X	
Lassen	X	X	X	
Los Angeles	X	X	X	X
Madera				
Marin	X	X	X	X
Mariposa	X	X	X	X
Mendocino		X		
Merced		X	X	X
Modoc		X		
Mono	X	X	X	
Monterey		X	X	X
Napa	X	X	X	X
Nevada	X	X	X	X
Orange	X	X	X	
Placer	X	X	X	X
Plumas		X	X	X
Riverside	X	X	X	X
Sacramento				
San Benito	X	X	X	X
San Bernardino	X	X	X	X
San Diego	X	X	X	X
San Francisco		X		
San Joaquin		X		
San Luis Obispo	X		X	
San Mateo	X	X	X	
Santa Barbara		X	X	X
Santa Clara	X	X		X
Santa Cruz	X	X	X	
Shasta	X	X	X	X
Sierra	X	X	X	
Siskiyou		X		
Solano		X	X	
Sonoma	X	X		
Stanislaus	X	X	X	X
Sutter		X	X	X
Tehama	X	X		
Trinity	X	X		
Tulare				X
Tuolumne	X	X	X	X
Ventura	X	X	X	
Yolo	X	X	X	X
Yuba				

Key:

X = has component

total compliance	21
not in total compliance	34
no response	3

APPENDIX 3: Example of a well-written policy

Yolo County:

TITLE: Restraint of Pregnant Prisoners

POLICY:

The Sheriff's Department shall comply with California Penal Code 3407 which provides that a prisoner is known to be pregnant or in recovery after delivery shall not be restrained by the use of leg irons, waist chains, or handcuffs behind the body. A pregnant prisoner in labor, during delivery, or in recovery after delivery, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the prisoner, the staff, or the public. The decision to restrain a prisoner in these circumstances shall be made by the Detention Commander or his/her designee.

Restraints will be removed when a professional who is currently responsible for the medical care of the prisoner during a medical emergency, labor, delivery, after delivery, or recovery determines that the removal of the restraints is medically necessary.

Upon confirmation of a prisoner's pregnancy, she shall be advised, orally or in writing, of the standards and policies governing pregnant prisoners, including, but not limited to, the provisions of 3407 P.C., relevant regulations and the correctional facility policies.

PROCEDURE:

Upon confirming that a prisoner is pregnant, medical staff shall provide the prisoner with the standards and policies governing pregnant prisoners (attached). Medical staff will have the prisoner sign the form acknowledging advisement and will place a copy of the signed acknowledgement in the prisoner's medical file and forward a copy to the Correctional Lieutenants for placement in the prisoner's court file.

APPENDIX 4: Examples of exceptional notifications

Alameda County:

INFORMATION FOR PREGNANT INMATES

Inmates known to be pregnant or in recovery after delivery, shall not be restrained by the use of leg irons, waist chains, or handcuffs from behind the body.

Pregnant inmates in labor, during delivery, or in recovery after delivery, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the inmate, the staff, or the public.

An inmates known to be pregnant or in recovery after delivery shall not be handcuffed in the front of the body unless restraints are deemed necessary for the safety and security of the inmate, the staff, or the public.

Restraints shall be removed when a professional who is currently responsible for the medical care of the inmate during a medical emergency, labor, delivery, after delivery, or recovery determines that the removal of restraints is medically necessary.

- While you are in custody within this county jail, and it is confirmed that you are pregnant, the following standards and polices governing pregnant inmates will apply to you:
- Facility medical staff will ensure necessary medication and vitamins, as recommended by a doctor, are available to you.
- Prenatal and postpartum information, health care information, and childbirth education / infant care will be provided to you by the facility's medical staff.
- Medical diets, which are balanced and nutritious, will be authorized by the facility medical staff during the intake process, or after you have been housed.
- Pregnant or lactating inmates will be given 8 ounces of milk at each meal and a snack with 8 ounces of milk during the evening. The housing unit deputy will ensure the snack is received by you.

For your protection, you have been provided this information to assist with your pregnancy while in custody.

If you have questions, you are encouraged to speak to custody staff, a nurse or other medical professional assigned to this facility.



PREGNANCY RIGHTS

Under section 4023.6 of the Penal Code of the State of California you have the right to summon and receive the services of any medical doctor of your choice in order to determine whether you are pregnant. The Jail Commander may adopt reasonable rules and regulations regarding the conduct of examinations to determine pregnancy. If you are found to be pregnant, you are entitled to a determination of the extent of medical services needed by you, and to receiving such services from the doctor of your choice. **(ANY EXPENSES FOR SERVICES BY A DOCTOR WHO'S SERVICES ARE NOT PROVIDED BY THIS JAIL SHALL BE PAID BY THE INMATE)**

Under section 3407 of the Penal Code of the State of California, an inmate known to be pregnant or in recovery after delivery, shall not be restrained by the use of leg irons, waist chains, or handcuffs behind the body. A pregnant inmate in labor, during delivery, or in recovery after delivery, shall not be restrained by the wrists, ankles, or both unless deemed necessary for the safety and security of the inmate, staff or public. Restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant inmate during a medical emergency, labor, delivery or recovery after delivery determines that the removal of restraints is medically necessary. (Current HCCF Policy F-012 adheres to the section of the Penal Code)

new

APPENDIX 5: Examples of exceptional advisements

Fresno (tri-fold pamphlet):

leg irons, waist chains, or handcuffs behind the body.

(b) A pregnant inmate in labor, during delivery, or in recovery after delivery, shall not be restrained by the wrists, ankles, or loots, unless deemed necessary for the safety and security of the inmate, the staff, or the public.

(c) Restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant inmate during a medical emergency, labor, delivery, or recovery after delivery determines that the removal of restraints is medically necessary.

(d) This section shall not be interpreted to require restraints in a case where restraints are not required pursuant to a statute, regulation, or correctional facility policy.

(e) Upon confirmation of an inmate's pregnancy, she shall be advised, orally or in writing, of the standards and policies governing pregnant inmates, including, but not limited to, the provisions of this chapter, the relevant regulations, and the correctional facility policies.

Personal hygiene and birth control; Family planning services

Penal Code 4023.5. (a) Any female confined in any local detention facility shall upon her request be allowed to continue to use materials necessary for (1) personal hygiene with regard to her menstrual cycle and reproductive system and (2) birth control measures as prescribed by her physician.

(b) Each and every female confined in any local detention facility shall be furnished by the county with information and education regarding the availability of family planning services.

(c) Family planning services shall be offered to each and every woman inmate at least 60 days prior to a scheduled release date. Upon request any woman inmate shall be furnished by the county with the services of a licensed physician or she shall be furnished by the county or by any other agency which contracts with the county with services necessary to meet her family planning needs at the time of her release.

detention facility shall have the right to summon and receive the services of any physician and surgeon of her choice in order to determine whether she is pregnant. The superintendent of such facility may adopt reasonable rules and regulations with regard to the conduct of examinations to effectuate such determination.

If the prisoner is found to be pregnant, she is entitled to a determination of the extent of the medical services needed by her and to the receipt of such services from the physician and surgeon of her choice. Any expenses occasioned by the services of a physician and surgeon whose services are not provided by the facility shall be borne by the prisoner.

For the purposes of this section, "local detention facility" means any city, county, or regional facility used for the confinement of any female prisoner for more than 24 hours.

Any physician providing services pursuant to this section shall possess a current, valid, and unrevoked certificate to engage in the practice of medicine issued pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

Permitting abortion

Penal Code 4028. No condition or restriction upon the obtaining of an abortion by a female detained in any local detention facility, pursuant to the Therapeutic Abortion Act (Article 2 (commencing with Section 223400) of Chapter 2 of Part 2 of Division 106 of the Health and Safety Code), other than those contained in that act, shall be imposed. Females found to be pregnant and desiring abortions shall be permitted to determine their eligibility for an abortion pursuant to law, and if determined to be eligible, shall be permitted to obtain an abortion.

For the purposes of this section, "local detention facility" means any city, county, or regional facility used for the confinement of any female person for more than 24 hours.

The rights provided for females by this section shall be posted in at least one conspicuous place to which all female prisoners have access.



All pregnant inmates in the Fresno County Detention Facilities will be given comprehensive counseling and assistance in carrying out their desires for their unborn child. Prenatal and postpartum care provided will match community standards.

All pregnant females will be counseled as soon as possible by medical staff personnel as to all options related to the pregnancy. This will include information on prenatal care provided at the facility, keeping the child after delivery, adoption services available, and abortion options.

All pregnant females seen initially prior to their 20th week of gestation will be offered Prenatal Screening (in order to identify individuals who are at increased risk for carrying a fetus with a specific birth defect), per state requirements.

All pregnant females will be tested for Syphilis and Hepatitis B (HBsAg) as per state requirements.

All pregnant females will be offered HIV testing and counseling per state requirements.

All pregnant females will be monitored for signs of complications before and following their pregnancy.

Family planning services and referrals will be provided upon request.

Pregnant females will be referred to appropriate Social Services as required for adoption or foster care for the child.

Provisions will be made for lactating women as needed.

pregnant inmates up to 26 weeks are seen by a physician every 4 weeks; at 26 weeks the inmate is seen every 2-3 weeks; and at 36 weeks, the inmate is seen weekly.

Medically determined high-risk pregnant inmates will continue to be seen by the on-site physician as needed, but will be considered for referral to the Community Regional Medical Center (CRMC) high-risk OB clinic or the emergency room.

Aftercare

You will be referred to a Social Worker to discuss options available for placement and care of your child after delivery.

Postpartum care is provided by medical personnel, mental health personnel and/or program/social work personnel.

Hospital Stay - Child Birth

Pregnant females may request to have a support person present during child birth. The approval for the support person will rest with the Jail Watch Commander and will be decided on a case-by-case review.

After giving birth, the appointed guardian of the infant and/or family members may be permitted to visit you in the hospital with the approval of the Watch Commander.

If you are authorized to receive visitors, visiting will be in compliance with both the hospital's and the Jail's visiting policies and will be monitored by the assigned officer.

- Visitors must have a valid photo ID.
- Visitation will conform to the hospital's regular visiting hours.
- Only two visitors will be allowed in at a time.
- Children under age 12 are not allowed to visit unless special arrangements are made with hospital staff.
- The privacy curtain surrounding the bed shall remain open at all times.
- There will be absolutely no exchange of any item, including food or clothing.
- There will be no physical contact at any time.

Housing

Once it is determined that an inmate is pregnant, she will be housed on a bottom bunk.

Clothing

All pregnant inmates will be issued and required to wear maternity clothing. If you are inadvertently issued a jumpsuit instead of a maternity smock (or discover at a later date that you are pregnant), it is your responsibility to notify an officer, in order to obtain a maternity smock.

Meals

Meals provided to all inmates are in compliance with the requirements set forth in the California Code of Regulations in consultation with a registered dietitian. Pregnant and lactating women are provided a balanced, nutritious diet, approved by a doctor, which includes an extra 8oz serving of milk and protein snack.

Medications

Pregnant females should not take any medications unless advised to do so by a member of the medical staff. This includes all over-the-counter medications.

Pregnant inmates will receive prenatal vitamins, iron and folic acid.

Available Information

Submit an *Inmate Request Form* to the Jail Inmate Programs Unit and provide the title of the pamphlet you are requesting (limit one item per request, per day).

- 50 Things Every Pregnant Woman Should Know
- 50 Things to Keep Your Baby Safe and Healthy
- Alcohol and Pregnancy
- Am I Ready to be a Mom?
- Depression During Pregnancy and After
- Drug Use and Pregnancy
- Healthy Eating and Pregnancy
- HIV and Pregnancy
- Pregnant Women say NO 2 Flu (H1N1)
- STD's and Pregnancy

Q: What is depression?

A: Depression is more than just feeling "blue" or "down in the dumps" for a few days. It's a serious illness that involves the brain. With depression, sad, anxious, or "empty" feelings don't go away and interfere with day-to-day life and routines. These feelings can be mild to severe. The good news is that most people with depression get better with treatment.

Q: How common is depression during and after pregnancy?

A: Depression is a common problem during and after pregnancy. About 13 percent of pregnant women and new mothers have depression.

Q: How do I know if I have depression?

A: When you are pregnant or after you have a baby, you may be depressed and not know it. Some normal changes during and after pregnancy can cause symptoms similar to those of depression. But if you have any of the following symptoms of depression for more than 2 weeks, let your physician know, or submit an *Inmate Request Form* to JPS:

- Feeling restless or moody
- Feeling sad, hopeless, and overwhelmed
- Crying a lot
- Having no energy or motivation
- Eating too little or too much
- Sleeping too little or too much
- Having trouble focusing or making decisions
- Having memory problems
- Feeling worthless and guilty
- Losing interest or pleasure in activities you used to enjoy
- Withdrawing from friends and family
- Having headaches, aches and pains, or stomach problems that don't go away

Additional information is available and can be obtained from the Jail Inmate Programs Unit.

Tuolumne County:

TUOLUMNE COUNTY SHERIFF'S DEPARTMENT HEALTH INFORMATION FOR PREGNANT INMATES

WHILE YOU ARE IN CUSTODY AND HOUSED WITHIN THE TUOLUMNE COUNTY JAIL, AND IT IS CONFIRMED YOU ARE PREGNANT, THE FOLLOWING STANDARDS AND POLICIES GOVERNING PREGNANT INMATES WILL APPLY TO YOU.

- FACILITY MEDICAL STAFF WILL ENSURE NECESSARY MEDICATION AND VITAMINS, AS RECOMMENDED BY A DOCTOR, ARE AVAILABLE TO YOU.
- PRENATAL AND POSTPARTUM INFORMATION, HEALTH CARE INFORMATION, AND CHILDBIRTH EDUCATION / INFANT CARE WILL BE PROVIDED TO YOU BY THE FACILITY'S MEDICAL STAFF.
- MEDICAL DIETS, WHICH ARE BALANCED AND NUTRITIOUS, WILL BE AUTHORIZED BY THE FACILITY MEDICAL STAFF DURING THE INTAKE PROCESS, OR AFTER YOU HAVE BEEN HOUSED.
- PREGNANT OR LACTATING INMATES WILL BE GIVEN 8 OUNCES OF MILK AT EACH MEAL AND A SNACK WITH 8 OUNCES OF MILK DURING THE EVENING. THE HOUSING UNIT DEPUTY WILL ENSURE THE SNACK IS RECEIVED BY YOU.

AN INMATE KNOWN TO BE PREGNANT WHILE IN HOUSING, DURING TRANSPORTATION TO AND FROM COURT, AND HOSPITAL VISITS, WILL BE HANDCUFFED IN FRONT. PREGNANT INMATES WILL NOT BE RESTRAINED BY THE USE OF LEG IRONS, WAIST CHAINS, OR HANDCUFFS BEHIND THE BODY.

A PREGNANT INMATE IN LABOR, DURING DELIVERY, AFTER DELIVERY, OR IN RECOVERY, WILL NOT BE RESTRAINED BY THE WRISTS, ANKLES, OR BOTH, UNLESS DEEMED NECESSARY FOR THE SAFETY AND SECURITY OF THE INMATE, THE STAFF, OR THE PUBLIC.

RESTRAINTS WILL BE REMOVED WHEN A PROFESSIONAL WHO IS CURRENTLY RESPONSIBLE FOR THE MEDICAL CARE OF A PREGNANT INMATE DURING A MEDICAL EMERGENCY, LABOR, DELIVERY, AFTER DELIVERY, OR RECOVERY, AND DETERMINES THAT THE REMOVAL OF RESTRAINTS IS MEDICALLY NECESSARY.

FOR YOUR PROTECTION, YOU HAVE BEEN PROVIDED THIS INFORMATION TO ASSIST WITH YOUR PREGNANCY WHILE IN CUSTODY.

IF YOU HAVE QUESTIONS, YOU ARE ENCOURAGED TO SPEAK TO CUSTODY STAFF, A NURSE OR OTHER MEDICAL PROFESSIONAL ASSIGNED TO THIS FACILITY.

INMATE SIGNATURE

DATE

PRINT NAME

DISTRIBUTION:
ORIGINAL - INMATE BOOKING FILE
COPY - INMATE MEDICAL FILE
COPY - INMATE

APPENDIX 6: Model Policy

- i. A pregnant inmate in labor, during delivery, or in recovery after delivery, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the inmate, the staff, or the public. The Jail Watch Commander is to be notified in writing at the earliest opportunity if restraints are used.
- ii. An inmate known to be pregnant or in recovery after delivery shall never be restrained by the use of leg irons, waist chains, or handcuffs from behind the body.
- iii. An inmate known to be pregnant or in recovery after delivery shall not be handcuffed in the front of the body unless restraints are deemed necessary for the safety and security of the inmate, the staff, or the public.
- iv. Restraints shall be removed when a professional who is currently responsible for the medical care of the inmate during a medical emergency, labor, delivery, after delivery, or recovery determines that the removal of restraints is medically necessary.
- v. Each female inmate shall be given a written advisement with the standards and policies governing pregnant inmates (attached), including but not limited to section 3407 PC, and this policy. Staff will have the inmate sign the form acknowledging advisement and will place a copy of the signed acknowledgement in the inmate's medical file and forward a copy for placement in the inmate's court file.
- vi. The rights provided for inmates by this policy will be posted (attached) in at least one conspicuous location to which female inmates have access at each facility that houses female inmates.

APPENDIX 7: Model Advisement

HEALTH INFORMATION FOR PREGNANT INMATES

Inmates known to be pregnant or in recovery after delivery shall never be restrained by the use of leg irons, waist chains, or handcuffs from behind the body.

Pregnant inmates in labor, during delivery, or in recovery after delivery, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the inmate, the staff, or the public.

An inmate known to be pregnant or in recovery after delivery shall not be handcuffed in the front of the body unless restraints are deemed necessary for the safety and security of the inmate, the staff, or the public.

Restraints shall be removed when a professional who is currently responsible for the medical care of the inmate during a medical emergency, labor, delivery, after delivery, or recovery determines that the removal of restraints is medically necessary.

While you are in custody within this county jail, and it is confirmed that you are pregnant, the following standards and polices governing pregnant inmates will apply to you:

- Facility medical staff will ensure necessary medication and vitamins, as recommended by a doctor, are available to you.
- Prenatal and postpartum information, health care information, and childbirth education / infant care will be provided to you by the facility's medical staff.
- Medical diets, which are balanced and nutritious, will be authorized by the facility medical staff during the intake process, or after you have been housed.
- Pregnant or lactating inmates will be given 8 ounces of milk at each meal and a snack with 8 ounces of milk during the evening. The housing unit deputy will ensure the snack is received by you.

For your protection, you have been provided this information to assist with your pregnancy while in custody.

If you have questions, you are encouraged to speak to custody staff, a nurse or other medical professional assigned to this facility.

Inmate Signature

Date

Print Name

APPENDIX 8: Model Posting

PREGNANCY RIGHTS

While you are in custody within this county jail, and it is confirmed that you are pregnant, the following standards and policies governing pregnant inmates will apply to you:

-
- **Inmates known to be pregnant or in recovery after delivery shall never be restrained by the use of leg irons, waist chains, or handcuffs from behind the body.**
 - **Pregnant inmates in labor, during delivery, or in recovery after delivery, shall not be restrained by the wrists, ankles, or both,** unless deemed necessary for the safety and security of the inmate, the staff, or the public.
 - **An inmate known to be pregnant or in recovery after delivery shall not be handcuffed in the front of the body** unless restraints are deemed necessary for the safety and security of the inmate, the staff, or the public.
 - Restraints shall be removed when a professional who is currently responsible for the medical care of the inmate during a medical emergency, labor, delivery, after delivery, or recovery determines that the removal of restraints is medically necessary.
 - Facility medical staff will ensure necessary medication and vitamins, as recommended by a doctor, are available to you.
 - Prenatal and postpartum information, health care information, and childbirth education / infant care will be provided to you by the facility's medical staff.
 - Medical diets, which are balanced and nutritious, will be authorized by the facility medical staff during the intake process, or after you have been housed.
 - Pregnant or lactating inmates will be given 8 ounces of milk at each meal and a snack with 8 ounces of milk during the evening. The housing unit deputy will ensure the snack is received by you.
-

For your protection, you have been provided this information to assist with your pregnancy while in custody.

If you have questions, you are encouraged to speak to custody staff, a nurse, or other medical professional assigned to this facility.

APPENDIX 9: How to Help



PLEASE HELP IMPLEMENT ANTI-SHACKLING!

Getting a bill signed is only the first step in making a law become real! LSPC is working to make sure the new law is implemented across the state. You can help us!

Per California Penal Code Section 3407, starting January 1, 2013, **no pregnant woman** detained in a California prison, jail or juvenile facility may be handcuffed behind her back, chained around her ankles or shackled around her belly. That is the bottom line; once it is known that she is pregnant, none of these kinds of restraints can be used during her **entire pregnancy!**

During a medical emergency, a medical person may require that a pregnant woman be released from her restraints.

During labor, delivery and recovery, she is not to be restrained **at all** unless there is a stated security reason for that restraint. **However**, if a medical person states that the woman must be released from her restraints, no restraints may be used.

If you or any pregnant woman you know has been wrongly restrained, please contact us at the address below.

Together, we can make this law a reality!

1540 Market St., Suite 490,
San Francisco, CA 94102.

Phone: (415) 255-7036

Fax: (415) 552-3150

www.prisonerswithchildren.org
info@prisonerswithchildren.org

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OUR MISSION

LSPC organizes communities impacted by the criminal justice system and advocates to release incarcerated people, to restore human and civil rights and to reunify families and communities. We build public awareness of structural racism in policing, the courts and prison system and we advance racial and gender justice in all our work.

Our strategies include legal support, trainings, advocacy, public education, grassroots mobilization and developing community partnerships.

Legal Services for Prisoners with Children

1540 Market St., Suite 490

San Francisco, CA 94102

Phone: (415) 255-7036

Fax: (415) 552-3150

info@prisonerswithchildren.org

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