

DATE:	OCTOBER 2, 2019
NUMBER:	M.38
SUBJECT:	PREGNANT INMATES
RELATED SECTIONS:	CCR Title 15, Sec. 1206; PC 3405, 3407, 3423, 3424, 4023.6, 4028, 6030(e & f); I.47 ; MSD.F.1

PURPOSE

To protect the right of privacy with respect to personal reproductive decisions of female inmates and provide quality medical care to those that are pregnant while in custody.

POLICY

Female inmates shall have the right to summon and receive the services of a physician in order to confirm pregnancy, continue the pregnancy or elect abortion. An inmate may also request to see their own physician at their own expense. Pregnant inmates are identified by the red striped paper insert on their wristband. All pregnant and lactating inmates shall be provided with information pertaining to prenatal health care, postpartum health care, childbirth education and infant care. An inmate known to be pregnant shall only be restrained as permitted by law. Breast pumps shall be available for lactating mothers.

PROCEDURE

I. INTAKE/MEDICAL SCREENING

- A. When an inmate is suspected of being pregnant, the medical staff will administer an on-site pregnancy test.
 - 1. If the test is negative and pregnancy is still suspected, the inmate shall be referred to a qualified healthcare provider for assessment/need for further testing.
 - 2. Inmates testing positive shall be scheduled for the next provider's sick call to confirm pregnancy by examination. Inmates determined to be pregnant shall not be put through the x-ray or body scanner.
 - 3. Inmates who claim to be pregnant and refuse to submit to a pregnancy test will be strip searched per Detention Policy and Procedure I.52 and placed on contraband watch per Detention Policy and Procedure J.8.
- B. An inmate may request to be treated by their own physician (at their own expense) to determine continuation of pregnancy or elect abortion, pursuant to Detention Policy and Procedure M.11.

II. ADVISEMENTS

- A. At the inmate's first clinic visit, the nurse will orally advise the inmate of the standards and policies governing pregnant inmates, including, but not limited to, the provisions of

California Penal Code sections 3407 and 6030. Proof of such advisement will be noted in the inmate's health record.

- B. Standards and policies governing pregnant inmates, including, but not limited to, the provisions of California Penal Code sections 3405, 4023.6 and 4028 shall be displayed as signs in the female intake and medical waiting areas.

III. TERMINATION OF PREGNANCY

- A. An inmate who expresses a desire to terminate the pregnancy, or who would like counseling on the issue, shall be referred to Planned Parenthood for further information as to all options available to them.
- B. Abortions may be approved following a determination of eligibility and at the expense of the County, pursuant to California Penal Code sections 3405 and 4028. It shall be the responsibility of medical staff to schedule the procedure.
- C. Medical staff will coordinate transportation via the Prisoner Transportation Detail or facility staff. Upon return to the facility, the inmate shall be taken directly to the facility's dispensary for a follow-up evaluation.

IV. USE OF RESTRAINTS

- A. An inmate known to be pregnant or in recovery after delivery shall not be restrained by the use of leg chains, waist chains or handcuffs behind the body. A pregnant inmate needing to be restrained shall only be handcuffed with their hands in front of the body.
- B. A pregnant inmate in labor, during delivery or in recovery after delivery, shall not be restrained by the wrists, ankles or both (e.g., chained during transport to the hospital, chained to the bed during or after delivery, chained during transport back to the facility, etc.), unless deemed necessary for the safety and security of the inmate, staff or the public and approved by the medical professional who is currently responsible for the medical care of the pregnant inmate. Any such restraint based on safety and security needs must be based on an individualized assessment of the inmate's likelihood of escape, assault or self-harm.
 - 1. If restraints are deemed necessary, deputies must inform the watch commander for approval. The watch commander will:
 - a. Document the inmate's name, booking number and reason for restraints in the watch commander's log.
 - b. Ensure an incident report, detailing the necessity for restraints, is written and entered into the Jail Information Management System (JIMS).
 - 2. Restraints shall be removed as soon as practicable after the specific safety and security concerns that warranted the use of restraints are no longer present, or it appears to any observer that the continued use of the restraints will cause the inmate to suffer harm.

The restraints must also be removed if a medical professional who is currently responsible for the medical care of the pregnant inmate determines the removal of the restraints is medically necessary. Removal of restraints must be communicated to the watch commander. The watch commander will:

- a. Determine if extra deputies are needed for safety and security.
 - b. Update the watch commander's log, documenting the removal of restraints.
 - c. Ensure an incident report, detailing the necessity to remove restraints, is written and entered into JIMS.
- C. An inmate who has given birth shall be considered to be, "in recovery," and therefore subject to the limitations on use of restraints as set forth in California Penal Code section 3407 and in this section, until such time the inmate is determined to be no longer, "in recovery," by the medical professional who is responsible for the inmate's medical care, and such determination has been noted in the inmate's health record.

Upon determination that the inmate is no longer, "in recovery," medical staff shall notify sworn staff so the red striped insert can be removed from the inmate's wristband.

V. LACTATING MOTHERS

The Las Colinas Detention and Reentry Facility shall outline, via a green sheet, procedures for use of breast pumps.