



# San Diego Sheriff's Department Court Services Bureau Training Bulletin

December 2020

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## Incarcerated Pregnant Persons Assembly Bill 732

### What is Assembly Bill No. 732?

AB 732 was approved by the California Governor on September 20<sup>th</sup>, 2020, to expand the quality of healthcare and accommodations for pregnant people incarcerated in California jails and prisons. AB 732 was passed to amend Penal Code Sections 3405, 3406, 3409, 4023.5, 4023.6, 4028 and to add Sections **3408** and **4023.8**.

### When does AB 732 go into effect?

Assembly Bill No. 732 goes into effect on January 1, 2021 for the California jail/prison system.

### What are our current guidelines?

California Penal Code 3407 / Title 15 and CSB Policy F.20 state the following:

- 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, the staff, or the 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.

*Procedure: A pregnant inmate needing to be restrained shall only be handcuffed with their hands in front of their body.*

### What was added to AB 732 and how does it affect courts?

Penal Code Sections 3408 and 4023.8 were added to expand the quality of healthcare.

PC 3408 and 4023.8 describes the new guidelines to follow in conjunction with PC 3407:

- *Incarcerated pregnant persons shall not be tased, pepper sprayed, or exposed to other chemical weapons.*

- *An incarcerated pregnant person shall be temporarily taken to a hospital outside the jail/court for the purpose of giving childbirth and shall be transported in the least restrictive way possible and in accordance with Section 3407. An incarcerated person shall not be shackled to anyone else during transport. An incarcerated pregnant person in labor or presumed to be in labor shall be treated as an emergency and shall be transported to the outside facility, accompanied by sworn staff.*
- *An incarcerated pregnant person in labor and delivery shall be given the maximum level of privacy possible during the labor and delivery process. If a deputy is present, they shall be stationed outside the room rather than in the room, absent extraordinary circumstances. If a deputy must be present in the room, the deputy shall stand in a place that grants as much privacy as possible during labor and delivery. A deputy shall be removed from the room if a professional who is currently responsible for the medical care of a pregnant incarcerated person during a medical emergency, labor, delivery, or recovery after delivery determines that the removal of the deputy is medically necessary.*
- *An incarcerated pregnant person may elect to have a support person present during labor, childbirth, and during postpartum recovery while hospitalized. The support person may be an approved visitor or the jail's staff designated to assist with prenatal care, labor, childbirth, lactation, and postpartum care. The approval for the support person shall be made by the jail Watch Commander or his designee.*

### **What if I encounter unusual situations? Q & A**

**Q.** What if the incarcerated person is a green bander? Must I cross chain her while at court?

**A.** No, you must comply with PC 3407 where you handcuff the pregnant inmate in the front. However, two deputies are still required for transport.

**Q.** What if the incarcerated pregnant person is on crutches? Green bander?

**A.** Use your best judgement, do not apply restraints on a pregnant person with mobility issues but make sure to practice good officer safety skills.

**Q.** What if I apply a waist-chain on an incarcerated person but then tells me she's pregnant but not showing yet?

**A.** An incarcerated pregnant person would be identified by a red striped paper insert on her wristband.

**Exigent Circumstances:**

Officer safety is paramount, if you must deviate from any of the subsections mentioned in this training bulletin, you must articulate your actions in a crime/incident report. Additionally, you must also notify a supervisor as soon as practical but no later than the end of shift.