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## Care and Dignity of Female Inmates

### 813.1 PURPOSE AND SCOPE

This policy provides guidance to support the health and wellbeing of female inmates, particularly those who are pregnant or in a postpartum recovery period as defined herein. Pregnant inmates will be provided sufficient food, dietary supplements and sufficient hygiene and nutritional supplies as needed or ordered by the health care provider at no cost. To maintain the dignity of incarcerated female inmates there will also be limitations placed on inspections made by male employees when a female inmate is undressed as described herein. The Montgomery County Sheriff's Office will not use leg, waist, or ankle restraints on a pregnant incarcerated person during the second and third trimester of pregnancy, during labor and delivery, and during the postpartum recovery period, except as described herein. (Handcuffing in front is permitted when the inmate is outside the confines to the detention center, i.e. court, being transported to other detention centers)

### 813.2 DEFINITIONS

- (A) Employee refers to a person employed by the Montgomery County Sheriff's Office.
- (B) Escape Risk refers to an incarcerated person who is determined to be at high risk for escape based on individualized risk assessment.
- (C) Important Circumstances refers to an individualized determination that there are reasonable grounds to believe the female inmate presents a threat of harming herself, the fetus, or any other person, or is an escape risk that cannot be reasonably contained by other means, including the use of additional personnel.
- (D) Trimester refers to a one third measurement of a normal 40 week pregnancy. 1<sup>st</sup> trimester is 1 - 12 weeks, 2<sup>nd</sup> trimester is 13 – 28 weeks and 3<sup>rd</sup> trimester is 29 – delivery.
- (E) Postpartum Recovery Period refers to a six (6) week period following delivery, or longer, as determined by a health care provider.
- (F) Pregnant Incarcerated Inmate refers to an incarcerated person who has been referred to the health care provider and has had a confirmed positive pregnancy test or to an incarcerated person who has been diagnosed as being pregnant by an outside health care practitioner. In addition, an incarcerated female who suspects she may be pregnant or who staff suspect may be pregnant, or an incarcerated female who has indicated that she has been sexually assaulted will be referred to the health care provider for pregnancy testing.
- (G) Restraints refers to any physical or mechanical device used to restrict or control the movement of a person's body, limbs, or both.
- (H) Restrictive Housing refers to any type of housing that involves removal from general population and an inability to leave a room or cell for the vast majority of the day. This term does not include any of the following:

1. Single-cell accommodations in facilities that provide those accommodations to all incarcerated persons.
  2. Single-cell accommodations in facilities that provide those accommodations to all persons of a certain sex.
  3. Single-cell accommodations provided for medical reasons, except when pregnancy, alone, is the medical reason for the single cell accommodations.
  4. Single-cell accommodations provided when an individualized determination has been made and reasonable grounds to believe there exists a threat of harm to the female incarcerated person or the fetus.
  5. Single-cell accommodations provided at the request of the incarcerated person.
- (l) State of Undress refers to a situation when an incarcerated person is partially or fully naked, either in the shower, toilet areas, a medical examination room, or while having a search conducted.

### **813.3 USE OF RESTRAINTS**

Restraints will not be applied on a pregnant inmate, during the second and third trimester of pregnancy, during labor and delivery, and during the postpartum recovery period. Exceptions to this directive are noted, below:

- (A) An incarcerated person who is in the postpartum recovery period may only be restrained if a employee makes an individualized determination that an important circumstance exists. In this case, only wrist handcuffs held in front of the female incarcerated person's body may be used, and then only when the person is ambulatory.
- (B) The employee ordering the use of restraints on an inmate while in the postpartum recovery period will complete an incident report in JMS and inform the Detention Administrator as soon as possible, but within five (5) days following the use of restraints. The report will contain the justification for the use of restraints.

Nothing in the above directives will prohibit the use of handcuffs or wrist restraints held in front of the female incarcerated person's body when in transport outside of the detention center. However, restraints will not be used when the inmate is in labor or is suspected to be in labor. In addition, nothing in the above directives will prohibit the use of medical restraints by a licensed health care professional to ensure the medical safety of a pregnant incarcerated person.

### **813.4 SEARCHES**

- (A) Body Cavity Searches
- (1) If there is probable cause to believe a female inmate who is pregnant or in the postpartum recovery period is concealing contraband that presents an imminent risk of harm to the inmate, fetus, or another person, the Detention Officer will notify their shift supervisor immediately and will detail the circumstances which exist.
  - (2) The supervisor will notify the team leader and or administrator who must approve the application for a search warrant to conduct the search. (NOTE: The supervisor will assign an officer to maintain constant observation of the inmate during the process.)

- (3) When a search warrant has been obtained, the inmate will be transported to a health care facility so a body cavity search can be performed by a certified health care professional(s).

**Required Written Reports:** When a body cavity search has been conducted, the officer must submit a report through their chain-of-command to the administrator as soon as possible but within five (5) days following the search which will include:

- 1). Date and time and the specific facts relied upon to establish probable cause
- 2). Name and booking number of the pregnant inmate searched
- 3). Name and rank of the supervisor notified of the incident
- 4). Medical facility which the inmate was transported to conduct the search
- 5). Items recovered, if any, and the disposition of such items
- 6). Name and title of health care provider who performed search

(B) Pat-down and Complete Searches

Necessary pat-down searches and authorized complete searches of a pregnant inmate or inmates in a postpartum recovery period will be conducted by officers of the same sex and in accordance with the procedures.

### **813.5 OTHER PROVISIONS**

(A) Dietary Requirements

1. The health care provider will ensure pregnant inmates or those in postpartum recovery are prescribed meals and dietary supplements at appropriate times of the day to meet generally accepted prenatal nutritional guidelines.
2. The administrator will be notified by the health care provider of any prescribed dietary needs or other known dietary restrictions of a pregnant inmate or those in postpartum recovery, e.g., allergies or other medically prescribed dietary restrictions.
3. When a pregnant inmate or those in postpartum recovery period are hospitalized, she will be provided a full range of meal options provided by the hospital to ensure meals meet the inmate's nutritional needs.

(B) Restrictive Housing

1. Restrictive Housing: A pregnant inmate or those in postpartum recovery period will not be placed in restrictive housing, unless an individual determination is made by an employee and is approved by team leader or administrator that an important circumstance exists.
  - a. An incident report that includes the circumstances which lead to the placement of the inmate in restrictive housing and their justification for approving the transfer to more restrictive housing. Details of the circumstances that lead them to believe the inmate posed a threat of harm to herself, the fetus, or to another person, or posed an escape risk that could not be addressed by other means.

- b. Reports must be submitted as soon as possible after the transfer to restrictive housing, but within five (5) days. All housing unit changes will be updated in the JMS system.
2. Beds: The Detention Administrator is responsible to ensure a pregnant inmate or those in postpartum recovery period are not assigned a bed which is more than three feet (3") from the floor. If bunk beds are used the bottom bunk must meet the same height requirements.
3. Cost of Care: A pregnant inmate will be provided with prenatal care, labor and delivery care, and postpartum care at no cost while she is incarcerated.
4. Feminine Hygiene Supplies: The Detention Administrator will ensure an inmate in postpartum recovery is provided necessary hygiene products, to include underwear, sanitary napkins, and hygiene supplies at no cost during this period.
5. Bonding Period: Following the delivery of a newborn by an inmate, the Detention Administrator will permit the newborn to remain with the inmate while the inmate is in the hospital, unless the medical provider has a reasonable belief that remaining with the inmate poses a health or safety risk to the newborn.

#### **813.6 INSPECTIONS WHEN FEMALE INMATES ARE IN A STATE OF UNDRRESS**

To the greatest extent practicable and consistent with safety and order of the detention center, there will be a limitation on inspections by male officers when a female inmate (regardless if she is pregnant) is in a state of undress. Nothing in this directive will limit the ability of a male officer from conducting inspections when a female inmate may be in a state of undress if no female officers are available within a reasonable period of time.

1. Required Written Reports: If a male officer deems it is appropriate to conduct an inspection or search while a female inmate is in a clear state of undress in an area such as the shower, a medical examination room, toilet areas, the male officer will complete an incident report that includes his justification as soon as possible, but within five (5) days.

#### **813.7 MENSTRUAL PRODUCTS**

The detention center will ensure that sufficient menstrual products, e.g., sanitary napkins and tampons, are available to all female inmates (regardless if they are pregnant) who have an active menstrual cycle. Menstrual products will be provided by the detention center, as needed, at no cost.

