**Limiting the use of restraints on pregnant women or youth**

Use of Restraints:

* Whenever restraints are used on a pregnant offender DURING ANY STAGE OF PREGNANCY, the restraints used must be the least restrictive available and most reasonable under the circumstances. HOWEVER, NO waist chains or leg irons may be used AT ANY TIME DURING ANY STAGE OF PREGNANCY on any offender KNOWN TO BE PREGNANT.
* While a pregnant offender is in labor or in child birth NO RESTRAINTS OF ANY KIND may be used whatsoever. However, treating physicians licensed under Title 18 RCW may request the use of hospital restraints for the medical safety of the patient.
* During transportation to and from visits to medical providers and court proceedings during the third trimester of her pregnancy, or during postpartum recovery no restraints of any kind may be used on any pregnant offender EXCEPT IN EXTRAORDINARY CIRCUMSTANCES.
* “Extraordinary circumstances” exist where a correctional officer makes an individual determination that restraints are necessary to prevent an incarcerated pregnant woman or youth from escaping, or from injuring herself, medical or correctional personnel, or others.

Other:

* If a doctor, nurse, or other health professional treating a pregnant offender requests that restraints not be used, the officer accompanying the pregnant offender must immediately remove all restraints.
* No correctional personnel shall be present during the pregnant offender’s labor or childbirth while she is being attended to by medical personnel, unless specifically requested by medical personnel. If the employee's presence is requested by medical personnel, the employee should be female if practicable.

Definitions:

* “Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix.
* “Physical restraint" means the use of any bodily force or physical intervention to control an offender or limit a pregnant offender's freedom of movement in a way that does not involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:
     (a) Prevent a pregnant offender from completing an act that would result in potential bodily harm to self or others or damage property;
     (b) Remove a disruptive pregnant offender who is unwilling to leave the area voluntarily; or
     (c) Guide an pregnant offender from one location to another.
* “Restraints" means anything used to control the movement of a person's body or limbs and includes:
     (a) Physical restraint; or
     (b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons.
* "Postpartum recovery" means (a) the entire period a female offender is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after female offender leaves the hospital, birthing center, or clinic.
* “Transportation" means the conveying, by any means, of an incarcerated pregnant offender from the correctional facility to another location from the moment she leaves the correctional facility to the time of arrival at the other location, and includes the escorting of the pregnant offender from the correctional facility to a transport vehicle and from the vehicle to the other location.
* “Correctional facility" means a facility or institution operated directly or by contract by the secretary for the purposes of incarcerating adults in total or partial confinement, as defined in RCW 9.94A.030.