

## Department of Public Safety and Correctional Services

### Office of the Secretary

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December 1, 2014

The Honorable Thomas V. Michael Miller, Jr.  
President of Senate  
State House, H-107  
Annapolis, MD 21401 – 1991

The Honorable Michael Erin Busch  
Speaker of House of Delegates  
State House, H-101  
Annapolis, MD 21401 – 1991

RE: Report on Chapter 212 - Correctional Services – Healthy Births for  
Incarcerated Women Act (MSAR #10142)

Dear Mr. Speaker and Mr. President:

According to the language on pages 7 and 7 of Chapter 212 –Correctional Services –  
Healthy Births for Incarcerated Women Act enacted in 2014, the Department of Public  
Safety and Correctional Services (DPSCS) is required to submit an annual report. The  
language specifically states:

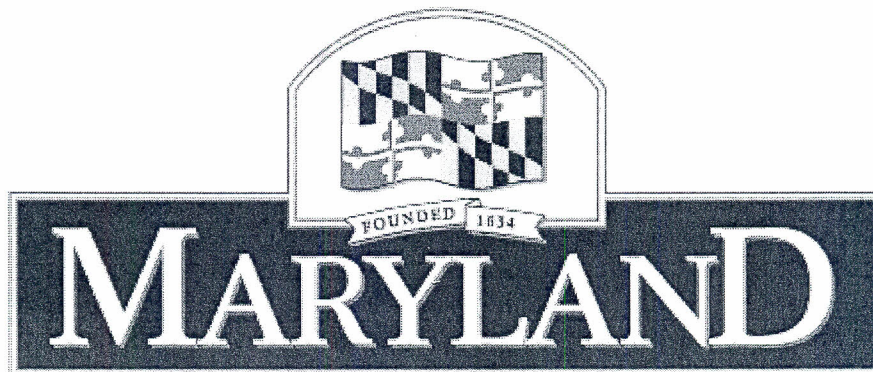
*SECTION 2. AND BE IT FURTHER ENACTED, That, on or before 30 days  
before the end of each calendar year until December 31, 2017, the Secretary of  
Public Safety and Correctional Services shall submit a report to the Governor  
and, in accordance with §2-1246 of the State Government Article, the General  
Assembly on the number of times physical restraints were used on a pregnant  
inmate during labor, delivery and postpartum recovery during the previous  
calendar year in each State and local correctional facility.*

Enclosed is a detailed report pursuant to the aforementioned language. We hope that  
this report will be informative and helpful to you and your members. If I can be of further  
assistance, please do not hesitate to contact me at 410-339-5005 or Kevin Loeb, Director  
of Legislative Affairs, at 410-260-6070.

Sincerely,

Gregg Hershberger

c: Mr. John Griffin, Chief of Staff, Governor's Office  
Ms. Jean Hitchcok, Governor's Chief Legislative Officer  
Ms. Shanetta Paskel, Governor's Deputy Legislative Officer  
Ms. Hannah Dier, Policy Analyst, Department of Legislative Services  
Mr. Matthew Schmid, Budget Analyst, Dept. of Budget & Management  
Ms. Sarah Albert, Department of Legislative Services  
Deputy Secretary Patricia Donovan  
Deputy Secretary Carroll Parrish  
Director Kevin C. Loeb, Office of Government, Legislative and Community Affairs



DEPARTMENT OF PUBLIC SAFETY  
AND CORRECTIONAL SERVICES

Report on HB 212 (2014)

Correctional Services – Healthy Births for  
Incarcerated Women Act

December 2014

Governor Martin O'Malley  
Lt. Governor Anthony G. Brown  
Secretary Gregg Hershberger

## **Introduction**

The enactment of HB 27 during the 2014 Legislative Session required the Department of Public Safety and Correctional Services (DPSCS) to compile an annual report on the number of times physical restraints were used on a pregnant inmate during labor, delivery, and postpartum recovery during the previous calendar year in each State and local correctional facility. Additionally, the bill states that a physical restraint may not be used on an inmate while the inmate is in labor or during delivery, except as determined by the medical professional responsible for the care of the inmate. The bill also states that a physical restraint may only be used on an inmate known to be pregnant or in postpartum recovery if a warden or local sheriff deems it necessary to ensure the safety and security of the inmate or staff and if such a determination is made, the restraint must be the least restrictive necessary. Furthermore, State and local correctional facilities must create a policy based on the language and requirements of the bill. The bill became effective July 1, 2014.

## **State Correctional Facilities**

The Women's Detention Center (WDC) in Baltimore City and the Maryland Correctional Institution for Women (MCIW) fall under the purview of DPSCS. Even prior to the enactment of this legislation, the Department had in place a policy stipulating that a pregnant detainee, inmate or offender may be restrained only when absolutely necessary to protect the pregnant individual from self-harm, harming others, or to prevent escape. Additionally, the policy mandates that if a pregnant detainee, inmate or offender is restrained, the restraint used shall be the least restrictive form of restraint necessary to ensure safety and security with minimum risk to the pregnant individual and the fetus. If a restraint is used, the event must be documented. WDC and MCIW have tracked and reported the following:

- From July 2014 – November 2014, **zero** restraints were used on a known pregnant inmate, detainee or offender at WDC.
- From July 2014 – November 2014, **zero** restraints were used on a known pregnant inmate, detainee or offender at MCIW.

## **Local Correctional Facilities**

As previously stated, DPSCS is also required to report the number of occasions a local correctional facility has restrained a known pregnant inmate, detainee or offender. Please see below, the data DPSCS received from the local

correctional facilities from July 2014 – October 2014. It is important to note that the column “Other” indicates the number of instances restraints were used on a pregnant inmate, detainee or offender outside of the period of labor, delivery or postpartum recovery. This may include instances where restraints were used during transportation or for other safety and security purposes.

<b>July, 2014</b>	Total Pregnant Inmates	Total Instances Restraints Were Used	Other	During Labor	During Delivery	During Postpartum Recovery
Allegany	0	0	0	0	0	0
Anne Arundel	3	0	0	0	0	0
Baltimore Co.	9	0	0	0	0	0
Calvert	1	1	1	0	0	0
Caroline	0	0	0	0	0	0
Carroll	1	0	0	0	0	0
Cecil	3	0	0	0	0	0
Charles	3	5	5	0	0	0
Dorchester	0	0	0	0	0	0
Frederick	0	0	0	0	0	0
Garrett	0	0	0	0	0	0
Harford	1	3	3	0	0	0
Howard	0	0	0	0	0	0
Kent	0	0	0	0	0	0
Montgomery*						
Prince Georges	4	0	0	0	0	0
Queen Anne's	2	0	0	0	0	0
St. Mary's	3	0	0	0	0	0
Somerset	1	0	0	0	0	0
Talbot	0	0	0	0	0	0
Washington	3	7	5	1	0	1
Wicomico	0	0	0	0	0	0
Worcester	1	0	0	0	0	0
<b>TOTAL</b>	<b>43</b>	<b>16</b>	<b>14</b>	<b>1</b>	<b>0</b>	<b>1</b>

\*Montgomery County did not report any data for the month of July.

<b>August, 2014</b>	Total Pregnant Inmates	Total Instances Restraints Were Used	Other	During Labor	During Delivery	During Postpartum Recovery
Allegany	0	0	0	0	0	0
Anne Arundel	4	0	0	0	0	0
Baltimore Co.	12	0	0	0	0	0
Calvert	0	0	0	0	0	0
Caroline	0	0	0	0	0	0
Carroll	2	0	0	0	0	0
Cecil	2	0	0	0	0	0
Charles	4	11	10	0	0	1
Dorchester	0	0	0	0	0	0
Frederick	0	0	0	0	0	0
Garrett	0	0	0	0	0	0
Harford	5	1	1	0	0	0
Howard	0	0	0	0	0	0
Kent	0	0	0	0	0	0
Montgomery	4	0	0	0	0	0
Prince Georges	3	1	1	0	0	0
Queen Anne's	0	0	0	0	0	0
St. Mary's	0	0	0	0	0	0
Somerset	0	0	0	0	0	0
Talbot	1	0	0	0	0	0
Washington	2	3	3	0	0	0
Wicomico	0	0	0	0	0	0
Worcester	0	0	0	0	0	0
<b>TOTAL</b>	<b>46</b>	<b>16</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>1</b>

<b>September, 2014</b>	Total Pregnant Inmates	Total Instances Restraints Were Used	Other	During Labor	During Delivery	During Postpartum Recovery
Allegany	1	0	0	0	0	0
Anne Arundel	0	0	0	0	0	0
Baltimore Co.	16	0	0	0	0	0
Calvert	1	1	1	0	0	0
Caroline	0	0	0	0	0	0
Carroll	1	0	0	0	0	0
Cecil	0	0	0	0	0	0
Charles	4	14	12	0	0	2
Dorchester	0	0	0	0	0	0
Frederick	0	0	0	0	0	0
Garrett	0	0	0	0	0	0
Harford	3	0	0	0	0	0
Howard	1	0	0	0	0	0
Kent	0	0	0	0	0	0
Montgomery	4	4	4	0	0	0
Prince Georges	4	0	0	0	0	0
Queen Anne's	1	0	0	0	0	0
St. Mary's	3	0	0	0	0	0
Somerset	0	0	0	0	0	0
Talbot	2	0	0	0	0	0
Washington	2	5	5	0	0	0
Wicomico	0	0	0	0	0	0
Worcester	1	0	0	0	0	0
<b>TOTAL</b>	<b>47</b>	<b>24</b>	<b>22</b>	<b>0</b>	<b>0</b>	<b>2</b>

<b>October, 2014</b>	Total Pregnant Inmates	Total Instances Restraints Were Used	Other	During Labor	During Delivery	During Postpartum Recovery
Allegany	0	0	0	0	0	0
Anne Arundel	3	0	0	0	0	0
Baltimore Co.	12	0	0	0	0	0
Calvert	1	0	0	0	0	0
Caroline*						
Carroll	2	0	0	0	0	0
Cecil	3	0	0	0	0	0
Charles	4	6	5	1	0	0
Dorchester	0	0	0	0	0	0
Frederick	1	1	1	0	0	0
Garrett	0	0	0	0	0	0
Harford	3	0	0	0	0	0
Howard	0	0	0	0	0	0
Kent	0	0	0	0	0	0
Montgomery*						
Prince Georges	2	0	0	0	0	0
Queen Anne's	2	0	0	0	0	0
St. Mary's	1	1	1	0	0	0
Somerset	0	0	0	0	0	0
Talbot*						
Washington	1	1	1	0	0	0
Wicomico	0	0	0	0	0	0
Worcester	0	0	0	0	0	0
<b>TOTAL</b>	<b>35</b>	<b>9</b>	<b>8</b>	<b>1</b>	<b>0</b>	<b>0</b>

\*These counties have not yet reported any data for the month of October.