

TEXAS COMMISSION ON JAIL STANDARDS

EXECUTIVE DIRECTOR
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TECHNICAL ASSISTANCE MEMORANDUM

TO: All Sheriffs and Jail Administrators
FROM: Brandon Wood, Executive Director
REGARDING: Report on Restraint of Pregnant Inmates
DATE: December 4, 2019

Report on Restraint of Pregnant Inmates Enacted by HB 1651; §269.50-53

The Commission adopted the following new Minimum Jail Standards on November 7, 2019. Accordingly, jails must revise their policies on the use of restraints on pregnant inmates. Furthermore, beginning January 1, 2020, jails must begin recording each use of restraints on pregnant inmates on the attached report. Do not submit the reports monthly. Instead, jails must retain the reports and then submit them once, all together in one package, between January 1, 2021 and February 1, 2021. These reports should cover the previous time period of January 1, 2020, through December 31, 2020. Completing a report on each use of restraints and submitting all the reports at the end of the year will fulfill the reporting requirements of these new rules. If the jail did not use restraints on pregnant inmates during the year, the jail must still submit a report stating that no restraints were used on pregnant inmates.

Subchapter E REPORT ON RESTRAINT OF PREGNANT INMATES

Rule §269.50

The Commission is required by Government Code, Chapter 511, §511.0105 to collect and review reports from facilities on use of restraints on pregnant inmates.

Rule §269.51

No later than February 1 of each year, each facility under the Commission's purview shall report to the Commission regarding the facility's use, during the preceding calendar year, of any type of restraints to control or restrict the movement of an inmate, including a limb or other part of the inmate, who is confirmed to be pregnant or who gave birth in the preceding 12 weeks.

Rule §269.52

The report shall include the circumstances of each use of restraints, including:

- (1) the specific type of restraints used;**
- (2) what activity the inmate was engaged in immediately before being restrained;**
- (3) whether the inmate was restrained during or after delivery;**
- (4) whether the inmate was restrained while being transported to a local hospital; and**
- (5) the reasons supporting the determination to use the restraints, a description of the process by which the determination was made, and the name and title of the person or persons making the determination.**

Rule §269.53

The commission shall prescribe a form for the report required for this section.

For more information, contact Will Turner at (512) 463-2690 or via e-mail at: will.turner@tcjs.state.tx.us .

Judge Bill Stoudt, Longview, Chair
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The Commission on Jail Standards welcomes all suggestions and will promptly respond to all complaints directed against the agency or any facilities under its purview.

To empower local government to provide safe, secure and suitable local jail facilities through proper rules and procedures while promoting innovative programs and ideas

REPORT ON THE USE OF RESTRAINTS ON PREGNANT INMATES

County Facility: _____
Inmate Last Name: _____ MI: _____ First: _____
Dates during which restraints were used on this inmate: _____

Location of event where restraints were used:

Type(s) of restraints used:
What was the inmate doing just prior to being restrained?

When the restraints were used, was the inmate pregnant, or had she given birth less than 12 weeks prior to the use of restraints?

Was the inmate restrained before or after delivery?

Was the inmate restrained while being transported to the local hospital?

Name and title of jail supervisor who determined that the inmate must be restrained?

Was the use of restraints necessary to prevent an immediate and credible risk that the inmate would attempt to escape?

Did the inmate pose an immediate and serious threat to the health and safety of herself, staff, or the public?

Did the health care professional responsible for the health and safety of the inmate determine that the use of restraints was appropriate for the health and safety of the inmate and, if applicable, of the pregnant inmate's unborn child?

What were the reasons for restraining the inmate?

Describe the process used in determining that the inmate must be restrained:

Could less-restrictive restraints have been used while still protecting the health and safety of the inmate and, if applicable, of the inmate's unborn child?

Did the health care professional responsible for the health and safety of the inmate request jail staff to refrain from using restraints or to remove the restraints?

_____ If yes, did jail staff comply?

Report completed by: _____
Print Name Signature

Report date: _____