

June 1, 2021

33-602.211 Restraint of Pregnant Inmates.

(1) Definitions.

(a) Extraordinary circumstance: means that the inmate poses a substantial flight risk or that there is some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the prisoner, the staff of the correctional institution or medical facility, other prisoners, or the public.

(b) Restraints: refers to any physical restraint or mechanical device used to control the movement of a prisoner's body or limbs, including, but not limited to, flex cuffs, soft restraints, hard metal handcuffs, a black box, chubb cuffs, leg irons, belly chains, a security or tether chain, or a convex shield.

(c) Senior correctional officer: refers to a staff member with the rank of correctional officer lieutenant or above.

(d) Third trimester: refers, for the purposes of this rule, to the period of time from the start of the 28th week of pregnancy.

(2) Prior to the start of a pregnant inmate's labor, the correctional officer chief will individually evaluate each pregnant inmate to determine if the inmate presents a documentable extraordinary circumstance requiring the use of restraints during labor, delivery or postpartum recovery. If the correctional officer chief determines that extraordinary circumstances exist, the circumstances and the specific restraints recommended will be documented on Form DC6-210, Incident Report. The report will be forwarded to the warden. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

(3) The warden will make the final determination of whether an extraordinary circumstance exists, noting the approval or disapproval of the specific restraints recommended by the correctional officer chief. A copy of the finalized incident report will be placed in the inmate's file.

(4) Any restraint of a pregnant prisoner must be done in the least restrictive manner necessary in order to mitigate the possibility of adverse clinical consequences. Treating physicians may request that restraints not be used for documentable medical purposes; however, if the correctional officer, correctional institution employee, or other officer accompanying the pregnant prisoner determines that there is an extraordinary safety risk, the officer is authorized to apply restraints in the least restrictive manner necessary and in compliance with the restrictions set forth below.

(5) Unless there is a documentable extraordinary circumstance:

(a) Pregnant inmates will not be restrained with their hands behind their back nor will leg irons be utilized due to the possibility of a fall.

(b) Leg, ankle and waist restraints will not be used during the third trimester.

(6) When restraints are authorized as described herein, inmates will remain restrained during transport and at the medical facility unless removal of the restraints is required for medical reasons and then, except for emergency situations, only after the shift supervisor has been apprised of the situation and has given her/his approval to remove the restraints.

(7) Unarmed escort officers will maintain close supervision of pregnant inmates providing a custodial touch with the hand firmly grasped around the inmate's triceps or elbow when necessary to prevent falls.

(8) Pregnant inmates will not be restrained in any manner during labor, delivery, or postpartum recovery unless the warden makes an individualized determination that the prisoner presents an extraordinary circumstance. However, under no circumstances shall leg, ankle, or waist restraints be used on any prisoner who is in labor or delivery, as provided in Section 944.241(3), F.S.

(9) Staff utilizing restraints on a compliant pregnant inmate under extraordinary circumstances during labor, delivery, or postpartum recovery will document the application of restraints in the inmate's file on Form DC6-210, Incident Report. If the inmate is noncompliant, the use of restraints will be documented on a Report of Force Used, Form DC6-230. In either case, such documentation shall be prepared within 10 days. Form DC6-230 is incorporated by reference in Rule 33-602.210, F.A.C.

(10) Miscellaneous.

(a) When a pregnant inmate is placed in Medical Isolation, a Medical Housing Unit, or the Infirmary, to protect the health and safety of the pregnant inmate or others, or to preserve the security and order of the institution, the senior correctional officer or above must make a report utilizing Form DC6-1016, Report of Placement in Restrictive Housing for Pregnant Inmates (MEDICAL), clearly stating the following:

1. The individualized reason restrictive housing is necessary;
2. The reason less restrictive means are not available; and,
3. Whether a qualified healthcare professional at the correctional institution objects to the placement.

A copy of the report must be provided to the pregnant prisoner within 12 hours after placement in a Medical Isolation, a Medical Housing Unit, or the Infirmary. Form DC6-1016 is hereby incorporated by reference. A copy of this form is available from the

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Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500,
<https://www.flrules.org/Gateway/reference.asp?No=Ref-13179>. The effective date of the form is 06/21.

Rulemaking Authority 944.09, 944.241 FS. Law Implemented 944.241 FS. History—New 9-24-12, Amended 1-10-18, 6-1-21.