Pregnancy & Restraints in Correctional Facilities
2024 Legislative Report



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This report can be provided in another format upon request.

2024 LEGISLATIVE REPORT ON PREGNANCY & RESTRAINTS IN CORRECTIONAL FACILITIES

I. Background

Minnesota Statutes, section 241.88, subdivision 3, requires that by February 15 of each year the Department of Corrections must submit a report to the legislature on the use of restraints by state and local correctional facilities on women who are pregnant, in labor, or who have given birth in the preceding three days.

Minn. Stat. § 241.88, subd. 1 limits the use of restraints in certain circumstances, requiring that if used, they be the least restrictive available and most reasonable under the circumstances. It also prohibits use of restraints in certain circumstances, particularly if the person is in labor or has given birth within the preceding three days, unless:

> "(1) there is a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the woman, the staff of the correctional or medical facility, other inmates, or the public;
>
> (2) the representative has made an individualized determination that restraints are necessary to prevent escape or injury;
>
> (3) there is no objection from the treating medical care provider; and
>
> (4) the restraints used are the least restrictive type and are used in the least restrictive manner."

DOC collects information from state and local correctional facilities and includes all reportable uses of restraints on pregnant women, women in labor, and women who have given birth in the preceding three days from the previous calendar year in an annual report to the legislature.

The use of handcuffs on the front of the body of a pregnant person is not considered a reportable use of restraints.

II. Minnesota State Correctional Facilities

In 2024, there was one reportable use of restraints on a person who gave birth in the preceding three days in state correctional facilities.

- 10/01/2024 – An incarcerated female was placed in one soft leg restraint at the hospital one day post-delivery.

III. Licensed County Jail Facilities

Data for licensed county jails is compiled by the DOC Inspection and Enforcement Unit and is attached to this report as Appendix A.