

Act 45 Annual Report
Restraint Use and Reporting Requirements of Pregnant Females
July 1, 2019 – June 30, 2020

Background

Senate Bill 1074, Printer's Number 1776, of the 2009 session of the General Assembly was signed into law by former Governor Edward G. Rendell on July 2, 2010 as Act 45.

The Act amends Title 61 (Penal and Correctional Institutions) of Pennsylvania Consolidated Statutes and prohibits the application of restraints to pregnant females who have been alleged or adjudicated delinquent during:

- Any stage of labor;
- Any pregnancy-related medical distress;
- Any period of delivery;
- Any period of postpartum;
- Transport to a medical facility as a result of any of the preceding conditions; or
- Transport to a medical facility after the beginning of the second trimester of pregnancy.

Act 45 provides a specific exception that reasonable restraints may be permitted during certain specific events. Reasonable restraints may only be used after a staff person assigned to the pregnant youth has made an individualized determination that the youth presents a substantial risk of imminent flight or an extraordinary medical or security circumstance dictates that the youth be restrained to ensure the safety of herself, staff of the licensed program, Youth Development Center (YDC), Youth Forestry Camp (YFC), medical facility, other youth, or the public.

Reasonable restraints permitted under this exception must meet the following requirements:

- The reasonable restraint must be of the least restrictive type and be applied in the least restrictive manner.
- At no time will the youth be left unattended by a staff person with the ability to release the restraint should it become medically necessary.
- The staff person must immediately remove all restraints upon request of a doctor, nurse, or other health care professional.
- Leg and waist restraints are prohibited on a known pregnant youth who is in labor.

Reporting Requirements

Act 45 requires that child residential and day treatment programs licensed under 55 Pa. Code Chapter 3800, as well as YDCs and YFCs operated by the Office of Children, Youth and Families (OCYF), report any restraint applied to a known pregnant female youth who is alleged or adjudicated delinquent and is being served pursuant to a court order. This information is compiled into an annual report each fiscal year that identifies and enumerates the circumstances of each restraint.

Findings

During Fiscal Year July 1, 2019, to June 30, 2020, a total of two restraints were applied on one pregnant youth (Resident 1) who was adjudicated delinquent. Resident 1 was restrained on two separate days at York County Youth Development Center. York County Youth Development Center is operated by York County Commissioners. As of June 30, 2020, there are a total of 638 facilities licensed by DHS as child residential and day treatment programs and five additional facilities operated by OCYF as a YDC or YFC.

Pregnant Female	Facility	Date of Restraint	Time of Restraint	Type of Restraint	Reason for Restraint
Resident 1	York County Youth Development Center	1/28/2020	8:40 p.m.	Manual	Attempted to assault another resident
	York County Youth Development Center	1/29/2020	7:50 a.m.	Manual	Attempted to assault another resident and making verbal threats to the resident

On 1/28/2020, Resident 1 became upset after a phone call home. Another resident entered the unit and a verbal altercation began between Resident 1 and that resident. Before staff could intervene to end the argument, Resident 1 attempted to approach the other resident in an aggressive manner. Based on the potential for harm to both residents, staff intervened by restraining Resident 1 in a multiple person modified upper torso assist. Resident 1 was restrained at 8:40 p.m. and the duration of the restraint was five minutes. Resident 1 was evaluated by York County Youth Development Center medical staff and no medical follow up was required.

On 1/29/2020, Resident 1 became engaged in an argument with another resident. Staff tried multiple times to verbally de-escalate the argument between Resident 1 and the other resident. The argument escalated and Resident 1 threw a container of gel and attempted to approach the other resident in an aggressive manner. Staff intervened by restraining Resident 1 in a multiple person upper torso assist. The other resident was removed from the unit during the restraint. Resident 1 tried to break free and yelled threats towards the other resident. Resident 1 was restrained at 7:50 a.m. and the duration of the restraint was 10 minutes. Resident 1 was removed from the facility and placed at another facility by the Juvenile Probation Office.

On 3/5/2020, Resident 2 was transferring from the gym to a unit with staff when Resident 2 stopped walking and stood in front of the control center. Resident 2 began looking into the cameras and would not move from the area. Staff intervened with several verbal requests to Resident 2 to continue walking and to move from the control center. Resident 2 moved away from the control center and began walking very slowly through the hall. Resident 2 stopped when she saw another resident and staff in the hall engaged in a conversation. Staff informed Resident 2 to continue walking and to walk around the resident, and Resident 2 complied by walking very slowly and dragging her feet. Resident 2 then claimed that she was bumped into by the other resident in the hall causing a loud argument between Resident 2 and the other resident. This caused the boys on the male unit to start yelling and looking through the unit door. Resident 2 decided to stop walking and start yelling and cursing saying she was not moving because she was bumped by the other resident in the hallway. Staff informed Resident 2 that she had to keep walking and move out of the hallway. Resident 2 then grabbed the bars on the windows and continued to yell that she was not moving, and staff cannot touch her. Staff explained to Resident 2 that she was given several opportunities to move from the hallway to the unit and if she did not comply, she would be assisted by staff to the unit. Resident 2 continued to yell and hold onto the bars. Staff pried Resident 2's hands from the bars and Resident 2 began to walk down the hall to another set of bars on the window. Once again Resident 2 grabbed the bars and staff pried Resident 2's hands from the bars a second time. Resident 2 began laughing and was escorted onto the unit by staff utilizing a touch prompt. Once on the unit, Resident 2 was asked to have a seat, but she refused and stood in the corner for 30 minutes before complying with staff's request.