



Commission of Correction

THOMAS A. BEILEIN
Chairman

THOMAS J. LOUGHREN
Commissioner

CHAIRMAN'S MEMORANDUM

NO: 1-2017

DATE: January 9, 2017

TO: SHERIFFS, COMMISSIONERS OF CORRECTION, JAIL ADMINISTRATORS and WARDENS

RE: Annual Report of Pregnant Inmate Restraints

As reported in Chairman's Memorandum No. 1-2016, dated January 4, 2016, Correction Law section 611 was amended in 2015 to expand the restraint prohibition to the transport of all inmates "known to be pregnant," and inmates who are up to eight weeks postpartum. Further amendments were made in 2016 (L.2016, Ch.17), and a copy of the statute, in its present form, is attached for your reference.

Among the additions contained in the 2016 amendment is the requirement that each local correctional facility submit an annual report to the Commission detailing every use of a restraint on a female inmate governed by Correction Law §611. The Commission is thereafter required to include such reported information in its annual report, while excluding identifying information. To clarify the annual reporting requirements, the Commission recently adopted a new subdivision (e) of 9 NYCRR §7000.1 (a copy of which is attached), that requires each facility to submit its annual report to the Commission **on or before February 1st**. For each reportable restraint, the regulation requires that the following information be reported:

- (1) the full name of the restrained woman;
- (2) the restrained woman's date of birth;
- (3) the date and time the restraint was applied;
- (4) the date and time the restraint was removed;
- (5) a description of the type(s) of restraint(s) used;
- (6) the intended transport destination;
- (7) the name and rank of the official or officer who authorized the restraint; and
- (8) a description of the facts and reasons justifying the use of restraints.

Each facility's report shall be composed in **Microsoft Word** format, a template for which is available on the Commission's website at: http://www.scoc.ny.gov/manual_forms.htm. Completed reports shall be submitted to the Commission, via e-mail, to the following address: restraint@scoc.ny.gov

As set forth above, 9 NYCRR §7000.1(e) requires that each facility's annual report, as required by Correction Law §611, be submitted to the Commission on or before February 1st. Should a facility not have any reportable restraints from the preceding year, it is not required that a report be submitted. Should you have any questions in this regard, please feel free to contact the Commission's Office of Counsel at (518) 485-2464.

A handwritten signature in cursive script that reads "Thomas A. Beilein". The signature is written in black ink and has a fluid, connected style.

Thomas A. Beilein, Chairman