



**THE NEW R.C. § 2901.10
AND R.C. § 2152.75**
*Restraint of a pregnant female who is a
charged, adjudicated, or convicted offender*



Introduction

- These new provisions were signed into law on May 17, 2021, and took effect immediately.
- They substantially alter the previous law regarding the restraint of pregnant females in R.C. § 2901.10 and R.C. § 2152.75, which took effect on April 12, 2021.

The new law

- No law enforcement officer, court officer or corrections officer – on or after the date on which the female’s pregnancy is confirmed to law enforcement by a health-care professional, having knowledge that a female is pregnant or was recently pregnant – shall knowingly restrain the female who is a charged or convicted criminal offender, or is a charged or adjudicated delinquent child.

Definitions

- “Restrain” means to use any shackles, handcuffs, or other similar appliance or device.
- “Charged or convicted criminal offender” means any woman to whom both of the following apply:
 - The woman is charged with a crime or, with respect to a crime, is being tried, has been convicted of or pleaded guilty to, or is serving a sentence.
 - The woman is – following arrest, transportation, and routine processing and booking – in custody of any law enforcement, court or corrections official.
- “Charged or adjudicated delinquent child” means any female child to whom both of the following apply:
 - The child is charged with a delinquent act or, with respect to a delinquent act, is subject to juvenile court proceedings, has been adjudicated a delinquent child or is serving a disposition.
 - The child is – following arrest, transportation, and routine processing and booking – in custody of any law enforcement, court or corrections official.

When the law applies

- The restrictions on the restraint of pregnant females in R.C. § 2901.10 and R.C. § 2152.75 apply when **all** of the following conditions are satisfied:
 - The female satisfies the definition of a “charged or convicted criminal offender” or “charged or adjudicated delinquent child.”
 - The female is in the custody of law enforcement, court or corrections personnel.
 - The arrest, transportation, and routine processing and booking of the female have been completed.
 - The female’s pregnancy has been confirmed to law enforcement by a health-care professional.
- These restrictions continue to apply throughout the female’s pregnancy, labor, delivery, and up to six weeks postpartum.

Restraint of a charged, convicted or adjudicated female who is pregnant or postpartum

- It is permissible to restrain a pregnant or postpartum female who satisfies the definition of a “charged or convicted criminal offender” or “charged or adjudicated delinquent child,” when:
 - The female presents a serious threat of physical harm to herself, the official, other law enforcement or court personnel, or any other person, OR
 - The female presents a serious threat of physical harm to property, OR
 - The female presents a serious security risk, OR
 - The female presents a substantial flight risk, AND
 - A health-care professional treating the female has not provided you or your agency notice that any restraint during a specified period poses a risk of physical harm to the female or her unborn child.
 - It is not permissible to use leg, ankle or waist restraints to restrain a pregnant or postpartum female who satisfies the definition of a “charged or convicted criminal offender” or “charged or adjudicated delinquent child,” including when operating under the above-mentioned circumstances.
 - It is not permissible to restrain a pregnant or postpartum female who satisfies the definition of a “charged or convicted criminal offender” or “charged or adjudicated delinquent child” if a health-care professional treating the female provides notice to you or your agency that any restraint during a specified period poses a risk of physical harm to the female or the female’s unborn child.
 - If this notice is received while the female is being restrained, you must remove the restraints, including when operating under the above-mentioned exceptional circumstances.
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Helpful tips

- When using restraints (handcuffs, shackles, or other appliance or device) on pregnant females, cuff or shackle the female’s hands in the front of her body.
- Utilize de-escalation techniques when appropriate.
- Document your use of restraints on pregnant females thoroughly, noting details such as:
 - What conduct, risks or other factors justified use of the restraints?
 - What historical knowledge of the subject did you have?
 - What crime or occurrence necessitated your decision to use restraints?
 - What time did the restraint begin? What time was the restraint removed?
 - Did you check whether your agency received any notice from a health-care professional treating the female regarding the risks posed by the use of any restraints?
 - With what frequency did you re-evaluate the need to restrain the female?
- Make sure your agency has a written policy regarding the use of restraints on pregnant and postpartum females who satisfy the definition of a “charged or convicted criminal offender” or “charged or adjudicated delinquent child.”
- Ensure that policies and procedures are in place to facilitate that any notices regarding the risk of using restraint provided by health-care professionals under this statute are communicated to all staff members who might face the need to restrain the female.

NOTE: These training materials are meant as a resource for our law enforcement community. We encourage law enforcement agencies to seek guidance from their legal counsel as they develop policy and handle specific questions relevant to this law.