



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: AUGUST 10, 2021	CHAPTER: 3 - Arrestees	PAGE: 1 of 3	NUMBER: 3.01.02
SUBJECT: RESTRAINING PREGNANT FEMALES			
CHIEF: <i>Calvin D. Williams, Chief</i>			

PURPOSE: To provide guidelines for members of the Cleveland Division of Police when encountering pregnant and postpartum females who may be detained or taken into custody in connection with a warrantless arrest or other investigation.

POLICY: It is the policy of the Cleveland Division of Police that its members shall comply with Ohio Revised Code [2152.75](#) and [2901.10](#) when restraining pregnant or postpartum females.

DEFINITIONS:

Charged or Adjudicated Delinquent Child - any juvenile female to whom both of the following apply: the juvenile female 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, *and* the juvenile female, following arrest, transportation, and routine processing and booking, is in custody of any law enforcement, court, or corrections official.

Charged or Convicted Criminal Offender - any adult female to whom both of the following apply: the adult female 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, *and* the adult female, following arrest, transportation, and routine processing and booking, is in custody of any law enforcement, court or corrections official.

Health Care Professional - has the same meaning as in section [2108.61](#) of the Ohio Revised Code; a physician, registered nurse, certified nurse-midwife, or physician assistant.

Postpartum - the period following childbirth up to six weeks.

Restrain - to limit movement by the use of handcuffs, shackles, or other physical restraints.

PROCEDURES:

- I. General Guidelines
 - A. The restrictions on restraining pregnant females apply when all of the following conditions occur:
 - 1. The female satisfies the definition of a “charged or convicted criminal offender” or “charged or adjudicated delinquent child.”
 - 2. The female is in the custody of law enforcement personnel.

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3. The arrest, transportation, and routine processing of the female have been completed.
4. The female's pregnancy has been confirmed to law enforcement by a health care professional.
 - a. For the laws regarding pregnant females, a health care professional does NOT include Certified Ohio Emergency Medical Service professionals.
 - b. Certified Ohio EMS professionals cannot serve as the point of contact for law enforcement personnel as required by ORC 2152.75 and ORC 2901.10.
 - c. Members shall proceed with caution when deciding to restrain a female who "appears" to be pregnant.
- B. The above restrictions continue to apply throughout the female's pregnancy, labor, delivery, and up to six weeks postpartum.

II. Use of Restraints

- A. Members shall avoid restraints for pregnant and postpartum females whenever possible, however it is permissible to restrain a pregnant or postpartum female under the following conditions:
 1. The female presents a serious risk of physical harm to officers, herself, or others.
 2. The female presents a serious threat of physical harm to property.
 3. The female presents a serious security risk or substantial flight risk.
 4. A health care professional treating the female has not provided any notice that restraint poses a risk of physical harm to the female or her unborn child.
- B. Members shall utilize de-escalation techniques, when safe and feasible, to avoid the use of restraints if appropriate.
- C. Restraint conditions.
 1. Members shall handcuff the female's hands in the front.
 2. The use of leg, waist, or ankle restraints is strictly prohibited.
 3. Restraints shall be used for the shortest duration necessary.
- D. Members shall document the use of restraints on pregnant or postpartum females in an incident report and shall include:

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1. The behavior of the female, risks, or other factors justifying the use of restraints.
2. The member's knowledge and history with the female.
3. The type of crime or occurrence.
4. The time the restraint was used and the time it was removed.
5. If the need for restraint was re-evaluated.

THIS ORDER SUPERSEDES ANY PREVIOUSLY ISSUED DIRECTIVE OR POLICY FOR THIS SUBJECT AND WILL REMAIN EFFECTIVE UNTIL RESCINDED OR SUPERSEDED.