

**KERN COUNTY SHERIFF'S OFFICE**  
**SUBSTATION HOLDING FACILITY**  
**POLICIES AND PROCEDURES**

---

**TITLE: PREGNANT/POST PARTUM INMATES**

**NO: C-105**

---

EFFECTIVE DATE: 03/22/2004

REVISED: 08/06/2020

APPROVED BY: Commander Timothy Posey

REVIEWED: 01/15/2021

REFERENCE: Yeager v. County of Kern, Detentions Bureau Manual, Section H-100, Title 15

---

**POLICY:**

It shall be the policy of the Sheriff's Department that all of the terms and conditions listed in the final settlement agreement in the case of Yeager v. County of Kern (Case #CV-F- 87-493) will be fully implemented and will be strictly enforced by all staff members. Section Managers will be responsible for developing policies/procedures relative to this agreement as it relates to their specific operations and for updating existing sections to ensure compliance with this agreement. Per the settlement agreement, these policies and procedures will be maintained in each Facility/Section Policy and Procedure Manual and will be updated as necessary to ensure continued compliance. Section Managers will be responsible for ensuring that their personnel are properly trained in these policies and procedures.

**BACKGROUND:**

On September 2, 1987, Plaintiffs (pregnant and postpartum women in the custody of the County of Kern) filed the Complaint in this lawsuit, Case #CV-F-87-493 (the "Complaint", in the United States District Court, Eastern District of California, alleging, among other things, that they had been deprived of adequate prenatal, postnatal and emergency medical and other care by Defendants County of Kern, et al.), all in violation of the Eight and Fourteenth Amendments to the United States Constitution, and of Section 1983 of Title 42 of the United States Code. The Complaint sought declaratory and injunctive relief. Defendants answered the Complaint on or about September 28, 1987, denying the material allegations therein. On March 28, 1989, a Stipulated Order was entered certifying the action as a class action as defined. On or about July 19, 1989, Plaintiff Class and Defendants agreed, subject to the Court's approval, to settle this lawsuit upon the terms and conditions set forth in the Final Settlement Agreement.

On October 2, 1989, the Court held its hearing to approve the proposed settlement. With no substantive objections, the settlement was approved as fair and equitable with an effective date of December 1, 1989.

**SUMMARY OF THE SETTLEMENT TERMS:**

Pursuant to the terms of this settlement agreement, Defendants (County of Kern, et al.) promise to take all such action as is necessary to assure that pregnant and postpartum women receive the following medical and other care and conditions while confined in the Kern County Jails:

- At all times while in jail, pregnant and postpartum women who require immediate medical attention, including attention for drug or alcohol treatment or withdrawal, have the right to an immediate referral to a health care provider. A health care provider can be any number of medical professionals, including doctors and nurses.
- Each woman inmate who states that she is pregnant, or unsure if she is pregnant, and each woman inmate who has had a baby, miscarriage or an abortion within one (1) year of her entry into the jail, has the right to a medical assessment, screening, evaluation, examination and treatment by medical staff while she is in jail according to the following schedule:
  1. A question and answer screening by a medical provider is required to occur within two (2) hours of booking.
  2. Within forty-eight (48) hours of booking, a health care provider shall do a more detailed medical review.
  3. Examinations by a physician shall occur at different times, depending upon the duration of pregnancy - if twenty-six (26) weeks or further advanced, within one (1) week; three (3) to six (6) months, within two (2) weeks; if three (3) months pregnant or less, within one (1) month of booking.
  4. An examination schedule and care plan shall be set at the initial physician's examination and shall be followed.
  5. Missed appointments shall be rescheduled to occur within two (2) weeks or sooner.
  6. A woman in labor shall be supervised by a health care provider at the jail throughout labor or until she is transported to Kern Medical.

7. Postpartum women shall be examined by a physician within two (2) to six (6) weeks after delivery, abortion or miscarriage.
8. Women inmates are entitled to abortions, unless medically or legally impermissible, and counseling.
9. Pregnant and postpartum women shall not be housed with inmates who have communicable diseases.
10. Pregnant and postpartum women shall receive a nutritionally adequate diet and vitamin supplements.
11. Jail sanitation shall be adequate.
12. Pregnant and postpartum women shall be housed in bottom bunks.
13. There shall be monthly classes on various topics, including family planning, prenatal care, child birth preparation, parenting, abortion, nutrition, exercise, and general prenatal care. Pregnant and postpartum women shall be permitted to attend the classes.
14. Pregnant and postpartum women are entitled to receive clean underwear frequently and to receive personal hygiene products and toilet paper as needed.
15. Pregnant and postpartum women shall receive the opportunity to walk daily and exercise three (3) hours per week of exercise time. Leg restraints may be used in some circumstances. **Note:** The restraint stipulations contained in item number 15 are included in this policy as a result of the Yeager v. County of Kern settlement agreement issued in 1989. Subsequently, laws regarding the restraint of pregnant and postpartum inmates have changed. Refer to DBPPM C-400 (Restraints – Security of Inmates) for approved methods of restraining pregnant and postpartum inmates.
16. Any physical restraints used on pregnant women shall be the least restrictive possible under the circumstances. Leg restraints will not be placed on visibly pregnant women without the Shift Supervisor's approval. Visibly pregnant women shall not be handcuffed to other inmates who are wearing leg restraints. Handcuffs will be in the front if used. Pregnant women shall not be transported in waist chains

unless they are documented to be extreme security risks.

**Note:** The restraint stipulations contained in item number 16 are included in this policy as a result of the Yeager v. County of Kern settlement agreement issued in 1989. Subsequently, laws regarding the restraint of pregnant and postpartum inmates have changed. Refer to DBPPM C-400 (Restraints – Security of Inmates) for approved methods of restraining pregnant and postpartum inmates.

17. Pregnant and postpartum women shall not be confined in isolation unless there are strong security considerations. Pregnant women who are isolated shall be examined by a health care provider within one (1) hour of the isolation and regularly afterwards. Frequent psychological counseling must be available to isolated pregnant and postpartum women. This information is only a summary of the settlement agreement.

- Any woman who states she is, or is, or appears to be, pregnant or postpartum, and any woman who states she is unsure of her pregnancy status, and who is incarcerated in the jail system, unless otherwise specified.

At all times, class members will have access to security personnel who have responsibility for initiating emergency and other protocols.

#### **SWORN AND CIVILIAN STAFF RESPONSIBILITIES:**

Whenever a class member states that she is experiencing complications in pregnancy, staff will ensure that the inmate receives appropriate care by medical staff. Active labor is to be treated as an emergency. Once staff becomes aware of an inmate in active labor, they shall immediately take action to assure immediate medical attention.

Staff shall treat as an emergency, postpartum class members who have medically significant symptoms, or who are having complications or a medical emergency following birth. In the event, a class member states that she is experiencing complications resulting from an abortion or miscarriage, staff will ensure that the inmate receives medical care as soon as possible.

Staff shall ensure that class members are not in a cell with another inmate with a known communicable or contagious disease.

Class members shall be restrained in the least restrictive manner possible. A class member shall not be held or transported in waist chains unless the inmate is documented as a security risk. Visible pregnant class members shall not be held or transported in leg restraints, nor shall they be handcuffed to other inmates who are transported in leg restraints, unless the inmate is documented as a security risk. If handcuffs are used, they will be fastened in front of the inmate.

In the event that staff perceives the need to utilize greater restraint than is indicated above, the Substation Sergeant, or in his/her absence the on-duty supervisor, shall be notified immediately and informed as to the reason greater restraint measures are required. In the event that a higher level of restraint is utilized, staff shall complete an Incident report, and document all pertinent facts justifying the necessity for such restraint, and such documentation shall be forwarded to the Substation Sergeant and to the Section Lieutenant.

If, at any time, staff is unable to comply with the requirements of this policy as directed, the class member will not be transported to a Kern County Sheriff's Office Court Holding Facility. The arrested class member will be immediately transported to the Central Receiving Facility or, if appropriate, to Kern Medical.