

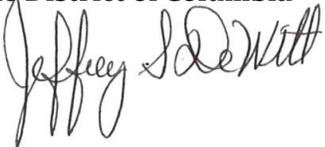
Government of the District of Columbia
Office of the Chief Financial Officer



Jeff DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeff DeWitt
Chief Financial Officer 

DATE: November 6, 2014

SUBJECT: Fiscal Impact Statement – Limitations on the Use of Restraints
Amendment Act of 2014

REFERENCE: Bill 20-468, Draft Committee Print as shared with the Office of Revenue
Analysis on October 27, 2014

Conclusion

Funds are sufficient in the FY 2015 through FY 2018 budget and financial plan to implement the bill.

Background

The bill prohibits the use of restraints on all pregnant woman or youth, including those in post-partum recovery, housed in a penal institution or other facility controlled by the Department of Corrections (DOC) or the Department of Youth Rehabilitative Services (DYRS) with limited exceptions.¹ When restraints are used, they must be the least restrictive available, be removed immediately at the request of a health professional, and can never be used during labor.

DOC and DYRS must provide notice regarding the restraint restrictions to any woman or youth who is or may become pregnant at the time the place of confinement takes custody of the individual. If restraints are used while in custody, the Administrator of the confinement facility must report to the director of his or her respective agency within ten days with a justification as to the extraordinary circumstances which resulted in the use of restraints.

DOC is also required to report annually to Council all statistics regarding confined pregnant women, the frequency with which restraints are used, and the extraordinary circumstance, which justified their use.

¹ Exceptions are permitted only under extraordinary circumstances where the restraints are necessary to protect the safety of the woman or medical and correctional personnel.

The Honorable Phil Mendelson

FIS: Bill 20-468, "Limitations on the Use of Restraints Amendment Act of 2014," Draft Committee Print as shared with the Office of Revenue Analysis on October 27, 2014

Financial Plan Impact

Funds are sufficient in the FY 2015 through FY 2018 budget and financial plan to implement the bill.

DOC currently has procedures that prohibit the use of restraints during labor and post-partum recovery. The costs associated with extending the prohibition to all pregnant women and implementing notice and reporting requirements can be absorbed within the agency's existing resources.

DYRS can absorb any costs associated with implementation of the bill.