

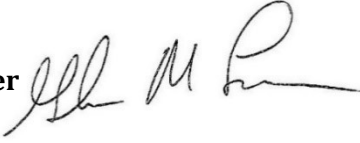
Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

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

FROM: Glen Lee
Chief Financial Officer 

DATE: November 25, 2024

SUBJECT: Fiscal Impact Statement – Safe and Supported Pregnancy Amendment Act of 2024

REFERENCE: Bill 25-914, Draft Committee Print as provided to the Office of Revenue Analysis on November 21, 2024

Conclusion

Funds are not sufficient in the fiscal year 2025 through fiscal year 2028 budget and financial plan to implement the bill. The Department of Corrections requires \$243,000 in FY2025 and \$999,000 over the financial plan period to implement the bill.

Background

The Department of Corrections (DOC) operates the Central Detention Facility (CDF) and the Correctional Treatment Facility (CTF). The Central Detention Facility houses men who are awaiting trial, individuals convicted of a misdemeanor, and individuals convicted of a felony who are awaiting transfer to the federal Bureau of Prisons system. The CTF houses women, men, and youth who are going to be charged in adult court. DOC also operates and maintains the District's Central Cellblock (CCB) for individuals arrested and awaiting arraignment, which is required by law to occur within 72 hours.

About two-thirds of women under DOC supervision have a length of stay of three months or less, and 16 percent of women have been in a DOC facility for six months or more.¹ During that time, DOC provides medical services (under contract with Unity Healthcare) for individuals at DOC facilities, which can include gynecologic and obstetric care as needed. There have been 19 pregnant individuals in DOC custody so far in 2024, and between 10 and 49 pregnant individuals in each of the previous

¹ DC Department of Corrections Facts and Figures October 2024. [PowerPoint Presentation](#)

five years. Over that same timeframe, there have been between zero and four births each year to individuals in DOC custody.

The Limitations on the Use of Restraints Amendment Act of 2014² prohibits the use of restraints on pregnant individuals in the third trimester, absent extraordinary circumstances (which must be documented in writing), and prohibits the use of restraints while laboring.

This bill adds requirements for providing information on pregnancy counseling, abortion counseling and pregnancy testing to individuals housed in DOC facilities. The bill requires that individuals be provided comprehensive healthcare, evaluation, and treatment, and specialized pre-natal and postpartum services as well as nursing supplies, including services that may need to be contracted to outside providers, and supplies that may be ordered by licensed healthcare professionals. Such services and supplies must be provided at no cost.

The bill requires DOC to allow individuals who may be pregnant during their custody to designate a support person for labor, delivery, a c-section, or termination to cover both the duration of the hospital visit as well as the postpartum period. The bill requires that DOC approve or deny a request for a support person within five days of the request. Any denial must be issued in writing. DOC cannot deny a support person based on the individual's past criminal record or their status.³ The bill gives the support person certain rights, provided they are consistent with the rules imposed by the medical facility. The rights given by these changes must be made available to pregnant individuals in an appropriate form and language. There shall also be an opportunity for an alternate support person to be designated.

During the hospital stay, the bill requires that DOC permit the support person to be present, bring a camera or phone, and use the support person's phone to communicate with others about the birth of the infant. The bill requires that Correctional facility officers accompanying an incarcerated person to the hospital be stationed outside the labor and delivery room, to the extent possible. Correctional facility officers must also be trained on their responsibilities under the bill.

The bill requires that DOC permit additional visitation for children under one year of age to incarcerated parents and provide special consideration for additional visitation to parents who are breastfeeding or expressing breast milk and wish to feed their child. It also requires that DOC notify individuals who are incarcerated of their rights under these provisions. Finally, the bill establishes a private cause of action for individuals who are deprived of the rights granted by this bill.

Financial Plan Impact

Funds are not sufficient in the fiscal year 2025 through fiscal year 2028 budget and financial plan. DOC requires \$243,000 in FY2025 and \$999,000 over the financial plan period to implement the bill.

The Department of Corrections, through its health contract with Unity Health Care, provides many of the services described in the bill, including a pregnancy management program that consists of pregnancy screening, options counseling, prenatal care, specified nutritional supports, labor and delivery services, post-partum services and resources, and breastfeeding support.

² As amended by the Corrections Oversight Improvement Omnibus Amendment Act of 2022, effective April 21, 2023 (D.C. Law 24-344; 70 DCR 6315).

³ Status includes a requested support person's past criminal record or their probation, conditional release, parole, or supervision status.

The Honorable Phil Mendelson

FIS: Bill 25-914, "Safe and Supported Pregnancy Amendment Act of 2024", Draft Committee print provided to the Office of Revenue Analysis on November 21, 2024

DOC will require one Grade 9 employee to work with pregnant incarcerated individuals, their support persons, medical staff, and corrections personnel on the additional services that are required, including designation of the support person and alternate support person, ensuring their access to the labor and delivery ward, permitting access of the support person during the post-partum period, and providing notice to incarcerated people. The provision that expands the number of visits permitted for incarcerated individuals with children under the age of one and provides special visitation consideration to parents who are breastfeeding or feeding pumped milk will require two correctional officers (at the Grade 7 level), to support this additional visitation at both the Central Detention Facility and Correctional Treatment Facility.

Bill 25-914, Safe and Supported Pregnancy Amendment Act of 2024					
Total Costs (\$ in thousands)					
	FY 2025	FY 2026	FY 2027	FY 2028	Total
Pregnancy Liaison—salary	\$59	\$60	\$61	\$62	\$244
Pregnancy Liaison—fringe	\$21	\$21	\$22	\$22	\$85
Correctional Officers—salary	\$121	\$123	\$125	\$127	\$496
Correctional Officers—fringe	\$ 42	\$43	\$44	\$45	\$174
Total, salary and fringe	\$243	\$247	\$252	\$257	\$999

Table Note: The pregnancy liaison is a grade 9 step 4. The two correctional officers are union, grade 7 step 2.