

No. _____

AN ORDINANCE

An Ordinance Amending § 205 of the Allegheny County Code on the Use of Solitary Confinement in Allegheny County Jail to Allow for the Use of Leg Shackles on Hospital Runs.

WHEREAS, voters passed a referendum in 2021 banning the use of solitary confinement in Allegheny County Jail; and

WHEREAS, the referendum included a complete ban on leg shackles that has had the unintended consequence of creating dangerous situations for inmates, correctional staff, medical staff, other patients, and the public during hospital runs; and

WHEREAS, it is the judgment of the County Council that limited exceptions to the ban on the leg shackles must be allowed to promote the safety of inmates, correctional staff, medical staff, other patients, and the public;

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1.

The enacted 2021 Voter Referendum titled “Solitary confinement prohibited except in emergencies,” as codified in the Allegheny County Code §205, shall be amended and supplemented in the Allegheny County Code as follows:

§ 205-30 Solitary confinement prohibited except in emergencies.

- A. Solitary confinement, meaning the confinement of a detainee or inmate in a cell or other living space for more than 20 hours a day, has devastating and lasting psychological consequences on all persons, but especially for vulnerable populations, including youth and persons with diagnosed or undiagnosed cognitive or emotional disabilities.
- B. No person being held in the Allegheny County Jail for any reason shall be subjected to solitary confinement except as set forth below.
- C. Solitary confinement is never to be used as punishment.
- D. If, in accordance with this Article, solitary confinement is permitted, every effort must be made to ensure that every detainee and inmate has the daily opportunity to leave their cell for hygiene and exercise.
- E. When solitary confinement is authorized:

- a. A person held in solitary confinement may not be denied access to food, water or any other basic necessity.
- b. A person held in solitary confinement may not be denied access to appropriate medical care, including emergency medical care.

F. A restraint chair, and chemical agents ~~or leg shackles~~ may not be used on any person in the custody of the Allegheny County Jail.

G. Leg shackles shall not be used on any person in the custody of the Allegheny County Jail except as set forth below.

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§ 205-32 Exceptions to the rule against leg shackles.

A. The following circumstances are the only limited exceptions to the ban on the use of leg shackles:

- i. Leg shackles may only be used, only at the direction of a supervisor at the rank of shift commander or above, for the transportation of an individual outside of the jail for medical appointments or hospital runs when the supervisor assesses a risk of escape or a risk of injury to the individual or others. In such cases, the leg shackles will be removed as soon as there is no longer a risk of escape or injury.
- ii. Leg shackles shall never be used within the jail.
- iii. Leg shackles shall never be used as a form of punishment.
- iv. Leg shackles shall not be used on pregnant individuals in a manner that would violate Pennsylvania's Health Birth for Incarcerated Women Act, 61 Pa. C.S. § 5905.
- v. Leg shackles shall not be left on an individual after they are returned to the jail or otherwise safely restrained.

B. In the event of one of the above-outlined instances resulting in the use of the leg shackles, the following procedures are mandatory:

- i. Only Correctional Staff trained in the use of the leg shackles will place an individual in them.
- ii. Before restraining an individual in leg shackles, Healthcare Personnel shall evaluate the individual's medical chart and conduct a physical examination of the individual's lower extremities to assess the appropriateness of leg shackles.
- iii. Once the leg shackles are applied, Correctional Staff must speak with the individual and check their leg shackles for comfort and security.
- iv. Allegheny County Jail may implement additional internal policies and procedures regarding the use of the leg shackles during medical

appointments and hospital runs in so far as they do not conflict with this Chapter of the Allegheny County Code.

C. Reporting

- i. The Warden shall be responsible for collecting the following information on the use of leg shackles by the Allegheny County Jail, which shall be compiled into a report on a monthly basis and provided to the Jail Oversight Board and posted on the Jail's website:
 - a. The number of times any person has been subjected to the leg shackles, with the duration and reason for each restraint, as well as the number of instances of the same person being restrained by leg shackles more than once in the calendar month.
 - b. The age, sex, gender identity, race, and ethnicity of each person held in leg shackles during the month.

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SECTION 2. Severability

If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

SECTION 3. Repealer

Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

Primary Sponsor: The Citizens of Allegheny County (via agenda initiative petition)

Co-Sponsors:

Enacted in Council, this _____ day of _____, 2025

Council Agenda No. _____

Patrick Catena
President of Council

Attest: _____

Jared Barker
Chief Clerk of Council

Chief Executive Office _____, 2025

Approved: _____

Sarah Innamorato
Chief Executive

Attest: _____

John Fournier
County Manager