

Why GAO Did This Study

Policymakers and advocacy groups have raised questions about the treatment of incarcerated pregnant women, including the use of restrictive housing—removal from the general prisoner population with the inability to leave the cell for the majority of the day—and restraints. Within DOJ, USMS is responsible for prisoners awaiting trial or sentencing. BOP is responsible for sentenced prisoners. GAO was asked to review issues related to pregnant women in USMS and BOP custody.

This report examines (1) what DOJ data indicate about pregnant women in USMS and BOP custody; (2) the extent to which USMS and BOP policies align with national guidance on pregnancy-related care; and (3) what is known about the care provided and the extent to which USMS and BOP track when pregnant women are placed in restrictive housing or restraints. GAO analyzed available agency data from calendar years 2017 through 2019, which were the most recent data available; compared agency policies to relevant national guidance; and interviewed officials and a non-generalizable sample of prisoners who had been pregnant in USMS or BOP custody.

What GAO Recommends

GAO is making six recommendations, including that USMS and BOP take steps to more closely align their policies with national guidance on pregnancy-related care as feasible, and that USMS require facilities to collect data on and notify USMS when pregnant or postpartum women are placed in restrictive housing. DOJ concurred with our recommendations.

View [GAO-21-147](#). For more information, contact Gretta L. Goodwin at (202) 512-8777 or goodwing@gao.gov.

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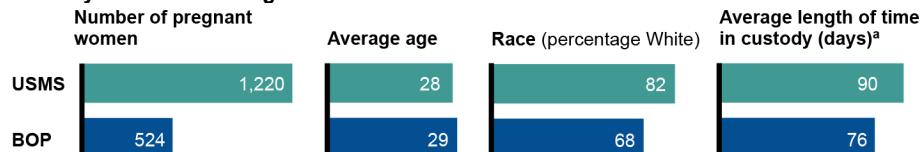
PREGNANT WOMEN IN DOJ CUSTODY

U.S. Marshals Service and Bureau of Prisons Should Better Align Policies with National Guidelines

What GAO Found

GAO analyses of available data show that from calendar year 2017 through 2019, there were at least 1,220 pregnant women in U.S. Marshals Service (USMS) custody and 524 pregnant women in Bureau of Prisons (BOP) custody.

Pregnant Women in USMS and BOP Custody: Number, Age, Race, and Length of Time in Custody from 2017 through 2019



Source: GAO analysis of U.S. Marshals Service (USMS) and Bureau of Prisons (BOP) data. | GAO-21-147

^aUSMS does not track pregnancy outcomes, so length of time in custody may include time when the women were not pregnant. For BOP, the length of time represents only the period of pregnancy.

GAO analyses also show that pregnant women were held at a variety of facility types from 2017 through 2019. For example, pregnant women spent 68 percent of their time in USMS custody in non-federal facilities where USMS has an intergovernmental agreement. BOP data show that pregnant women spent 21 percent of their time in BOP custody while pregnant at Carswell—BOP's only female Federal Medical Center.

While USMS and BOP both have policies that address the treatment and care of pregnant women, not all policies fully align with national guidance recommendations on 16 pregnancy-related care topics. For example, national guidance recommends specialized nutrition and when needed, mental health care. USMS policies fully align on three of 16 care topics and BOP policies fully align on eight of 16. By taking steps to more closely align agency standards and policies with national guidance as feasible, USMS and BOP would be better positioned to help ensure the health of pregnant women in their custody.

USMS and BOP data show that the agencies provide a variety of medical care and special accommodations to pregnant women, and both agencies track the use of restraints. For example, USMS data show that women receive prenatal care and BOP data show that women receive prenatal vitamins and lower bunk assignments, among other things. However, USMS could do more to collect data on pregnant and postpartum women in their custody who are placed in restrictive housing. While USMS requests that facilities that hold USMS prisoners submit data on a regular basis indicating which prisoners were placed in restrictive housing, facilities are not required to indicate if any of these prisoners are pregnant or postpartum. In addition, USMS does not have a requirement for facilities to immediately notify USMS when such women are placed in restrictive housing. By requiring these notifications and data collection, USMS would be better positioned to ensure that facilities are complying with its USMS Detention Standards and Department of Justice (DOJ) guidance that state pregnant and postpartum women should not be placed in restrictive housing except in rare situations.