

**In the House Judiciary Committee  
February 26, 2013**

**HB 829  
Correctional Services – Pregnant Detainees and Inmates – Restraint  
Restrictions and Reporting**

**SUPPORT**

Attached please find a statement of opposition to the practice of shackling pregnant women and girls in correctional facilities in Maryland.

The statement has been signed by nearly 100 individuals and organizations in Maryland and beyond. The breadth of signatories speaks volumes about the extent of support to stop this harmful practice in Maryland.

Organizational supporters include healthcare organizations, local service providers who work with women, legal organizations, faith-based organizations, student groups, and local and national women's rights organizations, among others.

Individuals from Maryland and across the country have also signed on in support, including health care professionals, social workers, academics, judges, and everyday citizens who object to the practice of shackling pregnant women who are incarcerated.

## **Statement of Opposition to Shackling Pregnant Women and Girls in Correctional Facilities in Maryland**

Across the country, pregnant women suffer undue health risks when they are shackled before, during, and while recovering from labor. In Maryland, handcuffs, leg shackles and belly chains are used to restrain pregnant women during transport and medical appointments. Even during active labor, women and girls incarcerated in Maryland may endure the pain and restricted movement from having their wrists and ankles chained to the rails of the hospital bed. Maryland law does not even require correctional staff to consider input from medical staff when deciding whether to shackle a pregnant woman. Shackling pregnant women is permitted not only in Maryland's state-run adult and juvenile facilities, but also in local detention centers where women are held awaiting trial, before they have been proven guilty of any crime.

Leading health and law enforcement authorities oppose the practice of shackling because it poses serious health risks to the pregnant woman and her baby. The American Congress of Obstetricians and Gynecologists (ACOG), the American Medical Association, and the American Public Health Association are all on record against the practice.<sup>1</sup> In addition, the American Correctional Association, the Federal Bureau of Prisons, U.S. Immigration and Customs Enforcement, and the U.S. Marshals Service have all adopted policies to limit shackling of pregnant women.

Moreover, federal courts have expressly condemned the practice of shackling pregnant women in labor as violating the Eighth Amendment's prohibition against cruel and unusual punishment.<sup>2</sup>

The need to ensure the safety and security of the public is important. But the evidence shows that as a practical matter, shackling pregnant women and girls in the name of safety and security is almost never justified. It is well documented that most incarcerated women have been convicted of nonviolent offenses. Supervision by correctional officers provides sufficient protection to the degree any risk exists. In fact, as ACOG notes, "no escape attempts have been reported among pregnant incarcerated women who were not shackled during childbirth."<sup>3</sup> The significant health risks of shackling are far greater than any risk to public safety.

In recognition of the harms of shackling pregnant women, a growing number of states prohibit or restrict shackling of pregnant prisoners.<sup>4</sup> We urge state lawmakers to act now on behalf of women here in Maryland, by prohibiting the practice of shackling pregnant women and girls during transport, labor, delivery and recovery.

### **ORGANIZATIONAL ENDORSEMENTS**

American Civil Liberties Union	Baltimore, MD
Women's Law Center of Maryland, Inc.	Baltimore, MD
Public Justice Center	Baltimore, MD
Power Inside	Baltimore, MD
Marian House, Inc.	Baltimore, MD
Alternative Directions, Inc.	Baltimore, MD
Health Care for the Homeless	Baltimore, MD
Turn Around, Inc.	Baltimore, MD
Hopkins Feminists at Johns Hopkins University (JHU)	Baltimore, MD
Baltimore Student Harm Reduction Coalition at JHU	Baltimore, MD
Women Involved in Learning & Leadership at UMBC	Baltimore, MD
Maryland State Jericho Chapter	Baltimore, MD
Marylanders United for Fairness for Females	Baltimore, MD
2 God B The Glory	Baltimore, MD
Birthing Hands of DC, LLC	Baltimore, MD
The Young Democrats of Maryland	Cheverly, MD
Different Avenues, Inc.	Washington, DC
National Advocates for Pregnant Women	New York, NY

## ORGANIZATIONAL ENDORSEMENTS, CONTINUED

Women With A Vision, Inc.  
Chicago Legal Advocacy for Incarcerated Mothers  
California Coalition for Women Prisoners  
Our Bodies Ourselves  
Real Cost of Prison Project

New Orleans, LA  
Chicago, IL  
San Francisco, CA  
Cambridge, MA  
Northhampton, MA

## INDIVIDUAL ENDORSEMENTS

Rachel Roth, Ph.D., Soros Justice Fellow, Author	Arlington, MA
Arline Pacht, Retired Administrative Law Judge	Bethesda, MD
Elizabeth DuVerlie, MPH	Baltimore, MD
Janine Holc, Ph.D.	Baltimore, MD
Zosha Stuckey, Ph.D.	Baltimore, MD
Margot L Zimmerman, Retired public health administrator	Chevy Chase, MD
Elizabeth Reiner, CPM	Silver Spring, MD
Anne C. Lytle, Therapist	Freeland, MD
Dr. Jessica Guzman-Rea	Baltimore, MD
Rachel Crosen, Social work student	Columbia, MD
Lauren Linn, Social work student	Baltimore, MD
Hadar Aviram, Law Professor	San Francisco, MD
Aimee Pohl	Baltimore, MD
Brea Angelena Best	Winsor Mill, MD
Joanna Gervais	Baltimore, MD
Natanya Robinowitz	Baltimore, MD
Mary Beth Hastings	Takoma Park, MD
Sarah Tooley	Baltimore, MD
Brandon R. Weber	Baltimore, MD
Olka Maude Forster	Towson, MD
Hannah Espo	Towson, MD
Dinah Winnick	Baltimore, MD
Michael Fell	Catonsville, MD
Jess Myers	Baltimore, MD
Alicia Bembenek	Reisterstown, MD
Eric John Boone	Timonium, MD
Harriet Smith, MS	Baltimore, MD
Daniel Staples	Baltimore, MD
Caleb DeMario	Towson, MD
Joe Halloran	Baltimore, MD
Francine Housier	Baltimore, MD
Carolyn Hayes	Baltimore, MD
Aida Ver Ploeg	Baltimore, MD
Nicolás Wirth	Baltimore, MD
Erika Sanchez	Baltimore, MD
Lauren Marrazzo	Baltimore, MD
Michaela Kitson	Baltimore, MD

## INDIVIDUAL ENDORSEMENTS, CONTINUED

Alana Farr	Baltimore, MD
Katie Schwartz	Baltimore, MD
Wiebke Blaszyk	Baltimore, MD
Yury Yakubchyk	Baltimore, MD
Alexandrea Lee	Baltimore, MD
Megan Cohan	Baltimore, MD
Alice Korevaar	Baltimore, MD
Lucy Woodrow	Baltimore, MD
Earllondra Brooks	Baltimore, MD
Isabella Berkey	Baltimore, MD
Juliana Vigorito	Baltimore, MD
Caroline DeLuca	Baltimore, MD
Louna Dekker-Vargas	Baltimore, MD
Lisa Lacampagne	Baltimore, MD
Caitlin Fuchs-Rosner	Baltimore, MD
Alexandra Surget	New York, NY
Carlene Partow	Sausalito, CA
Carly Cox Student	Newton, PA
Christian Marie Campo	New Orleans, LA
Cristina Ramirez	Charlottesville, VA
Diana Clayton MacGuire	Beverly Hills, CA
Elizabeth Rha	Linwood, NJ
Karen Starr	Plainfield, VT
Libba King West	Simsbury, CT
Mia Frederick	Louisville, KY
Mona Lynch, Ph.D.	Irvine, CA
Nicole Huet Tettke	Miami, FL
SpearIt, Assistant Professor	St. Louis, MO
Shannon Parker	Fairfax, VA
Spencer Wayne Roszelle	Lakewood, CO
Stacy Erenberg	Chicago, IL
Stephanie Ogir	Ozone Park, NY
Theodore Alan Zook	Arlington, VA
Tyler Gaines	Cleveland, MS

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<sup>1</sup> Health Care for Pregnant and Postpartum Incarcerated Women and Adolescent Females, Comm. Op. No. 511, at 3 (Am. Coll. Obstetricians & Gynecologists 2011); RES. 203: Shackling of Pregnant Women in Labor (Am. Med. Ass'n 2010); Standards for Health Services in Correctional Institutions 108 (Am. Public Health Ass'n 2003).

<sup>2</sup> *Nelson v. Correctional Medical Services*, 583 F.3d 522, 533 (8th Cir. 2009); *Women Prisoners of D.C. v. District of Columbia*, 93 F.3d 910, 918, 936 (D.C. Cir. 1996); *Brawley v. State of Washington*, 712 F.Supp.2d 1208, 1221 (W.D. Wash 2010); and *Villegas v. Metropolitan Government of Davidson County*, 789 F.Supp.2d 895, 919 (M.D. TN 2011).

<sup>3</sup> Health Care for Pregnant and Postpartum Incarcerated Women and Adolescent Females, Comm. Op. No. 511, at 3.

<sup>4</sup> Eighteen states (AZ, CA, CO, DE, FL, HI, ID, IL, LA, PA, NM, NV, NY, RI, TX, VT, WA and WV) have laws prohibiting or restricting the shackling of pregnant prisoners.