

Shackling of pregnant women and girls in correctional systems



Painting the Picture of Incarcerated Pregnant Girls

[Excerpt from Acoca, 2004]

Perhaps most critical to the health and developmental potential of the children of girl offenders interviewed was the reported severance of the mother-infant bond during the early months of the infants' lives. Eighty-three percent of detained teenaged mothers reported that they had been separated from their infants within three months of delivery. Incarcerated pregnant girls interviewed for the study reported that they were often hungry and had not been given prenatal vitamins. Interviewers observed that pregnant girls were physically constricted due to ill-fitting correctional clothing and having to sleep on thin mattresses placed directly on cell floors or on slightly raised cement slabs. Further, a majority of the girls who had given birth while in custody reported that they had received no prenatal or parenting classes. Because no obstetrical facilities were available on site, girls in labor were transported to local hospitals to give birth. Upon delivery, most young mothers were separated from their newborns within hours or days of delivery and then returned to correctional facilities with no or limited medical or psychological support services.

Issue Overview

Contrary to official records and statistics, a large number of girls involved in the justice system have been pregnant. In a study of girls in Florida, according to case review data, 8% reported pregnancy in their lifetime. However, when girls were interviewed, 24% reported they had been pregnant (Acoca & Dedel, 1998). Other studies corroborate these findings and demonstrate that of the almost 30% of girls who reported lifetime pregnancy, 16% had been pregnant while incarcerated. Teen pregnancy presents a number of challenges, which increase exponentially for females who are incarcerated. One of the most archaic and dangerous practices includes the shackling of pregnant girls and women. Though outlawed in several states, there exists no legislation to prohibit the use of physical restraints on pregnant women even when in the third trimester in the State of Florida. Twenty-nine percent of girls reported that they had been shackled at the ankles and wrists while pregnant (Acoca, 2004). This practice should be banned for all females who are in custody.

Numbers Affected

Unfortunately, data on the number of pregnant girls is not available. However, based on our Rallying Cry research in Florida, we can conservatively estimate that 10% of girls who are incarcerated are also pregnant. On a given day in Florida, there are 1,000 girls locked up, suggesting that at least 100 of those girls are also pregnant. Nationally, a one day snapshot revealed there were almost 14,000 girls incarcerated, suggesting that 1,400 girls are pregnant and in custody across the country. According to the Bureau of Justice Statistics, 5% of women are pregnant at the time of admission to state prisons, and 6% are pregnant at the time of admission to local jails. There are no statistics on how many women become pregnant while in prison. In Florida, there were 4,611 women admitted to Florida prisons from 2007-08 suggesting that at least 230 women may be pregnant.

Legislation

Since 2000, four states - California, Illinois, Vermont and New Mexico - have passed legislation restricting the unnecessary use of restraints on pregnant women in prison. NY just passed legislation this year (NY anti-shackling bill **S.1290-A/A.3373-A**)

What's happening in Florida?

According to Amnesty International surveys of state correctional departments, Florida is one of 38 states that may use restraints on pregnant women during the third trimester. Florida is one of five states with written policies stipulating that no restraints are to be used on inmates during labor and birth, however there is no legislation in Florida limiting the use of shackling on pregnant inmates. Florida reported that placement of an officer in the delivery room is decided on a case-by-case basis. Additionally, Florida requires that restraints be used on pregnant women during transportation. For more information, please visit <http://www.amnestyusa.org/violence-against-women/abuse-of-women-in-custody/page.do?id=1108288>

that stipulates **no restraints of any kind shall be used when such woman is in labor, admitted to a hospital, institution or clinic for delivery, or recovering after giving birth.**

Amnesty International Policy Guidelines for incarcerated pregnant women-

- Leg irons, shackles, belly chains or handcuffs behind the body may not be used at any time during pregnancy.
- For pregnant women in the third trimester no restraints may be applied, including during transportation.
- Under no circumstances may restraints of any kind may be used on a woman in labor or while she is giving birth.
- A female correctional officer should accompany the woman during transport to the hospital for prenatal checkups as well as for the delivery itself, and should remain immediately outside the room during checkups, and a woman's labor and delivery, unless the woman wishes otherwise. The officer should be trained to be sensitive to the medical and emotional issues of pregnancy and childbirth.
- No restraints should be applied while a woman remains in the hospital during recovery, and all efforts should be made to afford the mother reasonable access to the baby without having impeding her movements by restraints.
- Restraints should not be applied during transportation back to the detention facility.

Medical Justification

Aside from the practice of being inhumane treatment, there is medical importance:

The American College of Obstetricians and Gynecologists and the American Public Health Association have condemned the practice of shackling, recognizing that it compromises women's health and causes severe pain and trauma.

The Center for Reproductive Rights points out that unrestrained movement is critical during labor, delivery, and the post-delivery recovery period. Shackles hamper a woman's ability to move to alleviate the pain of her contractions, which increases stress on the woman's body and may decrease the flow of oxygen to her fetus.

For more information contact:

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