

Restrictions on Shackling Pregnant People in Correctional Facilities

[HB 1627](#) - [Rep. Jean Evans](#) (R-99, Manchester) | [SB 803](#) - [Sen. Jamilah Nasheed](#) (D-5, St. Louis)

These bills establish protections for the health and safety of people who are incarcerated during pregnancy and postpartum recovery at a state correctional center or county or city jail. They prohibit shackling during the third trimester and the 48 hours after birth, with exceptions only permitted when a corrections officer determines that shackling is needed to prevent the prisoner from escaping or seriously injuring themselves or others.

Jails and prisons use restraints on women in labor and delivery as a matter of course regardless of whether a woman has a history of violence (which only a minority have), regardless of whether she has ever absconded or attempted to escape, and regardless of her state of consciousness.

- In 2007, the Bureau of Justice Statistics stated that, on average, 5 percent of women who enter into state prisons are pregnant and in jails 6 percent of women are pregnant.
- Presently, the Bureau of Justice Statistics (BJS) does not routinely document the number of incarcerated pregnant women or the number of babies born behind bars. However, in 1997-98 alone, BJS did document that more than 2,200 pregnant women were incarcerated and more than 1,300 babies were born in prison.

Major medical associations oppose the practice of shackling people during pregnancy, childbirth, and postpartum recovery because it is "dangerous and unnecessary."

- The American Medical Association, American College of Obstetricians and Gynecologists, and American Public Health Association all oppose the practice.
- The American College of Obstetricians and Gynecologists (ACOG) released a statement in June 2007, supporting an end to the practice of shackling mothers in labor and delivery as "physical restraints have interfered the ability of physicians to safely practice medicine by reducing their ability to assess and evaluate the physical condition of the mother and fetus, and have similarly made the labor and delivery process more difficult than it needs to be; thus, overall, putting the health and lives of the women and unborn children at risk."

The practice of shackling people during pregnancy, childbirth and postpartum recovery is dangerous, degrading, and it violates the Eighth Amendment to the U.S. Constitution.

- 21 states in America prohibit maternal shackling
- According to the ACLU of Missouri, "Shackling inmates while they are pregnant or in labor violates the Eighth Amendment to the U.S. Constitution. It demonstrates deliberate indifference to a woman's serious medical needs and violates long-established Eighth Amendment case law. Also, many international treaties and the United Nations consider shackling pregnant inmates an unacceptable form of torture."
- The UN standard for the Treatment of all Prisoners, Rule 33, states that shackles should not be used on inmates unless they are a danger to themselves or their children, others or property, or have a history of absconding.