



NEW YORK STATE SENATOR

Velmanette Montgomery

Legislators and Human Rights Activists Hail end of Shackling Incarcerated Pregnant Women

VELMANETTE MONTGOMERY May 19, 2009

| ISSUE: **FAMILIES**



Albany, NY (May 20, 2009): Human rights advocates and champions of criminal justice reform joined today with sponsors of the “Anti Shackling Bill” (S.1290- A/A.3373-A) to hail the Senate and Assembly’s passage of legislation that prohibits the inhumane practice of shackling pregnant inmates who are in labor. The announcement was made at the State Capitol in Albany, New York.

The “Anti-Shackling Bill” is sponsored by **Senator Velmanette Montgomery** (D-Brooklyn) and **Assemblyman Nick Perry** (D-Brooklyn).

Their bill prohibits state and local correctional authorities from using restraints on a pregnant female inmate who is being transported for childbirth, during labor and delivery, and in post-natal recovery. An exception to this rule is made under extraordinary circumstances where restraints are determined to be necessary to prevent the woman from injuring herself, medical or correctional personnel. In these instances, a pregnant woman may be cuffed by one wrist.

“This practice is barbaric and unconscionable,” said **Senator Montgomery**, noting that among the women incarcerated in New York State prison during 2007 and 2008, 61 and 69 were pregnant, respectively. Montgomery, who chairs the Senate Committee on Children and Families, said that the use of shackles presents a grave health risk for both the mother and her unborn child.”

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.

Since 2000, four states - California, Illinois, Vermont and New Mexico - have passed

legislation restricting the unnecessary use of restraints on pregnant women in prison. "Our State must join ranks with other leaders in the fight for human rights and support healthy pregnancies and deliveries for all New Yorkers," declared **Senator Montgomery**.

"While the Department of Correction has expressed that they are somewhat sensitive to the inappropriateness of shackling women during labor, the fact that this practice is still an option that is available creates a sense of concern that needs to be addressed," said **Assemblyman N. Nick Perry**. "This legislation takes that option off the table, and ensures that women in labor will not have to endure the health risk and the indignity of being shackled as they bring their newborn into this world."

Senator Montgomery, Assembly Perry and their legislative colleagues Senator **Diane Savino** (D-Staten Island/Brooklyn), **Senator Eric Adams** (D-Brooklyn) and **Assemblywoman Inez D. Barron** were joined at the press conference by representatives of the **Correctional Association of New York, The Center for Reproductive Rights, Human Rights Watch**, and **M. Tracey Brooks, President and CEO of Family Planning Advocates of New York State**, as well as several **formerly incarcerated women who were pregnant while in prison**.

"Restricting the use of restraints on incarcerated women in labor will not jeopardize the safety of correctional or medical staff. Revising New York's statute will provide clear guidance for state and local correctional facilities and eliminate inconsistencies in shackling policies across the state. The Montgomery/Perry bill takes a critical step toward ensuring safe and humane treatment for women in prison and their babies," **Serena Alfieri, Associate Director of Policy Women in Prison Project, The Correctional Association of New York**.

"It is long past time for New York to end this inhumane practice. Childbirth can be difficult

under the best of circumstances; this practice is not only degrading, but dangerous to the mother and child. The idea of a woman bolting and fleeing in the midst of childbirth is ludicrous and should not be used as an excuse,” said **Senator Diane Savino** (D-Staten Island/Brooklyn).

The "Anti-Shackling Bill" now goes to the Governor for approval before becoming law.

Note to Editors/Reporters:

There are two attachments to this document: 1 photograph from the press conference and one collection of statements. The photograph and statements will be appended to the bottom of this message as well. Statements in support of the passage of S.1290-A/A.3373-A accompany this news release, including the story of a formerly incarcerated woman.

ADVOCATES’ STATEMENTS IN SUPPORT OF THE MONTGOMERY/PERRY ANTI-SHACKLING BILL S.1290-A/A.3373-A

I was incarcerated while pregnant with my seventh child. I was transported from Rikers Island Jail at 7 months shackled and handcuffed to be transported to Bedford Hills. The evening when I was to give birth, I was transported to Valhalla hospital in hand cuffs, I was in labor. When I arrived at the hospital and was about to give birth to my son the doctor who was to deliver my child requested shackles be removed. The correctional officer released one of my legs. I remained tethered to the gurney during labor and child birth and when my son was to be held in my arms I only held him in one arm because that was all I was allowed by the officer who witnessed the birth of my son. I was not a flight risk! I felt dehumanized and unworthy to be treated in such a way. Regardless of the reason why I was arrested I was not a flight risk. Women remember the births of the babies for the rest of their lives and children ask to understand the how and why they came to be in the world. This is the story I have told my son when he asked about his birth for all mothers and fathers what story did you tell your children of their birth?”

Tina

“The Prisoners' Rights Project of the Legal Aid Society urges the passage of S. 1290, the very-important piece of legislation proposed in the New York State Senate by State Senator Velmanette Montgomery. Almost 30 years ago, Legal Aid brought litigation to stop the barbaric practice of shackling women prisoners from the New York City jails who were admitted to a municipal hospital for delivery. At that time, the City shackled all prisoners in their custody who were confined in civilian wards of the municipal hospitals, even though they were guarded one-on-one by an armed corrections officer. We met prisoners dying of AIDS who were charged with petit larceny who were shackled. We met women admitted for delivery who were shackled. As a result of a Consent Judgment entered in 1990 in this litigation, certain categories of prisoners could not longer be shackled, including women admitted for delivery. This restriction has never created any risk to security. The Consent Judgment doesn't go far enough: we have talked to many women prisoners who were shackled while in labor on the way to the hospital and immediately after delivery. Women prisoners are routinely shackled immediately after giving birth in the recovery room, even if they had an episiotomy and can barely walk, let alone try to escape. The City of New York has now moved to terminate the Consent Judgment, so that even the limited prohibition on shackling women admitted to the hospital for delivery would be removed. Thus passage of this legislation is critically needed to stop these horrific practices.”

Dori A. Lewis, Senior Supervising Attorney, Prisoners' Rights Project, Legal Aid Society

“This bill would protect some of New York’s most vulnerable women from being needlessly shackled during pregnancy and labor. The practice is dangerous for women’s health and subjects women to cruel, inhuman, and degrading treatment in violation of their constitutional and human rights.”

The Center For Reproductive Rights

“The unnecessary shackling of women in detention during pregnancy and labor is an inhumane and horrific practice that affects women’s health and dignity. The National Latina Institute for Reproductive Health, the nation's leading voice for Latina reproductive health, supports NYS Senate bill S1290-A/ Assembly bill A3373-A because it protects some of New York’s most vulnerable women from unwarranted cruelty. Latinas account for about 1 in 7 women in State prisons and nearly 1 in 3 female prisoners in Federal custody, and have been disproportionately affected by this and other inhumane practices. NLIRH urges the New York State legislature to demonstrate their commitment to healthy pregnancies for all women and vote in favor of this bill

Jessica Gonzalez-Rojas, Deputy Director, National Latina Institute for Reproductive Health, New York, NY

“Conexions provides public and prisoner education on addictions and related health and justice system issues. We would like to submit this statement against the use of shackles on pregnant and/or birthing women. Medical studies have shown dangers to the mother and child of restricting movement before, during, and after delivery. Bureau of Justice studies show that most women are imprisoned for non-violent drug offenses and are low security risks. Mary Barr, the founder of Conexions, visited a women's prison in the Former Soviet Union, where officers and prisoners were shocked to learn of our shackling women in labor. Government officials there stated they do not use shackles and had no problems to that date. Please help stop this dangerous and unnecessary practice

Mary Barr, founder, Conexions, Jersey City, NJ

“I spent 10 years as a volunteer facilitator of childbirth preparedness and post-partum support groups for women in our state prison. I saw the harmful effects of their treatment, especially concerning the mothers following delivery. The birth of every child should be respected and celebrated. Chains and shackles during childbirth do not permit respect for either the infant or the birthing mother, and they endanger the well-being of both.”

Dee Ann Newell, M.A., 2006-2008 Senior Justice Fellow, Open Society Institute of the Soros Foundation of New York, Coordinator, The National Policy Partnership for Children of the Incarcerated: A 14 State Coalition; Founder of Arkansas Voices for the Children Left Behind, Inc.

“Amnesty International USA applauds the efforts of Senator Montgomery and Assemblyman Perry to safeguard the health and well-being of pregnant prisoners. It is long overdue for the state of New York to recognize that the shackling of pregnant women is a cruel and unnecessary measure. It endangers the health of the woman and the health of her fetus.”

Joshua Rubenstein, Northeast Regional Director, Amnesty International USA

“Prison Fellowship advocates for safe, sensible policies that recognize the distinct needs of incarcerated women. Shackling an inmate while she is in labor is a barbaric practice, violating all standards of decency. It also increases the likelihood of physical harm to the mother and her baby. Protecting the dignity of motherhood and the health of these women and babies must be a high priority for legislators and corrections officials who value justice.

Karen Williams, Justice Fellowship - Restorative Justice Assistant, Prison Families Ministries

“Reproductive health is a human right, and the principles of equality and human dignity are the core of all human rights. The National Health Law Program believes shackling incarcerated women when they are in labor is an inhumane and medically risky practice. Shackling a woman while in labor, arguably one of the most physically and emotionally arduous events of her life, not only makes her labor more difficult and dangerous, it degrades the childbirth experience. The practice of shackling a laboring woman works to include her childbirth experience as part of her criminal punishment. Women who are incarcerated while pregnant have disproportionately high-risk pregnancies, and to add the additional stress of restricting their movements while laboring endangers the woman's health and that of the child she is laboring to deliver. “

Amber Hartgens, Reproductive Rights Attorney, National Health Law Program

"As a physician, I rely on the woman being able to move freely so that she and I can find the best position for the safe, healthy delivery of her baby. Shackles have no place in the delivery room. They are not protecting me—they are only making my job harder and putting both the mother and the baby at risk."

Anne Davis, MD, MPH, Medical Director of Physicians for Reproductive Choice and Health

"Restricting the use of restraints on incarcerated women in labor will not jeopardize the safety of correctional or medical staff. Revising New York's statute will provide clear guidance for state and local correctional facilities and eliminate inconsistencies in shackling policies across the state. Bill A/S takes a critical step toward ensuring safe and humane treatment for women in prison and their babies."

Serena Alfieri, Associate Director of Policy at the Women in Prison Project, The Correctional Association of New York

"The National Women's Law Center urges the New York Legislature to end this unnecessary and harmful practice that further endangers vulnerable women whose pregnancies are already at risk. This practice inflicts both physical and psychological trauma on a population of women who are likely to have suffered violence in the past. The prison system, established to serve men, has far too long neglected the health care needs of the ever-growing population of women. The National Women's Law Center urges New York to put an end to the discriminatory and barbaric practice of shackling women during pregnancy and labor."

Judith Waxman, Vice President of Health and Reproductive Rights, National Women's Law Center