



NEW YORK STATE SENATOR

Velmanette Montgomery

## 90 Days After Bill Passes Unanimously In The Senate, Governor's Inaction Raises Questions and Concerns

VELMANETTE MONTGOMERY August 18, 2009

| ISSUE: **FAMILIES**

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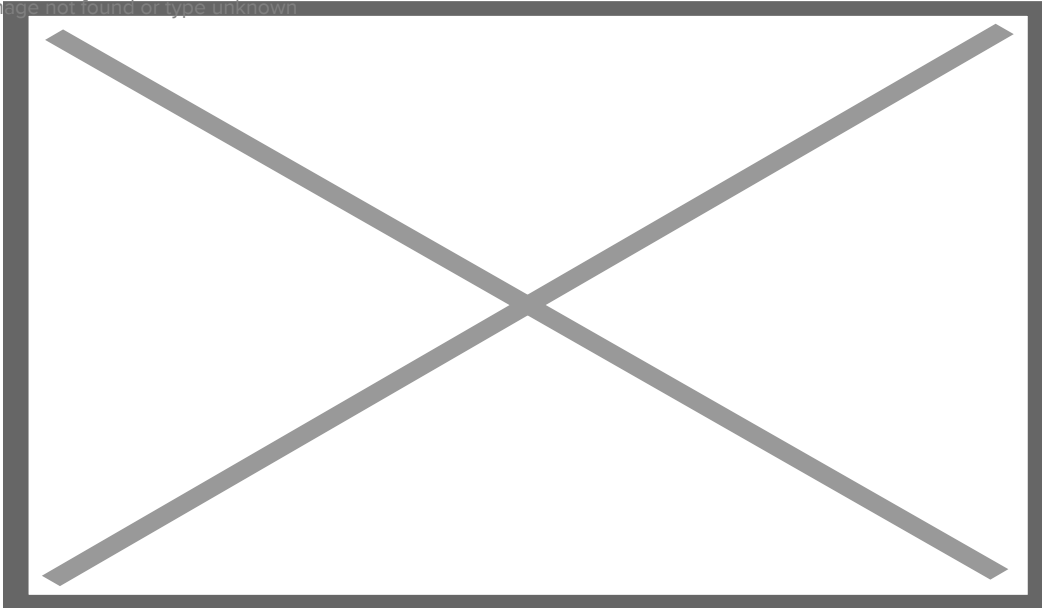
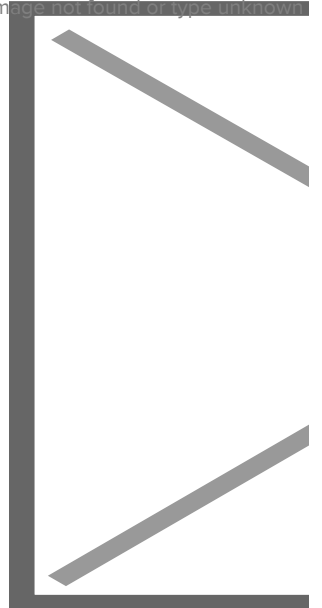


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### **Bill would end shackling of prisoners in labor**

Newsday - Long Island, NY, USA

**Velmanette Montgomery**, "prohibits the use of restraints of any kind from being used during the transport of such female prisoner to a hospital for the ...

**Organizations, Advocates, Formerly Incarcerated Women Urge Governor To End Delay And Sign Anti-shackling Bill To Protect Health And Safety Of Women And Children**

On **Tuesday, August 18 at 11:00am**, the Correctional Association of New York's Women in Prison Project, New York Civil Liberties Union, and Women on the Rise Telling HerStory (WORTH) will hold a protest and press conference **in front of Governor Paterson's office** (630 3rd Ave between 40 and 41 Streets) to call on the Governor to sign the Anti-Shackling Bill (S.1290-A/A.3373-A), which forbids the use of restraints on incarcerated women during labor and post-delivery recovery, and restricts the use of restraints during transport to and from the hospital.

The Anti-Shackling Bill passed unanimously in the Senate and overwhelmingly in the Assembly on May 20. Bill sponsors Assemblymember N. Nick Perry and Senator Velmanette Montgomery, along with formerly incarcerated women who personally experienced shackling while in labor, will address the group.

The federal Bureau of Prisons, the American Correctional Association, and four other states – California, Vermont, Illinois and New Mexico – have already adopted policies restricting the use of restraints on women in labor. The American Public Health Association, American College of Obstetricians and Gynecologists, American Medical Women's Association, and American College of Nurse Midwives all support restrictions on shackling pregnant women in prison.

Shackling women in labor is a degrading and unnecessary practice that puts the health and lives of women and babies at risk. Restraints cannot be justified as a measure necessary to prevent escape: women cannot run with any significant level of speed when in labor or recovering immediately after delivery. Restricting restraints will not jeopardize the safety of correctional or medical staff. City jail policies restricting restraints have been in effect for 20 years without incidents of escape or harm to staff or inmates. A 2000 Illinois law prohibiting

restraints has not resulted in security breaches or difficulty maintaining personnel safety.

S.1290-A/A.3373-A has support from a broad array of organizations, including the Center for Reproductive Rights, Human Rights Watch, Amnesty International, Legal Aid Society of NYC, Anti-Shackling Coalition coordinated by the Rebecca Project for Human Rights, National Advocates for Pregnant Women, NYS Coalition Against Domestic Violence, Family Planning Advocates of NYS, Physicians for Reproductive Choice and Health, and the Public Health Association of NYC.

About 6,000 women are in state and local correctional facilities in New York. Nationwide, an estimated 4% of women in state prisons, 3% of women in federal prisons, and 5% of women in jail report being pregnant at the time of incarceration. Nearly three-quarters of incarcerated women are mothers. Almost 80,000 children have a parent in New York's prisons, including nearly more than 5,200 children with an incarcerated mother.

**Jeanna Marie:** "I had an emergency Cesarean section when I was incarcerated. I was ankle-shackled and handcuffed during the ambulance ride to the hospital and when I got to the hospital I remained shackled by one wrist to the gurney during the entire C-section procedure. I couldn't stand up let alone run out the door, which was being guarded by officers. Being handcuffed was extremely uncomfortable and humiliating. It destroyed the special moment of my child's birth and made me feel like less of a mother."

**Venita:** "I was put in waist chains, ankle shackles, handcuffs and a black box over my hands on the way to the hospital when I was in labor. I told the officer he's not supposed to shackle me. He said he was just following procedure. The shackles came off when I delivered but they went back on right after I gave birth."

**Senator Velmanette Montgomery:** "The use of shackles and handcuffs on women in prison who are in labor is a cruel and inhumane form of punishment and poses a serious and unnecessary risk to both the mother and her unborn child. I applaud the advocacy work of the Correctional Association, the NYCLU, formerly incarcerated women who experienced this barbaric practice firsthand – and everyone who helped garner support for the passage of the Montgomery/Perry Anti-Shackling Bill. It took eight years for us to get to this point, but we are here and now it is up to the Governor to sign the bill into law."

**Assemblyman N. Nick Perry:** "Several years ago, my attention was drawn to a human rights report detailing the agony and indignities of a female prisoner's experience giving birth while shackled. As a husband, father and grandfather, I was profoundly moved by the report, and I was stirred into taking action to make sure no incarcerated female would have to give birth in an environment lacking in safety, dignity and respect in New York."

**Tamar Kraft-Stolar, Director of the Women in Prison Project of the Correctional Association of New York:** "We've interviewed dozens of currently and formerly incarcerated women who share similar stories of being cuffed and shackled while in labor. It is difficult to understand what possible justification the Governor could have for delaying action on a bill that would curtail a widespread, inhumane practice that jeopardizes the health and safety of women and babies in our state."

**Serena Alfieri, Associate Director of Policy at the Women in Prison Project of the Correctional Association of New York:** "Ninety days ago, the Anti-Shackling Bill passed unanimously in the Senate and with an overwhelming majority in the Assembly. Action on this bill is long overdue. We call on the Governor to seize this opportunity to protect women's health and end an inhumane practice that has no place in the 21st century."

**Tina Reynolds, Executive Director, Women on the Rise Telling Herstory (WORTH), and formerly incarcerated mother:** "Everyone wants to know the story of how they were born. Children are

entitled to hear a story from their mothers that does not include the degrading experience of being shackled. All mothers should have the opportunity to share a story about their children coming into the world that is beautiful and loving.”

**Corinne Carey, Public Policy Counsel, NYCLU:** “Only two jails in New York State restrict the use of shackles on pregnant women. We need a uniform prohibition to ensure that no pregnant woman is ever shackled during labor and delivery – no matter where she is incarcerated. Shackling pregnant during labor and delivery women constitutes cruel and unusual punishment. Ending the practice is humane, consistent with the constitution, and poses no risk to public safety.”