

Handcuffed During Labor: Shackling and Concurrent Policies for Pregnant Inmates in Minnesota and Across the Nation

Aly Scrignoli¹, Alison Siu², Erin C. Casey², & Rebecca J. Schlafer³

¹Department of Sociology, ²Institute of Child Development, ³Department of Pediatrics – University of Minnesota

Background

- The number of women incarcerated in state and federal prisons in the U.S. has increased dramatically over the past 20 years.
- 6-10% of incarcerated women are pregnant and are often subjected to shackling during transport and labor.²
- Shackling can cause maternal stress during pregnancy, which is associated with adverse birth outcomes, such as preterm delivery and low birth weight infants.

Objectives

1. Identify implications of shackling for maternal and child health.
2. Describe policies impacting inmates who give birth while incarcerated.
3. Compare policies of Minnesota's only women's prison to policies across the U.S.

Implications for Maternal Health

- Shackling women restricts a doctor's accessibility and ability to properly provide care, especially emergency procedures.²
- Shackling prevents a woman from being able to move freely enough to manage labor pains or allow her legs to be put in stirrups. The restraints can cause acute stress injuries such as cuts and bruises.
- Shackling may exacerbate problems with balance many pregnant women experience, as they may be unable to quickly move a limb to prevent a fall.
- Shackling limits mobility; this can lead to ineffective breastfeeding and can prevent proper healing after the baby is born.

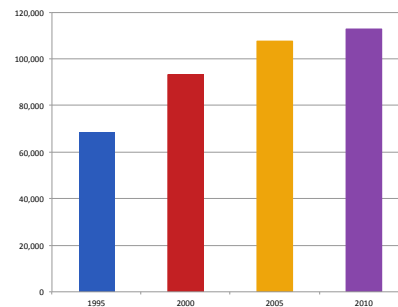
Implications for Child Health

- Shackling creates potential harm to the fetus, and increases risk of miscarriage.
- Any maternal stress is important to consider because it impacts pregnancy and birth outcomes, including preterm birth and low birth weight infants.
- Shackling may cause delays in labor procedures that could cause the infant to have permanent brain damage due to lack of oxygen to the brain. The restraints can also reduce blood-flow to the newborn.¹

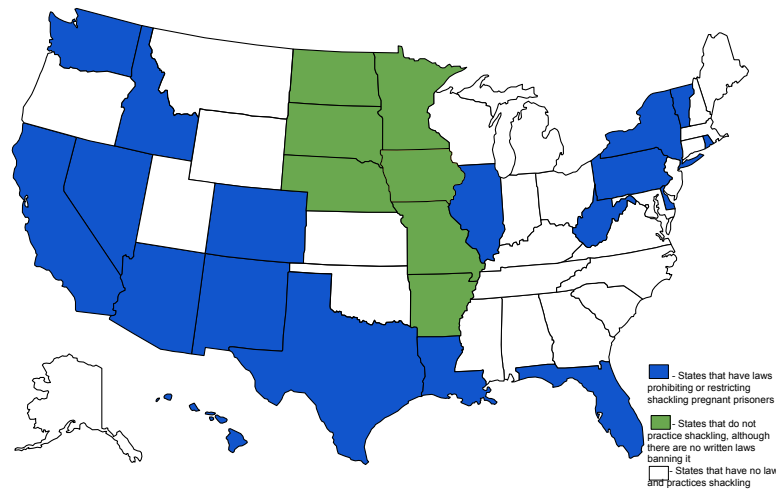
Unshackled Pregnant Women Not a Risk

- The majority of pregnant incarcerated women are non-violent offenders with low security risk.
- There have been no documented cases of women in labor trying to escape or cause harm to themselves, the public, security guards, or medical staff.¹
- In most cases, armed guards accompany women in the delivery room. The correction officers ensure the safety of those surrounding the pregnant prisoner, including her newborn.

Number of Incarcerated Women in the U.S.



Shackling Policies Across the United States^{1, 3}



Process & Procedure



- In many facilities, a strip search is performed before the woman is transported to the hospital.
- Soft restraints are placed on the woman immediately following childbirth.
- Leg irons, belly chains, handcuffs, and a lock box are used for transport back to the prison.
- The process is the same for women who received C-sections.
- A strip search is again performed before re-entering the prison.

Policies in Minnesota

- There is no written law prohibiting shackling pregnant women in Minnesota, yet Minnesota does believe it is against the constitution.
- MCF-Shakopee maintains a no shackling policy unless the women is deemed a danger to herself or others.
- Directly after the child is born, however, a woman is restrained.

Policies Across the United States

- Shackling policies vary from state to state.
- The American Congress of Obstetricians and Gynecologists (ACOG) opposes shackling of pregnant women, due to health risks to mother and child.¹
- In 2008, The Bureau of Prisoners banned shackling of pregnant inmates in federal prisons in all cases except those with extreme risk for escape or violence.¹
- Eighteen states have laws restricting shackling pregnant prisoners:
 - AZ, CA, CO, DE, FL, HI, IL, ID, LA, PA, NM, NY, RI, TX, VT, WA, and, WV¹
- Ten states restrict shackling the entire time the women is in the hospital including before, during, and after delivery:
 - CO, VT, TX, IL, NM, CA, NY, WA, WV, and PA³
- Seven states say that it is a constitutional violation to shackle inmates legs to her hospital bed during labor:
 - AR, IA, MN, MO, NE, SD, and ND³

References

¹ACLU. (2012). *The shackling of pregnant women and girls in U.S. prisons, jails, and youth detention centers*. Retrieved from: https://www.aclu.org/files/assets/anti-shackling_briefing_paper_stand_alone.pdf

²Glaze, L.E., & Maruschak L.M. (2008). *Parents in prison and their minor children*. Bureau of Justice Statistics Special Report. Washington, DC: Bureau of Justice Statistics

³National Organization for Women, (2010). *End shackling now*. Retrieved from: <http://www.now.org/issues/violence/anti-shacklingkit.pdf>

Shackling Pregnant Women Violates Domestic Constitutional Law and International Human Rights

- Shackling pregnant women violates the 8th Amendment that protects prisoners' rights to be free from cruel and unusual punishment.
- International treaties like the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* prohibit shackling pregnant prisoners. The *United Nations Standard Minimum Rule for the Treatment of Prisoners* also agrees with the treaty.¹

Acknowledgments

Research reported in this poster was part of an Independent Study for the Directed Research Program in the University of Minnesota Department of Psychology, under the supervision of Dr. Rebecca Schlafer (Department of Pediatrics).