

Incarcerated Women and Shackling

STATE POLICIES *(Updated September 2018)*

Overview: Since 1978, the number of women in state prisons has increased nine-fold, growing at more than twice the pace of men.ⁱ Incarcerated women face unique barriers to health care, and those who are pregnant and postpartum are at increased risk of negative health outcomes. Despite bipartisan support for criminal-justice reform, in many states the health-care needs of incarcerated women remain unaddressed.

One particularly inhumane practice is the use of restraints on incarcerated women and girls during pregnancy, labor, and recovery, commonly known as shackling. While federal prisons have limited the use of restraints on pregnant and postpartum incarcerated women since 2008, many state carceral systems still engage in this dehumanizing practice.

ACOG Policy: ACOG supports state efforts to restrict the use of restraints on incarcerated women and adolescents during the pregnancy and postpartum period.ⁱⁱ This practice may compromise health care and is demeaning and rarely necessary. For more information about women and incarceration, visit [ACOG's webpage](#).

State Legislative Activity: 28 states currently restrict the use of restraints for limited duration, but few states broadly restrict the practice throughout pregnancy and postpartum. Optimal laws to limit the use of restraints should specify each of the following provisions:

- ✓ Broadly restrict restraints throughout pregnancy, labor, delivery, postpartum, including transport to a medical facility **(10 States)**
 - CA, CT, IL, KY, LA, ME, MD, MN, NC, OK
- ✓ Allow medical personnel to have restraints removed immediately **(17 States)**
 - CA, CT, DE, DC, FL, HI, ID, IL, LA, ME, MD, MA, MN, MO, RI, WA, WV
- ✓ Require written documentation by corrections personnel of the use of restraints **(22 States)**

- AZ, CT, CO, DE, DC, FL, HI, ID, IL, LA, ME, MD, MA, MN, MO, NY, NC, OK, PA, RI, VT, WA
- ✓ Apply to juveniles **(11 States)**
 - AZ, CA, CO, DC, FL, ME, MD, NV, RI, TX, WA
- ✓ Require corrections personnel to remain outside delivery room for privacy concerns **(7 States)**
 - CT, HI, IL, KY, ME, MA, WA
- ✓ Address additional health concerns of pregnant inmates (such as prenatal and healthy pregnancy care, appropriate nutrition, access to menstrual products, and behavioral health screening and treatment) **(7 States)**
 - CA, CT, KY, MD, MA, MN, WA

Incarcerated Women: State Policies Limiting Use of Restraints (Updated September 2018)									
STATE	Restricts Use of Restraints During				Physician Authority to Remove Restraints	Addresses Privacy Concerns	Corrections staff must document	Applies to Juveniles	Addresses Broader Health Concerns
	Pregnancy*	Labor and Delivery	Transport	Postpartum "Recovery"					
Arizona		X	X	X			X	X	
California	X	X	X	X	X			X	X
Connecticut	X	X	X	X	X	X	X		X
Delaware		X	X	X	X		X		
District of Columbia		X	X	X	X		X	X	
Florida		X		X	X		X	X	

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	Pregnancy*	Labor and Delivery	Transport	Postpartum "Recovery"					
Hawaii		X	X	X	X	X	X		
Idaho		X			X		X		
Illinois	X	X	X	X	X	X	X		
Kentucky	X	X	X	X		X			X
Louisiana	X	X	X	X	X		X	X	
Maine	X	X	X	X	X	X	X	X	
Maryland	X	X	X	X	X		X	X	X
Massachusetts		X	X	X	X	X	X		X
Minnesota	X	X	X	X	X		X		X
Missouri		X	X	X	X		X		
Nevada		X		X				X	
New Mexico		X		X					
New York		X	X	X			X		

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	Pregnancy*	Labor and Delivery	Transport	Postpartum "Recovery"					
North Carolina	X	X	X	X			X		
Oklahoma	X	X	X	X			X		
Pennsylvania	X	X	X	X			X		
Rhode Island	X	X	X	X	X		X	X	
Texas		X		X				X	
Vermont		X		X			X		
Washington	X	X	X	X	X	X	X	X	X
West Virginia	X	X	X	X	X				
TOTAL	10	28	21	26	17	7	22	12	7

*** State restrictions on use of restraints during pregnancy vary:**

CA, CT, IL, KY, LA, ME, MD, MN, NC, and OK restrict restraints from time a woman is known to be pregnant; LA and WV restrict restraints during the 2nd or 3rd trimester of pregnancy; and HI, MO, RI, and WA limit restraints during the 3rd trimester of pregnancy. PA restricts restraints during "pregnancy-related medical distress"

ⁱ Prison Policy Initiative, *The Gender Divide: Tracking Women's State Prison Growth*, January 9, 2018 at https://www.prisonpolicy.org/reports/women_overtime.html#stategraphs (Last visited September 20, 2018).

ⁱⁱ ACOG Committee Opinion 511 *Health Care for Pregnant and Postpartum Incarcerated Women and Adolescent Females* (Reaffirmed 2016) at <https://www.acog.org/Clinical-Guidance-and-Publications/Committee-Opinions/Committee-on-Health-Care-for-Underserved-Women/Health-Care-for-Pregnant-and-Postpartum-Incarcerated-Women-and-Adolescent-Females>