

Equal Justice Initiative

Criminal Justice Issues and Prisoners' Rights

<https://eji.org/news/shackling-of-pregnant-women-in-jails-and-prisons-continues/>

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Twenty-three states have no laws against shackling incarcerated pregnant women. (Illustration by Molly Crabapple)

Shackling pregnant women poses serious health risks to both mother and baby, but most incarcerated women in the U.S. are not protected from this dangerous practice.

The number of [women in jails and prisons](#) in the U.S. increased more than 750% between 1980 and 2017a rate of growth twice as high as that of men. There are more than 225,000 women incarcerated today, and as the Guardian [reports](#), only about 15% of them are in federal prisons where they are protected by the [new federal prohibition](#) on using restraints during pregnancy, labor, and postpartum recovery.

Medical experts say shackling poses [safety risks](#) that include the potential for injury or placental abruption caused by falls, delayed progress of labor caused by impaired mobility, and delayed receipt of emergency care when corrections officers must remove shackles to allow for assessment or intervention.

Restraining women in transport to prenatal care and during labor and delivery can obstruct necessary medical care and, during labor, lead to extreme physical pain and complications because of the mothers inability to move freely, according to [a 2017 report](#) from the American Psychological Association. Physicians have reported not being able to administer epidurals due to restraints, and in one documented case, a woman restrained during labor experienced a hip dislocation that caused permanent deformities and pain, stomach muscle tears, and an umbilical hernia.

Women subjected to restraint during childbirth also report severe mental distress, depression, anguish, and trauma, the APA reports. Shackling during or immediately following childbirth can cause or exacerbate pregnancy-related mental health problems, including depression and post-traumatic stress disorder.

Women who get locked up, tend on average to have suffered many more childhood traumas, psychiatrist Terry Kupers, MD, [told](#) the Guardian. Being shackled can increase post-traumatic symptoms caused by prior experiences of trauma. This re-traumatizing experience, he said, makes conditions like post-traumatic stress disorder much worse.

Despite strong evidence of danger to the mother and child, the Guardian [reports](#) that 23 states do not have laws against shackling incarcerated pregnant women, even though the majority of women are incarcerated for [nonviolent offenses](#). This practice disproportionately affects Black women, who are almost [twice as likely](#) to be incarcerated as white women.

No accurate data exists about pregnancies and childbirth among incarcerated women and adolescents because the federal government does not require state prisons or county jails to collect it. In 2018, the majority of women serving in Congress [introduced a bill](#) that would require collection of this data, but no action was taken on the bill.

A [2019 study](#) suggests that pregnant incarcerated women are shackled far more often than not. The study found that 83% of perinatal nurses who cared for incarcerated women during pregnancy or the postpartum period reported that shackles were used on their patients sometimes to all of the time, and 12.3% reported that their patients were always shackled.

In a third of cases, the only reason cited for shackling was adherence to a rule or protocol.

We dehumanize this group of women to such an extent that we dont see how wrong this isjust how unnecessary and cruel it is, Lorie Goshin, associate professor at Hunter-Bellevue School of Nursing in New York and the lead investigator of the study, [told](#) the Guardian.

The study found that shackling violates personal dignity when its unnecessary, and its unnecessary in all but the most exceptional circumstances because a womans ability to harm others or flee is physically limited during pregnancy and labor, and corrections officers accompany incarcerated women in hospital settings.

While corrections officials often assert that unrestrained incarcerated women pose flight and/or public safety risks, the APA [found](#) there is no record of escape for any incarcerated woman who was not restrained during labor.

The process of labor and childbirth can already be scary for many women, Nicole Bennett, who gave birth while shackled in April 2012, [said in support](#) of the Pregnant Women in Custody Act of 2018. But to have to go through it while shackled and handcuffed makes it even more terrifying and is detrimental to both mom and baby.

Incarcerated women have made mistakes, she continued, but no woman, no matter what she's done, should have to endure childbirth while shackled, and neither should her child.

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122 Commerce Street Montgomery, AL 36104 [\(334\) 269-1803](#) [\[emailprotected\]](#)

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