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Contact:

Megan Amundson, NARAL Pro-Choice Massachusetts, 617-556-8800 x 12 or 617-462-3633
Gavi Wolfe, ACLU of Massachusetts, 617-694-9177

State Senate Passes the Anti-Shackling Bill
Advocates applaud the Senate, urge the House to pass anti shackling bill this session

Boston, MA –Today, the Massachusetts State Senate unanimously passed the Anti-Shackling Bill (S.2012), a bill that prohibits the practice of shackling pregnant women in jails and prisons and established standards for prenatal and postpartum care.

“Thank you to the Senate President for her leadership on ending this barbaric practice,” said Megan Amundson, Executive Director of NARAL Pro-Choice Massachusetts. “We hope the House will follow suit and we urge Speaker DeLeo and his colleagues to listen to the stories of the women across the state who have been handcuffed during labor and childbirth. As a woman, a mom and an advocate, these stories have deepened my own resolve to make sure we pass a strong law this session.”

In February, Governor Deval Patrick urged the legislature to put a bill on his desk by the end of the legislative session. Patrick then filed emergency regulations to immediately prohibit shackling pregnant women during the 2nd and 3rd trimesters. Those regulations expire within 90 days as a stopgap measure until the legislature passes a bill.

“I gave birth to a son on January 23, 2013,” said Kenzie, a member of the Prison Birth Project who was incarcerated at the time and requested that her last name not be used. “The staff at the jail did not believe I was in a late stage of labor and kept me shackled while I was in the jail, in transit, and even once I got to the hospital. We left the jail at 9:50am. My son was born at 10:01am. Only in the emergency room did I finally convince the correctional officer to take off my handcuffs. Immediately after I delivered, I was hand cuffed and shackled by the ankles again to go to the bathroom and shower.”

Shackling is unsafe for both the woman and her baby. During the 2nd and 3rd trimesters, handcuffs and leg irons increase the risk of falling and injury. During labor and delivery, restraints interfere with medical professionals' ability to adequately care for their patients, especially in emergency situations. Shackling women post-partum can lead to an increased risk in blood clots.

Lauren Petit, staff attorney at Prisoners' Legal Services, and her colleagues have advocated on behalf of pregnant women in jails and prison throughout the state. “The policies at the county jails and state prison vary,” Petit stated. “Women have different experiences, depending on whether they're being held at MCI Framingham or Bristol County Jail, or the Western Massachusetts Regional Womens' Correctional Center.” She added, “I spoke with an 18 year old woman who received no birthing classes at all. She had no knowledge of what she was going to experience in childbirth or what she needed to do. She reported being transported in DOC transportation vans, handcuffed and shackled and without seatbelts.”

“Without clear laws, the fate of pregnant incarcerated women lies in the hands of correctional officers, and is confusing for healthcare providers,” said Urszula Masny-Latos, executive director of the Massachusetts chapter of the National Lawyers Guild. “Massachusetts' physicians often struggle between following Department of Health guidelines or following inconsistent internal policies relayed by correctional officers. Often times, pregnant women depend on their physicians to advocate on their behalf to demand that correctional officers remove their shackles.”

The Massachusetts Anti-Shackling Coalition, made up of formerly incarcerated women, medical practitioners, legal and human rights organizations, women's groups, and faith leaders, is urging the Massachusetts legislature to create a uniform law that would prohibit the shackling of pregnant women, during childbirth, and during post-delivery recuperation.

"Every time someone learns that pregnant women are still shackled in Massachusetts, they respond the same way: they are uniformly appalled," declared Gavi Wolfe, Legislative Counsel at the ACLU of Massachusetts. "Governor Patrick and now the state Senate have stepped up to address this ugly reality, and let's hope the House shows similar leadership quickly to finally end this barbaric practice once and for all."

A growing number of statewide health care organizations are also speaking out to oppose the use of restraints on pregnant women, particularly during labor and childbirth. "Women in prison are more likely to have high-risk pregnancies, as they are less likely to have access to regular health care prior to being incarcerated," says Health Care For All Executive Director Amy Whitcomb Slemmer. "The Anti-Shackling Bill would reduce the risks and associated costs for pregnant women in our jails and prison by requiring basic medical standards like prenatal and postpartum care, access to health-related information, counseling and dietary needs."

The coalition applauds the leadership of State Senator Karen Spilka (D-Framingham) and Representative Kay Khan (D-Newton) for championing the bills in the Statehouse. We also applaud the leadership of Representative Hank Naughton (D-Clinton) who made this bill a priority for the Committee on Public Safety.

"All women deserve a safe, healthy pregnancy and birth experience," said Senator Spilka. "It is shocking and outrageous that shackling is something that still happens, and with this vote today we are making a clear, strong statement that we do not allow the shackling of pregnant women in Massachusetts. It is unsafe, inhumane and completely unnecessary."

Members of the Massachusetts Anti-Shackling Coalition Include:

ACLU of Massachusetts, American Friends Service Committee of Western MA, Black and Pink, Boston Area Rape Crisis Center, Boston Feminists for Liberation, Casa Myrna, Civil Liberties and Public Policy, Coalition for Effective Public Safety, Dismas House—Worcester, Families for Justice as Healing, Harvard Prison Legal Assistance Project, Health Care for All, Health Law Advocates, Hollaback! Boston, Jane Doe Inc—the MA Coalition Against Sexual Assault and Domestic Violence, Jewish Alliance on Law and Social Action, JRI Health, The Law Offices of Howard Friedman, The Massachusetts Chapter of the National Organization for Women, Mount Holyoke Students Against Mass Incarceration, NARAL Pro-Choice Massachusetts, National Lawyers Guild, Massachusetts Chapter, Out Now—Springfield, Planned Parenthood League of Massachusetts, Pretrial Working Group, Prison Birth Project, Prisoners' Assistance Project at NUSL, Prisoners' Legal Services, Prison Policy Initiative, Real Cost of Prisons Project, Religious Coalition for Reproductive Choice, Stern, Shapiro, Weissberg and Garin, LLP, Still We Rise, Unitarian Universalist Urban Ministry, The Women's Bar Association of Massachusetts, Worcester Homeless Action Committee

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