

**Written Testimony of Leah Sakala,
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**Before the Massachusetts Legislature's
Joint Committee on Public Safety and Homeland Security**

**Public Hearing
December 12, 2013**

SUPPORT S.1171

Good morning Senator Timilty, Representative Naughton, and members of the Joint Committee on Public Safety and Homeland Security. I write to submit testimony on behalf of the Prison Policy Initiative, an Easthampton-based nonprofit that produces research to expose the broader harm of mass incarceration, and sparks advocacy campaigns to create a more just society. The Prison Policy Initiative strongly supports passage of S.1171, “An Act to Prevent Shackling and Promote Safe Pregnancies for Female Inmates.”

This bill presents Massachusetts with the opportunity to ban the dangerous, inhumane, and degrading practice of shackling incarcerated women who give birth while in correctional custody. Current Massachusetts policy fails to protect incarcerated women from being subject to such harmful and degrading restraints. S.1171 is consistent with the national trend to abolish the practice of shackling incarcerated pregnant women: 18 other states and the Federal Bureau of Prisons have already prohibited the routine use of shackles on incarcerated women who are giving birth, and it is time for Massachusetts to follow suit.

Using physical restraints during labor and childbirth is unsafe for the mother and her infant. For example, the practice prevents

healthy, natural labor movement, increases the chances that a laboring woman will fall, impedes medical providers' ability to provide care during labor and childbirth, delays emergency care when necessary, and obstructs material-infant bonding. The practice of shackling incarcerated pregnant women has been widely condemned by the medical community including the American Medical Association, the American Public Health Association, and the American College of Obstetricians and Gynecologists.

Furthermore, the routine use of physical restraints during labor and delivery serves no legitimate public safety purpose. An August 2013 report found that “[a]mong states that have restricted the shackling of pregnant women, none have reported any subsequent instances of women in labor escaping or causing harm to themselves, the public, security guards, or medical staff.”¹

In addition, S.1171 will promote safe and healthy pregnancies by establishing basic standards for the prenatal and childbirth care that is afforded to incarcerated women. Not only will these standards help pregnant women to avoid unnecessary health risks and labor and delivery complications, but they will also help to ensure neonatal wellbeing.

I urge you to pass S.1771 to ensure that incarcerated women in Massachusetts are permitted to give birth safely and with dignity. I thank the Committee for its time and attention to this important issue.



Leah Sakala
Policy Analyst

¹ *The Shackling of Incarcerated Pregnant Women: A Human Rights Violation Committed Regularly in the United States*, by University of Chicago Law School International Human Rights Clinic & Coalition, Chicago Legal Advocacy for Incarcerated Mothers and the ACLU National Prison Project, August 2013. Accessed December 11, 2013 from: <http://ihrcclinic.uchicago.edu/sites/ihrcclinic.uchicago.edu/files/uploads/Report%20-%20Shackling%20of%20Pregnant%20Prisoners%20in%20the%20US.pdf> and also available at <http://bit.ly/1cBFAUD>