

# Breaking Barriers One Locked Door at a Time



# Unshackled!





# The Story of our Children's Birth

is a sacred and special moment. We as mothers remember the day we found out we were pregnant and for nine months wonder what our child would look like, praying for good health, 10 toes and fingers. We as mothers look forward to the day when we can tell our child the story of their birth. Why should we leave anything out?



# Shackled!

I went into labor at Bedford Hills while in the nursery. In route to the hospital via ambulance I was handcuffed. When I arrived at the hospital the handcuffs were removed and I was able to give birth to my son. After his birth I was shackled again, and in route back to the facility I was handcuffed and shackled with waist restraints. I was so terrified that something might happen while in restraints and I would not be able to help my son if something were to happen while being transported back to the prison. Tasha



# Pregnancy and Prison:

The Unshackled Version



# Facts About Women in Prison

- An estimated 1,040,000 U.S. women are in criminal justice custody in prison, jail, on probation or parole. <sup>[1]</sup>
- Predominantly poor, unemployed, and undereducated; little access health care, including reproductive health services.
- Only 28% of incarcerated women at risk for an unplanned pregnancy used birth control consistently; only 1 in 5 used condoms consistently.

<sup>[1]</sup> Bureau of Justice Statistics. “Women in Prison Fact Sheet,” 2002.



# Women and Prison

- Crimes tend to be less violent .
- Gender-specific health challenges are common, such as pregnancy and childbirth while incarcerated, higher incidences of mental illness, HIV/AIDS, domestic violence and sexual abuse.
- Approximately 3,000 women held in more than 50 county jail facilities scattered across the state.



# Pregnant and in Jail or Prison

- Nationally, approximately 6% to 10% of incarcerated women are pregnant; approximately 1,400 babies are born in prison each year.
- Dangers are almost always avoidable, because it is seldom necessary to shackle women in labor.
- Pregnancies are usually unplanned, high risk, and have poor outcomes due to inadequate prenatal care and other public health interventions and histories of drug and alcohol use.
- The NYC Department of Corrections has not reported any escapes or security breaches.



# Health and Safety Risks of Shackling

- Within many states the routine practice of shackling women while in transport to the hospital and while in labor and delivery and post delivery still exists.
- Shackles can prevent a pregnant woman from breaking her fall if she trips or loses her balance, impede her ability to protect her stomach.
- Waist restraints can harm a fetus and increase the likelihood of women losing their balance.



# Health and Safety Risks of Shackling

- Restraints of any kind:
  - can be painful and prohibit women in labor from positioning themselves properly and comfortably;
  - can interfere with the delay and provision of critical medical care and result in serious health problems for the mother and baby.
  - after delivery may prevent mothers from effectively healing and breast-feeding.

Shackling cannot be justified as a measure necessary to prevent escape: women cannot run with any significant level of speed during labor or recovery after delivery.



# Shackling In New York

- NYCLU found that only 3 localities have written policies about shackling pregnant women; only two prohibit it.
  - Rikers Island, New York City's jail, is one of the facilities that restricts the use of restraints on pregnant women.
- Legally, the officer in charge of transportation retains discretion over whether to use restraints.
- Allowing officers to decide when to shackle pregnant women is highly problematic: officers do not have medical training and are not qualified to judge whether restraints will jeopardize the health of the women and/or her child.



# General Idea of Advocacy and Organizing a Direct Action

To prohibit the use of mechanical restraints, including handcuffs and shackles, on any pregnant female prisoner who is about to give birth during transport from a correctional facility to a medical facility or other accommodation for the purpose of delivering her child.

All pregnant women who are within the state's custody deserve the opportunity to deliver their babies safely, no matter the mother's legal status. Childbirth is a precious and also precarious moment in a woman's life, and in the life of the newborn.



# What the Law States

S1290-A/A3373-A allows cuffing by one wrist during transport if restraint is necessary to prevent the woman from injuring herself or medical or correctional staff.



# What we've found

The American Correctional Association recently adopted a new model standard urging correctional facilities to restrict the use of restraints on women during labor.



# Reproductive Justice Issue

The American College of Obstetricians and Gynecologists, the American Public Health Association, the American Medical Women's Association, and the American College of Nurse Midwives vehemently oppose shackling incarcerated women.

In May 2009, the Bureau of Prisons barred the shackling of pregnant federal prisoners except in extreme situations. The federal policy change represents a significant victory for thousands of women across the nation in federal prison.



# Prior Legislative History

2007 - 2008: A.4105

2005 - 2006: A.3804

2003 - 2004: A.5134

2001 - 2002: A.3292

2000 A.10807



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# Women on the Rise Telling HerStory (WORTH)

## Unity Builds A Solid Foundation





# Our Mission

WORTH is an association of formerly and currently incarcerated women who have been empowered by our own experiences. Through mentoring and mutual support, leadership and telling our stories, WORTH transforms the lives of women affected by incarceration and changes public perception and policy.



# Who We Are

WORTH members represent diverse backgrounds, not only in terms of race/ethnicity, but also in age, socio-economic status and experiences. Members have served sentences ranging from one year to 27 years and include women who have been out of prison for nearly twenty years as well as those released within the past year.

While WORTH's primary focus is on gender issues, we are acutely aware of the intersection of gender and race as well as the fact that most individuals entangled in the criminal justice system are people of color. WORTH is comprised of three components:

- 1) Core Leadership Group
- 2) Sister Circle
- 3) Speaker's Bureau



# Women Working Together are a Powerful Force





# Contact Information

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