



CLAIM

SUPPORT HB 1958 BAN RESTRAINTS ON PREGNANT PRISONERS

In 2000, Illinois became the first state in the nation to ban shackling pregnant women during labor, in legislation that passed unanimously. Corrections officials are violating the ban. Women charged with nonviolent crimes have been placed in leg irons, with their hands cuffed to chain belts, when brought to the hospital. They have been shackled by one wrist and one ankle to their hospital beds, impeding labor. HB 1958 clarifies and strengthens the law to protect the lives and health of mothers and infants.

- 81% of women in Illinois prisons are mothers.
- 6% to 10% of women prisoners are pregnant while incarcerated.
- About 67% of women prisoners in Illinois are convicted of minor, nonviolent drug offenses, property crimes such as retail theft or forgery, and prostitution. Only 1.8% of women admitted to prison in Illinois in 2009 were considered to pose a high escape risk.

No pregnant women have escaped in the ten years since Illinois banned the use of shackles on pregnant women in labor, according to sworn testimony from the Superintendent of the Cook County Jail's women's division and information from state corrections officials.

HEALTH RISKS OF RESTRAINTS

Using restraints on pregnant women during transport and shackling them to their beds during labor is a human rights violation and poses serious risks to mother and fetus.

During Pregnancy

- Women prisoners are more vulnerable to high-risk pregnancies due to poverty, histories of surviving domestic violence, and past drug use.
- Restraints increase the risk of injury and miscarriage. Many pregnant women are treated for falls due to changes in balance; they need to be able to break their fall.
- Restraints applied at any time during pregnancy intensify distress for the mother and fetus and increase the risk of depression. It is re-traumatizing for women inmates who have suffered past abuse.
- Restraints applied in late pregnancy limit a doctor's ability to treat the mother in an emergency. Preeclampsia (high blood pressure during pregnancy/pre-seizure stage) is common. In case of a seizure, it is difficult if not impossible to follow the necessary medical steps (e.g., protect her airway, assess the fetus) if the mother is shackled.

During Labor and Post-Partum

Restraints should not be used because:

- Women need to be mobile in order to successfully deliver the baby vaginally.
- Women need to move for pain management.
- If there is a problem with the fetal heartbeat, immediate delivery is essential.
- Hemorrhaging may occur immediately following birth.
- Use of restraints during labor prolongs recovery time and hampers muscle rehabilitation.

Case example: Melissa H. was charged with possession of a controlled substance and released to the MOMS program at Haymarket Center. She was allowed to shop and attend church unsupervised. But for transport to and from court dates she was placed in leg irons and a chain belt with handcuffs attached. When her son was born she was shackled by her left ankle and left wrist to the hospital bed through two days of labor. An officer stayed in her room, ignoring medical staff requests to remove the shackles and Melissa's requests that he wait outside when she was delivering her baby. She describes this as the worst experience of her life and she suffered serious depression as a result.

Case example: Shawanna Nelson, plaintiff in the Eighth Circuit case which found shackling unconstitutional, was serving a sentence for credit card fraud and bad checks in Arkansas when she was shackled during labor. The shackles kept her from moving or stretching her legs during labor, causing permanent hip injury, torn stomach muscles, and an umbilical hernia requiring surgery. Her orthopedist testified that the shackling damaged and deformed her hips; the injury may cause her lifelong pain. She cannot sleep or bear weight on her left side, cannot play with her children, and cannot take part in athletics. She has been advised not to have any more children.

The current statute:

- Does not define labor. Corrections officials argue that labor is only the actual delivery and they sometimes keep women shackled to the bed by one wrist and the opposite ankle for hours, until the very end of labor.
- Allows restraints at any stage of pregnancy except for labor.
- Does not define restraints. Corrections officials have stated that handcuffs are not included in the ban.
- Provides that the officer be posted outside the delivery room but does not specify that an officer cannot be in the room during delivery.
- Does not provide transparency or reporting provisions. Lawsuits are the only way to enforce civil rights.

The proposed legislation:

- Protects the mother and fetus from chain belts and leg irons throughout pregnancy.
- Provides clear definitions to guide corrections officials.
- Provides exceptions for imminent risk of escape or harm, and for psychiatric restraints when medically necessary.
- Provides a simple reporting requirement for government transparency.
- Prevents trauma, violations of privacy and HIPPA violations by having officers posted outside the delivery room unless medical staff request their presence.
- Benefits from the lessons learned by ten other states and the U.S. Marshals in banning the use of shackles on pregnant prisoners.

Nationwide, lawmakers are taking a stand against this dangerous practice. Twelve states and the federal marshals have recently banned shackling and nine more states have legislation pending at present.

Sponsoring Organizations

AIDS Foundation of Chicago ~ American Academy of Pediatrics, Illinois Chapter ~ American Civil Liberties Union of Illinois ~ Catholic Conference of Illinois ~ Chicago Alliance Against Sexual Exploitation ~ Chicago Coalition for the Homeless ~ Chicago Legal Advocacy for Incarcerated Mothers (CLAIM) ~ Community Renewal Society ~ Cook County Public Defender ~ DuPage County NOW ~ Family and Children's AIDS Network ~ Haymarket Center ~ Health and Medicine Policy Research Group ~ John Howard Association ~ Illinois African American Family Commission ~ Office of the Illinois Attorney General ~ Illinois Citizens for Life ~ Illinois Maternal and Child Health Coalition ~ Illinois NOW ~ Lutheran Advocacy of Illinois ~ Lutheran Social Services of Illinois ~ Metropolis 2020 ~ Planned Parenthood of Illinois ~ Project IRENE ~ Protestants for the Common Good ~ Roosevelt University Institute for Metropolitan Affairs ~ The Safer Foundation ~ Safe Cities ~ Sargent Shriver National Center on Poverty Law ~ TARGET Area Development Corporation ~ Uptown People's Law Center ~ Voices for Illinois Children ~ The Women's Treatment Center