

# KEY FINDINGS

## PREGNANCY IN CUSTODY

A legislative survey has been conducted on the shackling of pregnant women in custody in all 50 states and the District of Columbia. Furthermore, a survey on Department of Corrections policies and practices has been carried out, by contacting all Departments; Washington DC and 39 state Departments of Corrections have responded at least partially. We received no response from: California, Maryland, Michigan, Montana, Nebraska, Nevada, New Hampshire, Utah, Vermont, Virginia, and West Virginia.

The key findings are:

- **Only one state, Illinois, has a law banning the shackling of pregnant women during transport to the hospital for the purpose of delivery and labor. In New York a bill has been introduced which would ban similar shackling if it is passed into law. No other states have such legislative initiatives at present.**
- **At least 18 state Departments of Corrections and Washington DC have a policy or practice that may allow women to be restrained during labor and/or delivery.**

Alabama, Arizona, Arkansas, Connecticut, Idaho, Illinois, Indiana, Louisiana, Maine, Massachusetts, Minnesota, Missouri, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina and Tennessee.

- **At least 33 state Departments of Corrections and Washington DC may require the restraint of pregnant women during transportation to the hospital.**

Alabama, Arizona, Arkansas, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Washington and Wisconsin.

### Labor/Delivery

**Of the 21 state Departments of Corrections and Washington DC that have a policy or practice which may allow women to be restrained during labor and/or delivery:**

- **Four state Departments of Corrections have written policies requiring that inmates be restrained during medical procedures and make no distinction for women in labor or delivery.**

Connecticut, Louisiana, Minnesota and Oklahoma.

In Louisiana women may be restrained with handcuffs and leg-irons. In Minnesota the policy states that inmates are to be restrained to the bed with at least one set of restraints at all times.

- **Ten state Departments of Corrections have policies or practices, which may require the restraint of women during labor and/or delivery.**  
Alabama, Idaho, Kentucky, Massachusetts, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina and Tennessee.
- **Three states have written policies allowing women to be restrained during labor, but not during delivery/active labor.**  
Arkansas, Illinois and Missouri.
- **Three states have no policy or practice protecting women from being restrained during transportation or during labor/ delivery.**  
Arizona, Indiana and Maine.
- **Fifteen state Departments of Corrections have policies or practices stipulating that no restraints are to be used on inmates during labor and birth.**  
Florida, Georgia, Hawaii, Iowa, Kansas, New Jersey, New Mexico, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Washington, Wisconsin and Wyoming.

## **Transport**

**Of the 33 state Departments of Corrections and Washington DC that may require the restraint of pregnant women during transportation to the hospital:**

- **Eight state Departments of Corrections may use handcuffs, leg-irons and belly-chains.**  
Idaho, Kansas, Minnesota, Mississippi, North Carolina, Ohio, Oklahoma and Washington.
- **Five state Departments of Corrections may use handcuffs and leg-irons.**  
Connecticut, Alabama, Arkansas, Louisiana and Pennsylvania.
- **Ten state Departments of Corrections and DC may use handcuffs.**  
Arizona, Florida, Georgia, Hawaii, Illinois, Missouri, New Jersey, Rhode Island, South Dakota and Texas.
- **Nine state Departments of Corrections allow the use of restraints, but did not inform Amnesty International what types are used.**  
Indiana, Iowa, Massachusetts, New York, North Dakota, Oregon, South Carolina, Tennessee and Wisconsin.