

A healthy
birth

When can prison staff use restraints on a pregnant person in prison?

A guide for people in Pennsylvania prisons and jails

What are restraints?

Restraints (also called “shackles”) are anything that is used to limit your movement or immobilize you. Examples of restraints are:

- Handcuffs
- Leg irons
- Restraint chair
- Belly chain
- Wrist or ankle cuffs
- Pepper spray (capsicum)

Pregnancy and shackling don't mix!

Doctors agree that putting a pregnant patient in restraints is bad medicine. Shackling...

- Increases the risk of falls.
- Makes it harder to test for some medical problems.
- Can delay access to medical services during an emergency.
- Makes labor and delivery harder and more painful.
- Makes it harder to hold and bond with a newborn baby.
- Is cruel and unnecessary.*

**2011 ACOG Committee Opinion, reaffirmed 2016*

The American College of Obstetricians and Gynecologists, the Federal Bureau of Prisons, and the National Commission on Correctional Health Care all oppose routine shackling of pregnant inmates.



Being pregnant in jail can be hard—but you have rights.

You have a right to:

- Nutritious food & healthy exercise
- Prompt, respectful medical care
- Information about your pregnancy options, including abortion
- Not be placed in solitary confinement or restrictive housing

and you have the right to be **free from shackles or restraints** that could hurt you or your pregnancy.

Know the law

It is illegal to shackle a pregnant prisoner in some situations.

The Healthy Birth for Incarcerated Women Act is a state law that prevents prisons, jails, and detention facilities from shackling pregnant prisoners in any of these circumstances:

- If you are having an emergency related to your pregnancy.
- If you are being transported to a hospital or medical center because of pregnancy.
- If you are more than 12 weeks pregnant.
- If you are in labor or if you are giving birth.
- If you are still in the hospital and recovering from giving birth.

Is it ever legal to shackle a pregnant prisoner?

Yes. Prison staff can use restraints on you even after 12 weeks if they can prove:

- You may try to hurt yourself or others.
- You may try to escape.

But prison staff who place a pregnant prisoner in restraints have to report it to the prison with the reason why it was necessary.

Leg or waist restraints can never be used on a person in labor.

Prison staff must use the *least* restrictive restraint necessary.

Number of reported escape attempts by pregnant incarcerated women during labor and delivery: 0

Need help?

Know your rights

What are my rights if I am put in restraints while I'm pregnant?

- *Prison staff must use the least restrictive restraint necessary.* This means they must use the type of restraint that allows you the most freedom to move.
- Restraints must be applied gently and in a way that does not hurt you.
- Prison staff must be available to release you from the restraints immediately.
- If your doctor, nurse, or other health care professional asks that your restraints be removed, prison staff must take your restraints off right away.

Can I ask prison staff to leave the room during my medical exam?

YES. You have a right to bodily privacy during your medical visits, and you have a right to speak privately with your doctor. Ask your medical provider to tell the prison staff to step outside the exam room.

What can I do if I am illegally shackled?

- Tell the prison staff you are pregnant and do not want to be in restraints.
- Ask your doctor or nurse to tell the prison staff to release you from the restraints.
- Ask for looser or less painful restraints.
- Contact the organizations listed in this brochure for help.
- Tell your lawyer.
- File a grievance.

We believe that all people should have power over their bodies, gender identity and expression, sexuality, reproduction and the ability to form families. You have the right to a healthy and safe pregnancy.

— New Voices for Reproductive Justice

For more information contact:

Women's Law Project

428 Forbes Avenue, Suite 1710
Pittsburgh, PA 15219
412-281-2892
215-928-9801 (Philadelphia Office)
www.womenslawproject.org

New Voices for Reproductive Justice

5987 Broad Street
Pittsburgh, Pennsylvania 15206
412-363-4500
www.newvoicespittsburgh.org

ACLU of Pennsylvania, Greater Pittsburgh Chapter

P.O. Box 23058
Pittsburgh, PA 15222
1-877-745-2258
www.aclupa.org

Pennsylvania Institutional Law Project

100 Fifth Avenue, Suite 900
Pittsburgh, PA 15222
412-434-6004
<https://pailp.org/>

Let's Get Free

The Women & Trans Prisoner
Defense Committee
460 Melwood Ave #300
Pittsburgh, PA 15213
412-932-7786
<https://letsgetfree.info/>

This information is not intended as legal advice or as a substitute for the advice of a lawyer. The laws dealing with pregnancy and prisoners' rights can change, and this publication may not reflect the most recent legal developments. Please consult a lawyer if you have any questions about your rights.



A resource from the Women's Law Project and New Voices for Reproductive Justice
www.womenslawproject.org • www.newvoicespittsburgh.org