

**END SHACKLING NOW!**



**A NOW Activist Leader's Guide to Eliminating Shackling of  
Incarcerated Women Pre-, During, and Post-Labor and Delivery**

*Feminist Activism at the Community Level*

Fall 2010

Dear NOW Leaders,

The shackling of pregnant women who are incarcerated is inhumane and cruel, especially during labor, transport, delivery and post-delivery. Shackling women during labor impedes their ability to position themselves to relieve pain or complete delivery. Furthermore, the practice is dangerous to health, as it limits the physician's ability to act quickly and effectively should any complications arise during the final stages of labor; both the American Medical Association and the American Congress of Obstetricians and Gynecologists have denounced the practice.

Today, there are only 10 states with statutes restricting the shackling of incarcerated women in labor in the United States. As feminists, activists, and human beings, we must work to spread this ban nationwide in order to protect the dignity and safety of incarcerated women, who are disproportionately of women of color.

Affirming the anti-shackling resolution passed during NOW's 2009 Conference, NOW continues to call for an end to what the American Medical Association refers to as the "barbaric" and "medically hazardous" practice of shackling. Poorly enforced Department of Corrections policies are not enough -- NOW demands legislation in all 50 states and the District of Columbia that will ban shackling for good.

To encourage you to take action against the shackling of women during childbirth, we have prepared the following kit with information, talking points, resources and suggested actions. Your chapter could lead the next success story. Please use this kit to get the facts, learn what you can do and take action with NOW activists and allies in your community.

We must use our grassroots organizational abilities to oppose and abolish the practice of shackling women pre-, during, and post-delivery in order to protect the dignity and health of incarcerated women. States' Department of Corrections policies restricting shackling do not hold prison and jail staffers accountable for ensuring the rights and safety of incarcerated women in labor, so we must push for legislation which is consistently enforced and which protects incarcerated women from inhuman and cruel shackling practices.

## WHO IS BEING SHACKLED?

*"I felt like an animal giving birth in front of its human masters."  
-- Kimberly Mays, who was shackled during childbirth in 2000*

Around this country, women are being forcibly shackled on their legs, hands, and stomachs pre-, during, and post-delivery of their children. These women are typically incarcerated for nonviolent crimes, and are often imprisoned as a result of their boyfriends' or husbands' involvement in illegal activity, particularly drug dealing -- they are effectively victimized by the fallout of the U.S. "War on Drugs."

In 1996, Kemba Smith, an African-American woman, was cruelly shackled immediately after giving birth to her son. Kemba, who herself had never used or dealt drugs, was caught up in her boyfriend's drug dealing and sentenced after prosecutors reneged on a previous offer of immunity.

In 2003, Shawanna Nelson, a white woman incarcerated for identity fraud and writing bad checks, suffered through labor with her legs chained to the bed.

In Arizona in 2008, Alma Chacón, an undocumented immigrant, was arrested for having unpaid traffic tickets and subsequently chained, her legs and hands shackled, during labor.

This year in Arizona, Miriam Mendiola-Martinez, another undocumented immigrant, was charged with identity fraud for using another name to work, shackled to her bed for two days after undergoing a C-section and denied the right to hold or nurse her baby. In 2003, the Arizona Department of Corrections adopted a policy that "A pregnant woman will not be restrained in any manner while in labor, while giving birth, or during the postpartum recovery period," and yet shackling continues both in Arizona and throughout the U.S.

## WHY ENDING SHACKLING IS IMPORTANT

- According to the Bureau of Justice Statistics in 2007, five percent of women who enter state prisons are pregnant and six percent of women in jails are pregnant.
- As more and more women enter the prison system, more and more pregnancies will be carried to term behind bars. Now more than ever, it's a matter of justice for women, especially women of color, to defend the rights of incarcerated pregnant women.
- Women represent the fastest growing population in U.S. prisons and jails; according to Bureau of Justice Statistics, their numbers more than tripled from 1995 to 2008.
- Women are only seven percent of the U.S. prison population, but, according to The Sentencing Project, female incarceration rates are growing at twice the rate of male incarceration rates.
- The incarceration rate of women of color is disproportionately high; African-American women are incarcerated at three times the rate for white women, and Latinas at almost 1.6 times the rate for white women. As of year-end 2007, African-American women represented about 28 percent of women in prison, compared to 13.5 percent in the general female population; Latinas represent about 17 percent of women in prison compared to 15 percent of the general female population.
- Most women in prison were sentenced for non-violent crimes. In particular, the war on drugs has inordinately affected women. Twenty-eight percent of women in state prison in 2005 were sentenced for drug offenses. Additionally, from 2003 to 2007, arrests of women for drug violations increased at twice the rate of men's arrests -- by 29 percent as opposed to 15 percent for men. These women without violent histories are doubly and unfairly victimized by the war on drugs and the practice of shackling pre-, during, and post-delivery.

## **LIES AND FACTS: SHACKLING**

**LIE: Shackling is necessary during the labor of incarcerated women because an unshackled woman might escape.**

**FACT:** How can a woman in labor overwhelm prison guards, then run to freedom? There is no record of escape attempts during labor in the states that have prohibited shackling. Excuses that 'she might escape' are a cover for demeaning and harmful treatment of women in a time when movement is key to preserving the health and dignity of both mother and infant.

**LIE: Shackling is only practiced on incarcerated women whose histories suggest that they might be violent or a flight risk.**

**FACT:** Shackling is often uniformly practiced on women regardless of their histories or the severity of their alleged crimes. In addition, according to a 2009 Women's Prison Association's Institute on Women & Criminal Justice report, two-thirds of women in prison have been convicted of non-violent offenses -- meaning that the majority of women in prison do not pose a threat of violence.

Even those women with histories of violence or escape attempts could be restrained pre-, during, and post-delivery using longer and lighter chains. These restraints would allow for greater freedom of movement and preserve health and safety while preventing escape.

**LIE: Shackling is a safe practice when performed correctly, and poses no risk so long as women's legs remain unshackled.**

**FACT:** Shackling is degrading and harmful to women's physical and psychological health. Shackling a woman pre-, during, or post-delivery can lead to acute stress injuries due to the restriction of movement, harm the newborn by restricting bloodflow if her mother is unable to position herself freely, and restricts doctors' ability to act in the case of complications or a medical emergency. Furthermore, shackling insults human dignity and is a barbaric practice.

**LIE: The shackling of incarcerated women pre-, during, and post-delivery isn't unconstitutional because it's standard procedure to shackle all inmates when they are taken outside of prison facilities.**

**FACT:** The practice of shackling inmates during labor violates the Eighth Amendment's protection against the use of cruel and unusual punishment as well as international human rights conventions whereas "standard" shackling typically does not.

## SUCSESSES: THE ANTI-SHACKLING MOVEMENT

- In October 2009, the 8th Circuit Court of Appeals, which covers Arkansas, Iowa, Minnesota, Missouri, Nebraska, South Dakota, and North Dakota, ruled six to five in *Nelson v. Norris* that it is a constitutional violation to shackle a pregnant inmate's legs to her hospital bed during labor. (NOW partnered with the ACLU, SisterSong Women of Color Reproductive Health Collective, and other organizations to file the case for Shawanna Nelson. For further information, the court case file is linked under the "Useful Websites" section in Index.)
- Recently, more and more states have worked to ban shackling. Ten states -- Colorado, Vermont, Texas, Illinois, New Mexico, California, New York, Washington, West Virginia and Pennsylvania -- have passed legislation restricting the shackling of incarcerated women pre-, during, and post-delivery. Pressure from grassroots NOW activists helped win the fight in these states, and can win it elsewhere.
- In May 2006, in response to a Shadow Report submitted by a NOW activist, the U.N. Committee Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment denounced "gender-based humiliation and incidents of shackling of women detainees and prison inmates during childbirth" in the U.S. and encouraged the state to act in accordance with international standards for the treatment of prisoners. Similar information about the shackling of women detainees and prisoners was incorporated in a major Women's Rights Shadow Report, submitted to the U.N. Committee on the International Protocol on Civil and Political Rights in July 2006. This information drew a separate recommendation from that committee to halt shackling during delivery. NOW Foundation was an important contributor in the preparation of that Shadow Report.
- After NOW and nearly a dozen other human and women's rights organizations submitted a July 2006 Gender Shadow Report to the U.N. Human Rights Committee (UNHRC), which included a section detailing the unjust practice of shackling, the UNHRC recommended that U.S. prisons "prohibit the shackling of detained women during childbirth" and adopt the U.N. framework for humane treatment of all prisoners.
- The American Medical Association (AMA) adopted a resolution in June 2010 that limited restraints should be used upon pregnant incarcerated women in the second or third trimester, and none pre-, during, or post-delivery unless the woman is dangerous to others or herself, or demonstrated to be a flight risk unable to be contained by other means. The resolution additionally calls for the AMA to "develop model state legislation prohibiting the use of shackles on pregnant women unless flight or safety concerns exist."
- In 2007, the American Congress of Obstetricians and Gynecologists (ACOG) wrote a letter to the Rebecca Project for Human Rights that denounced the shackling of female inmates in labor as "demeaning and unnecessary" and supported federal legislation prohibiting the practice.
- After a year of intense pressure from the Rebecca Project for Human Rights director Malika Saada Saar and Senator Dick Durbin (D-Ill.), the Federal Bureau of Prisons and U.S. Marshals Service banned shackling in October 2008 except in extreme circumstances.

## **HOW PENNSYLVANIA NOW ACTIVISTS WON CHANGE**

In Pennsylvania, NOW activists and allies led the charge to end shackling -- and they succeeded on July 2, 2010, when anti-shackling legislation was signed by the governor.

The Healthy Birth for Incarcerated Women Act banned shackling during pregnant inmates' transportation to medical facilities during labor, and for a period post-delivery, with required documentation of cases in which security demanded some form of shackling. Thanks to a two-pronged strategy by Pennsylvania and Philadelphia NOW, pregnant inmates gained double protection through improved legal and Department of Corrections (DOC) policy.

The success in Pennsylvania was preceded by a massive effort -- in 2008, Philadelphia NOW collaborated with the Pennsylvania American Civil Liberties Union (ACLU) and over 30 other human and women's rights organizations associated with the Working Group to Enhance Services for Incarcerated Women to develop anti-shackling legislation.

On September 2, 2009, Sen. Daylin Leach (D - Delaware/Montgomery) first presented the anti-shackling bill, the Healthy Birth for Incarcerated Women Act, in the Pennsylvania legislature.

In the meantime, other NOW activists were on the move to keep anti-shackling efforts at the top of the public agenda. Armed with research compiled by Philadelphia NOW member Dee Johnson, on January 12, 2010, Pennsylvania NOW President Joanne Tosti-Vasey filed a request for the Pennsylvania DOC shackling policy under the state's freedom of information act. When the request was denied for so-called "security reasons," Pennsylvania NOW teamed with the Pennsylvania ACLU to file a formal appeal to Pennsylvania's Right to Know office and won a copy of the policy. The policy was, unsurprisingly, lacking -- aside from lacking the strength of legal protection, it glaringly failed to require documentation holding correctional facility staff accountable for shackling practices. While the anti-shackling legislation made its way through a series of votes, Pennsylvania NOW worked to protect pregnant inmates' rights in the short term by negotiating with the DOC to change and improve their shackling policy.

Thanks to the efforts of Pennsylvania and Philadelphia NOW, in partnership with other organizations, pregnant Pennsylvania inmates are now protected from shackling abuses during labor. Rhode Island NOW is working to follow their example and the National NOW Combating Racism Committee is leading efforts to end this practice around the country. Your chapter could be the next success story.

## WHAT YOU CAN DO TO END SHACKLING

### **1. Educate yourself!**

Know the issue, know the talking points, keep up to date on the latest news. Know the relevant bills and legislation and what they mean to the women that they affect, and spread that knowledge around your community. Personal stories are especially helpful in raising awareness.

See the Index for a table entitled "State Shackling Policies" which summarizes states' shackling policies and practices. The section entitled "State Shackling Legislation" in the Index will direct you to existing anti-shackling legislation by state, the text of which can be used as model legislation for your efforts. The best legislation avoids vagueness, giving strict definitions to terms like "labor," "extraordinary circumstances" and "restraints" to avoid loose interpretations by prison staff, addresses shackling during transportation, restricts correctional staff from remaining in the delivery room and holds prisons accountable by requiring them to regularly record, justify and report any incidents of shackling. Washington State's HB 2747 is perhaps the best model legislation (see the "State Shackling Legislation" section in the Index).

### **2. Tell your local legislators that you won't stand for shackling.**

Spread petitions, write letters, call, arrange meetings -- get together with NOW members or friends and use your grassroots skills to let your legislators know that ending shackling is a priority issue. Encourage them to sponsor or support legislation banning shackling. Arrange meetings with your legislators, and come with a well-researched argument against shackling to tell them their constituents care about this issue. Let them know that you want to work cooperatively with them.

See the last section of the Index for a "Sample Phone Script" with which to call your legislators' offices, a "Sample Petition" to publicize your efforts and the section titled "State Shackling Legislation" for pre-existing state legislation which can be used as model legislation. Washington State's legislation, HB 2747, is particularly strong.

### **3. If they won't play nice, get loud!**

If local legislators are unwilling to work to ban shackling, use your voice to bring political pressure! Publicize the issue via blog posts, newsletters, press releases, social networking sites, and more. Send an editorial to your local newspaper stating your position and calling for legislators to take up the cause against shackling. Get volunteers and friends to call your local legislators' offices demanding that they work to end shackling (see the sample script available in the Index). Network and partner with other social justice groups for greater impact-- bring political pressure and focus your efforts on opinion-makers!

### **4. Let National NOW help support and publicize your actions.**

If you're fighting against shackling, let us know so that we can use our resources to help you and use the national network of NOW members to make your progress and results a public success! Send us pictures and we will use those to publicize your work. Contact us at [chapteam@now.org](mailto:chapteam@now.org).

## INDEX

### State Shackling Policies (as of August 3, 2010)

<i>State</i>	<i>Regulations</i>		<i>Shackling</i>		
	<i>Written Policy?</i>	<i>Legislation?</i>	<i>During 3rd Trimester?</i>	<i>During Labor?</i>	<i>Security Sensitive?</i>
<i>Ala.</i>	Y	N	Y	Y	Y
<i>Alaska</i>	Y	N	N/I	Y	N
<i>Ariz.</i>	Y	N	Y	N	N
<i>Ark.</i>	Y	N	Y	Y	Y
<i>Calif.</i>	Y	Y	Y	N	Y
<i>Colo.</i>	Y	Y	Y* ("least restrictive restraints necessary")	N	Y
<i>Conn.</i>	Y	N	Y	N	N/I
<i>Del.</i>	Y	N	Y	Y	N/I
<i>D.C.</i>	N	N	Y	N	N/I
<i>Fla.</i>	Y	N	Y	N	
<i>Ga.</i>	Y	N	Y	N	N
<i>Hawaii</i>	N	N	Y	N	N/I
<i>Idaho</i>	Y	N	Y	Y	N/I
<i>Ill.</i>	Y	Y	Y	N ("under no circumstances" for leg irons, shackles, waist shackles)	N
<i>Ind.</i>	N	N	Y	Y	N/I
<i>Iowa</i>	N	N	Y	N	N/I
<i>Kan.</i>	Y* (only during transportation)	N	Y	N	N/I
<i>Ky.</i>	N	N	Y	Y	N/I
<i>La.</i>	N	N	Y	Y	N
<i>Maine</i>	Y	N	Y	Y	N
<i>Md.</i>	Y	N	N/I	N/I	N/I
<i>Mass.</i>	Y	N	Y	N* (no restraints during "active labor" or in delivery room)	N/I
<i>Mich.</i>	Y	N	Y	N	N/I
<i>Minn.</i>	Y	N	Y	Y	N/I
<i>Miss.</i>	Y	N	Y	Y	N/I
<i>Mo.</i>	Y	N	Y	N	N/I
<i>Mont.</i>	Y	N	Y	N	N/I
<i>Neb.</i>	Y	N	Y	N	N/I
<i>Nev.</i>	Y	N	Y	Y* ("normally only wrist restraints")	N/I
<i>N.H.</i>	Y	N	Y	N	Y
<i>N.J.</i>	Y	N	N/I	N	N

State	Regulations		Shackling		
	Written Policy?	Legislation?	During 3rd Trimester?	During Labor?	Security Sensitive?
N.M.	Y	N	Y	N	N/I
N.Y.	Y	Y	Y	N	Y
N.C.	N	N	Y	Y	N
N.D.	Y	N	N	N/I	N/I
Ohio	Y	N	Y	Y	N/I
Okla.	Y	N	Y	N* (no restraints during "active labor" or in delivery room)	N/I
Ore.	Y	N	Y	N* (no restraints unless requested by physician)	N
Pa.	Y	Y	N	N	Y
R.I.	Y	N	Y	N	N
S.C.	Y	N	Y	Y	N/I
S.D.	Y	N	Y	N	N/I
Tenn.	Y	N	Y	Y	N/I
Texas	Y	Y	Y* ("the least restrictive available")	N	Y
Utah	Y	N	N/I	N/I	N/I
Vt.	Y	Y	Y* ("shall not routinely restrain")	N	Y
Va.	Y	N	N/I	N/I	N/I
Wash.	Y	Y	Y* (not during transportation, no leg irons or waist chains)	N	Y
W. Va.	Y	Y	N	N	Y
Wis.	Y	N	Y	N* (no restraints during "active labor" or in delivery room)	N/I
Wyo.	Y	N	Y	N	N/I

Note: Table includes updated data from a report compiled by Amnesty International and the Rebecca Project for Human Rights in August 2008. "Y" indicates "Yes, it exists / is practiced," "N" indicates "No, it does not exist / is not practiced," "N/A" indicates "Not Applicable," and "N/I" indicates "No Information." "Security Sensitive?" indicates whether the use of restraints is altered depending on flight risk or security concerns based on an inmate's behavior or history. "Written Policy?" indicates whether or not the Department of Corrections (DOC) for that state has any written policies governing the use of shackles on incarcerated women during pregnancy or labor. Written policies are not necessarily enforced, and in cases in which there is no written policy the data in columns under "Shackling" indicate the "common practice" as reported by the state's DOC. Note that data for states without legislation are based on self-reporting from each state's DOC and are therefore not necessarily accurate.

## STATE SHACKLING LEGISLATION

### California

- AB 478. Signed by governor on October 6, 2005.  
[http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab\\_0451-0500/ab\\_478\\_bill\\_20051006\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_0451-0500/ab_478_bill_20051006_chaptered.pdf)
- AB 1900. *Not yet law*. Last acted upon by legislature July 15, 2010; expands upon AB 478.  
[http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab\\_1851-1900/ab\\_1900\\_bill\\_20100518\\_amended\\_asm\\_v97.pdf](http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_1851-1900/ab_1900_bill_20100518_amended_asm_v97.pdf)

### Colorado

- SB 10-193. Signed by governor May 27, 2010.  
[http://www.leg.state.co.us/clics/clics2010a/csl.nsf/fsbillcont/F9E9B6A44AD243D5872576E700501A9D?Open&file=193\\_enr.pdf](http://www.leg.state.co.us/clics/clics2010a/csl.nsf/fsbillcont/F9E9B6A44AD243D5872576E700501A9D?Open&file=193_enr.pdf)

### Illinois

- HB 392. Signed by governor July 23, 1999.  
<http://www.ilga.gov/legislation/legisnet91/hbgroups/hb/910HB0392enr.html>

### New Mexico

- SB 423. Signed by governor April 2, 2009.  
<http://www.nmlegis.gov/Sessions/09%20Regular/final/SB0423.pdf>

### New York

- A 3373. Signed by governor August 26, 2009.  
[http://assembly.state.ny.us/leg/?default\\_fld=&bn=A03373&Text=Y](http://assembly.state.ny.us/leg/?default_fld=&bn=A03373&Text=Y)

### Pennsylvania

- SB 1074. Signed by governor July 2, 2010.  
<http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2009&sessIn d=0&billBody=S&billTyp=B&billNbr=1074&pn=1776>

### Texas

- HB 3653. Signed by governor June 19, 2009.  
<http://www.capitol.state.tx.us/tlodocs/81R/billtext/pdf/HB03653F.pdf>

### Vermont

- H 306. Signed by governor May 24, 2006.  
<http://www.leg.state.vt.us/docs/2006/Bills/passed/H-306.htm>

### Washington

- HB 2747. Signed by governor March 23, 2010.  
<http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/House%20Passed%20Legislature/2747-S.PL.pdf>

### West Virginia

- HB 4531. Signed by governor April 1, 2010.  
[http://www.legis.state.wv.us/Bill\\_Text\\_HTML/2010\\_SESSIONS/RS/Bills/hb4531%20intr.htm](http://www.legis.state.wv.us/Bill_Text_HTML/2010_SESSIONS/RS/Bills/hb4531%20intr.htm)

## USEFUL WEBSITES ON SHACKLING

- The American Congress of Obstetricians and Gynecologists (ACOG) letter to the Rebecca Project condemning shackling (2007):  
<http://www.acog.org/departments/underserved/20070612SaarLTR.pdf>
- The American Medical Association 2010 resolution against shackling:  
<http://www.ama-assn.org/assets/meeting/2010a/a10-annotated-b.pdf>
- The Correctional Association of New York Women in Prison Project Fact Sheet (April 2009):  
<http://www.correctionalassociation.org/publications/download/wipp/factsheets/Wome in Prison Fact Sheet 2009 FINAL.pdf>
- The Federal Bureau of Prisons website has a page to help you locate and contact nearby federal prison facilities:  
<http://www.bop.gov/DataSource/execute/dsFacilityLoc>
- Nelson v. Norris court file:  
[http://www.aclu.org/files/pdfs/prison/nelsonvcms\\_decision.pdf](http://www.aclu.org/files/pdfs/prison/nelsonvcms_decision.pdf)
- NOW's 2009 Anti-Shackling Resolution:  
<http://www.now.org/organization/conference/resolutions/2009.html#anti>
- NOW's anti-shackling March 2010 Say It, Sister! blog post:  
<http://www.now.org/news/blogs/index.php/sayit/2010/03/01/states-moving-forward-to-outlaw-inhuman-practice-of-shackling-pregnant-women>
- NPR article on shackling, "Difficult Births: Laboring and Delivering in Shackles" (July 16, 2010):  
<http://www.npr.org/templates/story/story.php?storyId=128563037>
- The Rebecca Project for Human Rights prepared a memorandum on states' shackling policies in August 2008 (note: some states' policies have since changed, so this is not a definitive list):  
[http://www.rebeccaproject.org/images/stories/policypapers/state\\_shackling\\_policies\\_memo.pdf](http://www.rebeccaproject.org/images/stories/policypapers/state_shackling_policies_memo.pdf)
- The Sunshine Review wiki, which lists freedom of information policies by state, can be helpful in retrieving local shackling policies:  
[http://sunshinereview.org/index.php/List\\_of\\_who\\_can\\_make\\_public\\_record\\_requests\\_by\\_state](http://sunshinereview.org/index.php/List_of_who_can_make_public_record_requests_by_state)
- The U.N. Committee Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment's May 2006 review of U.S. human rights practices, including the shackling of female inmates pre-, during, and post- labor and delivery:  
[http://www.unhchr.ch/tbs/doc.nsf/0/e2d4f5b2dccc0a4cc12571ee00290ce0/\\$FILE/G0643225.pdf](http://www.unhchr.ch/tbs/doc.nsf/0/e2d4f5b2dccc0a4cc12571ee00290ce0/$FILE/G0643225.pdf)

- The July 2006 Shadow Report to the U.N. Human Rights Committee:  
<http://www.nowfoundation.org/issues/economic/GenderShadowReport.pdf>
- The U.N. Human Rights Commission's 2006 report condemning shackling, among other practices violating human rights in the U.S.:  
<http://www.unhcr.org/refworld/country,...CONCOBSERVATIONS,USA,4562d94e2,45c30bb20,0.html>
- The U.N. Standard Minimum Rules for the Treatment of Prisoners, which shackling pre-, during, and post-labor and delivery violates:  
<http://www2.ohchr.org/english/law/treatmentprisoners.htm>
- The Women's Prison Association Institute on Women & Criminal Justice "Quick Facts: Women & Criminal Justice - 2009" report:  
[http://www.wpaonline.org/pdf/Quick%20Facts%20Women%20and%20CJ\\_Sept09.pdf](http://www.wpaonline.org/pdf/Quick%20Facts%20Women%20and%20CJ_Sept09.pdf)

## **SAMPLE ANTI-SHACKLING PHONE SCRIPT**

Hello, my name is *[YOUR NAME]* and I am a constituent of *[YOUR LEGISLATOR]* from *[YOUR CITY]* calling to encourage *[YOUR LEGISLATOR]* to prioritize creating legislation that will end the cruel practice of shackling incarcerated pregnant women pre-, during, and post-labor and delivery.

Following the example of the ten states that have already passed legislation banning or restricting shackling, I encourage *[YOUR LEGISLATOR]* to demonstrate his/her commitment to human rights in our state at no cost to the government by working with the National Organization for Women and other human rights organizations to draft a bill modeled after existing anti-shackling legislation in states like Washington.

Thank you for all the great work that you do for women's rights.

## SAMPLE ANTI-SHACKLING PETITION

### *End Shackling NOW!*

We the undersigned call on *[YOUR STATE]* legislators to take action to end the barbaric practice of shackling incarcerated women pre-, during, and post-labor and delivery.

The shackling of incarcerated women pre-, during, and post-labor and delivery risks the safety and health of both mother and newborn by restricting bloodflow and limiting medical practitioners' access in case of medical emergency. Shackling can further lead to acute stress injuries and psychological trauma and disrespects the dignity of mother and child. The American Medical Association and American Congress of Gynecologists and Obstetricians have already publicly denounced the practice. Shackling is not only medically unsound, it is cruel and unusual punishment, a violation of our Constitutional rights under the Eighth Amendment -- and it must be stopped.

Two-thirds of incarcerated women are sentenced for non-violent crimes, so there is little to no security risk during labor. Furthermore, there is no recorded evidence of escape attempts made by unshackled women during labor, and shackling can be ended at no additional cost to taxpayers. There is no excuse to continue the practice any longer -- it is inhumane. We call upon *[YOUR STATE]* legislators to create legislation that holds correctional staff accountable for security-related shackling by clearly defining what constitutes restraints, labor, recovery and "exceptional circumstances," and which requires correctional staff file to regular reports on any cases in which shackling was found to be necessary, as in Washington's anti-shackling law. We implore the legislators of this beautiful state to join ten other states in respecting human dignity, human rights and motherhood by banning shackling for good.

Sincerely,

*[THE UNDERSIGNED]*