

September 25, 2015

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

RE: SUPPORT for A.6430-A/S.983-A – “An Act to Amend the Correction Law, in Relation to the Restraint of Pregnant Female Prisoners During Childbirth”

Dear Governor Cuomo:

I am writing on behalf of National Advocates for Pregnant Women to express our strong support for the 2015 Anti-Shackling Bill (A.6430-A/S.983-A) sponsored by Assemblyman N. Nick Perry and Senator Velmanette Montgomery. This legislation would strengthen a 2009 law that bans shackling during childbirth and expand protections to women throughout their pregnancies and eight weeks postpartum.

National Advocates for Pregnant Women works to ensure the rights, health, and dignity of pregnant women, focusing especially on the most marginalized women. Our work on behalf of pregnant women has shown that shackling of pregnant women is not only degrading and dangerous, it is virtually never necessary.

Shackling pregnant women is a demeaning practice that puts a woman’s health and pregnancy at grave risk. For example, shackling increases a woman’s risk of falling and renders her unable to break potential falls. It heightens the risk of blood clots; limits the mobility needed for a safe pregnancy and delivery; and interferes with doctors’ ability to care for their patients and provide medical services during emergencies.

Leading major medical associations, correctional organizations and federal law enforcement agencies recognize that women in childbirth do not pose a danger sufficient to justify the practice of shackling. There is not one documented instance that demonstrates the need of shackling prisoners during childbirth. Accordingly, the American College of Obstetricians and Gynecologists opposes the use of shackles on pregnant women in all but the most extreme circumstances. In addition, 21 states have enacted laws, and the U.S. Marshals Service, the U.S. Bureau of Prisons, the U.S. Immigration and Customs Enforcement Agency, and American Correctional Health Services Association have adopted policies, to ensure that least restrictive restraints are used on pregnant women only when there is a legitimate security reason for doing so.

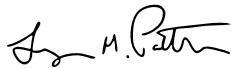
We commend New York State for being one of the first states to pass an anti-shackling

law. While this law was an important step towards eliminating this harmful practice, the Correctional Association has documented the New York Department of Corrections and Community Supervision's (DOCCS) non-compliance with the law. For example, the Correctional Association interviewed 27 women who gave birth in state corrections custody after the law was enacted and found that 23 of those 27 women were shackled in violation of the law. In addition, the current law does not address shackling of pregnant women prior to childbirth, nor does it provide a review and enforcement regime.

The 2015 Anti-Shackling Bill would strengthen the current anti-shackling law by banning shackling throughout the course of a woman's pregnancy; training DOCCS staff on the shackling ban; informing women of their right to not be shackled during childbirth; and requiring annual reporting on the use of shackling. It would also decrease New York State's exposure to potentially costly damage suits. NAPW participated as amicus in two cases in two different federal circuits, seeking damages for women who were shackled during childbirth. Both plaintiffs received damages and attorney's fees.

The 2015 Anti-Shackling Bill gives New York State the chance to once again become a leader in eliminating the horrific practice of shackling incarcerated women when they are pregnant – an unnecessary practice that poses a significant risk of harm to a woman's health and pregnancy. We urge you to sign the 2015 Anti-Shackling Bill.

Sincerely,



Lynn M. Paltrow
Executive Director
National Advocates for Pregnant Women