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## MEMORANDUM

**TO:** The House of Representatives of Pennsylvania

**FROM:** Andy Hoover, Legislative Director

**DATE:** June 28, 2010

**RE: SUPPORT FOR SENATE BILL 1074**

In the near future, possibly as soon as Tuesday, the House of Representatives is likely to vote on final passage on Senate Bill 1074. This bill would ban Pennsylvania's county jails and state prisons from shackling pregnant inmates during childbirth, allowing an exception for emergency situations. The American Civil Liberties Union of Pennsylvania supports SB 1074, and on behalf of the 18,000 members of the ACLU of PA, I urge you to **please vote "yes" on the bill.**

If SB 1074 is passed and signed into law, Pennsylvania would follow the lead of medical experts who are leading the movement to end the cruel practice of shackling inmates in labor. Just this month, the American Medical Association passed a resolution urging states to ban shackling in labor. Other national health associations that oppose the shackling of inmates while giving birth include the American Public Health Association and the American College of Obstetricians and Gynecologists.

No statistics are available to determine how frequently this practice has occurred in the commonwealth. However, the ACLU of Pennsylvania and our allies have heard enough anecdotes of women being handcuffed or cuffed by their ankles to bed rails while giving birth to know that this has happened and will continue to happen without the passage of SB 1074.

If this legislation becomes law, Pennsylvania will join a diverse group of states in banning shackling in childbirth by statute. Other states that have statutory prohibitions on the practice include Texas, New Mexico, New York, California, Illinois, Washington, and Vermont. The Federal Bureau of Prisons prohibits the use of "restraints on pregnant inmates...except in extenuating circumstances" in all federal correctional institutions and medical centers. And the federal Marshals Service, which transports people in federal custody, has adopted a similar policy.

As SB 1074 moved through the Senate, newspaper editorial boards voiced their support for the bill. *The Patriot News* of Harrisburg stated, "Legislators should pass this measure so no more babies are born to mothers shackled while in labor, like some scene from medieval times. Pennsylvania can do better." In March, the *Pittsburgh Post Gazette* also endorsed the legislation, saying, "Pregnant women who are in prison must, of course,

serve their time, but they don't need to be held in barbaric conditions while delivering a baby.”

With the passage of SB 1074, Pennsylvania would join in the efforts of the federal government, numerous states, and public health associations in eliminating the unnecessary and inhumane practice of shackling and reaffirm that pregnant women in prison do not lose their rights to safe and humane treatment. **Please vote “yes” on SB 1074.**