

Date: _____

VIA FACSIMILE Fax (916) 319-2114 & (916) 319-3745

Public Safety Committee
Assemblymember Nancy Skinner
State Capitol, P.O. Box 942849
Sacramento, CA 94249-0013

RE: SUPPORT for AB 568 (Skinner) – Ending the Use of Shackles on Pregnant Women

Dear Assemblymember Skinner:

I am writing on behalf of _____ to express our strong support for AB 568, which will put an end to the unnecessary and dangerous shackling of pregnant women during transport to and from juvenile and adult correctional facilities. This bill, formerly known as AB 1900, was proposed last year and passed through both houses unanimously. It was then vetoed by Governor Arnold Schwarzenegger. The bill requires the Corrections Standards Authority to develop standards for state and county facilities that limit the use of shackles on pregnant women during transport.

The shackling of pregnant women is inhumane by international human rights standards. Because current state law does not address, nor pay close attention to the use of shackles *prior to* labor, pregnant women in California are frequently shackled by the ankles, wrists and/or belly, and to another person, while being transported to and from correctional facilities. Although the vast majority of incarcerated women are non-violent, non-serious offenders, women as far along as 8 ½ months pregnant have been shackled in the most restrictive ways.

Excessive shackling poses undue health risks to a pregnant woman by increasing the woman's risk of falling and rendering her unable to break potential falls, putting her at risk for major trauma. Additionally, the use of shackles prohibits doctors from treating women with such potentially fatal conditions as pre-eclampsia which is frequently suffered by pregnant women. Accordingly, the **American College of Obstetricians and Gynecologists (ACOG)** opposes the use of shackles on pregnant women in all but the most extreme circumstances.

Federal courts have established that prison officials may be civilly liable when they restrain someone with deliberate indifference to that person's health and safety. The state's inconsistent shackling practices are putting lives at risk and leaving the door wide open for expensive lawsuits (e.g., class action suit in Cooke County, Illinois, by women who were shackled during pregnancy and labor). While restraint practices vary throughout the state counties that have adopted policies requiring the use of less restrictive restraints on pregnant women are looking for the state to provide guidance and leadership with regard to this vulnerable population. We must standardize city, county, and state policies to ensure we are preventing serious injury as well as costly lawsuits.

California cannot continue to allow barbaric procedures that result in cruel and unusual punishment of human beings in our prisons and jails. AB 568 protects the safety of pregnant women and protects counties and the state from potential liability by requiring that pregnant women be restrained in the least restrictive way possible, consistent with the legitimate security needs of each woman.

With the California prison system under national scrutiny, now is the time to put our best foot forward. One step is ensuring the fair and humane treatment of pregnant women. We urge you to pass AB 568.

Sincerely,

NAME: _____ TITLE: _____

SIGNATURE: _____ ADDRESS: _____

Cc: Tom Ammiano, Chair of the Assembly Public Safety Committee