

PRISONERS' RIGHTS

SB 180, HB 351 / HB 1002: IMPRISONED & PREGNANT

In the past three years, the ACLU of Missouri has represented two women who were shackled and restrained while giving birth.

Only one of the infants survived due to complications stemming from the mother's treatment.

SB 180, HB 351 / HB 1002 PROTECTS BABIES & MOMS

Shackling inmates while they are pregnant or in labor violates the Eighth Amendment to the U.S. Constitution.

It demonstrates deliberate indifference to a woman's serious medical needs and violates long-established Eighth Amendment case law. Also, many international treaties and the United Nations consider shackling pregnant inmates an unacceptable form of torture.

The practice is unnecessary and increases the pain and risk of giving birth.

Women who are pregnant or in labor are very rarely a risk to themselves, correctional officers, or others. There has never been a reported case a pregnant inmate trying to escape or harm a correctional officer. All shackling does is increase the risk of complications that could injure the mother or child.

Shackles make it harder for doctors to provide timely and necessary care.

In complicated procedures such as C-sections, a delay of even five minutes can cause permanent brain damage to the newborn baby.

SB 180, HB 351 / HB 1002 RESPECTS THE HIPPOCRATIC OATH

- Correctional officials will be required to work with medical professionals to establish practices and procedures for transporting, evaluating, and caring for pregnant inmates that do not involve shackles.
- If a doctor providing care asks for constraints to be removed, correctional officers will be required to comply.
- Rules and procedures will be established to minimize the risk of injury to pregnant inmates and their fetuses.
- If extreme circumstances are present (*for example, a chief administrative officer believes the inmate is trying to escape or harm herself, the fetus, a correctional officer, or anyone else*) shackles can be used. The chief officer will then have to document the extreme circumstances, why they believed shackles were necessary, and demonstrate that the constraints used were both the least restrictive and the most reasonable.

In 2016, a similar bill passed unanimously in the Missouri Senate but was not voted on in the House. This year, we have a chance to end this cruel and unusual practice in Missouri.



ACLU

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JOIN THE ACLU IN SUPPORTING THIS LEGISLATION

BORN IN CHAINS



2,000:

Number of prisoners in American correctional facilities who give birth each year.

0:

Unshackled prisoners escaped during labor. Ever.

1:

The United States' infant mortality is the highest among developed countries.



21:

States in America that prohibit maternal shackling.