



For Immediate Release

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Report on Anti-Shackling Policies in California's Counties

February 18, 2014 – Today, Legal Services for Prisoners with Children (LSPC) released its report “No More Shackles: A report on the written policies of California’s counties under the new law that limits the use of restraints on pregnant prisoners.”

In 2012, LSPC worked with Assembly Majority Leader Toni Atkins to enact legislation that prohibits the most dangerous forms of restraint from being used on any pregnant incarcerated woman (Penal Code §3407). This new law bans leg irons, waist chains, and handcuffs behind the back, and Governor Brown signed it September 28, 2012.

"The American Congress of Obstetricians & Gynecologists, District IX has worked for many years to protect the health of incarcerated women. Efforts have included supporting legislation to protect pregnant incarcerated women from harmful and unnecessary restraints (AB 478-Lieber, 2005) which limited shackling while in labor, and cosponsoring subsequent bills, including AB 2530 (Atkins, 2012) to include all situations where the woman and her fetus could be at-risk. However, legislation is only as good as the implementation and enforcement of it. This report shows progress towards implementation but clearly more needs to be done, and should be done now, to prevent often irreversible harm, said Dr. Gail Newel, MD, MPH, cochair of the ACOG-IX Underserved Women Committee."

Assemblymember Atkins stated, “I am proud to be the author of legislation that protects both public safety and the health and welfare of pregnant prisoners and their newborns. I applaud the counties that have fully complied with this new law,” says Atkins. “Having said that, in almost two-thirds of our state’s counties, pregnant prisoners are still being put at risk. It is my hope that in the very near future that will no longer be the case.”

In March 2013, LSPC embarked on a project to determine whether all 58 California counties had written new policies on the shackling of pregnant prisoners to comply with the 2012 legislation. The report explains the new statute, describes LSPC’s efforts to obtain documentation from the counties, outlines our findings, and makes recommendations for additional legislation, regulation, and research.

LSPC is pleased to have received new policies from all but three counties. On the basis of its survey, LSPC can now verify that a total of **21 of 58 counties (over a third) are in total compliance with PC §3407** one year after it went into effect.

However, LSPC is concerned that after communicating with each county for almost a year, more than two-thirds of the counties in California, **34 of 58, still have written policies that do not comply with the law.** In some of those counties, pregnant women may be shackled in leg irons, waist chains, and handcuffs behind the body. Some counties do not affirm medical professionals’ authority to have restraints removed from pregnant prisoners at any time. Furthermore, county jail officials in 24 counties do not have a written policy obligating them to inform pregnant prisoners of their rights provided by PC §3407.

LSPC strongly encourages the Department of Corrections and Rehabilitation (CDCR), the Board of State and Community Corrections (BSCC), and all California counties to hold counties accountable for keeping local policies up-to-date with current state law; provide translated versions of all materials distributed to female prisoners, especially those that explain their pregnancy rights; educate medical professionals on their critical role in ensuring that restraints are removed from pregnant prisoners; and ensure that pregnant juvenile prisoners are afforded the same rights and anti-shackling protections as female adult prisoners.

LSPC Policy Director Jesse Stout stated, “Female prisoners have gender-specific needs that custodial institutions do not always acknowledge. Maintaining the health and well-being of incarcerated pregnant women requires unique considerations. This study has demonstrated that people in many counties support the humane treatment of pregnant women. However, it also shows that our work to protect these women remains unfinished.”