



## Legal Voice Fights to Stop the Shackling of Pregnant Incarcerated People

Pregnant people are entitled to be treated respectfully and humanely, but sadly, this does not always occur. Amnesty International has published a report decrying the American prison practice of shackling pregnant incarcerated women during labor and delivery. The American College of Obstetricians and Gynecologists and the American Medical Association, among others, have strong statements against the practice, noting that it is medically dangerous to both pregnant people and their babies.

On March 23, 2010 Washington became the seventh state to restrict the practice of shackling incarcerated women. The law forbids state prisons, county jails, and juvenile correctional facilities from shackling incarcerated women who are in labor or recovering from labor. Specifically, the law prohibits the use of restraints during labor and delivery and restricts the use of shackles during the third trimester and during postpartum recovery. It also bans the use of waist chains and leg irons at any point in pregnancy.

Washington joins six other states – California, Illinois, Vermont, New York, New Mexico, and Texas – that have banned or limited the shackling of pregnant and laboring women.

In 2009, Legal Voice filed a lawsuit in federal district court in Tacoma, Washington, on behalf of Casandra Brawley, a woman who was shackled during childbirth while incarcerated in Washington State. The same day Governor Gregoire signed the anti-shackling bill, Legal Voice filed a motion for summary judgment, asking the trial court to rule that Ms. Brawley's federal and state constitutional rights to be free from cruel punishment were violated. The case was ultimately settled, and the Washington Department of Corrections compensated Casandra \$125,000.

We are investigating similar cases, and are working to change state laws to end shackling of pregnant and laboring people. It is our goal to eliminate this inhumane, demeaning practice in the Northwest.

### ***LEARN MORE***

#### **PRESS**

- [Gregoire signs bill barring shackling of pregnant inmates](#) *Seattle Times* 3/23/2010
- [Ban shackling of pregnant inmates](#) *Seattle Times Editorial* 3/25/2010
- [A Lack of Restraints: Washington's Anti-Shackling Efforts](#) *Rewire* 2/2/10
- ["Not Part of My Sentence": Violations of the Human Rights of Women in Custody](#), Amnesty International's Report on the practice of shackling pregnant incarcerated women during labor and delivery.

#### **COURT DOCUMENTS**

- Legal Voice's [Complaint in Brawley v. Department of Corrections](#)
- Legal Voice's [Motion for Summary Judgment in Brawley v. Department of Corrections](#)