

A healthy  
birth

# Pregnancy & shackling: when your patient arrives in handcuffs

A guide for medical providers in Pennsylvania

## What are restraints?

Restraints (also called “shackles”) are anything that is used to immobilize you or limit your movement. Examples of restraints are:

- Handcuffs
- Leg irons
- Restraint chair
- Belly chain
- Wrist or ankle cuffs
- Pepper spray (capsicum)



The use of restraints or shackles on pregnant patients can be dangerous.

## Pregnant patients who are involved in the criminal justice system deserve medical care that is safe and dignified.

The use of restraints on pregnant patients is demeaning and is rarely necessary. *It can harm the patient and their pregnancy* and make it difficult to examine or treat them. The use of shackling:

- Increases the risk of falls.
- Makes it harder to test for appendicitis, preterm labor, and kidney infection.
- Can delay transporting a pregnant prisoner in an emergency.
- Makes labor and delivery harder and more painful.
- Makes it harder to hold and bond with a newborn baby.
- Is degrading and unnecessary.\*

*\*2011 ACOG Committee Opinion, reaffirmed 2016*

*The American College of Obstetricians and Gynecologists, the Federal Bureau of Prisons, and the National Commission on Correctional Health Care all oppose routine shackling of pregnant inmates.*

## Know the law

### Pennsylvania law limits when a pregnant patient can be put in restraints.

The Healthy Birth for Incarcerated Women Act is a state law that prevents prisons, jails, and detention facilities from shackling pregnant inmates in any of these circumstances:

- If the patient is having an emergency related to their pregnancy.
- If the patient is being transported to a hospital or medical center and is in their second or third trimester.
- If the patient is in any stage of labor or giving birth.
- If the patient is hospitalized while recovering from childbirth.

### Is it ever legal for correctional institutions to shackle a pregnant patient in these circumstances?

Yes. But only if the patient presents a substantial flight risk or an extraordinary medical or security risk. Prison staff must report the basis for believing an extraordinary risk requires shackling, the type of restraint used, and the trimester of pregnancy.

### What rules must prison staff follow if they shackle a pregnant patient?

- Leg or waist restraints can never be used on a person in labor.
- *Prison staff must use the least restrictive restraint necessary.* This means they must use the type of restraint that allows the patient the most freedom to move.
- Restraints must be applied gently and in a way that does not hurt the patient.
- Prison staff must be available to release the patient from the restraints immediately.

Number of reported escape attempts by pregnant incarcerated women during labor and delivery: 0

## DID YOU KNOW?

- The number of incarcerated women increased by more than 700% between 1980 and 2016.
- As of 2017, 2,857 women are incarcerated in PA.
- About 5% of female prisoners are pregnant at intake.
- The overwhelming majority of incarcerated women have experienced intimate partner violence and/or sexual abuse.

### Can I tell prison staff to leave the room during the patient's medical exam?

YES. Your patient has a right to bodily privacy during their medical visits, and they have a right to speak privately with their medical providers. You have a right to tell prison staff to take off your patient's restraints and wait outside the exam room.

### What can I do if my patient is illegally shackled?

- Tell the prison staff to release your patient from the restraints.
- Contact the organizations listed at right for help.

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*We believe that all people should have power over their bodies, gender identity and expression, sexuality, reproduction and the ability to form families. You have the right to a healthy and safe pregnancy.*

— New Voices for Reproductive Justice

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## Know your rights

### What medical providers can do about shackling during pregnancy

#### Can I tell prison staff to remove my patient's restraints during their medical visit?

YES. The Healthy Birth for Incarcerated Women Act specifically gives doctors, nurses, and medical professionals the power to request that corrections staff remove a pregnant patient's restraints. The prison staff must comply with your request.

## Need help?

### For more information contact:

#### Women's Law Project

428 Forbes Avenue, Suite 1710  
Pittsburgh, PA 15219  
412-281-2892; 215-928-9801  
[www.womenslawproject.org](http://www.womenslawproject.org)

#### New Voices for Reproductive Justice

5987 Broad Street  
Pittsburgh, Pennsylvania 15206  
412-363-4500  
[www.newvoicespittsburgh.org](http://www.newvoicespittsburgh.org)

#### ACLU of Pennsylvania, Greater Pittsburgh Chapter

P.O. Box 23058  
Pittsburgh, PA 15222  
1-877-745-2258  
[www.aclupa.org](http://www.aclupa.org)

#### Pennsylvania Institutional Law Project

100 Fifth Avenue, Suite 900  
Pittsburgh, PA 15222  
412-434-6004  
<https://pailp.org/>

#### Let's Get Free

The Women & Trans Prisoner  
Defense Committee  
460 Melwood Ave #300  
Pittsburgh, PA 15213  
412-932-7786  
<https://letsgetfree.info/>

This information is not intended as legal advice or as a substitute for the advice of a lawyer. The laws dealing with pregnancy and prisoners' rights can change, and this publication may not reflect the most recent legal developments. Please consult a lawyer if you have any questions about your rights.



A resource from the Women's Law Project and New Voices for Reproductive Justice  
[www.womenslawproject.org](http://www.womenslawproject.org) • [www.newvoicespittsburgh.org](http://www.newvoicespittsburgh.org)