Handcuffs are cuffs that go around an incarcerated person’s wrists and are connected to each other by chain. The black box is a metal rectangular box which clamps down on the chain between the handcuffs to further restrict hand movement. A waist chain is a chain that goes around an incarcerated person’s waist and is attached to the handcuffs by another chain to restrict arm movement. Ankle shackles are cuffs put around an incarcerated person’s ankles which are connected to each other by chain to restrict leg movement.

Shackling pregnant women is a dangerous and degrading practice that causes suffering, endangers the health and safety of women and their babies, and violates basic standards of human rights and decency. The practice is also unnecessary as security can be effectively maintained by correction staff when pregnant women are off prison grounds.  

Shackling causes pregnant women physical and psychological pain. It heightens the risk of blood clots, limits the mobility needed for a safe pregnancy and delivery, and increases the risk of falling, which can cause serious injury and even death to the fetus. Shackles can also interfere with doctors’ ability to care for their patients and delay access to medical services during emergencies. Shackling during postpartum recovery prevents women from healing and bonding with their newborns.

There is widespread opposition to shackling women during childbirth, and a number of federal courts have ruled that it violates the Eighth Amendment’s prohibition against cruel and unusual punishment. Among those who condemn the practice are dozens of women’s and human rights groups across the country, and the nation’s leading experts on women’s health, including: the American College of Obstetricians and Gynecologists (ACOG), the American College of Nurse Midwives, the National Perinatal Association, the American Medical Women’s Association, the American Public Health Association, the American Medical Association (AMA), and the
Association of Women’s Health, Obstetric and Neonatal Nurses. The National Commission on Correctional Health Care and the American Correctional Association, two of the primary national organizations providing prison accreditation services, also oppose the practice.

As of 2014, 21 states had laws restricting the use of shackles on women during childbirth. New York was the sixth state to enact such a statute, passing its Anti-Shackling Law in 2009. At the national level, the Second Chance Act of 2007 requires federal justice agencies to report shackling practices to Congress and to document valid security concerns before using restraints on women during pregnancy, childbirth and recovery. Shortly after the Act was passed, the U.S. Bureau of Prisons, the U.S. Marshals Service, and the U.S. Immigration and Customs Enforcement adopted agency policies restricting the practice.

New York’s 2009 Anti-Shackling Law represents an important step toward eliminating the unsafe and inhumane shackling of pregnant women. The law does not, however, address the use of restraints on pregnant women prior to childbirth, which is also harmful. There is growing recognition of these harms. ACOG issued a formal opinion in 2011 stating that shackling during pregnancy can have myriad negative effects on women and their babies, and is “demeaning and rarely necessary.” In 2012, California passed legislation that prohibits the use of waist chains, ankle shackles and handcuffs behind the back in all trimesters.

**IMPLEMENTATION OF NEW YORK’S ANTI-SHACKLING LAW**

New York’s Anti-Shackling Law covers all state correctional facilities and local jails. The statute bans outright the use of restraints on women throughout labor, delivery and recovery “after giving birth,” which is meant to cover at least the duration of a woman’s stay at the hospital. The law also largely bans the use of shackles on women not in labor who are going to the hospital for “the purpose of giving birth” (i.e., if they are going to be induced or to have a scheduled C-section) and on women being taken from the hospital back to the prison. In those cases, a woman can only be handcuffed by one wrist and only if “extraordinary circumstances” exist where restraints are “necessary to prevent [the] woman from injuring herself or medical or correctional personnel.”

“They kept one of my ankles shackled to the bed. [They] only took it off when it was time to start pushing.”

Women in Prison Project, Correctional Association of New York
Based on surveys and interviews with 27 women who gave birth in DOCCS custody after the Anti-Shackling Law went into effect, the CA concludes that DOCCS is out of compliance with the law. Twenty-three of the 27 women (85%) who gave birth between 2009 and 2013 were shackled at least once in violation of the law. In addition, in the medical chart of one of the 27 women, the CA uncovered an official prison form documenting that the woman had been shackled shortly after the law went into effect while she recovered after giving birth in the hospital.\(^{309}\)

Many women reported being shackled on multiple occasions expressly prohibited by the statute. One of the most troubling cases the CA identified is a woman who explained her experience this way:

“My ankles were shackled during the whole trip to the hospital when I was in labor. They pushed me in a wheelchair from the van to the hospital and at one point the wheelchair almost tipped over. I would not have been able to catch myself very well. . . . I was shackled until I got to the delivery room, but even then they kept one of my ankles shackled to the bed. [They] only took it off when it was time to start pushing. . . . I couldn’t rotate the way I needed to and I had to sit in one spot the whole time I was in labor. The baby was pushing and I was going through contractions and I wanted to lie on my side but I couldn’t because I couldn’t move my leg.”

Most of the other instances where women were shackled in violation of the law occurred while the women were going to the hospital, recovering after giving birth and being transferred from the hospital back to the prison.

The CA’s findings conflict with DOCCS’ official position on its shackling practices. The CA submitted a FOIL request for documentation of instances in which women were shackled during or after childbirth over the first year and a half after the Anti-Shackling Law went into effect. DOCCS’ response to this request states, “A diligent search was conducted and there were no instances, as described, being reported at any of the facilities listed on your request. . . .”\(^{310}\) When the CA sent DOCCS the aforementioned official form from the woman’s medical chart documenting that she had, in fact, been shackled in violation of the law, the Department acknowledged the incident and stated that the prison took “corrective action” to make sure the officer “understood the law, so that it would not occur again.”

**Shackling on the way to the hospital to give birth**

- About half of the women (46%, 12 of 26) reported being shackled during the trip to the hospital to give birth, including nine women who were in labor at the time.
• Two women were cuffed to the stretcher in the ambulance while they were in labor, and another was put in handcuffs and the black box during the trip to the hospital.

• One of the women who went to the hospital twice while she was in labor said that during her first trip, she was in serious pain yet was handcuffed the whole time. During her second trip, one officer wanted to use handcuffs again but ultimately was stopped by the EMS worker and the other escorting officer.

• Of the two women who were not in labor when they were shackled, one was two weeks past her due date when she was taken to the hospital to be induced and the other was transferred for a scheduled C-section. Both women were handcuffed, one for over an hour.

• One other woman said that her escorting officers tried to put cuffs on her ankles but decided not to only because they were so swollen.

Shackling during recovery after giving birth

• About half of the women (55%, 11 of 20) reported being shackled while they were recovering in the hospital, some right after they gave birth and for long periods of time.

• One woman was put in restraints for a “long time” immediately after she delivered.

• One woman was kept in handcuffs and ankle shackles for over five hours shortly after she delivered. She wrote, “I shouldn’t have been shackled right after giving birth. I was way too sore to run.”

• One woman was shackled “four hours after giving birth…” She commented, “Where would a woman go after giving birth? Being shackled and being told to walk to a wheelchair – then escorted to a secure ward.”

• Six women were handcuffed and shackled at the ankles when they visited their babies in the nursery or neonatal ICU, and were kept in ankle shackles when they held and fed their babies. One woman wrote, “I had to breastfeed my baby while shackled… I remember

“While I was in the ambulance and being cuffed, I was surprised because the EMT told the officer that restraints aren’t used…”

“I was shackled] going to the bathroom. . . . had to sleep with shackles on my feet. . . . The only time they were off is when I had to take a shower.”
my vagina hurt very bad sitting there. . . I was devastated to go visit him. I had to sit in a wheelchair for hours at a time shackled in pain. . . .”

**Shackling on the way back from the hospital after giving birth**

- **Two-thirds of the women (67%, 18 of 27)** said they were shackled during the trip from the hospital back to the prison, including 12 women who were put in full shackles (handcuffs, black box, ankle shackles and waist chain). Three of the 12 women had given birth by C-section just days earlier.

- One of the women who had a C-section three days earlier wrote that the shackles caused her to be “in pain, a lot of pain.” This is not surprising as women who have C-sections often experience severe soreness in their abdominal region and are advised not to rub or put pressure on the incision, which is exactly the area where waist chains are applied.311

- One of the women reported that officers would not remove her handcuffs and ankle shackles until after she walked up the stairs to the nursery unit at the prison.

Many women commented that it was particularly upsetting to be in handcuffs and the black box during the ride back to the prison because the shackles prevented them from comforting their newborns. Wrote one woman, “[M]y son was screaming and I couldn’t do anything about it.”

DOCCS has made better progress in curtailing the use of restraints on pregnant women after they arrive at the hospital through when they give birth. For example, while nine of 10 pregnancy survey respondents who gave birth before the law’s passage reported being shackled in the hospital waiting room, five of 10 while being examined by medical staff, and four of 10 just before giving birth, only four of the 27 women told the CA that they were shackled on any of those occasions after the law went into effect.

Of the four women who were shackled after arriving at the hospital, one was shackled by her ankle to the delivery bed until medical staff told her to start pushing. The second woman had one wrist cuffed to the stretcher in the hospital when she went to be induced. The cuff was removed only after she unexpectedly went into labor. The third woman was in handcuffs for a short time in the waiting room after being admitted to the hospital, and the fourth woman was in handcuffs for two hours in the hospital waiting room while waiting to be induced.

DOCCS denied the CA’s FOIL request for written policies related to the Anti-Shackling Law, citing Public Officers Law § 87(2)(f), which allows agencies to deny access to records if they believe that disclosing them would “endanger the life or safety of any person.”312 As a result, the CA cannot determine whether DOCCS’ written policies comply with the Anti-Shackling Law.
SITUATIONS NOT COVERED UNDER NEW YORK’S ANTI-SHACKLING LAW

Shackling during pregnancy

DOCCS denied the CA’s FOIL request for Central Office policies on shackling pregnant women prior to labor and delivery, when the Anti-Shackling Law does not apply.\textsuperscript{313} DOCCS did provide a copy of Bedford’s and Taconic’s facility policies on this issue. Although these policies limit the use of restraints, they do not go far enough to protect women’s safety, and both still permit shackling to some degree throughout all trimesters.

Bedford’s policy forbids waist chains but allows all other restraints throughout pregnancy (handcuffs, black box, ankle shackles). It states that handcuffs are “generally” sufficient for pregnant women, urges staff not to use restraints that affect “balance and ambulation,” and requires that “[e]xtra precautions must be taken not to jeopardize the health and well-being of a pregnant inmate or the fetus while on an outside trip.”\textsuperscript{314} Taconic’s policy allows any type of restraint for the first two trimesters but prohibits “shackles” and “leg irons” on women in their third trimester.\textsuperscript{315} When Taconic was still housing pregnant women through childbirth, the prison stated that they would allow handcuffs during the third trimester but that their use depended “on the size of the abdomen.”

“I would pick the chain up and walk to be examined. It was terrible. . . . When I was 9 months pregnant, the handcuffs hurt. They were so tight, my wrists had marks on them for 2 days.”

The CA’s research reveals that women in DOCCS are routinely shackled throughout their pregnancies, often in direct violation of Bedford’s and Taconic’s own policies. The most common words women used to describe their experiences were “painful,” “uncomfortable,” “horrible” and “degrading.” Many women the CA interviewed and surveyed stated that eliminating the use of restraints was the top improvement they wanted for pregnant women in DOCCS.

Two of the most common situations involving shackling are trips for medical appointments, which can happen weekly as a pregnant woman nears her due date, and trips between prisons, which can take more than 10 hours from Albion to Bedford.

Every woman the CA interviewed or surveyed was shackled, some in full restraints, during trips outside the prison. This includes the woman who had an abortion, the woman who had a miscarriage, and the many women who went on trips for prenatal care, even during their last trimester when trips occurred biweekly or weekly. Being shackled during medical trips was a
particularly common experience for pregnant women living at Taconic because DOCCS’ prenatal clinic is held at Bedford. Even though Bedford and Taconic are separated by only 0.3 miles, and even though the trip is between two secure prison settings, DOCCS still required pregnant women to be shackled. Examples include:

- Four women were put in full shackles during trips to the hospital for medical care, including in the last trimester. Some of the women were kept in restraints for nearly an hour. One of the women experienced this on a monthly basis.

- Another woman wrote that it was “very uncomfortable to have waist chains on while six-plus months pregnant. . . .”

- Five women were handcuffed for one to three hours during multiple trips to the hospital for prenatal care. One woman was kept in handcuffs when she was five and a half months pregnant for over three hours, save for a 20-minute period when the hospital staff did an ultrasound.

- Eight women were put in ankle shackles, handcuffs and sometimes the black box during multiple trips from Taconic to Bedford, including during their eighth and ninth months. One woman wrote that on at least one occasion, “they tried to put waist chains on me.” Another woman commented, “A couple of times when I was shackled, I would be shoved into the bus/van if I wasn’t going fast enough. Every time I had handcuffs on, there would be bruises and marks on my wrists from them.”

“When I came from Albion to Bedford, I was in full restraints during the 11-hour bus ride (shackles, cuffs, waist chain, black box) at 4½ months pregnant. . . . It was an awful experience I will not forget. The pressure of the chain on my growing belly was so uncomfortable. . . .”

All three women the CA interviewed and surveyed who were transferred from Albion to Bedford while they were pregnant reported being shackled. One of the women, who was about three months pregnant at the time, said she was put in full restraints and shackled to another pregnant woman, also about three months along and also in full restraints, for the 10-hour ride between Albion and Bedford. She commented that it was extremely uncomfortable to be shackled and said that the woman she was chained to experienced swelling in her wrists as a result of the handcuffs. Another woman, who was two and a half months pregnant at the time, wrote that it was “very hard and uncomfortable” to be in handcuffs and the black box for the 12½-hour bus trip from Albion to Bedford.

None of these women were serious security risks: two entered the nursery program after being transferred to Bedford, and the other was sent to a minimum-security prison after giving birth.
In addition to being shackled, all three women reported that the bus never stopped to let them stretch and walk around, and that they had to remain in full restraints even when using the bus bathroom. The woman who was four and a half months pregnant wrote that she went to the bathroom “by myself, wiggling, trying to pull up and down my pants without falling while the bus was moving. My wrists were bruised afterward. It took at least 10 minutes to pee and dress myself. . . . [It was] very difficult trying to maneuver down the crowded aisle as well as trying to pull my pants up and down fully shackled. . . . It’s something that I hope no other woman pregnant or not has to go through.”

The woman who was chained to another pregnant woman during the trip said that they remained shackled to each other when they used the bathroom. “It was especially difficult to move your hands with the black box on,” she said. “We had to pull each other’s pants down.”

Many women also described being shackled during trips from local jails to DOCCS prisons. One woman, for example, reported that she was put in handcuffs and a waist chain when she was eight and a half months pregnant during the hour-long trip from Rikers Island to Bedford. Another woman wrote that she was kept in full restraints during the three-hour trip between a county jail and Bedford when she was eight months pregnant. This woman also reported being shackled for five and a half hours on an earlier trip between a prison in another state and a county jail in New York when she was six and a half months pregnant.

Sitting in shackles for long periods of time is uncomfortable for any person and particularly so for pregnant women. These conditions are also dangerous as pregnant women are advised to stretch and walk periodically to reduce swelling and improve blood flow. ACOG states that “limited mobility caused by shackling” can increase the risk of blood clots, a leading cause of maternal death in the U.S. Using the bathroom on a moving bus while fully shackled is simply not safe for pregnant women.

Two of the three women who made the long trip from Albion to Bedford said they did not get enough food. One woman said that the lunch she got left her hungry, and the other wrote that she received a bag lunch at 7am and “had to wait until breakfast the next day to eat again.” She commented that she was “very hungry and thirsty the entire time,” and that the experience overall was “exhausting and overwhelming.”

**Shackling during trips to the pediatrician**

Another situation not covered by the Anti-Shackling Law occurs when mothers in Bedford’s nursery program accompany their babies to pediatric appointments outside the prison. Bedford’s policy is to shackle women during these trips, even though women in the nursery have passed a rigorous screening process and are not considered serious security risks.
Many women expressed frustration and sadness about this policy because the shackles prevented them from tending to their babies who rode next to them in a car seat. One woman said she was devastated that she could not comfort her baby because of the shackles during trips to the pediatrician. She commented that when her daughter would scream, the officer in the van would respond by turning up the radio. Another woman wrote: “The black box is the biggest problem. . . . They pull it real tight so that you can’t use your hands, even with the baby. . . . There should be no shackling and no black box. Where are you going to run to?”

“I was shackled and handcuffed with a chain and box. [My son] was in his car seat crying, and I couldn’t do anything, not feed him a bottle or give him a pacifier.”

RECOMMENDATIONS

For DOCCS

1) Comply immediately with the 2009 Anti-Shackling Law and ensure that no woman is shackled in violation of the law.

2) Train security staff and medical staff on the Anti-Shackling Law. Discipline staff who violate the law’s requirements.

3) Inform pregnant women about their rights under the Anti-Shackling Law and give them information outlining the law’s provisions in an easy-to-read written format. Post this information in multiple places throughout the prison, including housing areas, the nursery unit, medical area and libraries.

4) Prohibit the use of shackles on women during all stages of pregnancy, including when women are being transferred between prisons and taken for outside appointments, and during the full postpartum period (six weeks for vaginal deliveries and eight weeks for C-sections).

5) Eliminate the use of shackles on women who accompany their babies on trips for pediatric care outside the prison.

6) Require buses transporting pregnant women on long trips to stop so that women can walk around and use the bathroom, and give pregnant women adequate food and water before, during and after the ride.
For agencies that contract with DOCCS to provide services to incarcerated pregnant women

1) Train all staff on the provisions of the Anti-Shackling Law.

For New York State Legislature and Governor

1) Amend the Anti-Shackling Law to include mechanisms to ensure compliance, including requirements to: 1) inform incarcerated pregnant women about their rights under the law; 2) post information about the law in multiple common areas throughout each correctional facility housing women; 3) publicly report shackling practices and violations of the law; 4) train security and medical staff in each correctional facility housing women about the law; and 5) train staff at agencies that contract with state and local corrections to provide services to incarcerated pregnant women about the law.

2) Enact a law banning the use of shackles on women during all stages of pregnancy, the full postpartum recovery period, and during trips for babies to receive medical care outside the prison.