

Via U.S. mail and email to [john.forrest@parkercountytexas.com](mailto:john.forrest@parkercountytexas.com)

May 18, 2010

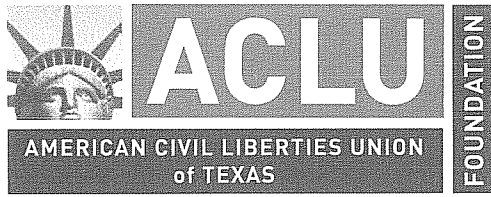
John Forrest  
Parker County Attorney  
118 W. Columbia Street  
Weatherford, TX 76086

Re: Access to abortion care

Dear Mr. Forest,

We write to notify you of your obligation to ensure access to legal abortion services for female inmates of the Parker County Jail, operated by Community Education Centers, Inc. As our staff attorney Fleming Terrell discussed with you by telephone, we understand that Parker County Sheriff Larry Fowler recently denied a female inmate's request to be transferred to a private clinic where she had an appointment to terminate her pregnancy. Fortunately, that inmate was released, for other reasons, in time to make a new appointment. However, you told Ms. Terrell that you were concerned about bad headlines if Parker County were to permit any future transport of a female inmate for an abortion that is not medically necessary. As Ms. Terrell explained, pregnant women do not lose their Fourteenth Amendment right to have an abortion as a result of incarceration. At your request, we are providing this letter to highlight the legal precedent establishing Parker County's and the jail's obligation to accommodate that constitutional right.

The constitutional right of incarcerated pregnant women to access abortion care is clearly established. Therefore, any policy or practice at Parker County Jail—such as refusing off-site transports—that is intended or known to prevent pregnant inmates from obtaining an abortion while incarcerated must be immediately changed. For example, in *Roe v. Crawford*, the Eighth Circuit Court of Appeals recently held that a policy of the Missouri Department of Corrections prohibiting the transport of inmates to a community health provider for abortion services except where medically necessary “cannot be maintained under the Fourteenth Amendment,” and affirmed the lower court order enjoining that policy. 514 F.3d 789, 792, 801 (2008), *cert denied*, 129 S.Ct. 109 (2008) (copy attached). Earlier decisions of other federal and state courts uniformly confirm that prisons and jails are legally obligated to ensure access to abortion care for inmates who decide to terminate a pregnancy, or need to do so for health reasons. *See, e.g., Doe v. Arpaio*, 150 P.3d 1258 (Ariz. Ct. App. 2007), *cert. denied* 128 S.Ct. 1704 (2008); *Bryant v. Maffucci*, 923 F.2d 979 (2d Cir. 1991); *Monmouth County Correctional Institutional Inmates v. Lanzaro*, 834 F.2d 326 (3d Cir. 1987); *Roe v. Leis*, No. C-1-00-651, 2001 WL 1842459 (S.D. Ohio Jan. 10, 2001).



In light of your commitment to Ms. Terrell that Parker County will act in compliance with the law, we request that you clarify, in writing, the measures you will take to ensure that future requests for access to off-site abortion care by women in custody at Parker County Jail—whether for non-therapeutic or health-related reasons—are not denied, obstructed, or otherwise unnecessarily delayed.

Sincerely,

Lisa Graybill  
Legal Director  
ACLU Foundation of Texas

Enclosure (1)

cc: Sheriff Larry Fowler  
129 Hogle Street  
Weatherford, TX 76086  
via facsimile to 817-594-7809

Warden Ron King  
Parker County Jail  
612 Jameson Street  
Weatherford Texas 76086  
via facsimile to 817-594-0682

Debra Shannon  
General Counsel  
Community Education Centers, Inc.  
35 Fairfield Place  
West Caldwell, NJ 07006  
via facsimile to 973-740-1793