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SUPPORT HB 3653 and 3654: Ensure Good Outcomes for Infants

HB 3653 bans shackling of women during labor and delivery in Texas jails, with an exception for dangerous circumstances.

HB 3654 requires Texas jails establish basic standards and report on pregnant inmates through the Texas Commission on Jail Standards.

SB 3654 Addresses the Current Lack of Information. There are 247 jails in Texas housing roughly 13,000 women, inspected by the Texas Commission on Jail Standards, and run with taxpayer dollars. The Justice Department estimated about 5% of female prisoners are pregnant while incarcerated, giving Texas an estimated 650 pregnant inmates in county jails at any one time.¹ However, we do not know the actual number of pregnant inmates. Reporting would allow Texas jails and policymakers to tailor policy to address the health of incarcerated pregnant mothers and their children.

Shackling complicates childbirth, risking the health of the child. On June 12, 2007, the American College of Obstetricians and Gynecologists stated in a letter supporting a federal ban on shackling: “[p]hysical restraints have interfered with the ability of physicians to safely practice medicine by reducing their ability to assess and evaluate the physical condition of the mother and the fetus, and have similarly made the labor and delivery process more difficult than it needs to be; thus, overall putting the health and lives of the women and unborn children at risk.”² The federal Bureau of Prisons recently adopted standards banning shackling during labor and delivery, with exceptions for extreme situations.³ Illinois banned the use of shackling in 2000.⁴ In response to a lawsuit by an inmate shackled during delivery, Arkansas recently reduced the use of shackling in state policy.⁵ Texas should implement a similar standard, that shackling only be used in extreme situations for minimal lengths of time during labor and delivery.

Specific Standards for Pregnant Inmates Are Necessary to Ensure Healthy Birth Outcomes. The 247 county jails in Texas have a wide array of expertise in the health needs of pregnant inmates. Small jails may have a registered nurse or other health professional who is not a medical doctor monitoring the health of inmates. Given the wide variety of facilities and expertise, state-wide standards are necessary to ensure the best possible outcomes for infants.

¹ <http://www.nytimes.com/2006/03/02/national/02shackles.html>

² Available at <http://www.acog.org/departments/underserved/20070612SaarLTR.pdf>

³ <http://blog.aclu.org/2008/10/20/bureau-of-prisons-revises-policy-on-shackling-of-pregnant-inmates/>

⁴ <http://blog.aclu.org/2008/10/20/bureau-of-prisons-revises-policy-on-shackling-of-pregnant-inmates/>

⁵ <http://www.arktimes.com/articles/articleviewer.aspx?ArticleID=5b9adeb2-dec7-4029-b3a7-edad66c610b8>