

Shackling of Incarcerated Pregnant, Laboring, and Postpartum Individuals

STATE LAWS *(As of December 2021)*

Overview: Since 1978, the number of women in state prisons has increased nine-fold, growing at more than twice the pace of men.ⁱ Incarcerated individuals face unique barriers to health care, and those who are pregnant and postpartum are at increased risk of negative health outcomes. Despite bipartisan support for criminal-justice reform, the health care needs of incarcerated individuals remain largely unaddressed.

One particularly inhumane practice is the use of restraints on incarcerated individuals during pregnancy, labor, and recovery, commonly known as shackling. While federal prisons have limited the use of restraints on pregnant and postpartum incarcerated people since 2008, many state carceral systems still engage in this dehumanizing practice.

ACOG Policy: ACOG supports state efforts to restrict the use of restraints on incarcerated individuals and adolescents during the pregnancy and postpartum period.ⁱⁱ This practice compromises health care and is demeaning and rarely necessary. For more information about women and incarceration, visit [ACOG's webpage](#).

State Legislative Activity: **37 state statutes (inclusive of DC) currently restrict the use of restraints for limited duration, and a growing number of states restrict the practice during pregnancy and postpartum. Optimal laws to limit the use of restraints should have all of the following protections:**

- ✓ Restrict restraints throughout pregnancy, labor, delivery, and postpartum, including transport to a medical facility **(12 States)**
 - CA, CT, IL, ME, MD, MN, NE, NY, OH, OK, SC, UT
- ✓ Give medical personnel authority to have restraints removed **(22 States + DC)**
 - AR, AZ, CA, CT, DE, DC, FL, HI, ID, IL, LA, ME, MD, MA, MO, NE, NY, OK, PA, RI, TX, WA, WV
- ✓ Require corrections personnel to remain outside delivery room for privacy concerns **(12 States)**
 - CA, CT, HI, IL, KY, ME, MA, NE, NY, OK, UT, WA
- ✓ Require written documentation by corrections personnel of the use of restraints **(29 States + DC)**

- AR, AZ, CT, CO, DE, DC, FL, GA, HI, ID, IL, LA, ME, MD, MA, MN, MO, MS, NE, NY, NC, OK, PA, RI, SC, TX, UT, VA, VT, WA

✓ Apply to juveniles (**16 States + DC**)

- AZ, CA, CO, DC, FL, GA, LA, ME, MD, NE, NC, NV, OH, RI, TX, WA, WV

Incarcerated Individuals: State Laws Limiting Use of Restraints (As of December 2021)								
STATE	Restricts Use of Restraints During				Physician Authority to Remove Restraints	Addresses Privacy Concerns	Corrections staff must document	Applies to Juveniles
	Pregnancy*	Labor and Delivery	Transport	Postpartum Recovery**				
Arizona		X	X	X	X		X	X
Arkansas	Throughout Pregnancy	X		X	X		X	
California	Throughout Pregnancy	X	X	X	X	X		X
Colorado		X	X	X			X	X
Connecticut	Throughout Pregnancy	X	X	X	X	X	X	
Delaware		X	X	X	X		X	
District of Columbia	3rd trimester	X	X	X	X		X	X
Florida	3rd trimester	X		X	X		X	X
Georgia	2nd and 3rd trimester	X		X			X	X

STATE	Restricts Use of Restraints During				Physician Authority to Remove Restraints	Addresses Privacy Concerns	Corrections staff must document	Applies to Juveniles
	Pregnancy*	Labor and Delivery	Transport	Postpartum "Recovery"				
Hawaii	3rd trimester	X	X	X	X	X	X	
Idaho		X			X		X	
Illinois	Throughout Pregnancy	X	X	X	X	X	X	
Kentucky		X	X	X		X		
Louisiana	2nd and 3rd trimester	X	X	X	X		X	X
Maine	Throughout Pregnancy	X	X	X	X	X	X	X
Maryland	Throughout Pregnancy	X	X	X	X		X	X
Massachusetts		X	X	X	X	X	X	
Minnesota	Throughout Pregnancy	X	X	X	◆		X	
Mississippi	Throughout Pregnancy	X		X			X	
Missouri		X	X	X	X		X	
Nebraska	Throughout Pregnancy	X	X	X	X	X	X	X
Nevada		X		X				X
New Jersey	Throughout Pregnancy	X		X				
New Mexico		X		X				
New York	Throughout Pregnancy	X	X	X	X	X	X	

STATE	Restricts Use of Restraints During				Physician Authority to Remove Restraints	Addresses Privacy Concerns	Corrections staff must document	Applies to Juveniles
	Pregnancy*	Labor and Delivery	Transport	Postpartum "Recovery"				
North Carolina	2nd and 3rd trimester`	X	◆	X			X	X
Ohio	Throughout Pregnancy	X	X	X	◆			X
Oklahoma	Throughout Pregnancy	X	X	X	X	X	X	
Pennsylvania	During "pregnancy-related medical distress"	X	X	X	X		X	
Rhode Island	2nd and 3rd trimester	X	X	X	X		X	X
South Carolina	Throughout Pregnancy	X	X	X			X	
Texas	Throughout Pregnancy	X			X		X	X
Utah	Throughout Pregnancy	X	X	X		X	X	
Vermont		X		X			X	
Virginia	Throughout Pregnancy	X		X			X	
Washington	3rd trimester	X	X	X	X	X	X	X
West Virginia	2nd and 3rd trimester	X	X		X			X
TOTAL	27	37	25	34	23	12	30	17

* State restrictions on use of restraints during pregnancy vary:

- **Optimal:** from time a person is pregnant or known to be pregnant (17): AR, CA, CT, IL, ME, MD, MN, MS, NE, NJ, NY, OH, OK, SC, TX, UT, VA

- **Intermediate:** during the 2nd and 3rd trimester of pregnancy (5): GA, LA, NC, RI, WV
- **Limited:** during the 3rd trimester of pregnancy (4): DC, FL, HI, WA
- **Other:** PA restricts during “pregnancy-related medical distress.”

****Statutory definitions of postpartum recovery time vary.** In some states “postpartum recovery” is not defined.

◆ **Notes:**

- *Louisiana: restricts during second and third trimester, and at any time during pregnancy-related medical distress*
- *Maryland: more restrictive laws for juveniles, only third trimester.*
- *Minnesota and Ohio: do not specify a physician’s authority to remove restraints but do prohibit the use of restraints without consent of a medical professional.*
- *Missouri: limits restraints during transport in the third trimester.*
- *North Carolina: bars restraints during transport only when the pregnant person is in labor. NC was previously included in this document for 2018 policies instituted by the state’s Department of Public Safety; in 2021, this chart was updated to reflect only state laws.*

ⁱ Prison Policy Initiative, *The Gender Divide: Tracking Women’s State Prison Growth*, January 9, 2018 at https://www.prisonpolicy.org/reports/women_overtime.html#stategraphs (Last visited September 20, 2018).

ⁱⁱ ACOG Committee Opinion 830 *Reproductive Health Care for Incarcerated Pregnant, Postpartum, and Nonpregnant Individuals* (Jul. 2021 at <https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2021/07/reproductive-health-care-for-incarcerated-pregnant-postpartum-and-nonpregnant-individuals>)