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**TESTIMONY IN SUPPORT OF 16-H 7613,
THE HEALTHY PREGNANCIES FOR INCARCERATED WOMEN ACT
March 2, 2016**

The Rhode Island ACLU strongly supports H-7613 as sound public health and safety policy as well as a positive civil liberties measure, and therefore we urge its approval.

Five years ago, this legislature commendably passed a law recognizing that using restraints on incarcerated inmates during pregnancy or labor puts the health and lives of the women and their fetuses at risk. The law established clear standards to protect women, while at the same time balancing the state's legitimate public safety concerns. As we noted at the time, restraints of any kind can affect a pregnant inmate's balance or ability to break a trip or fall, which could cause harm to both the woman and her pregnancy. Restraints can also impede her ability to protect her stomach if she is jostled around in a prison van. The vast majority of female prisoners are non-violent offenders who pose a low security risk, and setting reasonable restrictions on the use of restraints does not jeopardize the safety of correctional or medical staff. The current law, but all accounts we are aware of, has appeared to work well, and as intended.

But for many of the same reasons the 2011 law was important, so is this modest expansion of the protection provided pregnant inmates. Presently, the law protects women **only** when they are traveling to and from the hospital or medical appointments. This bill ensures the same standards apply when a woman in her final trimester of pregnancy is being transported to or from court proceedings. After all, whether going to a medical appointment or court, transportation can be risky for a woman in her third trimester. Absent any reason to believe the prisoner is a flight or harm risk, we see no reason to place their pregnancies at risk in the final weeks of pregnancy by shackling them to and from court.

This legislation, like the current law, does nothing to interfere with or restrict the use of other appropriate security measures. Further, the legislation puts into place a critical reporting requirement, so that the health and safety of pregnant women behind bars can be monitored and maintained.

We recognize the bill may need an amendment, as the Division of Sheriffs, not the Department of Corrections, provide transportation to and from court; we are happy to work with the sponsor to ensure this language is appropriately added. With that revision, we urge the committee to look upon this legislation favorably.