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**COMMENTS IN SUPPORT OF 17-S-282 – THE HEALTHY PREGNANCIES FOR
INCARCERATED WOMEN ACT
June 1, 2017**

The Rhode Island ACLU strongly supports S-282 as sound public health and safety policy as well as a positive civil liberties measure.

Six years ago, the General Assembly commendably passed a law recognizing that using restraints on incarcerated inmates during pregnancy, labor or after birth puts the health and lives of the women and their fetuses at risk. Presently, the law restricts the use of restraints on women when they are traveling to and from the hospital or medical appointments. This bill merely ensures that when a woman in her final trimester of pregnancy – when she is most at risk – is being transported to or from a court proceeding, those standards will also apply. The health risks to her and the fetus are the same, and so the protections available to her should be the same.

States nationwide have begun to realize the need to protect pregnant women during transport to and from court proceedings during their third trimester. Restraints of any kind can affect a pregnant inmate's balance or ability to break a trip or fall and impede her ability to protect her stomach if she is jostled around in a prison van, causing harm to both the woman and her pregnancy. This risk is not limited to the inside of the ACI. The vast majority of female inmates in Rhode Island are non-violent offenders who pose a low security risk, particularly in the third trimester when mobility is significantly compromised. For these women, any transportation may be risky. Absent any reason to believe the prisoner is a flight or harm risk, we see no reason to place women and their pregnancies at risk in the final weeks of pregnancy by shackling them to and from court.

Sub A is amended to reflect that the Division of Sheriffs, not the Department of Corrections, is responsible for transportation of inmates to court.