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GOVERNOR ANDREW M. CUOMO

GOVERNOR CUOMO SIGNS LEGISLATION TO PROHIBIT SHACKLING OF PREGNANT INMATES DURING TRANSPORTATION

Governor Andrew M. Cuomo today signed legislation relating to the restraint of pregnant inmates. The bill (A.6430-A/S.983-A) prohibits the use of restraints during the transport of all pregnant inmates at State and local correctional facilities, and within eight weeks after the delivery or pregnancy outcome, except in the most extraordinary of circumstances.

"These common sense reforms strike the right balance that protect the health and dignity of a pregnant inmate, while also addressing public safety concerns," **Governor Cuomo said.** "This legislation has made New York's criminal justice system fairer and stronger and I thank the sponsors and advocates who worked so hard to get it passed."

While current law prohibits the use of restraints on an inmate about to give birth, it does not address the use of restraints on pregnant inmates prior to or after childbirth or pregnancy outcome.

Currently, restraints are being used on pregnant inmates in a number of situations ranging from trips to weekly medical appointments, to trips between prisons, which can take more than 10 hours. This poses tremendous health risks to both the mother and child. It heightens the risk of blood clots, limits the mobility needed for a safe pregnancy and delivery, and increases the risk of falling, which can possibly cause a miscarriage.

In addition to the shackling provision, the bill also prohibits the presence of any correctional staff in the delivery room unless requested by medical staff or the inmate giving birth, requires more rigorous training of all correctional staff on this policy, and institutes annual detailed reporting of all instances in which officers deem restraints necessary.

Senator Velmanette Montgomery said, "I was very grateful to Governor Cuomo when he signed the original anti-shackling legislation. As the need for expanding the details of the original legislation became apparent, I was confident we would again have his support, and I again thank the Governor for his commitment to the health priorities for mother and child in our correctional system."

Assemblyman N. Nick Perry said, "Even while paying for crimes they committed, women are still entitled to be treated as human beings and today New York makes a big statement with a clear message that we will respect the human rights of the pregnant women in our prison system. I thank prisoners' rights advocates and Governor Cuomo who went the extra mile to make sure we overcame the opposition and made it possible that this bill would be signed into law."

Donna Lieberman, Executive Director of the NYCLU, said, "The anti-shackling law will finally put an end to the practice of subjecting women in prison to the painful, humiliating and unhealthy practice of shackling women throughout pregnancy including labor and delivery."

Seymour James, Attorney-in-Chief of the Legal Aid Society, said, "Shackling of women during pregnancy and during the eight week post-partum period increases the risk of medical complications that endanger the lives of mothers and their children. We applaud the Governor for recognizing the need to end the inhumane practice of restraining women who are being sent to the hospital for medical care during their pregnancy or during the months immediately following delivery. Ending this practice is critically important for the health and well-being of both the mother and child."

Paul Samuels, Director and President of the Legal Action Center, said, "The Legal Action Center applauds the strengthening of New York's anti-shackling law. This carefully crafted legislation protects the health and civil rights of pregnant and parenting women and their fetuses and newborns without reducing public safety, and keeps New York State at the forefront of this important human rights issue."

Tamar Kraft-Stolar, Co-Director of the Women and Justice Project and former Director of the Correctional Association of New York's Women in Prison Project, said, "We applaud Governor Cuomo for signing this bill and taking a strong stand to abolish the barbaric and dehumanizing practice of shackling incarcerated pregnant women. With this law, New York State takes a critical step forward in protecting the health, safety and human rights of women. This day is the result of years of hard work by many groups and the courageous advocacy of women who experienced first-hand the horror of shackling during pregnancy. As the most progressive of its kind to date, this law can contribute to reform nation-wide and help spur recognition of the need to end mass incarceration of women and all people."

Sonia Ossorio, President of the National Organization for Women in New York, said, "Banning the shackling of pregnant incarcerated women is just the latest in a significant list of game changing reforms Governor Cuomo has prioritized and accomplished in 2015. From the historic Women's Equality Act to extending discrimination protections to transgender individuals to making our prisons more humane and safe. It lifts my heart and makes me proud to be a New Yorker."

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