

Resolution to Stop the Shackling of Inmates During their Labor and Delivery

WHEREAS between 3% and 5% of the females in custody in local jails and state and federal prisons in the United States are pregnant at the time of their incarceration;

WHEREAS the Washington State Department of Corrections has a policy against the routine use of physical restraints on women during labor and delivery;

WHEREAS it has been shown to be commonplace not to follow that policy;

WHEREAS the United States District Court for the District of Columbia found the practice of shackling a woman in labor to be cruel and unusual punishment in violation of her Eighth Amendment rights;

WHEREAS the Federal Bureau of Prisons, in 2008, banned shackling of pregnant women during transportation, labor and delivery;

WHEREAS the Human Rights Committee of the United Nations recommends prohibiting the shackling of detained women during childbirth;

WHEREAS there are currently at least six states with laws restricting the use of physical restraints on women in the later stages of pregnancy, in labor or childbirth none have documented any increase in escapes or threat to the safety of staff assisting delivery; and

WHEREAS even though there is state policy against the shackling of pregnant women being assisted during childbirth there is no state law that supports that policy;

THEREFORE BE IT RESOLVED that the Washington State Democrats express their opposition to the use of physical restraints, except in the most extreme circumstances, on prisoners during the labor and delivery phases of their pregnancy by calling upon our elected state representatives and senators to draft, sponsor and work to pass legislation in 2010 of a law to end the unlawful state practices violating the Eighth Amendment rights of incarcerated pregnant women in Washington.

Submitted by the Jefferson County Democrats to the Washington State Democratic Central Committee for consideration at its January 30, 2010 meeting in Seattle. (Date Submitted 12/8/2009)

41 Submitted by the Women's Caucus to the Washington State Democratic Central
42 Committee for consideration at its January 30, 2010 meeting in Seattle. (Date Submitted
43 1/30/2010)
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45 The WSDCC Resolutions Committee "RECOMMENDED A PASS" on this resolution at
46 its January 30, 2010 meeting in Seattle.
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48 The WSDCC "PASSED" this resolution at its January 30, 2010 meeting in Seattle.