

AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution: 203
(A-10)

Introduced by: American Congress of Obstetricians and Gynecologists
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and
Vermont Delegations

Subject: Shackling of Pregnant Women in Labor

Referred to: Reference Committee B
(Julie A. Komarow, MD, Chair)

1 Whereas, A *New York Times* editorial recently highlighted the need for an end to the barbaric
2 and medically hazardous practice of shackling female patients in labor¹; and
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4 Whereas, In 2007, ACOG sent a letter to the Rebecca Project for Human Rights advocating for
5 federal legislation to prohibit the practice of shackling incarcerated pregnant women in labor²;
6 and
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8 Whereas, The 8th Circuit US Court of Appeals recently ruled favorably in the case of Shannon
9 Nelson (a shackled nonviolent inmate who sustained injuries in labor) vs. Correctional Medical
10 Services; and
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12 Whereas, Thirty-four organizations submitted amicus briefs in support of Shannon Nelson's
13 advocacy to prevent future inmates from being shackled during labor; and
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15 Whereas, The aforementioned *NY Times* editorial noted the Federal Bureau of Prisons position
16 to end the "routine use of restraints for women in labor and limited shackling to cases in which a
17 woman presents a danger to herself, the baby or the staff"; and
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19 Whereas, AMA Policy H-430.997 states the detention facilities should "provide medical care that
20 meets prevailing community standards"; and
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22 Whereas, The American Civil Liberties Union has developed a draft medical bill and six states
23 (CA, IL, NM, NY, TX and VT) have enacted laws discouraging this practice; therefore be it
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25 RESOLVED, That our American Medical Association support language recently adopted by the
26 New Mexico legislature that at "an adult or juvenile correctional facility, detention center or local
27 jail shall use the least restrictive restraints necessary when the facility has actual or constructive
28 knowledge that an inmate is in the 2nd or 3rd trimester of pregnancy. No restraints of any kind
29 shall be used on an inmate who is in labor, delivering her baby or recuperating from the delivery
30 unless there are compelling grounds to believe that the inmate presents:
31 • An immediate and serious threat of harm to herself, staff or others; or
32 • A substantial flight risk and cannot be reasonably contained by other means.
33 If an inmate who is in labor or who is delivering her baby is restrained, only the least
34 restrictive restraints necessary to ensure safety and security shall be used." (New HOD
35 Policy); and be it further

¹ New York Times Editorial: Childbirth in Chains. July 21, 2009

² http://www.acog.org/departments/dept_notice.cfm?recno=18&bulletin=4631, accessed 17 December 2009

- 1 RESOLVED, That our AMA develop model state legislation prohibiting the use of shackles on
- 2 pregnant women unless flight or safety concerns exist. (Directive to Take Action)

Fiscal Note: Staff cost estimated at less than \$500 to implement.

Received: 04/16/10

RELEVANT AMA POLICY

H-430.997 Standards of Care for Inmates of Correctional Facilities - Our AMA believes that correctional and detention facilities should provide medical care that meets prevailing community standards. (Res. 60, A-84; Reaffirmed by CLRPD Rep. 3 - I-94; Amended: Res. 416, I-99; Reaffirmed: CEJA Rep. 8, A-09; Reaffirmation I-09)