

March 11, 2019

The Hon. Ralph Northam
Governor of Virginia
Office of the Governor
Patrick Henry Building, Third Floor
1111 E. Broad Street
Richmond, Va. 23219

Dear Gov. Northam:

I am writing on behalf of the more than 24,000 members and supporters of the ACLU of Virginia in the Commonwealth regarding Senate Bill 1772 (Saslaw).

This legislation addresses the critical problem of shackling pregnant prisoners. Placing restraints on a pregnant inmate is inhumane and should never be an option. Restraints make labor and delivery more painful, make it difficult for doctors to assess the condition of the mother and fetus, and can even get in the way of delivery of medical care.

We are proud to have worked with coalition partners to urge the Department of Corrections to approve regulations that prevent harm to inmates from restraints during pregnancy, labor, and delivery. The diverse coalition working to end shackling in Virginia included groups from the ACLU of Virginia to the Family Foundation. The coalition spanned many advocacy areas, including religious groups, prisoners' rights groups, and reproductive health groups. These regulations are critical to protecting pregnant inmates' security, dignity, and bodily integrity, and it was initially encouraging to see efforts to codify these protections.

Unfortunately, the bill as passed by the House and Senate contains an extremely concerning provision that, if passed, would undo the great progress made by the Department of Corrections' regulations. The provision ensuring protection for correctional staff and others when determining use of restraints is unnecessary and may directly conflict with the medical needs of pregnant inmates. Elevating the safety of correctional staff in this context, when they are already in positions of control and power over pregnant inmates, functionally invalidates the concern for



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the safety and health needs of the inmates, which this bill was initially introduced to address.

The federal Bureau of Prisons has already taken steps to prohibit shackling in institutions under its control. The Virginia Department of Corrections should enact equal, if not stronger, policies to protect pregnant inmates in state-run facilities.

Accordingly, we ask that you amend Senate Bill 1772 back to its original language, rather than sign it in its current form. The original language includes the necessary comprehensive protections for pregnant inmates while allowing for considerations of flight and security risks when evaluating the use of restraints.

As a doctor, we are sure you can recognize the import of ensuring pregnant inmates have access to necessary and adequate medical care during pregnancy, labor, and delivery. Use of restraints on pregnant inmates endangers them, and the current language of Senate Bill 1772 does not do enough to protect these inmates. We encourage you to amend Senate Bill 1772 back to its original language, and sign that bill to end this cruel practice in the Commonwealth.

Very truly yours,



Claire Guthrie Gastañaga
Executive Director



AMERICAN CIVIL LIBERTIES UNION

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