

Dear State of Wisconsin Legislators,

This letter is written in support of WI SB393 entitled “The treatment of a pregnant or postpartum person in prison and county jail”. Last year this bill passed the Senate Judiciary Committee and will be re-introduced in the next session as a Bi-Partisan bill with some amendments to the original legislation. We urge all legislators to support this bill and help it be delivered, demonstrating that Wisconsin believes in the sacredness and dignity of life for mother and child.

Women’s incarceration has been increasing at a 50% higher rate than men since the 1980’s. This increase is due to stiffer drug sentencing laws and post-conviction barriers to reentry that have uniquely affected women. (*Sentencing Project*) This increase in women’s incarceration has meant that there has also been an increase of children born during imprisonment. Our policies have failed to address the physical, psychological and spiritual needs of this vulnerable population. Shackles, in particular, have added an extra emotional burden of shame and are a health risk to both mother and child. Our practices in Wisconsin have been far from humane.

We are aware that there have been several lawsuits responding to incidents of shackling where the mother’s and baby’s lives have been jeopardized, including the recent class action lawsuit which states that the medical staff asked Milwaukee Sheriff’s deputies to unshackle Melissa Hall during labor. The request to remove the belly chain and shackles was refused, and because of this refusal, the medical staff had trouble administering an epidural. Over 40 women who have had similar experiences in the Milwaukee County Jail have joined the class action suit.

Shackling, including the use of belly-chains during labor creating health risks for both mother and child, is opposed by leading medical groups such as the American Medical Association. This bill provides statutory guidance on when and how correctional officers may restrain people in labor. Under this law, a pregnant person in labor may not be restrained unless the restraints are reasonably necessary for the legitimate safety and security needs of the person, correctional staff, or public, and any restraints used must be the least restrictive. (*Analysis by the Legislative Reference Bureau*). We also support expanded legislation to limit the use of shackles during prenatal and post-partum care.

This bill also eliminates solitary confinement of women who are pregnant, provides prenatal and postnatal education and support, as well as appropriate medical care including mental health services and medication-assisted treatment. Testing for pregnancy followed by the screening of pregnant women for sexually transmitted diseases, including HIV, and additional training for personnel are also included.

We believe passing this legislation is an essential step in the direction of providing more humane care of women who are pregnant while incarcerated and we encourage more research, review and policy change to be implemented in the future to determine best practices on behalf of pregnant and postpartum people who are in the custody of a correctional facility. Due to the additional trauma and the connections of stress to miscarriage we also hope you will consider reviewing how shackling is used overall. We urge you to begin the new session by supporting SB 393. The Federal Bureau of Prisons, as well as over 21 states, has taken steps to develop better care for pregnant and postpartum incarcerated women. It is time for Wisconsin to move forward.

Sincerely, Supporters of SB 393,