

Reports of women shackled in labor

Barbaric conditions persist in Massachusetts women's prisons

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Amidst a raging opioid crisis, pregnant women and new mothers in Massachusetts women's prisons are being subjected to humiliating and dangerous practices, such as shackling during labor, transportation in vehicles with no seatbelts, and denial of adequate food to meet their increased nutritional needs. These women have been criminalized and imprisoned for mostly non-violent drug-related charges. Such practices, while illegal under existing state law, continue to take place and in many instances are codified by the state's 14 female-only county jails.

When contacted, a volunteer at a female prison in Chicopee, Massachusetts described the disturbing conditions she recently encountered. A woman we'll call Laura, who teaches childbirth education classes, requested that her identity be concealed to protect her work there.

"I have talked to someone recently who was shackled in labor, gave birth fully shackled. I have also talked to people who are being shackled postpartum, which by law is defined as the 6 months following birth," she said. "I have one client who needed to size-up her underwear due to her pregnancy, because they were cutting off circulation. She wrote a request, but did not receive a response, so she stopped wearing them. A correctional officer noticed she was not wearing underwear and she was written up."

Exposure of such abuses at women's prisons in Massachusetts, spearheaded by a coalition of advocacy groups and health care organizations, culminated in May of 2014 with the signing of bill S.359, titled "An Act to Prevent Shackling and Promote Safe Pregnancies for Female Inmates" by then-governor of Massachusetts, Deval Patrick, a Democrat. The law provided certain protections for pregnant inmates in county jails, such as limits on the use of restraints and minimum standards for medical care and nutrition during pregnancy and the postpartum recovery period. However, the law was passed with no accompanying enforcement mechanism and has since been largely ignored at the state's 14 female detention centers.

A 2016 report published by The Prison Birth Project (a prisoner's advocacy group) titled *Breaking Promises: Violations of The Massachusetts Pregnancy Standards & Anti-Shackling Law*, provides a detailed analysis of conditions at the state's women's prisons. It cites documents obtained by Prisoners' Legal Services of Massachusetts from the Department of Corrections and four counties with women's jails containing language on restraining pregnant women that directly violates the 2014 law. According to the *Breaking Promises* report:

"Written procedures at the state prison in Framingham in effect as late as March 2016 state that pregnant women admitted to an outside hospital 'shall be secured to the bed by one handcuff or leg iron,' state that only women in 'active' labor should not be restrained, and allow the use of waist chains on pregnant women. Similarly, Bristol County provided written material that clearly conflicts with the statute, specifying that women shall be handcuffed during delivery and shall be 'placed in leg irons and/or handcuffs' after giving birth unless medically contraindicated, in which case 'only handcuffs shall be applied'."

Similarly, an article published on the news site masslive.com in May, 2016, noted:

"Berkshire County's policy [concerning treatment of pregnant women and new mothers] violates almost all parts of the [2016] law. It does not require seatbelts for transporting a pregnant woman and does not allow a doctor or nurse to order the removal of restraints. It does not prohibit the use of restraints during a pregnant woman's transportation to or from the hospital. It does not ban the use of leg and waist restraints throughout pregnancy and postpartum."

Speaking on the effects of the 2014 law and the follow up report, Laura said:

"Since that report came out, they replaced the 'supplemental pregnancy meal,' which had been a piece of cheese on two pieces of white bread and a carton of milk,

with bread and peanut butter, plus the milk—but those women should really be getting fresh fruits and veggies. ...

“They did change the seatbelt situation, but you have to remember that my experience is only at the Chicopee facility, which is the *most* compliant jail to begin with, because we are there collecting information and issuing reports, so they know they need to be a little more careful. Whatever changes were made since the 2014 law may only have been made in Chicopee. I don’t know what someone giving birth at the Framingham facility is experiencing.”

Conditions in the area surrounding the women’s prison in Chicopee are particularly stark, and offer insight into the lives of many of the prisoners outside of jail. The adjacent city of Holyoke, one of the first planned industrial cities in the country and once host to a thriving paper industry, is today emblematic of many former industrial towns throughout the Northeast. The city faces massive unemployment, urban decay, high crime rates and a shattered public education system, which was placed into state “receivership” in 2015.

Located at the intersection of two important regional highway systems, Holyoke has earned a reputation as one of the major centers for heroin distribution in the Northeast. Many residents, caught up in these conditions, invariably are turning to the sale and use of drugs, both as a source of income and to provide some relief from the devastating effects of poverty on their social and emotional lives.

Speaking on the treatment of volunteers at the Chicopee jail and conditions faced by the women who are imprisoned there, Laura continued:

“Jails are required by law to have childbirth education classes, but they do not like our organization. In fact, we got kicked out for a while. We are really about providing some basic decency and humanity for these women ...

“Ninety percent of moms we see were arrested for substance use—if not opioids then crack, but usually it’s heroin. A lot of people, including some doctors and nurses, are angry and think these women should be punished for using drugs while pregnant. It seems unfair though. It’s true that there has been an increase in neonatal abstinence syndrome [drug withdrawal in newborns]. If a mother used opioids while pregnant, there is a chance that they will be born with symptoms like tight muscles, shaking or not sleeping much. But there is no long-term effect on these babies, and this can happen whether a mother is taking 1g of heroin a day (called a “bundle”) or Percocets that were legally prescribed by their doctor.”

Tanya, who also requested that her real name not be used, worked as a volunteer providing childbirth education and labor support at the prison between 2010 and 2014. When contacted by the WSWs, she weighed in on how social

conditions in general were driving women into the criminal justice system.

“Mass incarceration is definitely linked to the war on drugs and the opioid crisis,” she said. “In my experience, 100 percent of women in jail are also survivors of sexual abuse and other types of abuse, and if they don’t have the mental health care available to them to cope with the trauma, they turn to drugs, and that’s a huge piece.”

By needlessly exposing women to dangerous and humiliating circumstances, prisons and jails in Massachusetts are not only meting out “cruel and unusual punishment,” but also are directly violating international human rights laws such as the *Standard Minimum Rules for Treatment of Prisoners*, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955 which states: “In women’s institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment.”

Furthermore, such disregard for the welfare of pregnant inmates is not limited to the nominally “liberal” state of Massachusetts—the same practices have been reported on and documented throughout the country by human rights groups such as the American Civil Liberties Union, which published a report in 2013 titled *The Shackling of Pregnant Women & Girls in U.S. Prisons, Jails & Youth Detention Centers*, whose central finding was that “Shackling pregnant women prisoners is a common degrading practice in the United States.”

These abuses, inflicted upon female inmates throughout the country, are only one example of the callous response of the ruling class to ever-increasing levels of inequality and the social ills that come with them, such as the opioid epidemic currently wreaking havoc on working class communities throughout the Northeast region.

The absence of any existing faction of the political establishment willing to advocate for massive investment in public education, infrastructure and health care ensures that repression and brutalization of the most vulnerable layers of the population will continue unabated. Only a working class party armed with a program for the liquidation of the profit system can destroy the conditions that give rise to such nightmarish circumstances.



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