



Did you know?

In Alabama, there are limits on how a pregnant woman may be restrained. It's the law.

Governor Kay Ivey signed HB230 into law in 2022. For the safety and dignity of pregnant, incarcerated people and their unborn babies, there is now a limit on how they may be restrained, isolated, and intimately searched.

Why is this an issue?

The number of women experiencing arrest and incarceration has been growing rapidly in many places, including Alabama. This means the likelihood of pregnant women being taken into custody is climbing. It is important that we keep the safety of the mother-baby dyad in mind.

Nearly every state has passed legislation limiting or prohibiting the use of restraints and other custody practices on pregnant women. Life is valued at all stages, and an unborn baby and mother are a dyad. They cannot be separated. Every child deserves a healthy start in life, and every woman pregnant in custody has special needs.

Why is the routine use of restraints dangerous?

Fall Risks - Restraints on arms or legs make it impossible to right oneself when stumbling or falling, even in the early stages of pregnancy. As the uterus grows along with the baby and relaxin hormones increase, a pregnant person's center of gravity shifts and her pelvis widens, making her walking gait change and making her more prone to falling. Restraints routinely prevent the holding of handrails for support on stairways, which are often taken to avoid elevators in public buildings. Wearing restraints during transport presents a hazard when getting in and out of the transport vehicle.

Medical Risks - A resulting fall while pregnant can cause multiple and potentially deadly complications for the mother and baby, including placental tearing, fetal skull

injury, broken maternal bones, maternal head injury and altered mental state. The presence of restraints on someone that is pregnant can interfere with medical care in an emergency situation such as a hemorrhage or a distressed fetus, when quick action is vital. Although rare, Deep Vein Thrombosis (DVT) can be triggered by blocking venous blood flow from something such as leg cuffs that are too tight. Risks for DVT are increased during all stages of pregnancy and even more so in the first six weeks postpartum.

Mental Risks - The use of restraints during intimate medical exams can threaten maternal dignity, trigger a traumatic response, and impact the health of the pregnancy by causing maternal mental distress.

About the Law

A pregnant woman cannot be routinely restrained using any device.

Any officer supervising a pregnant or postpartum woman (up to 6 weeks postpartum) in custody may not utilize any type of restraint unless:

1. She poses an immediate flight risk and cannot be contained with any other means.
2. She poses an immediate risk of harm to herself, her unborn child, staff or others.

Only wrist cuffs in front of the body or leg cuffs may be used if #1 or #2 is true, and the use of such must be documented in writing within 2 days and maintained at the penal institution for reporting.

The written documentation must include details and circumstances for justification. These restrictions apply during pregnancy, including medical appointments, transport, labor and delivery, and the recovery period in the hospital. The restrictions extend to 6 weeks post delivery. Belly chains and harnesses, chemical restraints, wrist cuffs behind the back, intimidation techniques, and attachment to stationary objects or another person may never be used.

Squat-and-cough and strip searches may only be conducted by a health care professional, and only when the detainee is suspected of hiding contraband.

Routine strip searches and squat and cough searches of pregnant females in custody are not allowed. They may only take place if she is suspected of hiding contraband and only be conducted by a health care provider. A pregnant woman may not be required to

undergo any vaginal exams unless provided by a health care professional.

Pregnant females may not be isolated unless medically required.

If placed in isolation for medical purposes, the circumstances and details of the isolation must be documented in writing within 2 days and held at the penal institution for review.

This law applies to any custody officer in the state of Alabama.

In addition, the law requires any pregnant person that is in state custody -- but being housed in a county facility -- be transferred as quickly as possible from the county facility to the state prison.



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