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Governor signs bill to stop shackling in Washington State; Legal Voice files federal court motion on behalf of shackled client

Degrading, inhumane treatment of pregnant incarcerated women now outlawed.

Olympia, Wash – March 23, 2010 -

Today, Washington became the seventh state to restrict the practice of shackling incarcerated women. The bill, passed overwhelmingly by both houses of the Washington Legislature, was signed into law by Governor Gregoire this afternoon.

“Pregnant incarcerated women deserve to be treated with respect, dignity, and appropriate medical care,” said Sara Ainsworth, Senior Legal Counsel of Legal Voice, which led the effort to pass the bill. “No woman, whatever crime she may have committed, should be subject to this degrading, inhumane practice.”

The new law prohibits the use of restraints during labor and delivery and restricts the use of shackles during the third trimester and during postpartum recovery. It also bans the use of waist chains and leg irons at any point in pregnancy.

The American College of Obstetricians and Gynecologists and the American Medical Association have come out strongly against the practice, noting that it is medically dangerous to both women and their babies, as well as being demeaning and dehumanizing.

Today’s bill signing coincides with action in the federal court case brought by Legal Voice in June 2009 on behalf of Casandra Brawley, whose constitutional rights

were violated when the Washington State Department of Corrections, against its own policy, shackled Ms. Brawley while she was in labor.

Ms. Brawley was five months pregnant when she began serving a 14-month sentence for second-degree theft. In her ninth month of pregnancy, while in labor, she was shackled by a metal chain around her belly during transportation to the hospital, then shackled by a leg iron to a hospital bed throughout several hours of labor. Her restraints were removed only when a physician demanded she be freed while he performed an emergency caesarian section to deliver Ms. Brawley's baby. Corrections officers replaced the shackles immediately after her baby was born, even though Ms. Brawley had just had major surgery and was guarded 24 hours per day.

Legal Voice, along with co-counsel Michael Wampold of Peterson Young Putra, filed for summary judgment in federal district court in Tacoma today, asking the court to rule that Ms. Brawley's federal and state constitutional rights to be free from cruel punishment were violated. If the trial court agrees, Ms. Brawley will have won her case and vindicated the rights of pregnant incarcerated women throughout Washington.

When she heard that the governor was signing the bill today, Ms. Brawley stated, *"I am grateful that no other woman will have to go through the terrifying and humiliating experience I went through."*

Ms. Ainsworth of Legal Voice noted that Washington's law is one of the strongest in the country, and echoed Ms. Brawley. "We are glad this bill is now law, and are looking forward to having the court reinforce the unconstitutionality of shackling pregnant women, so there can be no question of allowing it in Washington."

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