

THE EQUAL TIMES

Women's Rights. Nothing Less.

NEW LAW PLUS COURT VICTORY ENSURES NO MORE SHACKLES FOR PREGNANT WOMEN

In 2006, Amnesty International released a shocking report: prisons in the United States routinely shackle pregnant and laboring women, even during childbirth. Since that time, growing national efforts to eradicate this barbaric practice have emerged.

We joined this fight because shackling laboring women violates basic human rights. It also endangers women and their pregnancies — professional associations like the American Congress of Obstetricians & Gynecologists and the American Public Health Association oppose the use of restraints on laboring and postpartum women. And shackling women under these circumstances is obviously unnecessary, degrading and inhumane.

**LEGAL VOICE
CHAMPIONS
WOMEN'S
RIGHT TO
BE SAFE
WHEREVER
THEY ARE**

CASANDRA'S STORY

Like the vast majority of incarcerated women, Casandra Brawley was in prison for a non-violent offense. She was four months pregnant when she began serving her sentence. 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 surgery and was guarded 24 hours per day.



CRUEL AND UNUSUAL PUNISHMENT

Legal Voice, with Seattle law firm Peterson Young Putra, filed a lawsuit on Casandra's behalf against the Washington State Department of Corrections (DOC) in June of 2009. Casandra's shocking mistreatment occurred despite the DOC's own policy against shackling incarcerated women during labor and delivery. As Casandra said, "I had committed a crime and made mistakes in my life, but I am still a human being. I was treated like a caged animal. No other woman should have to experience what I went through."

On May 3, 2010, the federal district court agreed that shackling laboring women violates the Eighth Amendment right to be free from cruel and unusual punishment. The very next day, the Department of Corrections agreed to pay Casandra \$125,000 to settle her lawsuit.

Not only is this a victory for Casandra, it's also good news for future anti-shackling efforts. The federal district court's ruling that shackling laboring women is unconstitutional will bolster similar cases nationwide. It also upholds the principles underlying Washington's new legislation banning the kind of suffering Casandra endured.

COVER STORY CONTINUED

A NEW LAW IN WASHINGTON

The barbaric practice of restraining laboring incarcerated women is not isolated to Casandra's story. Jails and prisons throughout Washington have shackled pregnant women late in pregnancy, and in labor, using belly chains, leg irons, and handcuffs, despite the medical risks this poses to the woman and her pregnancy. Indeed, the problem exists throughout the nation: just last year, New York, New Mexico, and Texas passed laws limiting the practice.

In spring 2010, Legal Voice was instrumental in helping pass a new law in Washington State to limit the use of shackles and restraints on pregnant and laboring women.

Kimberly Mays, a mom, community activist and former inmate, told her story to a legislative committee considering the legislation.

"Before being transported by ambulance, I was shackled – both hands and feet. I was pretty scared, even though this was not my first time giving birth to a child. I was shackled to the ambulance bed all the way to [the hospital] in excruciating pain... When I got to the labor room, I thought some reprieve from the shackles would occur. On the contrary, only the leg shackles were removed so I could be examined and one wrist was shackled to the bed... Instead of a mother who was about to give birth, I lost all sense of dignity and self-respect."

Senator Karen Fraser and Representative Jeannie Darneille championed the bill. In a hearing on the issue, Sen. Fraser said, "I think the main thing to remember is that when a woman is in prison she's sentenced to time, not to physical harm."

On March 28th, 2010, Governor Chris Gregoire signed the bill into law. The new law restricts the practice of shackling incarcerated women in all correctional institutions in Washington State, including state prisons, city and county jails, and juvenile detention centers. It 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.



SAVE THE DATE!

Washington is Celebrating 100 years of Women's Suffrage this year, and Legal Voice will be also, on Saturday, October 2, 2010! We'll be at the beautifully remodeled Seattle Renaissance, where we'll celebrate 100 years of women's suffrage with a fantastic cornucopia of live and silent auction items, a dessert dash and more. Please check out www.LegalVoice.org/news/auction for details and tickets.

WHERE: SEATTLE RENAISSANCE HOTEL

WHEN: OCTOBER 2, 2010



VICTORY AND WHAT COMES NEXT

We are proud to stand with women like Casandra Brawley and Kimberly Mays, who courageously shared their experiences suffering restraints during labor. It is because of them, and women like them, that Legal Voice led this effort, with the critical support of many medical and women's rights organizations.



This spring, Washington became the seventh state to recognize that the prison system often fails to protect women from cruel and unusual punishment, and to do something about it. Our goal is to eradicate this practice wherever it occurs in the Northwest. We are working with the ACLU of Idaho to support their efforts to ban the practice in that state, and are prepared to bring litigation wherever it is necessary to put a stop to this absurd and appalling practice.



NEW TOOLS FOR OUR COMMUNITY

Legal Voice's array of self-help resources exists to help people help themselves through hard times and difficult legal issues. In that spirit, we have posted some new publications on our website:

AFTER A DEATH OCCURS

A 10-page checklist of things to do when someone close to you dies. We know that dealing with the death of a loved one is sad and stressful. We've developed this tool for people to rely on while facing the complicated legal issues that can arise in the wake of such a loss, in the hope it can lessen the difficulties survivors face. Supporters who have used this checklist have called it "a great resource" and "a good reminder for organizing your personal information and documents." This tool can be found at www.LegalVoice.org/tools/estate-planning.html

OTHER NEW TOOLS INCLUDE:

- The newly-translated "Are You Being Stalked?" in Russian is under Tools>Violence.
- "How to Find a Lawyer" can be found in Tools>Court-Procedures.



ABUSIVE LITIGATION

It's never easy for survivors of domestic violence to end abusive relationships. Even if they are able to leave their abusers, many survivors face a new form of abuse: their former partners use the legal system as a weapon to control, harass, and impoverish them. Abusers file frivolous lawsuits and motions to force survivors into court over and over again. If courts do not recognize this misuse of the judicial system for what it is, abuse by litigation can continue for years.

That's why we represent "Maria," a domestic violence survivor whose ex-husband has used abusive litigation tactics against her since she ended the relationship several years ago. Maria's ex-husband has not only used litigation against her, but has also filed meritless lawsuits against her lawyers, judges, and other officials. In his latest lawsuit, he sued Maria and two of her friends for hundreds of thousands of dollars.

We recently won dismissal of this lawsuit for Maria. Just as important, the court found that the lawsuit was frivolous, required the ex-husband to pay our attorneys' fees, and warned him that he could face sanctions if he brings meritless lawsuits in the future. Salvador Mungia and Christine Sanders of Gordon Thomas Honeywell LLP are serving as our cooperating counsel in this case. Laura Clinton and Jessica Skelton of K&L Gates are representing one of Maria's friends.

We are continuing to represent Maria in her ex-husband's appeal of this decision. We hope this case will highlight the problem of abusive litigation and help persuade more courts to take strong action to stop this form of abuse against domestic violence survivors.

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RAISE YOUR VOICE



*What's important to young
women and men these days?
Who are young feminists?
How do we engage the
up and coming generations
in the women's rights
movement? Do we have
all our rights?*

Questions like these have been raised around meeting tables, in coffee shops, among ourselves and volunteers. Megan Collier, a volunteer, had been bringing up these same questions with her peer group. A few months later, *RAISE YOUR VOICE*, a new group of younger women and men with a mission to “create fun and affordable gatherings that spark vigorous discourse and welcome the younger community to Legal Voice, strengthening the fight for women’s rights” hosted its first event in May. Thirty people attended and chatted with Legal Voice Executive Director Lisa Stone, Legal Counsel Sara Ainsworth, and each other about the women’s rights issues that matter to them most.

The evening was organized by a dynamic committee that will be convening periodically to talk about the future of the project. If you or someone you know would like to get involved with *RAISE YOUR VOICE*, please send an email to Laurie Carlsson at info@LegalVoice.org.



To receive the latest news from Legal Voice, you can sign up to receive email messages at www.LegalVoice.org where you can also check out our very popular blog and Facebook page.