

Overview of Shackling Legislation

	Illinois	New York (proposed)	California
Shackles During Transport	Prohibited	Prohibited	Prohibited
Shackles During Labor	Leg/Waist Shackles Prohibited	Prohibited	Prohibited
Shackles During Delivery	Leg/Waist Shackles Prohibited	Prohibited	Prohibited
Shackles After Delivery	Not addressed	Not addressed	Prohibited
Exception to ban on shackling at discretion of correctional staff	No	Yes, for transport. No exception for labor.	Yes, can be shackled during active labor if “necessary for safety and security”

Amnesty International Recommendations:

Amnesty International recommends that the Federal Bureau of Prisons (FOB) and State Legislatures develop laws to ban shackling of pregnant inmates, and that of the FOB and Departments of Corrections, prisons and jails adopt policies on the use of restraints in accordance with the following:

- Restraints should be used only when they are required as a precaution against escape or to prevent an inmate from injuring herself or other people or damaging property. In every case, due regard must be given to an inmate’s individual history.
- Policies should prohibit the use of restraints on pregnant women when they are being transported and when they are in hospital awaiting birth, and after they have just given birth.

**This overview is courtesy of Kathleen Creamer, Staff Attorney in the Family Advocacy Unit at Community Legal Services.*