



new hampshire
WOMEN'S FOUNDATION

The New Hampshire Women's Foundation invests in equality and opportunity for New Hampshire women and girls through research, education, advocacy, and grantmaking.

To: Chairman Abbas and members of the House Criminal Justice and Public Safety Committee

Re: Testimony for SB 393, relative to the use of restraints on pregnant women in the custody of a state or county correctional facility

Date: April 6, 2022

Position: Ought to pass

We respectfully encourage the Committee to recommend SB 393 Ought to Pass because this bill would codify the best practices already practiced by corrections in the state, because shackling pregnant people is against best medical practices, and because no one deserves to be shackled while pregnant or giving birth.

Incarcerated Women in New Hampshire

As of March 1, 2022, 141 women were incarcerated in NHDOC facilities (the NH Women's Prison). Eighty-six percent (121) of whom are within childbearing age (20-49 years old). Though women represent a smaller portion of incarcerated people in New Hampshire, the age of women who are incarcerated make this issue quite relevant. Thirty-one percent (51) were serving sentences for offenses involving drugs and/or alcohol. Unfortunately, we cannot offer data for the County Correctional facilities nor do we know how many people were pregnant while incarcerated in the past few years or how many gave birth.

No one deserves to be shackled while pregnant

What we do know is that not one person deserves to be shackled during pregnancy or childbirth. We know all major professional medical associations support the elimination of the practice of shackling pregnant patients in prisons and jails. We know this bill as amended codifies the best practices that are similar or the same as the current practices in our prisons and jails right now and mirrors laws in many other states. All pregnant people deserve to have the dignity of a pregnancy and a childbirth that allows for movement and appropriate and accessible patient care.

Conclusion

This bill is humane and will codify best practices for pregnant women and people incarcerated in New Hampshire. We respectfully urge the Committee to recommend SB 393 Ought to Pass.