

# LATE TESTIMONY

## COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Chair Rep. Henry Aquino

Vice Chair Rep. Ty Cullen

## COMMITTEE ON HEALTH

Chair Rep. Ryan Yamane

Vice Chair Rep. Dee Morikawa

DATE: Thursday, March 24, 2011

TIME: 10:00 AM

PLACE: Conference Room 309

Aloha Chair Aquino, Chair Yamane and Committee Members,

Strong Support for SB 219 that prohibits shackling of pregnant women who are incarcerated.

The Hawai'i Women's Coalition abhors this policy as unnecessary, dangerous to health and degrading to the women, most of whom are non-violent offenders.

In October of last year the Star Bulletin reported that "Hawai'i received an F grade for prenatal care and a D grade for its shackling policies, according to a nationwide study on prison policies for mothers, released by the National Women's Law Center and the Rebecca Project for Human Rights." Then Deputy Director of Public Safety Tommy Johnson confirmed that this was the existing policy.

The American College of Obstetricians and Gynecologists (ACOG) released a statement in June 2007, supporting an end to the practice of shackling mothers in labor and delivery as "physical restraints have interfered the ability of physicians to safely practice medicine by reducing their ability to assess and evaluate the physical condition of the mother and fetus, and have similarly made the labor and delivery process more difficult than it needs to be; thus, overall, putting the health and lives of the women and unborn children at risk."

We think that this policy should be banned for women in labor and in medical exams. The department should instead continue and expand such efforts as the current family-based treatment as an alternative to incarceration.

Ann S. Freed  
Co-Chair Hawai'i Women's Coalition  
Mililani, Hawai'i  
808-623-5676

# LATE TESTIMONY



A sister organization of the Drug Policy Forum of Hawai'i  
PO Box 61233, Honolulu, HI 96839 ~ (808) 988-4386

*Dedicated to safe, responsible, and effective drug policies since 1993*

TO: House Committees on Public Safety and Military Affairs & Health

FROM: Pamela Lichty, MPH  
President

DATE: March 24, 2011, 10 a.m., room 309

RE: S.B. 219, S.D. 1 RELATING TO CORRECTIONS – **IN STRONG SUPPORT**

Aloha Representatives Aquino, Yamane and members of the Committees. My name is Pam Lichty and I'm testifying in strong support of this measure on behalf of the Drug Policy Action Group.

I have little to say on this measure except that it should be the very epitome of a no brainer to pass this. I've heard PSD testify that this is not their practice and so doesn't need to be in statute. This is not good enough. Other states and nations are looking at how we treat these most vulnerable of our prisoners.

It's shocking and appalling that a bill to prohibit shackling pregnant or post partem women is needed in 2011! At the risk of seeming sexist, obviously no females, and certainly no mothers were involving in the implementation of this barbarian practice.

As a mother of two, and a long time resident who cares about the reputation of our state, I thank you for hearing this bill and urge you to pass it out to the full House for a vote.

Mahalo for the opportunity to testify.



# LATE TESTIMONY

CARRIE ANN SHIROTA  
ATTORNEY AT LAW  
1839 Wells Street  
Wailuku, Hawaii 96793  
Phone: 808-269-3858

March 23, 2011

## COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Rep. Henry Aquino, Chair  
Rep. Ty Cullen, Vice Chair

## COMMITTEE ON HEALTH

Rep. Ryan Yamane, Chair  
Rep. Dee Morikawa, Vice Chair  
Thursday, March 24, 2011  
10:00 a.m. in Room 309

### SUPPORT: SB SD1 219 Prohibits the Shackling of Pregnant Women

Aloha Chairs Aquino and Yamane, and Members of the Committees:

I am writing in support of SB SD1 219 that prohibits physically restraining pregnant inmates, unless extraordinary circumstances exist.

I speak from my experience as an attorney, former Director of MEO's Being Empowered and Safe Together (BEST) Reintegration Program, and as a member of Community Alliance on Prisons. During the past ten years, I have advocated for alternatives to mass incarceration policies that have proven effective in reducing crime, and providing men, women and youth involved in the criminal justice system with the education, training, counseling, and treatment necessary to turn their lives around.

**I support SB SD1 because shackling pregnant women during childbirth is an inhumane, uncivilized, and unjustified practice that amounts to cruel and unusual punishment. I also support this bill for the following reasons:**

The American College of Obstetricians and Gynecologists (ACOG) released a statement in June 2007, supporting an end to the practice of shackling mothers in labor and delivery as "physical restraints have interfered the ability of physicians to safely practice medicine by reducing their ability to assess and evaluate the physical condition of the mother and fetus, and have similarly made the labor and delivery process more difficult than it needs to be; thus, overall, putting the health and lives of the women and unborn children at risk."

The American Public Health Association (APHA) standards prohibit the use of restraints during labor and delivery.

The American Medical Association (AMA) adopted a resolution to prohibit the shackling of women during labor in June 2010. The AMA resolution also states that correctional facilities, detention centers, or local jails should use the "least restrictive restraints necessary" when an inmate is in the second or third trimester of her pregnancy.

Mahalo for this opportunity to submit written testimony in support of SB SD1 219.

Respectfully submitted,

*Carrie Ann Shiota*

TESTIMONY  
COMMITTEE ON PBM and HLT  
SB 219, SD 1  
March 24, 2011  
10:00 AM  
ROOM 309

LATE TESTIMONY

Chair Aquino, Chair Yamane and members of the committees:

I urge your support for SB 219, SD1.

The “shackling” of a pregnant woman during the delivery of a child, under the guise of her being a danger to anyone, is never acceptable. For over four decades, pregnant women have been encouraged and educated to participate in the birthing process. As a midwife and a native Hawaiian, “birthing” is a special and celebrated time for women, the family and her community.

Please enact SB 219, SD1

Thank you for the opportunity to testify.

Annelle Lee  
OB-GYN Nurse Practitioner/Midwife  
Retired navy nurse

## PBMtestimony

# LATE TESTIMONY

**From:** mailinglist@capitol.hawaii.gov  
**Content:** Wednesday, March 23, 2011 3:35 PM  
PBMtestimony  
**Cc:** shaglund@hotmail.com  
**Subject:** Testimony for SB219 on 3/24/2011 10:00:00 AM

Testimony for PBM/HLT 3/24/2011 10:00:00 AM SB219

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Sue Haglund  
Organization: Individual  
Address:  
Phone:  
E-mail: [shaglund@hotmail.com](mailto:shaglund@hotmail.com)  
Submitted on: 3/23/2011

### Comments:

I am in STRONG SUPPORT of this bill. For the dignity of human lives of both mother and baby and a better labor and delivery process it is morally and ethically essential to prohibit shackles on pregnant inmates. If the Federal Bureau of Prisons eliminated and banned the usage of shackles on all pregnant inmates, so should the State of Hawaii follow the federal policy at state level.

## **PBMtestimony**

# **LATE TESTIMONY**

**From:** mailinglist@capitol.hawaii.gov  
**nt:** Wednesday, March 23, 2011 7:14 PM  
PBMtestimony  
**Cc:** catslamp@hotmail.com  
**Subject:** Testimony for SB219 on 3/24/2011 10:00:00 AM

Testimony for PBM/HLT 3/24/2011 10:00:00 AM SB219

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Catherine Lampton  
Organization: Individual  
Address:  
Phone:  
E-mail: [catslamp@hotmail.com](mailto:catslamp@hotmail.com)  
Submitted on: 3/23/2011

### **Comments:**

Aloha Sirs/Madams: I'm sorry, but I cannot believe that we need to have a law about this most basic of humane treatment for pregnant women . . . this society has sunk far below where I would have ever thought it could. Pass this bill and all the bills that foster humanity and bringing our people home.

Thank you.

# LATE TESTIMONY

## PBMtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 23, 2011 10:40 PM  
**Subject:** PBMtestimony  
**Cc:** michele.sonen@gmail.com  
**Subject:** Testimony for SB219 on 3/24/2011 10:00:00 AM

Testimony for PBM/HLT 3/24/2011 10:00:00 AM SB219

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Michele Sonen  
Organization: Individual  
Address:  
Phone:  
E-mail: [michele.sonen@gmail.com](mailto:michele.sonen@gmail.com)  
Submitted on: 3/23/2011

Comments:  
Shackling pregnant women is archaic and appalling.

# LATE TESTIMONY

## PBMtestimony

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**From:** Joy [joyamarshall2003@yahoo.com]  
**At:** Thursday, March 24, 2011 8:32 AM  
**Subject:** PBMtestimony  
Testimony in support of SB 219

Testimony in support of SB 219

Thursday March 24  
10:00 A. M  
Room 309  
State Capitol

Committee on Public Safety and Military Affairs Representative Representative Harry J C  
Aquino, Chair Representative Ty Cullen Vice Chair

Committee on Health  
Representative Ryan Yamane, Chair  
Representative Dee Morikawa, Vice Chair

I support SB 219 and the elimination of the barbaric practice of shackling inmates in their third trimester and during labor and delivery of their child

Not only is this an unsafe practice, but unwise, tortuous to the woman and inherently could result in emotional trauma to the mother and injury or worse to the infant.

As a Registered Nurse who has practiced in Hawaii for decades, and been in the delivery room, I cannot imagine that this practice continues here in Hawaii

Thank you for allowing me to testify

Joy A Marshall R.N.