

Proponent Testimony for SB 18: Maureen Sweeney

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I originally brought this issue to senator Antonio while working as a labor and delivery nurse at an Ohio county hospital. During my time as a nurse on that unit I was charged with caring for women who were incarcerated in the Cuyahoga county jail system. When incarcerated women were brought onto this unit, by rule, the guards would keep them in restraints (usually at least one ankle shackled to the hospital bed, but at times both an ankle and a wrist). The shackles were a barrier to being able to give expedient care during the labor process. The restraints were kept in place even when logic and medical necessity dictated that they be removed. Of the incarcerated women that I worked with 100% of them received an epidural and yet their ankle restraints remained in place, this is both illogical and dangerous. It is illogical because women who have an active epidural are unable to feel their legs and therefore are not a flight risk. It is medically dangerous for two reasons: 1. As already stated, a woman with an epidural cannot feel her legs, she cannot tell you if her restraints are too tight or causing harm, 2. During an emergency if restraints need to be removed/adjusted it takes time, time that could risk both mother and baby. In Cuyahoga county and the state of Ohio we have maternal death rates that are the highest in the industrialized world. Under ideal circumstances we are doing poorly so we as a nation and as a state need to remove all barriers to ensuring the health of both mother and baby.

In addition to the medical reasons that I share above there is also a human rights component to this issue. In 2006 the United Nations Committee on Torture said that shackling women during pregnancy and childbirth was a violation of the United Nations Convention against Torture and urged the United States to adopt standards that conformed to international standards.

Ohio also needs to consider that there is a growing body of case law that calls for reform on this issue. The most notable rulings include two court findings that say using restraints on a woman during labor and delivery (without a compelling safety reason for doing so) violates her Eighth Amendment right to be free from cruel or unusual punishment(Nelson v. Correctional Medical Services [583 F.3d 522, 8th Cir., 2009], (Women Prisoners of DC Department of Corrections v. District of Columbia [877 F. Supp. 634, 1994])).

I currently work as Associate Medical Director for FrontLine Service, a community mental health center in Cleveland Ohio. Our mission is "Reaching out to adults and children in Northeast Ohio to end homelessness, prevent suicide, resolve behavioral health crises and overcome trauma". Trauma informed care is central to the care that we provide to our clients. We serve many women who have active or historical legal issues including having a dedicated women's forensic program. According to the Cutler Institute for Health and Social Policy, a majority of correctional policies are gender neutral despite the fact that women's pathways and experiences in the criminal justice system are unique from their male counterparts. Many of the women that we serve have ended up in the legal system by first being the victims of abuse and or trafficking. Crimes against women are often controlling and violent in nature. Being restrained in any capacity is a triggering event for a trauma survivor, being restrained while experiencing childbirth is traumatizing as a woman regardless of your past experience. These

differences need to be acknowledged and best practices need developed that address specific healthcare needs of this vulnerable population. From a trauma informed care perspective we need to understand how dehumanizing and cruel it is to restrain women during the labor process. If the legal system is supposed to be about reform we do not want to further traumatize women in custody and we need to ensure that there are protections under the law that guarantee the rights and humanity of these women.

I appreciate your time and welcome any questions that the committee may have.