

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

JODIE F. MAESAKA-HIRATA  
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Deputy Director  
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KEITH KAMITA  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

**TESTIMONY ON SENATE BILL 219 SD1  
RELATING TO CORRECTIONS**

by  
Jodie F. Maesaka-Hirata, Director  
Department of Public Safety

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

House Committee on Health  
Representative Ryan I. Yamane, Chair  
Representative Dee Morikawa, Vice Chair

Thursday, March 24, 2011; 10:00 AM  
State Capitol, Conference Room 309

Chairs Aquino and Yamane, Vice Chairs Cullen and Morikawa, and Members of the Committees:

The Department of Public Safety (PSD) understands and supports the intent of Senate Bill 219 SD1, but PSD believes that correctional procedures should be defined in policy and not in statute. This measure limits the use of any restraints except under extraordinary circumstances while transporting any incarcerated person during the third trimester of pregnancy or during the postpartum recovery. To transport inmates with no restraints whatsoever is not the accepted practice in the professional correctional community throughout the country, and it is an unsafe practice for the staff and other inmates. Unrestrained

female inmates have attacked staff and other inmates, and transportation is an ideal venue for this to occur. The intent of this practice is simply to ensure the safety of the inmates being transported as well as the staff and to provide for public safety.

PSD will rely on the medical opinion of the PSD Medical Director or his designee as to the level of restraints that can be applied to a patient/inmate without causing any harm or difficulty.

In the very few cases where an expectant female is to be transported, the minimally required restraints will be used, often handcuffs, just to prevent assaults and/or escapes.

PSD supports the intent of the measure and will change its Policies and Procedures to rely on the opinion of the PSD Medical Director or his designee to determine the level of restraints for pregnant females. PSD does oppose enacting legislation as a means of defining operational procedures like those described in this measure. If enacted, the State, PSD and its employees would be at risk with regards to the performance of daily security duties that are defined by law, and any change in policy or practice would then require an amendment in the statute.

Thank you for the opportunity to provide testimony on this matter.



Rep. Marilyn B. Lee  
 38<sup>th</sup> District  
 Ph: 586-9460 Fax: 586-9466  
 Email: replee@capitol.hawaii.gov



**HOUSE OF REPRESENTATIVES**

STATE OF HAWAII  
 STATE CAPITOL  
 HONOLULU, HAWAII 96813

March 22, 2011

To: Committee Chair Aquino and members, Public Safety & Military Affairs Committee  
 From: Representative Marilyn B. Lee *M. Lee*  
 Subject: Testimony in support of SB #239 SD-1 Relating to Corrections

Mr. Chair and members,

I am almost certain that the saying, "Women are from Venus, Men are from Mars," applies to this issue. Having never experienced childbirth themselves, the chairs' initial reluctance to hear this measure is perhaps understandable. I am happy and grateful they have finally seen the light.

Women represent the fastest growing population in U.S. prisons. According to the Bureau of Justice Statistics, the number of women prisoners tripled between 1995 and 2008. As the number of incarcerated women rises, so does the number of pregnant women in prison.

In Hawaii, as elsewhere, the number of women in prison is rising. Even so, Hawaii does not have anti-shackling laws on the books. Shackling can mean a combination of handcuffs, leg irons, belly chains, and Posey belts. While there are no statistics measuring the frequency with which shackles or restraints have been used on women prisoners in Hawaii, the use of such restraints on incarcerated pregnant women is common in the United States. These restraints may be used on pregnant women during transportation, but also during labor, delivery, and recovery.

Shackling is an outdated, humiliating, and dangerous practice, which may severely impede a pregnant woman's health and the health of her child. Shackling may cause lack of oxygen to the fetus and resultant fetal distress, even fetal death.

On March 23, 2010, Washington State became the seventh state in the Union to halt the unnecessary and inhumane practice of shackling.

The American College of Obstetricians and Gynecologists, The American Medical Association, The Federal Bureau of Prisons, The National Bureau of Justice, and the United Nations Committee on Human Rights all oppose the shackling of pregnant women prisoners.



Rep. Marilyn B. Lee  
38<sup>th</sup> District  
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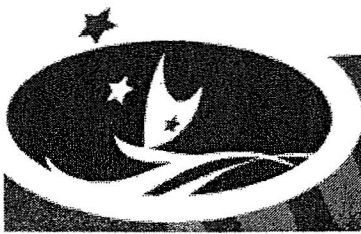
In a letter written in support of Federal legislation to prohibit the practice of shackling incarcerated pregnant women, Ralph Hale MD of the American College of Obstetricians and Gynecologists cited testimony being given on this issue in the California Legislature. Dr. Hale notes: "Physical restraints have interfered with the ability of physicians to safely practice medicine by reducing their ability to assess and evaluate the physical condition of the fetus and the mother. Similarly, they have made the process of labor and delivery more difficult than it needs to be, putting the health of mothers and unborn children at risk."

Dr. Hale goes on to say that the shackling of incarcerated women in labor may not only compromise the health of the mother, but is also demeaning and unnecessary. Most women in correctional facilities are there for non-violent crimes.

The safety of correctional personnel is paramount, and adequate correctional staff must be present to attend and monitor women in labor, both during and after birth, during transport to the hospital, and during recovery and hospital stay.

Incarcerated women in labor constitute a particularly vulnerable population. PREVENTION of the practice of shackling is an important step towards humanitarian care and social justice.

I don't ever want to hear the phrase again: Is it a problem? Let's make sure that the inhumane treatment of pregnant women prisoners is never a problem in the beautiful State of Hawaii.



WOMEN'S CAUCUS

DEMOCRATIC PARTY OF HAWAII

March 24, 2011

To: Committee on Public Safety and Military Affairs  
Committee on Health

From: Jeanne Ohta, Co-Chair

RE: SB 219 SD1 Relating to Corrections

Hearing: Thursday, March 24, 2011, 10:00 a.m., Room 309

Position: Support

Good afternoon, I am Jeanne Ohta, Co-Chair of the Hawaii State Democratic Women's Caucus testifying in support of SB 219 SD1 Relating to Corrections.

The Hawai'i State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawai'i's women and girls. It is because of this mission, the Women's Caucus strongly supports this measure which will prohibit our correctional facilities from physically restraining pregnant inmates during the third trimester and during labor unless extraordinary circumstances exist. Those extraordinary circumstances must be documented in writing.

The measure will also require that the department provide pregnant women with notice of these requirements when they assume custody and that these requirements be posted at the facilities.

In October 2009, the Eighth Circuit Court of Appeals (*Nelson v. Norris*) upheld a woman's right to sue a guard who repeatedly re-shackled her legs to her bed during the final stages of labor. The court said that it has been clearly established by the decisions of the Supreme Court and the lower federal courts that shackling pregnant women in labor violates the 8<sup>th</sup> Amendment's prohibition on cruel and unusual punishment. The court suggested that the correctional officer should have known that the medical risks of shackling were obvious and that "the shackles interfered with Nelson's medical care, could be an obstacle in the event of a medical emergency, and caused unnecessary suffering at a time when Nelson would have likely been physically unable to flee because of the pain she was undergoing and the powerful contractions she was experiencing as her body worked to give birth."

Jails and prisons use restraints on women in labor and delivery as a matter of course regardless of whether a woman has a history of violence, regardless of whether she has ever attempted to escape, and regardless of her state of consciousness.

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 the practice puts the health and lives of the women and unborn children at risk.

Hawai'i currently has no formal written policy governing the use of restraints on pregnant women. The United Nations standard for the Treatment of all Prisoners, Rule 33 states that shackles should not be used on inmates unless they are a danger to themselves, their children, others or property, or have a history of absconding.

The routine use of shackles and other restraints when not medically advisable is a cruel, inhuman and degrading form of treatment in violation of both UN Convention against Torture and the International Covenant on Civil and Political Rights, both of which the United States has ratified.

We urge the committee to pass this measure so that women may retain their dignity during labor and childbirth and during obstetrician examinations. Thank you for this opportunity to provide testimony.

Council Chair  
Danny A. Mateo

Vice-Chair  
Joseph Pontanilla

Council Members  
Gladys C. Baisa  
Robert Carroll  
Elle Cochran  
Donald G. Couch, Jr.  
G. Riki Hokama  
Michael P. Victorino  
Mike White



Director of Council Services  
Ken Fukuoka

**COUNTY COUNCIL**  
COUNTY OF MAUI  
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WAILUKU, MAUI, HAWAII 96793  
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March 23, 2011

**TO:** The Honorable Henry Aquino, Chair  
House Committee on Public Safety & Military Affairs  
The Honorable Ryan Yamane, Chair  
House Committee on Health

**FROM:** Gladys C. Baisa  
Council Member

**SUBJECT: HEARING OF MARCH 24, 2011; TESTIMONY IN SUPPORT OF SB 219, SD1,  
RELATING TO CORRECTIONS**

Thank you for the opportunity to testify in support of this important measure. The purpose of this measure prohibits physically restraining inmates who are pregnant or in postpartum recovery, unless extraordinary circumstances exist.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. According to a National Women's Law Center survey on the treatment of incarcerated women, the State of Hawai'i received a C for its overall treatment of inmates' reproductive health and a D for its use of restraints on pregnant inmates. The low grade was earned due to Hawaii's lack of any formal policy regarding restraints used on inmates during pregnancy.
2. In October 2010, former Deputy Director of Public Safety Tommy Johnson reported to the Honolulu Star Advertiser that no formal policy exists regarding the use of restraints on pregnant inmates. He went on to say that most inmates' wrists are handcuffed to the bed during transport, labor and delivery.
3. In 2007, the American College of Obstetricians and Gynecologists denounce the use of restraints during childbirth stating that physical restraints have interfered the 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.
4. In June 2010 the American Medical Association supported model legislation ending the practice, calling it "barbaric" and medically hazardous.
5. The Federal Bureau of Prisons has implemented a policy banning the use of shackles on all pregnant inmates in federal prison facilities.

For the foregoing reasons, I support this measure.

GCB:amm



March 22, 2011

**TO: Rep. Henry J.C. Aquino, Chair, Rep. Ty Cullen, Vice Chair and Members of the Committee on Public Safety & Military Affairs  
Rep. Ryan I. Yamane, Chair, Rep. Dee Morikawa, Vice Chair and Members of the Committee on Health**

**FROM: Jackie Berry, Executive Director  
RE: SB 219SD1 Relating to Corrections  
HEARING: Thursday, March 24, 2011 at 10:00am**

HMHB is a statewide coalition of public and private agencies and individuals committed to the improvement of maternal and infant health status in Hawaii through education, coordination and advocacy. HMHB is testifying today in **support of SB 219 Relating to Corrections. This bill prohibits the use of restraints on incarcerated women during the third trimester of pregnancy, specifically during transport, labor, childbirth and post-partum recovery.**

A survey done by the National Women's Law Center on the treatment of incarcerated women resulted in Hawaii receiving a D for its use of restraints on pregnant inmates. The low grade was earned due to Hawaii's lack of any formal policy regarding restraints used on inmates during pregnancy.

Ten states currently have laws banning or limiting the use of restraints on pregnant inmates during their third trimester; and the Federal bureau of Prisons has implemented a policy banning the use of shackles on all pregnant inmates in federal prison facilities.

In June, 2010 the American Medical Association supported model legislation ending the practice, calling it "barbaric" and "medially hazardous."

Please pass this bill and stop the shackling of pregnant women during their third trimester in Hawaii.

Thank you for opportunity to testify

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phone # (808) 951-5805, fax # (808) 941-4102  
e-mail: [jackieb@hmhb-hawaii.org](mailto:jackieb@hmhb-hawaii.org) website: [www.hmhb-hawaii.org](http://www.hmhb-hawaii.org)



**American Congress of Obstetricians and Gynecologists**  
**District VIII, Hawaii Section**  
Raydeen M Busse, MD, FACOG  
Chair, Hawaii Section ACOG  
1319 Punahou St., Suite 990  
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**ACOG**  
THE AMERICAN CONGRESS  
OF OBSTETRICIANS  
AND GYNECOLOGISTS

**March 24, 2011**  
**Thursday**  
**10:00 AM**  
**Conference Room 309**

**To: Representative Henry J.C. Aquino, Chair**  
**Representative Ty Cullen, Vice Chair**  
**Committee on Public Safety and Military Affairs**  
**Representative Ryan I. Yamane, Chair**  
**Representative Dee Morikawa, Vice Chair**  
**Committee on Health**

**From: Raydeen Busse, MD, Chair**  
**Lori Kamemoto, MD, MPH, Vice Chair**  
**American Congress of Obstetricians and Gynecologists, Hawaii Section**

**Re: SB 219, SD1: RELATING TO CORRECTIONS**

**Position: STRONGLY SUPPORT**

Dear Chairs Aquino and Yamane, Vice Chairs Cullen and Morikawa, and Public Safety and Military Affairs, and Health Committee Members:

The American Congress of Obstetricians and Gynecologists (ACOG), Hawaii Section, strongly supports SB 219 SD1, restricting and standardizing the use of restraints on pregnant and postpartum offenders to reduce health risks for our incarcerated pregnant patients and her pregnancy.

Restraints pose serious risks to pregnant women while in the hospital, and particularly when medical complications occur, physical access required for treatment by medical personnel is severely restricted by restraints. In obstetrics, complications can suddenly arise within seconds to a few minutes and action may need to be taken within a few minutes. Having the patient in restraints can lead to treatment delay and serious complications. The growing pregnancy also contributes to balance problems, particularly

in the third trimester, and placing these women in restraints can induce falls with very serious consequences for the pregnancy. There must be a balance between ensuring the security of the prisoners and personnel, and the use of restraints that can cause undue risks or harm to the woman, pregnancy, and fetus. SB 219 SD1 sets up a process where this balance can be achieved.

In an informal survey of a few obstetricians and in our own anecdotal experience, we have noted that the majority of corrections officers we have worked with have been respectful and understanding of physicians' requests to remove shackles and handcuffs while in Labor & Delivery and for antepartum visits. We applaud these officers for their professionalism and cooperation. However, we need this law so that we can be assured that all of our pregnant offenders will have reasonable and standardized use of restraints no matter who the corrections officer or prison warden is.

ACOG, Hawaii Section strongly supports SB 219 SD1. Please let us know if you have any questions regarding this issue.

Thank you for the opportunity to submit this testimony.

# COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Suite 203, Honolulu, Hawai'i 96817

Phone/E-mail: (808) 533-3454/ [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## 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

Room 309

10:00 a.m.

### **SB 219 SD1 - STRONG SUPPORT**

<http://www.capitol.hawaii.gov/emailtestimony>

Aloha Chairs Aquino and Yamane and Members of the Committees!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working on prison reform and justice issues in Hawai'i for more than a decade. We respectfully offer our testimony always being mindful that Hawai'i has 6,000 people behind bars with almost 1,800 individuals serving their sentences abroad, thousands of miles from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, their ancestral lands.

Mahalo nui to both Chairs for hearing this important measure. SB 219 SD1 prohibits physically restraining inmates who are pregnant or in postpartum recovery, unless extraordinary circumstances exist.

Community Alliance on Prisons is in strong support of this humane women's health measure.

In a recent report, Hawai'i received a C- for its overall treatment of inmate's reproductive health and a D for its use of restraints on pregnant inmates.<sup>1</sup>

The former administration admitted that women were handcuffed during transport, labor and delivery.<sup>2</sup>

Hawai'i has the opportunity to say that we believe in safe and humane treatment of all our citizens. The Supreme Court has long upheld the 8<sup>th</sup> Amendment. We believe that shackling pregnant women is cruel and unusual punishment, medically unsafe, and that it demonstrates deliberate indifference to the health and safety of the mother and unborn child.

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<sup>1</sup> *Mothers Behind Bars: A state by state report card and analysis of federal policies on conditions of confinement for pregnant and parenting women and the effect on their children*, National Women's Law Center, October 2010, available at:

<http://www.nwlc.org/sites/default/files/pdfs/mothersbehindbars2010.pdf>

<sup>2</sup> See *Pregnant Isle Inmates Allegedly Treated Shabbily*, Honolulu Star Advertiser, Oct. 22 2010, available at:

[http://www.staradvertiser.com/news/20101022\\_Pregnant\\_isle\\_inmates\\_allegedly\\_treated\\_shabbily.html](http://www.staradvertiser.com/news/20101022_Pregnant_isle_inmates_allegedly_treated_shabbily.html)

**The American Medical Association (AMA)** calls shackling 'barbaric' and 'medically hazardous'.

**The American College of Obstetricians and Gynecologists (ACOG)** denounce the use of restraints during childbirth stating that "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."<sup>3</sup>

**The Federal Bureau of Prisons** has banned shackling of all pregnant inmates.

This issue is resonating nationally. **Ten (10) states** (New York, New Mexico, Illinois, Texas California, Pennsylvania, Vermont, West Virginia, Washington, Colorado) have already **adopted laws** banning or limiting the use of shackles on pregnant inmates during the third trimester.

**The United Nations Human Rights Commission** and the **Committee Against Torture** have said that shackling women during pregnancy violates the United States' obligations under international treaties they ratified.<sup>4</sup>

We've attached a 50-state grid from the report by The Rebecca Project for Human Rights and the National Women's Law Center (<http://www.nwlc.org/sites/default/files/pdfs/mothersbehindbars2010.pdf>) so you can see what other states are doing.

Community Alliance on Prisons has more information we are willing to share. Please consider us a resource as we research issues before we testify.

Surely Hawai'i will want to be known for our human and compassionate policies and laws. We urge passage of this SB 219 SD1.

Mahalo for this opportunity to testify.

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<sup>3</sup> American College of Obstetricians and Gynecologists, Open letter dated June 12, 2007 to Malika Saada Saar, Executive Director, The Rebecca Project for Human Rights.

<sup>4</sup> Concluding Observations of the Human Rights Committee: USA, 87<sup>th</sup> Sess.33, U.N. Doc CCPR/C/USA/CO/3/Rev. 1 (2006); U.N. Human Right Comm., *Conclusions and Recommendations of the Committee against Torture* 33 CAT/C/USA/CO/2 (July 23, 2006).

## MOTHERS BEHIND BARS:

*A state-by-state report card and analysis of federal policies on the conditions of confinement  
for pregnant and parenting women and the effect on their children*

The Rebecca Project on Human Rights \* National Women's Law Center

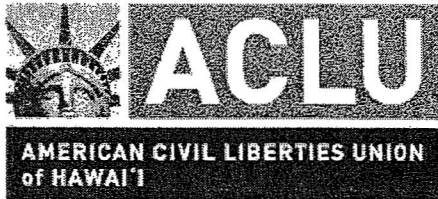
Overall Composite Grades - page 15

<http://www.nwlc.org/sites/default/files/pdfs/mothersbehindbars2010.pdf>

October 2010

State	Prenatal Care	[REDACTED]	Family-Based Treatment as an Alternative to Incarceration	Composite Grade
Alabama	F	D	A	C
Alaska	D	D	C	D+
Arizona	F	D	A	C
Arkansas	F	D	A	C
California	C	B	A	B
Colorado	D	A-	A	B
Connecticut	D	D	C	D+
Delaware	C	F	F	D
District of Columbia	D	C	F	D
Florida	C	F	A	C
Georgia	F	F	A	D+
Hawai'i	F	[REDACTED]	A	C
Idaho	D	D	F	D
Illinois	D	B	A	B
Indiana	D	D	F	D
Iowa	F	D	A	C
Kansas	D	D	F	D
Kentucky	F	D	A	C
Louisiana	F	F	A	D+
Maine	F	D	F	F+

Maryland	F	D	A	C
Massachusetts	C	F	A	C
Michigan	F	D	A	C
Minnesota	F	C	A	C
Mississippi	F	D	F	F+
Missouri	F	D	A	C
Montana	F	F	A	D+
Nebraska	D	D	A	C
Nevada	F	D	F	F+
New Hampshire	C	D	F	D
New Jersey	D	D	F	D
New Mexico	C	A-	A	B+
New York	C	A-	A	B+
North Carolina	B	F	F	D
North Dakota	F	D	A	C
Ohio	D	D	A	C
Oklahoma	B	C	A	B
Oregon	C	D	A	C+
Pennsylvania	B	A-	A	A
Rhode Island	F	D	A	C
South Carolina	F	D	F	F+
South Dakota	F	C	F	D
Tennessee	F	D	A	C
Texas	C	A-	A	B+
Utah	F	D	A	C
Vermont	F	A-	F	D+
Virginia	F	D	F	F+
Washington	C	A-	F	C
West Virginia	F	B	A	C+
Wisconsin	F	C	A	C
Wyoming	F	D	F	F+



Committee: Committees on Public Safety & Military Affairs and Health  
Hearing Date/Time: Thursday, March 24, 2011, 10:00 a.m.  
Place: Conference Room 309  
Re: Testimony of the ACLU of Hawaii in Support of S.B. 219, SD1,  
Relating to Corrections

Dear Chairs Aquino and Yamane and Members of the Committees on Public Safety & Military Affairs and Health:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) urges you to support S.B. 219, SD1, which prohibits physically restraining pregnant inmates, unless extraordinary circumstances exist.

S.B. 219, SD1, will protect some of Hawaii’s most vulnerable women from being unnecessarily shackled when they are pregnant and in labor—a practice that not only violates a woman’s dignity, but can detrimentally affect her health and the health of her pregnancy.

**Preventing shackling of pregnant women is sound public health policy.**

Restraining a woman who is pregnant can pose unique health risks to the woman and her pregnancy. Prisoners and detainees who are restrained face an increased potential for physical harm from an accidental trip or fall, which can be harmful to the health of the woman and her pregnancy.

Unrestrained movement is especially critical during labor, delivery, and the postpartum recovery. Women often need to move around during labor and recovery, including moving their legs as part of the birthing process, and restraining a pregnant woman can interfere with the medical staff’s ability to appropriately assist in childbirth. In other states, women who were shackled during pregnancy were subjected to unnecessary trauma and stress during child birth. A woman imprisoned in Illinois for shoplifting recounted her experience giving birth while incarcerated:

Because I was shackled to the bed, they couldn’t remove the lower part of the bed for the delivery, and they couldn’t put my feet in the stirrups. My feet were still shackled together, and I couldn’t get my legs apart. The doctor called for the officer, but the officer had

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gone down the hall. No one else could unlock the shackles, and my baby was coming but I couldn't open my legs.<sup>1</sup>

In Wisconsin, a woman reported that while in labor she was "kept in shackles, leaving 18 inches between her ankles, and told to pace the hallway for several hours."<sup>2</sup>

Major national correctional and medical associations oppose the shackling of pregnant women. The Federal Bureau of Prisons, the U.S. Marshal Service, the American Correctional Association, the American College of Obstetricians and Gynecologists, the American Medical Association, and the American Public Health Association have all recognized that shackling women during labor, delivery, and postpartum recovery is unnecessary and dangerous to a woman's health and well being.

### **Preventing shackling is a sound legal policy for Hawaii**

It is cruel and unusual punishment—in violation of the Hawaii and federal constitutions—to shackle a pregnant woman during labor and delivery. Applying such restraints demonstrates a deliberate indifference to a prisoner's serious medical needs, and runs counter to long-established Supreme Court precedent protecting prisoners' 8th Amendments rights.

Furthermore, the vast majority of female prisoners in Hawaii are non-violent offenders who pose a low security risk, particularly during labor and postpartum recovery. There are no documented instances of women in labor or during delivery escaping or causing harm to themselves, security guards or medical staff.<sup>3</sup>

### **Shackling Pregnant Women Violates International Human Rights Law**

The United Nations Human Rights Committee and the Committee Against Torture have held that shackling women during pregnancy violates the United States' obligations under international

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<sup>1</sup> Amnesty Int'l, *Not Part of My Sentence—Violations of the Human Rights of Women in Custody*, at <http://www.amnestyusa.org/document.php?lang=c&id=D1F037D8618F4F6D8025690000692F87>.

<sup>2</sup> Press Release, Amnesty Int'l, *States' Policies Fail to Protect Women From Sexual Misconduct in Prison, Allow Shackling During Pregnancy & Labor*, *Amnesty International Finds* (Mar. 1, 2006) at <http://www.amnestyusa.org/document.php?lang=c&id=engusa20060301001>

<sup>3</sup> Adam Liptak, *Prisons Often Shackle Pregnant Inmates in Labor*, *NLW YORK TIMES*, Mar. 2, 2006 at [http://www.nytimes.com/2006/03/02/national/02shackles.html?\\_r=2&pagewanted=print&oref=slogin&oref=slogin](http://www.nytimes.com/2006/03/02/national/02shackles.html?_r=2&pagewanted=print&oref=slogin&oref=slogin).



Chairs Aquino and Yamane  
and Committee Members  
March 24, 2011  
Page 3 of 3

treaties ratified by the United States.<sup>4</sup> The practice also violates the U.N. Standard Minimum Rules for the Treatment of Prisoners.<sup>5</sup> The potential health risks associated with the practice pose serious human rights concerns. In addition, shackling pregnant women in U.S. prisons and jails marks a sharp departure from the practices of other nations.<sup>6</sup>

S.B. 219, SD1, presents Hawaii with an opportunity to become a national leader in supporting pregnant women. This bill demonstrates our state's commitment to supporting healthy pregnancies for all of Hawaii's women and we strongly urge your support.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,  
Laurie A. Temple  
Staff Attorney  
ACLU of Hawaii

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<sup>4</sup> Concluding Observations of the Human Rights Committee: United States of America, 87th Sess., ¶ 33, U.N. Doc. CCPR/C/USA/CO/3/Rev. 1 (2006); U.N. Human Rights Comm., *Conclusions and Recommendations of the Committee against Torture*, ¶ 33 CAT/C/USA/CO/2 (July 23, 2006).

<sup>5</sup> Standard Minimum Rules for the Treatment of Prisoners, U.N. Doc. A/CONF/1 Annex 1, E.S.C. res. 663C, U.N. ESCOR, 24th Sess., Supp. No. 1, U.N. Doc. E/3048, Rule 33(c) (July 31, 1957).

<sup>6</sup> Article 3 of the European Convention on Human Rights has been interpreted by the European Court of Human Rights to proscribe the use of shackles during the hospitalization of all prisoners unless there exists a serious risk to security. European Convention for the Protection of Human Rights and Fundamental Freedoms, Nov. 4, 1950, 213 U.N.T.S. 221; see *Henaf v. France*, App. No. 65436/01 (ECHR Feb. 27, 2004); *Avcı and Others v. Turkey*, App. No. 77191/01 (ECHR Apr. 16, 2007).

**American Civil Liberties Union of Hawaii**  
P.O. Box 3410  
Honolulu, Hawaii 96801  
T: 808.522-5900  
F: 808.522-5909  
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[www.acluhawaii.org](http://www.acluhawaii.org)



1350 S. King Street • Suite 309 • Honolulu, Hawaii 96814 • [www.pphi.org](http://www.pphi.org) • Phone: 808-589-1156 • Fax: 808-589-1404

March 22, 2011

**To:** Chair Henry Aquino, Vice Chair Ty Cullen and Members of the House Committee on Public Safety and Military Affairs and Chair Ryan Yamane, Vice Chair Dee Morikawa and Members of the House Committee on Health  
**From:** Katie Reardon, Director of Government Relations & Public Affairs, Planned Parenthood of Hawaii  
**Re:** **Testimony in Support of SB 219 Relating to Corrections**

Planned Parenthood of Hawaii (PPHI) supports SB 219, which prohibits the use of restraints on incarcerated women during the third trimester of pregnancy, specifically during transport, labor, child birth and post-partum recovery.

According to a National Women's Law Center survey on the treatment of incarcerated women, the State of Hawaii received a C- for its overall treatment of inmates' reproductive health and a D for its use of restraints on pregnant inmates.<sup>1</sup> Like their counterparts throughout the United States, the large majority of incarcerated women in Hawaii are non-violent offenders.<sup>2</sup> The risk of escape or threat of injury is extremely low, especially during labor and delivery. However, in October 2010, former Deputy Director of Public Safety Tommy Johnson reported to the Honolulu Star Advertiser that restraints are indeed used on pregnant inmates. He reported that while no formal policy exists regarding the use of restraints on pregnant inmates, most inmates' wrists are handcuffed to the bed during labor and delivery.<sup>3</sup> Though leadership at the Department of Public Safety has been changed since that report, we know of no changes to the Department's policy.

In 2007, the American College of Obstetricians and Gynecologists denounced the use of restraints during childbirth stating that "physical restraints have interfered with 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."<sup>4</sup> Similarly, in June 2010 the American Medical Association supported model legislation ending the practice, calling it "barbaric" and "medically hazardous."<sup>5</sup>

Ten states and the Federal Government have enacted policies banning the shackling of pregnant inmates. New York, Illinois, California, Vermont, Washington, New Mexico, Texas, Pennsylvania, West Virginia and

<sup>1</sup> *Mothers Behind Bars: A state by state report card and analysis of federal policies on conditions of confinement for pregnant and parenting women and the effect on their children*, National Women's Law Center, October 2010, available at: <http://www.nwlc.org/resource/mothers-behind-bars-state-state-report-card-and-analysis-federal-policies-conditions-confin>

<sup>2</sup> Barbara Bloom, Barbara Owen & Stephanie Covington, *Gender Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders* (Nat'l Inst. of Corr. 2003).

<sup>3</sup> See *Pregnant Isle Inmates Allegedly Treated Shabbily*, Honolulu Star Advertiser, Oct. 22 2010, available at: [http://www.staradvertiser.com/news/20101022\\_Pregnant\\_isle\\_inmates\\_allegedly\\_treated\\_shabbily.html](http://www.staradvertiser.com/news/20101022_Pregnant_isle_inmates_allegedly_treated_shabbily.html)

<sup>4</sup> American College of Obstetricians and Gynecologists, Open letter dated June 12, 2007 to Malika Saada Saar, Executive Director, The Rebecca Project for Human Rights.

<sup>5</sup> *AMA Adopts New Policies During Final Day of Annual Meeting*, American Medical Association Press Release, June 15 2010, available at: <http://www.ama-assn.org/ama/pub/news/news/2010-new-policies.shtml>

**Honolulu Health Center**

1350 S. King Street, Suite 310  
Honolulu, HI 96814  
808-589-1149

**Kailua Kona Health Center**

75-184 Hualalai Road, Suite 205  
Kailua Kona, HI 96740  
808-329-8211

**Kahului (Maui) Health Center**

140 Ho'ohana Street, Suite 303  
Kahului, HI 96732  
808-871-1176  
(A Maui United Way Agency)

Colorado have each enacted state laws banning or limiting the use of restraints on pregnant inmates during the third trimester. The Federal Bureau of Prisons has banned the use of shackles on all pregnant inmates in federal prison facilities.

Finally, shackling of pregnant incarcerated women poses significant constitutional and human rights violations. In 2009, the Eight Circuit Federal Court of Appeals found that using shackles on an inmate during labor and delivery violated the 8<sup>th</sup> Amendment of the US Constitution's prohibition on cruel and unusual punishment.<sup>6</sup> Similarly, international laws and conventions protecting human rights prohibit the use of shackles on pregnant inmates. The Convention on the Elimination of Discrimination Against Women (CEDAW) offers both broad protections to all women during pregnancy, labor and delivery and protections particular to incarcerated women.<sup>7</sup> CEDAW, to which the US is a signatory, requires that women are afforded "appropriate services associated with pregnancy, confinement and the post natal period."<sup>8</sup> Further, the United Nations Standard Minimum Rules for the Treatment of Prisoners require that women prisoners be afforded "special accommodation for all necessary pre-natal and post-natal care."<sup>9</sup> In fact, in 2006, the United Nations Committee Against Torture expressly stated that the practice of shackling pregnant inmates in the US directly violated the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, which the US has ratified.<sup>10</sup>

The use of restraints on Hawaii's inmates during pregnancy not only jeopardizes the health of women, it causes needless pain and indignity. While minimum restraints may be necessary in rare cases, they should never be used as a matter of course. SB 219 allows for the use of restraints in such extraordinary cases. By requiring a written statement by corrections officers describing the need to restraints, the proposed legislation strikes a balance between protecting the health and dignity of incarcerated women and allowing corrections personnel to make sound decisions to guard against violence or escape. Therefore we ask the Committees to pass SB 219. Thank you.

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<sup>6</sup> See *Nelson v. Correctional Medical Services, et al.*, 583 F.3d 522, Court of Appeals, 8<sup>th</sup> Cir., (2009)

<sup>7</sup> Convention on the Elimination of All Forms of Discrimination against Women, Mar. 1, 1980, 1249 U.N.T.S. 13.

<sup>8</sup> Id. Article 12(2).

<sup>9</sup> Standard Minimum Rules for the Treatment of Prisoners, U.N. Doc. A/CONF/1 Annex 1, E.S.C. res. 663C, art. 23 (1), U.N. ESCOR, 24th Sess., Supp. No. 1, U.N. Doc. E/3048 at 11 (July 31, 1957).

<sup>10</sup> See U.N. Comm. Against Torture, Conclusions and Recommendations of the Committee Against Torture: United States of America, 33 UN Doc.CAT/C/USA/CO/2 (July 25, 2006), available at <http://daccess-ods.un.org/TMP/4281593.html>.

National Association of Reformed Criminals  
Andy Botts & Franklin Jackson  
1765 Ala Moana Blvd. #1388  
Honolulu, Hawaii, 96815  
February 24, 2011

**COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS**

Rep. Henry J.C. Aquino, Chair

Rep. Ty Cullen, Vice Chair

**COMMITTEE ON HEALTH**

Rep. Ryan I. Yamane, Chair

Rep. Dee Morikawa, Vice-chair

Thursday February 24, 2011

10:00 AM

Room 309

**SB 219 SD1 RELATING TO CORRECTIONS**

**SUPPORT**

Shackling a pregnant woman in the greatest nation is simply barbaric. I spent 5 years in a Thai prison and wore 10 kilo elephant chains when I went to court, sometimes double-chained. However, women were never handcuffed, shackled, or chained at anytime, anywhere, especially if she was pregnant. In Asia, it would be a great loss of face to do such a thing.

Mahalo,

Andy Botts

**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. DeeMorikawa, Vice Chair

Thursday March 24, 2011

Room 309

10:00 a.m.

**SB 219 SD1 - STRONG SUPPORT**

Dear Chair Aquino and Vice Chair Cullen as well as members of the Committees:

I am writing to urge the Committee to support SB219, SD1, a bill regarding the treatment of pregnant women who are in the custody of the Department of Public Safety during their labor and delivery. I am a sociologist whose specific focus is on women in the criminal justice system. I have spent a decade researching Hawaii's correctional policies and practices respecting women offenders.

The Hawai'i Department of Public Safety, like most jurisdictions, bases its security procedures on men (often violent men) who may use trips to court appearances or medical treatments to escape. However, this is not the case with female inmates transported during childbirth. The procedures used to transport men to medical services are inappropriately applied to pregnant females, even during labor and delivery. The safety and health of the mother, including her emotional state, should preclude the use of these restraints. Legislation is pending in many states to ban this practice as well as associated restraining practices that pose a threat to a mother's health and that of her child. Given that the majority of incarcerated females are non-violent, non-serious offenders, the practice of restraints at birth is dangerous, demeaning, and unnecessary.

Mahalo nui,

Marilyn Brown, Ph.D.

Associate Professor

University of Hawai'i at Hilo

PETER GELLATLY  
PO BOX 88377  
HONOLULU, HI 96830

March 22, 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 a.m.

Room 309

*re: SB 219 SD1 — STRONG SUPPORT*

Aloha Chair Okino, Chair Yamane and members of your Committees,

My name is Peter Gellatly. I am a local businessman representing the Hawaii community on the state's Corrections Population Management Commission.

Thank you very much for agreeing to hear this bill. I am confident that it shames you as much as it does me, so I will be brief.

You have to wonder why this issue wasn't addressed earlier. Was someone afraid that a woman in childbirth would suddenly lurch up and run away? With two guards at her side? Or that, belly swollen with child, she would overpower the ACOs during a trip to her doctor's office and run down King Street in her prison garb?

Or is it just one more example of the thoughtlessness and disrespect for the human spirit that permeated the public safety practices of the previous administration?

I don't know. What I do know is that passing this bill is the right thing to do, and in advance, I thank you for doing so.

aloha,

Peter Gellatly

Franklin Jackson  
[fjpearlcity@yahoo.com](mailto:fjpearlcity@yahoo.com)  
March 24, 2011

**COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS**

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

**COMMITTEE ON HEALTH**

Rep. Ryan I. Yamane, Chair  
Rep. Dee Morikawa, Vice-chair  
Thursday February 24, 2011  
10:00 AM  
Room 309

**SB 219 SD1 RELATING TO CORRECTIONS**

**SUPPORT**

Male and/or female prisoners are not allowed to be handcuffed or restrained in any way while in front of a jury trial, even in extraordinary circumstances. Likewise, there is no reason why we should have to restrain a pregnant mother. In extreme circumstances, extra security could compensate for the use of restraints, but not shackles.

Mahalo, Franklin Jackson

## **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.

Room 309

Position: Support

SB 219 SD1

To Representatives Henry Aquino, Ty Cullen,  
Ryan Yamane, and Dee Morikawa,

I am writing today in strong support of the SB 219 SD1 anti-shackling bill of pregnant women incarcerated in the state of Hawaii. This is a subject that is long overdue of a specific policy ending the shackling of pregnant women during their sentences in prison. So far only a handful of states have taken the initiative to integrate this human value in their judicial and correctional systems. Let Hawaii become one of the humane leaders that will pave the way for a respectful nationwide anti-shackling law for incarcerated mothers and their children.

Giving birth and enduring the labor process can be a stressful enough event without being shackled, let us not interfere with the natural process of giving birth by stifling it and controlling it. Let us pave the way for a more respectful world for mothers and their children, giving a head start to our newest community members instead of a potentially tumultuous beginning. Current research shows that a mother's stress during pregnancy and labor can be revealed through the child in its later life.

On a simple physical and emotional level, speaking from the experience of being a mother myself, shackling a woman in labor will do nothing but hinder a progressive birth and labor experience. As many of you realize, in labor a woman certainly needs to be free to move, unconstrained, unshackled.

Despite the legal situation the mother may be in at the time of her pregnancy and labor, giving birth should inherently and most definitely be a



separate issue. There should still be room and respect for the celebratory nature of a new life entering the world, even if it may be behind prison walls. Shackling a pregnant woman is cruel and should not be part of our correctional procedures.

Let us call upon our inherent respect for life and dignity in our Hawaiian culture and community, becoming one of the few progressive states that put to law how we treat our pregnant community members.

Thank you kindly for considering my testimony on this important issue.

Sincerely,

Dina Lloyd, LSW  
Honolulu, HI

**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  
Room 309  
10:00 a.m.

**SB 219 SD1 - STRONG SUPPORT**

**Honorable Chairs:**

I am writing in strong support of SB 219 SD1 which would prohibit the shackling of pregnant women in the Public Safety system in Hawaii. Over 10 other states have barred this draconian practice that the American Medical Association calls "barbaric".

Please respect the wahine of Hawaii by passing this bill.

Sincerely,  
Heather Lusk

Robert K. Merce  
2467 Aha Aina Place  
Honolulu, Hawai'i 96821  
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.

Room 309

Position: Strong Support

SB 219 SD1

Dear Chairs Aquino and Yamane, and members of the Committee:

My name is Robert Merce and I am submitting this testimony as an individual concerned about the treatment of Hawai'i inmates.

I strongly support SB 219, SD1. It is a common sense bill that reflects policies that should have been adopted years ago. I urge you to pass this bill.

Thank you for the opportunity to testify.

Robert K. Merce

**COMMITTEE ON HEALTH**

Rep. Ryan Yamane, Chair

Rep. Dee Morikawa, Vice Chair

Thursday, March 24, 2011

10:00 a.m.

Room 309

Position: strong support

SB 219 SD1

Hello Chair Yamane, vice chair Morikawa and members of the committee,

My name is Cathy Tilley and I strongly support SB 219 SD1 regarding shackling pregnant women. It is absolutely unnecessary and is a barbaric practice that should have been done away with years ago. First of all most women in prison are minimum custody and no risk to the community . With all the modern technology and security what do you think these women are going to do? It is a humiliating and interferes with the delivery. I can not think of any woman who would not support this bill. Men have no idea what is is like to give birth so please listen to the women who support this bill.

Sincerely,  
Cathy Tilley  
621 Pauku ST  
Kailua HI 96734

*JORY WATLAND  
3030 HOLUA PLACE  
HONOLULU, HAWAII 96819  
808 847-2301*

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

Chair Aquino, Chair Yamane and members of the committees:

My name is Jory Watland. I urge your support for SB 219, SD1.

The need to enact this law to protect pregnant incarcerated women should not even require a hearing. The act of shackling someone is barbaric and is a total violation of human dignity and human rights.

Please enact SB 219, SD1.

Thank you for the opportunity to testify.

Jory Watland  
Chair, ACLU Legislative Committee

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 22, 2011 10:44 AM  
**To:** PBMtestimony  
**Cc:** maguinger@hawaii.rr.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: oppose  
Testifier will be present: No  
Submitted by: Mary A. Guinger  
Organization: Individual  
Address:  
Phone:  
E-mail: [maguinger@hawaii.rr.com](mailto:maguinger@hawaii.rr.com)  
Submitted on: 3/22/2011

**Comments:**

I am against this cruelty.  
Pregnant women need support not restraint.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 23, 2011 6:19 AM  
**To:** PBMtestimony  
**Cc:** gfilaban@aol.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: Gwen Ilaban  
Organization: Individual  
Address:  
Phone:  
E-mail: [gfilaban@aol.com](mailto:gfilaban@aol.com)  
Submitted on: 3/23/2011

**Comments:**

The State of Hawaii needs legislation ending the practice of restraints on incarcerated women during the third trimester of pregnancy, specifically during transport, labor, childbirth and post-partum recovery.

This practice is barbaric and medically hazardous. It needs to stop immediately!

I urge you to give your strong support of this important bill SB 219.

Mahalo for your kokua.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 23, 2011 7:52 AM  
**To:** PBMtestimony  
**Cc:** rohulam@alulike.org  
**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: Ronelle Hulama  
Organization: Alu Like, Inc  
Address:  
Phone:  
E-mail: [rohulam@alulike.org](mailto:rohulam@alulike.org)  
Submitted on: 3/23/2011

Comments:



## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 23, 2011 10:41 AM  
**To:** PBMtestimony  
**Cc:** theede@hawaii.rr.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: Teri Heede  
Organization: Individual  
Address:  
Phone:  
E-mail: [theede@hawaii.rr.com](mailto:theede@hawaii.rr.com)  
Submitted on: 3/23/2011

**Comments:**

Aloha Chair, Vice Chair and Committee Members!

I strongly urge you to state categorically that you, personally DO NOT support shackling pregnant and delivering women. This defies common sense and is BEYOND inhumane.

You are going to hear/read stats and comments but can you PERSONALLY condone this? We aren't talking about somebody in a psychotic episode or wielding a deadly weapon in law enforcement's face. This is a woman delivering a baby.

What on earth was somebody thinking that EVER imposed such a medieval practice on a pregnant woman??

Slay this dragon NOW!

Mahalo ahead of time for your passing this legislation.

Teri Heede  
92-994 Kanehoa Loop  
Kapolei, HI 96707

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 23, 2011 11:06 AM  
**To:** PBMtestimony  
**Cc:** ewelsh@metcalconstruction.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: Erin Welsh  
Organization: Individual  
Address:  
Phone:  
E-mail: [ewelsh@metcalconstruction.com](mailto:ewelsh@metcalconstruction.com)  
Submitted on: 3/23/2011

**Comments:**

Hard to believe we need a law that says we can't shackle pregnant inmates. What a world!  
These are human beings. I am strongly in support of this bill. Please don't delay this one.  
Thank you.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 23, 2011 11:16 AM  
**To:** PBMtestimony  
**Cc:** tsai36@yahoo.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: Pai-Jong Stacy Tsai  
Organization: Individual  
Address:  
Phone:  
E-mail: [tsai36@yahoo.com](mailto:tsai36@yahoo.com)  
Submitted on: 3/23/2011

Comments:  
I am an OB/GYN resident physician.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 23, 2011 11:24 AM  
**To:** PBMtestimony  
**Cc:** fongflex@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: Jason Fong, MD  
Organization: Individual  
Address:  
Phone:  
E-mail: [fongflex@gmail.com](mailto:fongflex@gmail.com)  
Submitted on: 3/23/2011

**Comments:**

I am an Ob/Gyn resident and have personally cared for many incarcerated patients. These patients are similar to my other patients. They deserve the same care as any other patient, and this includes that they are not shackled.

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 23, 2011 12:08 PM  
**To:** PBMtestimony  
**Cc:** maukalani78@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: E. Funakoshi  
Organization: Individual  
Address:  
Phone:  
E-mail: [maukalani78@hotmail.com](mailto:maukalani78@hotmail.com)  
Submitted on: 3/23/2011

Comments:

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 23, 2011 1:00 PM  
**To:** PBMtestimony  
**Cc:** ckfujimo@hawaii.edu  
**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: Chrystie Fujimoto, MD  
Organization: Individual  
Address:  
Phone:  
E-mail: [ckfujimo@hawaii.edu](mailto:ckfujimo@hawaii.edu)  
Submitted on: 3/23/2011

Comments:

## PBMtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 23, 2011 2:58 PM  
**To:** PBMtestimony  
**Cc:** amanda.martin@mauicounty.us  
**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: Amanda Martin  
Organization: Individual  
Address:  
Phone:  
E-mail: [amanda.martin@mauicounty.us](mailto:amanda.martin@mauicounty.us)  
Submitted on: 3/23/2011

**Comments:**

I support this measure! Please end this type of barbaric practice!

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 23, 2011 3:01 PM  
**To:** PBMtestimony  
**Cc:** darlene.ane@mauicounty.us  
**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: Darlene Ane  
Organization: Individual  
Address:  
Phone:  
E-mail: [darlene.ane@mauicounty.us](mailto:darlene.ane@mauicounty.us)  
Submitted on: 3/23/2011

**Comments:**

I support this measure. This is inhuman and crazy that we are even having to pass a bill regarding this matter.



## **PBMtestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 23, 2011 4:08 PM  
**To:** PBMtestimony  
**Cc:** kit@lava.net  
**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: Kit Grant  
Organization: Individual  
Address:  
Phone:  
E-mail: [kit@lava.net](mailto:kit@lava.net)  
Submitted on: 3/23/2011

**Comments:**

Please pass this bill. Reasonable limits on the practice of shackling of women giving birth is fair, and S.B. 219 will go far to prevent punitive and needless use of this practice which should be reserved only for the most extreme and dire circumstances. Shackling a woman who is not a danger to herself or others while she goes through massive pain and trauma is NOT justice - it's torture. Stand against it for women's rights, for human rights and most of all for human decency and compassion - pass S.B. 219. Thank you.