



AMERICAN CIVIL LIBERTIES UNION OF UTAH FOUNDATION, INC
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August 10, 2006

Mr. Scott Carver
Executive Director
Utah Department of Corrections
P.O. Box 250
Draper, Utah 84020

Dear Executive Director Carver,

It is our understanding that the Department of Corrections is considering policies concerning the use of restraints on inmates during labor and child birth, and on inmates who are actively dying. We write to express our view that any policy should reflect a strong presumption against allowing the use of restraints on inmates in these medical states.

There are strong policy reasons for a presumption against the use of restraints on women during labor and child birth. According to an Amnesty International report, cited on the American Civil Liberties Union website, "shackling during labor may cause complications in childbirth, such as hemorrhage or decreased fetal heart rate. If a caesarian section is needed, a delay of even 5 minutes may result in permanent brain damage to the baby."¹ To help avoid these complications, the presumption against restraints should only be overcome by an individualized determination of the inmate's history or legitimate potential to escape or be a security threat, while taking into account her current medical condition.

Similarly, to help preserve the dignity of inmates who are actively dying, they should not be restrained unless there are overriding security concerns that require restraints. Additionally, actively dying and pregnant inmates should be transported in the least restrictive way possible, consistent with legitimate security concerns.

We appreciate that the Department of Corrections is taking the time to consider adopting such important policies. If you have any questions or concerns about our position, please contact me directly at 801.521.9862, ext. 103.

Sincerely,

Margaret Plane
Legal Director

¹ See http://www.aclu.org/womensrights/violence/25829res20060612.html#_edn48.