

8-3-2022

## **Women Incarceration and Attitudes Towards Restraints Used During a Child's Birth**

Wade Chit  
wadechit@gmail.com

Follow this and additional works at: [https://digitalcommons.csp.edu/criminal-justice\\_masters](https://digitalcommons.csp.edu/criminal-justice_masters)



Part of the [Criminology and Criminal Justice Commons](#)

---

### **Recommended Citation**

Chit, W. (2022). *Women Incarceration and Attitudes Towards Restraints Used During a Child's Birth* (Thesis, Concordia University, St. Paul). Retrieved from [https://digitalcommons.csp.edu/criminal-justice\\_masters/21](https://digitalcommons.csp.edu/criminal-justice_masters/21)

This Thesis is brought to you for free and open access by DigitalCommons@CSP. It has been accepted for inclusion in Master of Arts in Criminal Justice Leadership by an authorized administrator of DigitalCommons@CSP. For more information, please contact [digitalcommons@csp.edu](mailto:digitalcommons@csp.edu).

**Women Incarceration and Attitudes Towards Restraints Used During a  
Child's Birth**

By: Wade Chit

June 2022

Submitted to Concordia University, St. Paul, Minnesota

College of Humanities and Social Sciences  
in Partial Fulfillment of the  
Requirements for the Degree of

**MASTER OF ARTS IN CRIMINAL JUSTICE LEADERSHIP**

### **Abstract**

The complexities of women's incarceration are misunderstood and often not spoken of, and as a criminal justice worker myself, it is very interesting to me to learn more about crimes, especially finding out more about crimes among female offenders' because most of the time, we hear about crimes and the majority of the offenders are males. Therefore, I believe that it is important to find out more about crimes on the women's side and see what it is like and how they differ from the men. Unlike male offenders, female offenders have a different background in committing crimes. For instance, many female offenders experienced traumatic events during their childhood from an abusive family at the hands of their father. It often reoccurs down the road, but now with their intimate partners. According to Bach, "Children who are abused, particularly girls, are at risk of becoming repeat victims of violence throughout their lives. Herrenkohl (1998) said abused girls who repeatedly internalize their feelings may eventually reach a threshold at which their repressed emotions turn outward and aggressive — perhaps pushing them to the point of criminal behavior" (2015, p. 5). Women often depend on their partners, and women that fall into the loophole of bad decisions are influenced by their intimate partners that are also involved in illegal activities. While looking into women's crime incarceration, we see patterns of women coming in and out of the corrections system because they do not have the proper treatment and programs while incarcerated. For instance: According to Morash (1998), "Similarly, in 40 percent of the jail jurisdictions, jail administrators indicated no need for new models or approaches to holding women in jail, whereas

administrators of women's prisons noted many management problems resulting from crowding, lack of programming, and difficulties with classification and intake systems. Women's prison administrators also pointed to high staff turnover, the need for better-qualified staff, lack of parity in programming, and high numbers of women prisoners" (p. 3). Another reason is that women are often caught up in petty crimes yet to serve their time, which ultimately leaves them stuck inside jail. In contrast, women's incarceration has been on the rise, and most of these women prisoners are mothers. According to Bender (2021), it states, "Over half (58%) of all women in U.S. prisons are mothers, as are 80% of women in jails" (para 14), including many who are incarcerated and awaiting trial simply because they can't afford bail. In fact, according to OK Justice reform, "Most of these women are incarcerated for non-violent offenses" (para. 15). This research shows the nature of prisons for women, especially mothers, and how they are being treated while in labor. At the same time, many states in the United States still use restraints during a child's birth, which causes many female prisoners to experienced trauma physically and mentally. On top of that, there are no laws to completely ban this practice in the United States, even when there is much evidence as to why it is not an ethical practice.

## Table of Contents

Abstract.....	Page 2
Chapter 1: Introduction.....	Page 5
Chapter 2: Review of the Literature.....	Page 9
Personal Philosophy.....	Page 24
Chapter 3: Conclusions .....	Page 35
Tables and Figures.....	Page 42
References .....	Page 45

## **Women Incarceration: Attitudes Towards Restraints Used During Childbirth**

### **Chapter 1: Introduction**

The nature of crimes and why a person commits a crime are still not set in stone. There are many reasons why people commit a crime, yet some crimes are more severe than others, and gender differences categorize some. More specifically, the pathways to crimes for women mainly start from victimization, meaning most women commit crimes because they are often in hostile situations before or have had traumatic experiences with male figures in their lives. According to Daly (1992), "A woman may continue lawbreaking as a result of relationships with men who may also be involved in crime. Women are on a revolving criminal justice door, moving between incarceration and time on the streets" (p.13–14). For instance, most women who commit crimes experience trauma as a child or when they are in an intimate relationship, and those things build up in them, and when that happens, they learn to protect themselves by fighting back; therefore, this drives them to retaliate against other people and women are often known to commit crimes because of their male partners. Moreover, as mentioned earlier, many women who fall on the track of crimes often associate themselves with their intimate partners who also commit crimes. This is a pattern we often see, and most of these women are abusing drugs as well; when they are out of their relationship with their intimate partners, they turn to other intimate relationships so they can be supported with their drug use. According to Webster (2018), he states, "Often [females], they have been victims themselves: either emotional, physical or sexual abuse as a child or exploited to support someone else's drug use. Women are also more likely to be responsible for a

family, especially young children, meaning their incarceration is particularly damaging to wider society” (para. 1).

Another big reason women commit crimes is because of the household they grew up in. Most of the time, the fathers in the household abuse drugs and get violent with their kids and wife. This is also a pattern we see in women who commit crimes. When women experience trauma like this, they grow apart from their families and always try to protect themselves. According to Martin, women are likelier to kill their intimate partners than men (Martin 2018). This is not because they enjoy these things; it is because women often depend on their intimate partner, and even when they are in an abusive relationship, they stay until they break. On the other hand, let's talk about crimes in men and the pathways to crimes for males. Like women, many men commit crimes because of victimization and what they experienced during childhood as well. According to a finding from the National Institute of Justice (2017), “results showed that childhood abuse increased the risk of adulthood crime by promoting antisocial behavior during childhood and adolescence, followed by the formation of relationships with antisocial romantic partners and peers in adulthood. The researchers also found gender differences in the pathways linking child abuse and adult crime. Although affiliations with antisocial peers in adulthood increased criminal involvement for both men and women with histories of childhood physical and emotional abuse, the role of adult romantic partners in the link between child abuse and adult crime varied between men and women. However, according to Guetaa and Chen (2015), men tend to adapt to their environment and, therefore, have something to prove to others to show masculinity. “Male offenders

were much more adept at providing justifications, and external attributions than their female counterparts were” (para. 7). Not to mention, male offenders are more likely to recidivate, and they want to be “in charge” of their surroundings. In terms of prison environment for females compared to male prisons, women have more restrictions, especially when giving birth.

According to The United Nations Office on Drugs and Crime (2014), “Women are also vulnerable to sexual abuse and other forms of violence in detention, which may be used to force them to confess to offenses they have not committed. In some societies, the interrogation by men is likely to intimidate women who have hitherto had scant contact with unrelated men. This also contains a threat of sexual abuse, whether or not such a threat is realized. There are numerous reports of illiterate and poor women signing statements (often with a thumbprint), the contents of which they do not understand. In some systems where there is over-reliance on confession as evidence, uncorroborated confessions can form the basis for conviction” (p. 8). On the other hand, the practice of shackling women in prisons during a child’s birth in the United States is not banned; although many states have banned it, many states still use this practice.

Of course, this practice is not ethical, and it is recognized throughout the entire United States. In fact, an act in 2018 called "The First Step Act" included the prohibition of shackling pregnant women in prison during a child’s birth. Though that particular act was sought out and agreed that shackling was inhumane, federal correctional officers had a different perspective. According to an article by Richardson (2020), “Recently, there have been significant reform efforts around the issue. In 2018, the First Step Act included



a prohibition on shackling prisoners in federal prisons, except where the correctional officer felt shackling was necessary to prevent serious harm or escape” (para. 3). Since correctional officer’s work hand in hand with these female inmates, they feel that the shackling of women during a child’s birth is necessary to maintain professional safety. Because of that, the act took a halt. According to The Bill of Health, at the state level, shackling during a child’s birth is considered easing off on restraining mothers.

According to Richardson (2020), he states, “at the state level, laws are variable. Thirty-two states have some form of restriction on pregnant shackling, but only thirteen ban it broadly throughout pregnancy, labor, postpartum, and during transport; only nine states cover juveniles; only twenty states allow the physician to remove the restraints, if necessary, immediately, and only nine require that correctional staff stand outside the room for privacy considerations during childbirth” (para. 2). To put in perspective, laws on restraining mothers in prisons are getting better when it comes to the safety of the female prisoners. These states include Minnesota, Illinois, and Washington, out of the 27 states that have legislation on shackling during birth. However, at the same time, at the federal level, some states are still keeping the practice because of majority decisions from correctional officers that work within the federal prisons. These states include Arkansas, Alabama, Mississippi, and other 30 states with no legislation on shackling of women inmates at birth. I believe that the decisions of these federal correctional officers mattered because they must have seen things and experienced things that also can potentially put their safety at risk, so I somewhat agree. On the other hand, I also strongly believe that women in labor are at the most vulnerable stage in their life, and the restraint used in labor is unnecessary. I also believe that even federal prisons can follow the same policy

and procedures as the state level because labor works the same whether in federal or state prisons. Nonetheless, there are still unanswered questions on this particular issue and how the United States should go about it when it comes to completely banning it.

## **Chapter 2: Review of the literature**

First and foremost, let's go over the complete statistics of incarceration in females. The statistics cover female incarceration in local and state jails based on their crimes. It is divided into the convicted and the non-convicted. Based on the data from the Prison Policy states, "with growing public attention to the problem of mass incarceration, people want to know about women's experience with incarceration. How many women are held in prisons, jails, and other correctional facilities in the United States? And why are they there? According to Kaistura (2017), The Prison Policy states, "This report provides a first-of-its-kind detailed view of the 219,000 women incarcerated in the United States and how they fit into the larger picture of correctional control. Since 2014, the Prison Policy Initiative has quantified the number of people incarcerated in the United States and calculated the breakdown of people held by each correctional system by the offense in an annual Whole Pie: Mass Incarceration report" (para. 1). This report, in collaboration with the ACLU's Campaign for Smart Justice, finally provides similar data on women incarcerated in the United States. According to Kaistura (2017), the whole pie chart breaks down the correctional systems where they house women prisoners and shows the different categories the female prisoners fall into. According to Bandele from an ACLU study in 2017, the total number of women incarcerated is 219,000 (para. 2).

Ninety-six thousand of the women are in local jails, and 58,000 of them are not convicted. Thirteen thousand of the non-convicted are in for violent crimes, 18,000 are in for

property crimes, 17,000 are in for drug crimes, 9,000 are in for public order, and 300 are in the "other" category. According to Kaistura (2017), she states, "avoiding pretrial incarceration is uniquely challenging for women. The number of non-convicted women stuck in jail is surely not because courts are considering women to be a flight risk, particularly when they are generally the primary caregivers of children. The far more likely answer is that incarcerated women, who have lower incomes than incarcerated men, have an even harder time affording money bail" (para. 9). On the other hand, a total of 38,000 women are in local jails and convicted. Five thousand of them are in for violent crimes, 12,000 are in for property crimes, 10,000 are in for drug-related crimes, and 10,000 of these women are in for public order. Meanwhile, the rate of women incarcerated in federal prisons is growing, with 14,000 of them as of 2017. Two thousand seven hundred are in federal prisons for public order, 600 for violent crimes, 2,600 for property crimes, 8,500 for drug-related crimes, and 100 are placed in the "other" category. For instance: According to the data collected, "Three out of four women under the control of any U.S. correctional system are on probation. Probation is often billed as an alternative to incarceration, but instead, it is frequently set with unrealistic conditions that undermine its goal of keeping people from being locked up" (Kaistura, 2017, para. 22). There are also women youth incarcerated; the estimated total count as of 2017 is 4,600. According to the Bureau of Justice Statistics, 61.7% of women in local jail/state prisons are mothers, and 55.9% of women in federal prisons are mothers. According to another author on The Prison Policy, Wang (2021) states, "There are an estimated 58,000 admissions of pregnant women into jails and prisons every year, and thousands give birth or have other outcomes while still incarcerated. Pregnancy rates among confined youth were similar to those among adults" (para. 4). This is where my research gets very interesting. Many sources were reviewed during this research about mothers

in prison and how the environments are for them, especially when giving birth. It was found that using shackles and cuffs is still a common practice in the United States prison system. It stunted many, including myself, because I had no clue. However, not all states are for this law. In fact, the only states that still use this practice are Utah, Nebraska, Kansas, Indiana, Georgia, and South Carolina. These states have no policies regarding banning or restricting shackling of female inmates in labor. For these reasons, the research objective was to learn more about people's thoughts and attitudes toward women's incarceration and childbirth in prisons.

The question still remains, why are some states still using the practice of shackling women during a child's birth? In contemplating the complexity of ethics and hypocrisy, many believe that considerable work-ethic practices are still being used as status quo because constructing new ones is difficult and time-consuming. That is why some old policies are so outdated. According to Jena Pincott (2016), "it is not necessarily someone's character that leads to unethical behavior, but situational factors" (para. 5), explaining that there are four different defenses or explanations for when normal people might turn to unethical behavior, which are: creativity defense, status defense, bonding defense, and level playing field defense. One of the ways that we can avoid these situations where we might slip into unethical behavior is through self-awareness" (Pincott, 2016). Following that line, a lack of self-awareness can correlate with unethical behavior. I think that ethical fading comes into play at this point as well. Ethical fading is when someone behaves ethically at first. Still, as they repeatedly experience the same situation, their ethical stance relaxes as if the person is becoming numb to the ethical dilemma (Pollock, 2018). I believe that this is true in the criminal justice system. For instance, take shootings as a prime example of ethical fading. The reason being is because there is always a pattern to school shootings. First, it starts with everyone in the community coming together to

resolve the issue of school shootings hopefully. Then everyone would get involved, and people get into gun control and why firearms should not be allowed; however, as time goes by, people slowly stop talking about the issue. Ultimately, nothing gets done, and the cycle starts all over again when another school shooting happens again. According to Chang (2022) in The Guardian, he states, “The country experiences a mass shooting nearly every day, and once every three weeks someone is shot on school property, according to data from the Center for Homeland Defense and Security. The large majority of these shootings don’t get coverage in national media outlets, and after a day or two, the media moves on to the next story, politicians put gun control legislation on the back burner and Americans get apathetic about gun control” (para. 3). People may have gone through some ethical fading, so they are less aware of the unethical decisions they are making. Pollock (2018) also states, “they can still be sensitive to others' decisions causing them to react to others' ethical transgressions while ignoring their own” (para. 4). In the same way, I do have the same perspective as Mr. Pollock. I believe that many policies and work ethics are being disregarded because some agencies have the same employees for years, and for them to transition into a new work environment with new policies and ethics is challenging.

Therefore, I believe that the same states that still practice the use of shackling on pregnant women have the dilemma of renewing policies and ethics. Ethically, not can all agree that shackling a pregnant woman during a child’s birth is not the right thing, yet it is still being practiced in some states in the United States. To aid this, a leader needs to implement a special department within the prisons so that women do not have to experience the trauma of giving birth and being restrained at the same time. This department could be a birth center operated by medical staff, and security should only be present during birth. Therefore, no restraints are

needed, and since the birth center is run by medical personnel, we can assure that everything will be done correctly and ethically. Essentially, this is the most humane way women can possibly give birth in prison. Ever since the George Floyd incident happened, it made the public feel uncomfortable encountering police officers that are white, mainly male cops. People have already felt uncomfortable in the past about this, but since the incident took place in the very own backyard of Minnesota, it really showed that the people of Minnesota, including myself, are even more aware because we as citizens rely on the police officers and the law enforcement workers to help us and to rescue us if ever, we were to be in danger. The reason why I believe the George Floyd incident was relevant to this research topic is that George Floyd was also held against his will, and he was restrained and kneeled on to the neck until he died. Moreover, statistics show the percentage of incarcerated women is Black or African American. Fetting (2022) states, "While the imprisonment rate for African American women was nearly twice that of white women in 2020, this disparity represents a sharp decline from 2000 when Black women were six times as likely to be imprisoned. Since then, Black women's imprisonment rate has decreased by 68%, while white women's rate has increased by 12% (para. 3). Since the incident happened in Minneapolis regarding the killing of George Floyd, I believe the communities are questioning the work in policing and why this had to happen. My friends and family were in shock to hear and witness this event. As a minority, I felt the pain of the black community. The slogan for the police is to protect and serve. However, that kind of changed a lot for many people lately, and it is very upsetting that people must feel this way about their police officers. To think about it, many feel this way because of the difference in their skin color, which is so sad. Yet, it is the reality in this day of age that colored populations are the ones that have to take extra caution compared to everyone else.

In contrast with the shackling of female prisoners during a child's birth and the George Floyd event, I believe there is a similarity because just like George Floyd was held against his will, I also feel as the female prisoners are held against their will when giving birth in states that do not ban shackling of female inmates during a child's birth. Therefore, from the leader's standpoint, it would be extremely beneficial to implement a specialty department for cities with a large population of immigrants and people of color. The specialty department will be the same as any police department, except the department will be more diverse, officers-wise. This is just to help ensure the security of those scared or uncomfortable with white police officers. This is blunt to say, but it is true. The problem is that second-language speakers cannot approach white police officers or law enforcement workers because they are either intimidated by them or are simply afraid to face them because of what has been happening with white police officers killing black folks. According to Robinson (2019), in *That's My Number One Fear in Life. It's the Police*; he stated that "the fear of police officers has become one of the most feared things in the black community, and it is pushing the younger generation to not appreciate the services from the law enforcers (para. 31).

In 2015, the American Civil Liberties Union (ACLU) of Maryland published a report examining the prevalence of police killings in the state of Maryland; however, the lack of systematic reporting by police jurisdictions locally and nationally about how persons die within police custody was a challenge in their analysis. The ACLU offered several findings using available federal, state, and Maryland media reports about police custody deaths. According to 2012 federal data, Maryland had the sixth-highest number (19) of police killings of the 39 states reported. Although Black people comprised 29% of the Maryland population, 6 and 9% of people killed in police custody in Maryland were Black. According to Robinson (2016), "Black

people were killed at five times the rates of White people in Maryland, and the highest number of police killings in the state of Maryland between the years of 2010 and 2014 occurred in Baltimore City (31, an average of 6 per year)” (para. 1). The motivation behind having a more diverse police department and incorporating a new specialty department is also for the Karen people and community in Minnesota. The Karen community is a small community in Minnesota; most of the Karen people in Minnesota are refugees. As we may know, the fear of law enforcement workers is real, and the Karen people are also one of the most vulnerable communities in Minnesota. This is why it is beneficial and important to implement the special department. It is beneficial for vulnerable people like this and people who are intimidated by cops. Furthermore, other more Americanized refugees feel the same way; they also get afraid and get more anxious around police officers than Caucasians. This is the connection I am making to this topic as a minority in a community. I feel that the use of shackles during a child’s birth is just as wrong as the police brutality we see in the United States so far.

As we dive through why some states are still using this practice, it is important to remember that the United States tried to ban the practice altogether, but there was a mishap, and the bill never passed. According to Yearwood (2020), she stated that "The jail put Casias, an African American inmate, in chains a year and a half before the passage of the First Step Act in December 2018, a federal law that prohibits some of the most punitive measures against prisoners, including shackling of pregnant women. But the recently enacted federal legislation fails to protect women in state prisons and county jails. According to Yearwood (2020), she states, “This population accounts for 85% of incarcerated women in America, according to a 2018 report by the Prison Policy Initiative. This means thousands of pregnant inmates remain at the mercy of guards who can choose exactly how to control their every movement and the



movement of their unborn children” (para. 6). This shows me that the United States is hesitant to follow through with banning the use of shackling during a child’s birth. At the same time, it also showed me that old policies and the old ways of doing things are more preferred.

Hypothetically, if I were a leader and could make an instant change, I would look into going federally and inform the prison system that new ground is going to break, primarily by having the new standard work ethics. Without a doubt, I will put a stop to the usage of extreme restraints on women prisoners; hence, stop cuffing and shackling women at a child’s birth. New policies and laws regarding women prisoners in labor will create less pain and trauma for the women in labor. According to Equal Justice Initiative (2020), it states, “Medical experts say shackling poses safety risks that include “the potential for injury or placental abruption caused by falls, delayed progress of labor caused by impaired mobility, and delayed receipt of emergency care when corrections officers must remove shackles to allow for assessment or intervention” (para. 2). Moreover, pregnant women are not also protected by excessive restraining during labor. According to Equal Justice Initiative (2020), “Shackling pregnant women poses serious health risks to both mother and baby, but most incarcerated women in the U.S. are not protected from this dangerous practice (para. 1).

Furthermore, banning excessive restraints will better the lives of the women in prison and open up more doors when they re-enter the real world. As I mentioned previously, these traumas can cause mental health issues in longevity. When a woman goes through hard labor with excessive restraints, it can destroy their perspectives on how they can raise their children. Additionally, women who commit violent crimes do not get a chance to be with their children and are separated straight after birth. Not only do the mothers get the stress and mental strain from being separated from their kids, but the kids also have to go through this, which results in

trauma. According to 2021, Texas Legislature passed House Bill 2926, which gives formerly incarcerated people a path to reinstate their parental rights; it states, "this is critical: Estimates show approximately 5,000 children in Texas are separated from parents whose rights have been terminated" (Pressley, 2020, p. 5). Moreover, according to an article on Taxes Tribune, it states, "they [children] are often left languishing in the state's foster care system, called the Department of Family Protective Services (DFPS). But DFPS suffers from chronic crisis-from hundreds of children sleeping in DFPS offices every night due to staff shortages. And because many children do not have a family member or other caretaker to live with, they remain in the foster care system for the duration of their youth, until they ultimately age out of foster placement – all of which carries its own trauma" (Oxner, 2022, para. 8). This shows that the separation put a hard turn on the women's mental health moreover, as we may know based on this research so far, that shackling women prisoners is not new to the public.

Historically, incarcerated women are restrained during birth because of the risk of something happening, such as an attempted escape or harmful actions from the inmates. However, women are actually at their weakest when they give birth, and using restraints during a child's birth, can cause harm to the mothers who are shackled and cuffed. According to the ACLU (2012), it states "shackling poses an unacceptable risk to the health and safety of the fetus and a child's life. Pregnancy can create problems with balance that are exacerbated by shackling. Falls can injure not only the mother but also the fetus. When restraints are used during labor, doctors are limited in how they can manipulate a mother for the safety of the unborn child" (para. 11). Additionally, the ACLU found more risks than safety in restraining women prisoners during a child's birth. For example, the article states, "shackling poses an unacceptable risk to women's health. Freedom from physical restraints is especially critical

during labor, delivery, and postpartum. Women often need to move around during labor, delivery, and recovery, including their legs, as part of the birthing process. Restraints on a pregnant woman can interfere with the medical staff's ability to appropriately assist in childbirth or to conduct sudden emergency procedures (para. 12). Not to mention, women who are being shackled during birth also experience limitations in a movement when being uncomfortable and moving with restraints can inflict pain to the women's body. Moreover, some women that are in labor are shackled and not allowed to have any room to move even when they are in major discomfort. A lot of the time, these women are cuffed even when it is not safe when giving birth. For example, according to Quinn (2014), there was a woman prisoner named Valerie Nabors who went into labor while in prison, and Nabors too had the same experience of being shackled even when it was dangerous for herself and her child. According to Quinn (2014), "when Ms. Nabors went into labor, a prison nurse called an ambulance, and Ms. Nabors was handcuffed and taken to the vehicle. Then officers shackled her ankles together. An ambulance supervisor protested, explaining that if Ms. Nabors's water broke or complications developed, the supervisor would not have proper access to help her. Officers refused to remove the restraints... At the hospital, a nurse also questioned the use of the shackles. The officers again refused to remove them. At the insistence of a delivery room nurse, they relented. Ms. Nabors gave birth to a daughter through an emergency cesarean section, but within 10 minutes, she was placed back in ankle shackles and chained to the bed" (para. 14-15). Given the nature of childbirth, shackling women during labor can lead to bruising due to leg and abdomen restraints... Leg restraints also cause severe cuts on women's ankles because of the strains associated with childbirth... Using restraints after delivery may prevent mothers from effectively healing and breastfeeding" (ACLU, 2012, para. 10 & 12).

Due to the need for women to have the flexibility to alter their position during childbirth, correctional facility policymakers may need to review their operating procedures to allow more comfortable accommodations for women during labor. As leaders, we must apply the ethical principles and back them up legally so that the city and states can respond to us. For instance, restraining female inmates during a child's birth goes against the 8th amendment to the United States Constitution. According to research by Richardson (2020), she stated, "Several scholars have argued that the practice of shackling, particularly during labor and birth, is unconstitutional. Most commonly, the Eighth Amendment prohibition on cruel and unusual punishment is invoked. In *Estelle v. Gamble*, the Supreme Court held that when prison personnel fails to care for a serious medical condition with deliberate indifference to a prisoner's medical needs, they have violated the Eighth Amendment. But subsequent cases construed the doctrine narrowly, raising the bar to show deliberate indifference and finding that failing to address pain and suffering alone does not constitute cruel and unusual punishment" (para. 7). Another reason leaders in the criminal justice system should consider banning the use of restraints is that women in labor pose no threat, so there is no way they would jeopardize the safety of the correctional officers or medical staff. According to Richardson (2020), "major health organizations oppose the practice. Shackling people during pregnancy can obstruct access to necessary medical care, cause falls and injuries that can harm the pregnant person and the fetus, cause life-threatening blood clots and interfere with the ability of people postpartum to handle safely, feed, and bond with the newborn. The practice impacts an extremely vulnerable group of people at higher risk for lack of prenatal care, a history of intimate partner or sexual abuse, untreated mental or physical health conditions, and drug and alcohol dependence. The American College of Obstetricians and Gynecologists (ACOG) takes a strong position against

shackling during pregnancy, citing the significant health risks and challenges it creates for providers administering medical care. The American Psychological Association has also condemned the practice, describing the substantial mental health consequences of shackling during pregnancy. They report that "[w]omen subjected to restraint during childbirth report severe mental distress, depression, anguish, and trauma" (para. 14). For these reasons, restraining pregnant female inmates during labor is inhumane. Therefore, supporting the ethical principles and finding results for these issues could be a defining moment for leaders. This could change how we do things in prisons, especially for pregnant inmates.

Another reason shackling mothers during labor puts a strain on their mental health is the lack of help these mothers get. Mental health, for me, is the most important part of human health. When speaking about bettering a person's mental health, shackling does not sound like a remedy, I hope. Mothers who are shackled during birth often time goes into depression, and many of these mothers are allowed to be with their children after birth. In fact, in many cases, these mothers are separated from their babies right after birth. According to Villa (2017), from The Marshall Project, he states, "although women make up only 7 percent of the prison population, 66 percent of women in prison reported having a history of a mental disorder, almost twice the percentage of men in prison. And one in five women in prison had recently experienced serious psychological distress, while one in seven men had. A similar gender imbalance was found among those in local jails. Sixty-eight percent of women in jail reported having been diagnosed with a mental health condition, versus 41 percent of men" (para. 3). Moreover: According to Simons and Craig (2022), the state, "and because many children do not have a family member or other caretaker to live with, they remain in the foster care system for the duration of their youth,

until they ultimately age out of foster placement – all of which carries its own trauma" (para. 5). Not only do the mental strains get to the mothers who are the main caretakers of the children, but children also ultimately suffer from a mental disorder. What is more intriguing is the fact that some of these pregnant women do not get to seek help from doctors or a practitioner when they are in pain and soon to be in labor. Some females would end up getting no help even when they cry out for it. Which sometimes resulted in them giving birth all by themselves in a jail cell. To support this, Ehrlich and Paltrwol (2006) state, "She had been in labor for several hours and had countless times pleaded for help and medical attention. The requests were denied. The Jennifer Road Detention Center, where she was incarcerated, repeatedly ignored her cries that she was well into labor and needed to go to the hospital. Hearing Parsons' cries, other inmates implored guards to take her to the hospital. Instead, guards took her out of a holding area with other inmates—who had helped to time her contractions—and put her in a cell by herself. A few hours later, Parsons gave birth completely alone, without health care or support of any kind. According to press reports, although completely healthy when he was born, Parsons' son soon developed an infection due to the unsanitary conditions of his birth" (para. 6)

Subsequently, I want to elaborate on the re-entry to civilian life of women prisoners. Historically, male prisoners often have more opportunities and programs in prisons to function as they should in the real world. According to Furniture Masters (2019), "the woodworking program offers many benefits for inmates; incentive for good behavior, an outlet for creativity and a way to develop woodworking skills at a Master level as well as interpersonal and disciplinary skills and a level of self-respect that could provide post-incarceration career opportunities" (para. 2). To put in perspective, woodworking is one of many hands-on program's prisons offer male inmates. Not that it is a bad thing, but why not have similar programs like this

for female inmates so then they can have a well-maintained skill to achieve and keep and use when they re-enter the civilian world? Also, I believe having hands-on programs in prisons keeps the inmates busy so that they can take their minds off things because we know that mental health is very high among female inmates. In fact, according to The Marshall Project, "More than two-thirds of incarcerated women in America reported having a history of mental health problems — a far higher percentage than their male counterparts, according to a study released Thursday by the Bureau of Justice Statistics" (Villa, 2017, para. 1). Evidently, according to the prison policy, it shows women's recidivism rates skyrocket while male inmates are doing okay when re-entering the civilian world. By having new policies on banning excessive restraints used on women prisoners, we can expect the women who re-enter the community to have a better relationship with the people in the community. Also, it will drop the recidivism rate as well. According to Miller (2021) from the National Institution of Justice, she states, "Although men in re-entry significantly outnumber women, the challenges confronting women returning from incarceration are formidable and complex, pointing to a need for specialized and appropriate re-entry programming. Those challenges upon release can include employment, addiction, mental illness, housing, transportation, family reunification, childcare, parenting, and poor physical health" (para. 2). To ensure my workers reach the ethical expectation and behaviors of others, I would have to establish training regarding the new policies and new work expectations. According to Mahan (2019), "an organization that is perceived to act ethically by employees can realize positive benefits and improved business outcomes. The perception of ethical behavior can increase employee performance, job satisfaction, organizational commitment, trust, and citizenship behaviors. Organizational citizenship behaviors include altruism, conscientiousness, civic virtue, sportsmanship, and courtesy" (para. 7). Doing your job right is considered to be

ethical if you are in correction, but doing your job right does not mean you have to go by the books all the time. I am stating this because, in many cases correction officers are only there to do their rounds and not anything else, even if there were to be some sort of emergency. First, the goal for adequate training would focus on inmate safety and procedures when dealing with pregnant prisoners.

In addition, I would research other correctional facilities' inmate childbirth procedures and implement new policies and practices that correspond with current laws and medical research on shackling, if applicable. Moreover, the new rules and policies will apply to all states in the United States. So, that means these policies apply not only to the correctional facilities that still practice the use of shackling during birth but also to states and correctional facilities that do not use the practice because I believe that it is important for all correctional facilities to know and understand the policies regarding shackling during birth. Even if the correctional facilities do not practice the use of shackling during a child's birth, I believe it is still beneficial for new employees and other training purposes. This is just to ensure every prison system follows through with the new policies so that we can have better outcomes for the prisoners, especially the women prisoners that are pregnant. Of course, I will also have expectations from all corrections workers and consequences if there is an issue or accident. For example, if a worker is being unjust, for instance, being abusive with the inmates, especially the vulnerable ones, the consequences would be work suspension without pay. Prison systems are experiencing abuse reported by female inmates. Also, with the prison systems in this day of age, a lot of these maltreatment, abuse, and even sexual abuse are ignored because many of the inmates are threatened if they were to seek more help. According to an article from *The Legal Examiner* (2022), "When staff members are the attackers, the abuse of power has led to even deeper



problems within the system. Whether prison officials ignore violence among inmates and staff, mock and demean those in need, or threaten victims who try to report abuse, the negative impact on culture, safety, and rehabilitation is far-reaching. Those abused in U.S. prisons include a range of ages, races, and gender, but there are distinct groups of people at greater risk of physical and sexual prison violence. For example, women specifically experience higher rates of sexual violence; physical and sexual prison abuse is dehumanizing, causes long-term emotional and mental struggles, and even violates the Constitution in many cases. The conditions of facilities, from being unsanitary to unsafe, have put America's prison system in the spotlight" (para. 7).

Next, I would have a team of investigators look at what went wrong and get to the bottom. After that, when everything is precise, such as finding the root of the problem and how long the issue is going on, I can decide whether or not I should let the accused worker go. I will also have zero tolerance for inmate cruelty from correctional officers or criminal justice system workers. As we mentioned, when mothers are in labor, many of them are at their most vulnerable moments, and these ladies need special treatment. Therefore, just watching these women from afar as correctional officers is not really doing the women anything. By not doing anything and just doing "your job by disregarding the women's cry for help without responding to it is also another form of abuse. According to Fogel Law (2020), "Abuse of power by corrections officers is unacceptable. If you or a family member suffered unlawful harm or treatment from a corrections officer, contact a personal injury lawyer to discuss possible legal claims. Bringing an inmate abuse claim is complicated, and the advocacy and assistance of an attorney experienced in handling inmate abuse cases are invaluable" (2020, para. 12). To conclude, some states in the United States still practice shackling during a child's birth because many criminal justice system workers are so used to doing things routinely that they are afraid to open up to working with new

ways and proceeding with new practices. This is where things go wrong, in my opinion, because people change, and circumstances change every day. Therefore, laws and policies should be revised, and that is why as a leader in the criminal justice system, it is our responsibility to implement new laws and policies on prison safety. More specifically, shackling during a child's birth. Implementing new policies and regulations gives closure to women prisoners that are pregnant.

### **Personal experience**

Before going into my personal experience, I want to re-introduce myself and speak more about where I came from originally. I was born in Myanmar in the Karen State, now known as the Kayah State. If you are not familiar with the Karen people of Myanmar, we have been fighting for independence since 1949, and the conflict is still going on now as we speak. More than a quarter of a million Karen families have been displaced during the course of the conflict in Myanmar. My family was one of them. As a child, I got to experience many events that were dark and traumatizing while fleeing with my family to a Thailand refugee camp. Many people were killed along the way, including family members and friends. These are the moments that made me who I am today, and these are the moments that changed me forever.

Today, The United States holds the third-largest population of the Karen people behind Thailand and Myanmar. As a refugee in the United States, I knew my family and I were going to struggle, and we did, which was okay because we overcame it by taking every opportunity we got along the way and we never back down on challenges. We know the value of life and what it takes to survive. However, for the elders who came to the United States, it is harder for them to adapt because all they have ever seen was war and instability. I just feel for the older generation of Karen people, and I know that they are also struggling with what I am struggling with, except

it is harder for them since they do not know English at all, and they have no one to turn to if something were to happen. This topic is important to me professionally because, at the Ramsey County Juvenile Center, I am the first and only Karen staff there, and I want to make it a norm for working there so that when other staff, who work with the Karen generation, can benefit from my experience and knowledge, and train them to understand their culture., it can motivate them to become someone important in the community. Although many of the Karen population are not Americanized, a lot of the younger Karen generation ones are, and they are also involved in many crimes which are a result of their drug use, more specifically, methamphetamine. According to Cooley et al. (2021)," Drug use among refugee populations is a concerning trend in many urban American cities. Omaha, Nebraska is one such city that attracts a large refugee population from many nations, including Myanmar, formerly known as Burma, and the number of Myanmar refugees is not only growing, but drug use among the Burmese appears problematic" (p. 2). By working at the County, I want to set a good example for the generation that is yet to come. From personal experience, I know that when I encounter Karen kids at my work, they are very open to me about their drug use and the illegal activities they get involved with. Many of them claim that they do it to support themselves because they do not have the things they need. However, when talking to them and exchanging words with them, I can understand that even if they are in here because of a charge, they are open to change, and most of the time I do not see the same Karen kids twice compared to another race. The Karen community is a small community, and many of these kids live with their parents most of the time, their parents do not speak English, and the parents rely on them to take them around or help around when they run into language barriers. However, most of these kids end up hanging with the wrong crowds and tend to lose their way and what their purpose of coming to the

United States is. At the same time, I do see many of the kids at work outside, and they are extremely respectful. They always regret getting locked up and for most of the parts, these young men change. So yes, I am very hopeful for the younger Karen generation. Although not all of them will stay out of trouble, I know they still know their purpose of being here in the United States.

### **Personal Philosophy**

Ever since I was young, I have known the values of life and how important it is to be living because it is a privilege. Coming from the refugee camps in Thailand, and now living in the United States, has been a significant life shift. I learned to appreciate every moment I am in and the opportunities I come across. I never think of myself as a person that can do it all. I stay humble and celebrate success silently because I am mindful that not everyone gets the same opportunities as I do, especially those back in the trenches, still fleeing for their lives. Growing up, I got a lot of my inspiration from my late father. He taught my siblings and me the meaning of life from his own experience and how we can overcome them. In other words, my father informed my siblings and me that not everyone is created equal because life would be the same if we were. I was young when my father told us this. I am the youngest out of five; however, I heard the pain and passion behind his voice and the urge he had to keep his family going no matter what. I find myself looking back and thinking about my father when I make a life decision. He inspired me so much in regard to how I have become a person. My father survived an incident where he stepped on a landmine while fleeing the Burmese military to the Thailand border. Though he lost his leg, he never stopped for us. He had to endure the suffering, and he made sure we did not have to feel it. Therefore, as an adult, I have very simple yet hard life philosophies because of my experiences. I am a man of action, and I believe that everything

happens for a reason. My most significant life philosophy is to respect everyone and everything you encounter because we often tend to judge without knowing another person's struggle. Instead of judging someone because of their actions, reason with why this person is this way. Put yourself in their shoes and see how you would react if you had the same experience as this other individual. Also, as a person, we must learn to accept our flaws, and we have to accept that we have weaknesses, and we all need guidance. When we do this, we open room for improvement and allow room to learn. These philosophies may seem simple, but it is easier said than done. As a result, I believe it is the same for the criminal justice systems, especially in a correctional facility. Like mentioned before, many of the laws and policies in the criminal justice system in the United States are using the same practices and for this reason, I believe it is important to study prison systems and learn from the mistakes that had happened in the past and make good use of those mistake by learning from it and implementing new and effective ones.

My first life philosophy is always to have respect, whether at work or anywhere with anyone. My first real job in the criminal justice system was at Ramsey County pretrial services as a case manager. It was eye-opening for me because I did not know anyone and getting to know the County was surprisingly hard. However, having respect and keeping respect for others helped me get through a rough patch during my first real job in the criminal justice system. As I mentioned earlier, with respect, I got the chance to show that I am a person who can be trusted and counted on. Same thing at the office with my co-workers now. I come to work, greet them, and make sure they have a good interaction with me. I believe that having respect for others shows how strong of a person I am.

Moreover, I think that when working in a field of criminology or criminal justice, it is not a choice not to have values and philosophies because everything done in the criminal justice field

requires a united team that can work well together to make amendments to the things that are behind or outdated. Having philosophies in the criminal justice field is also very important due to the fact that the work done there is governed by the states and the laws in the United States; therefore, having philosophies will make every interaction firm, and people will follow them if the philosophies are within code of ethics at work. Also, as a leader, being firm and having a voice that people respect will put you as a leader on top, and people around you will follow your work and care about what you do altogether. According to the author, "To Lead, You Need a Personal Leadership Philosophy. It's Not Optional Anymore" (Calvert, 2017, para. 2), and "When you're aiming for the top, you need to set your bar high. Your performance as a leader must inspire, motivate, and bring out the best in your team. To be effective and inspiring as a leader, you must "Stand upright, speak thy thoughts... Be bold" (Calvert, 2017, para. 1). This means that a leader with great philosophy must be brave when they encounter a barrier and be confident in what they do. That is the philosophy I also follow: to be brave and confident in every move you make. Because as a leader, being confident in the work you do is essential so that the people working for you can see that you are a trustworthy person and a person that they can rely on when they run into a problem. In a previous reading, *The Importance of Having a Personal Leadership Philosophy*, states, "No matter what attributes and values you choose, however, trust overrides them all. Without trust, none of your other attributes and values matter. Trust is something you earn and maintain through your behaviors. It is not bestowed upon you by rank or title. Confidence is another key element of a strong leadership mindset. It comes from knowing yourself and understanding (and appreciating) your strengths and weaknesses" (Howard, 2016, para. 9-10). I believe when a leader holds these philosophies are respected, and they hold high in their workplace. In all, a good leader also does not disrespect their peers or the

people working under them even when they are being disrespected or when they have employees complaining about them. Although I know that not everyone has the same philosophy when it comes to this, that is why when someone does not show me the same respect in return, I do not take it personally. I know they might have a bad day or are going through something.

My second life philosophy is to always take care of yourself, which is probably the most important one to me. As we know, employees are getting burned out at an all-time high. Also, with the surge of Covid-19, many essential workers have to work the extra hours and go the extra mile. I was one of the essential workers, and I had to be at work every day to perform my duty. At the same time, I am mindful that I am not the only one that is going through this. That is why this philosophy of mine is so important to me. The reason why I believe this is a very important philosophy is that I experienced many burnouts and the one during covid was the worst one for me. However, I recognized that I had to take a break, so I took a few weeks off and traveled. Before taking a break, it is important to think about the things you enjoy seeing and what you can do when you take the break. As for me, I love nature, so I traveled to many state parks and forests around the United States. Just by taking these few weeks off, I got to recollect myself and get fresh air, and the most important thing was that it helped me cope with my mental health.

Additionally, with mental health, I tend always to get a grip on how it is doing. However, after working constantly, I forget about it and fall into a loop of doing things in a routine without realizing that it is affecting my mental health. According to Jacobes (2021), “a study of call center employees who took regular breaks found that their enthusiasm and commitment to work increased. This had a measurable impact on sales figures (and thus the company's bottom line). So, taking a break improves focus and concentration and provides the opportunity for an

employee's mental reset. After a break, work can resume with more energy and motivation. Working without taking one or more breaks only leads to mental and physical fatigue. It can even lead to burnout in the long run” (Jacobes, 2021, para. 5). As for this summer, I aim to have my family join me in my daily journey of healthy eating and exercising. Ever since my father passed away from complications with covid and other health conditions, it made me want to step up at home, and I now see myself as a leader and the head of the household. Even though I am the youngest of five siblings, I feel as if I am constantly involved in helping my family take care of my nieces and my mother. Knowing that my mom is my only sanity left, I treat her with all the respect I have, and even when I am impatient sometimes, I have to realize I have to be the bigger person. The same thing with my siblings; when there is a problem at home, I always listen to what they have to say so I can understand and figure out where the source of the problem was. In contrast, when I am the bigger person at home, I know that my family will see it; they do and appreciate that I am involved in everything they do. When my family is happy and healthy, it fulfills my happiness. Although exercising and eating healthy is difficult, I am firm with them about the benefits of doing these things. Since I have been exercising and practicing healthy eating for many years, my mother and siblings respect what I say even when it is tough for them sometimes. However, I know that they respect why I am doing this, and I can see that they are doing their best. In contrast, taking a break from work and people you are around for a long period is beneficial for bettering performance at work and improving mental health.

My topic of women's incarceration was an interest I had when I was an undergrad, and I always wanted to learn more about the prison system and how it operates with women prisoners. After doing hours of research, I found an issue in the prison systems for women that really



caught my attention. This issue was the shackling of pregnant women prisoners during a child's birth. After finding out that this practice was still a procedure or practice in the United States, and I decided to do more readings and go more in-depth about the history behind women's crime and compare it to male criminals. In contrast, I found out that shackling women during childbirth was an old practice, and some states in the United States are still practicing it. Although not every state practices the use of restraints during a child's birth, I still could not understand why it is still being practiced at all. To me, this is a very sensitive topic, and I am aware that everyone has their beliefs and philosophy on this particular topic. Hence, I want to clarify some things in regard to what I will do as a leader and in the leadership role. I would like to see what would happen in the future and what I would do if I were a leader in a correctional facility that imprisoned primarily female inmates. Being a leader is not always easy; it could be challenging. However, I believe leaders should have philosophies in every respect of their work so that the people working under them can understand what they must do at work. I think no woman should be under any restraints during a child's birth. I think that restraining women at birth put them in pain and trauma. On top of that, shackling women during labor also increases the chance of injury to them and possibly the child. According to King (2022), she states, "shackling is defined as the use of "any physical restraint or mechanical device to control the movement of a prisoner's body or limbs, including handcuffs, leg shackles, and belly chains" (p. 56).

Additionally, when shackling occurs, it may cause women to endure a higher level of mental stress, which could result in a risk of mental illness or risks that may be alleviated if this procedure was eliminated. According to King (2022), she states, "Medical practitioners have also made a strong case against the practice of shackling pregnant inmates, pointing to the physical complications that can arise as a result. These issues fall into three categories based on

when they occur: antepartum, intrapartum, and postpartum. In the antepartum period, shackled pregnant women are more likely to fall due to their shifting center of gravity, and wrist constraints may inhibit their ability to break the fall or avoid falling directly on the stomach, potentially harming the fetus” (p. 59). This is one of many issues regarding shackling women during labor, and we can already see that medically, this practice is not safe. So, what should a good leader do in this situation? What would I do if I was a leader in a facility that still uses this practice knowing that it can put mental strains on pregnant women and risk of injury to them and the fetus? Without a doubt, if I were a leader, I would prioritize taking this matter up to the state, advocating for these women, and hopefully changing the policy in the particular facility I am running.

As mentioned previously, a good leader has strong philosophies, and one of my main philosophies is to be confident and brave in what I do. I will bravely advocate for the women suffering at my facility because I stand strong on what I believe. Therefore, I will keep my composure throughout the process of getting to where I want to be regarding this issue. I believe that having confidence and believing in what you do is an excellent trait in a leader, and I believe that it is also a good philosophy to have as a leader. I believe that having this philosophy will encourage others to do what you believe as well because at this point, everyone that works under you will see what kind of leader you are, and they will appreciate the work that you put in behind the belief. In other words, people are more likely to respect you if you do what you believe in and never back down from rejections. Apart from this, of course, there are controversies on this issue because not every state banned the shackling of women in labor because some states believe that it is not a big issue, though the study shows that many of the female inmates are still being shackled during birth and most of these women are African

American. According to The Equal Justice Initiative (2020), it states, “Despite strong evidence of danger to the mother and child, the Guardian reports that 23 states do not have laws against shackling incarcerated pregnant women, even though the majority of women are incarcerated for non-violent offenses. This practice disproportionately affects Black women, who are almost twice as likely to be incarcerated as white women (para. 7). Though many people believe that shackling women during labor violates the 8th amendment, many people still believe it does not. According to The Equal Justice Initiative (2020), it states, “The study found that shackling violates personal dignity when it’s unnecessary, and it’s unnecessary in all but the most exceptional circumstances because a “woman’s ability to harm others or flee is physically limited during pregnancy and labor, and corrections officers accompany incarcerated women in hospital settings” (para. 12) In another reading, *Labor in Chains*, Lauryn King (2018), mentioned, “Several courts have ruled that shackling pregnant inmates violates the Eighth Amendment of the Constitution, which bans “cruel and unusual punishment” In the landmark case of *Estelle v. Gamble* in 1976, the Supreme Court ruled that “deliberate indifference to serious medical needs of prisoners constitutes the ‘unnecessary and wanton infliction of pain’... proscribed by the Eighth Amendment” (p. 59).

Despite that, some people beg to differ. According to, King (2018), “correctional facilities use two primary arguments to justify the practice of shackling pregnant inmates. The most prevalent holds that shackling ensures the safety of corrections officers, health professionals, and inmates. This idea arises from the fear that an unrestrained inmate will lash out and harm those around her, particularly civilian health professionals. The other main justification is to prevent the inmate from escaping while receiving medical care” (p. 58). King (2018) states, "As many prisons send inmates to contracted civilian hospitals that are less secure

than correctional facilities, prison staff might worry that inmates will see a trip to the hospital as an opportunity to escape. (p. 58). As much as I hate to say this, what kind of woman in labor can fight back and hurt correctional officers? To me, this makes no sense, and I believe that shackling women during labor violates the 8th amendment to the Constitution. If anything, women should be protected and taken care of most when they are in labor because that is when they are the most vulnerable. We may not see this issue come to rest anytime soon, but I do believe that good leaders in the future will go and will work together and put a stop to this issue and ban the practice of shackling altogether.

### **Life Philosophy**

The next life philosophy that recently stuck with me was to have fun while living life. This was just a philosophy I decided to add to my life from the lecture video from Randy Pausch. Pausch (2007, [video]) had many points and life lessons engraved in me from the lecture, but the one thing that stayed with me was not to forget to have fun while living your life. Pausch passed away in 2009, but at the time of the lecture, he was dying. But I would never have called it if he did not mention it in the video. Pausch accepted the fact that he was going to die within months. However, he was never discouraged, and he was not going to make that his misery and put it on his loved ones; instead, he had his fun while he lasted. This hit me hard, mainly because I suffer from depression and my father's death brought me down to rock bottom. After listening to the "Last Lecture" by Pausch (2007), I realized that I did stop having fun. I extract myself from people. Looking back at it, I should not have done that. Instead, I should have spent more time with my loved ones because I should take my life for granted, which is very precious. I am looking forward to spending my life each day living happily and being positive because tomorrow is never promised.

On the other hand, I will join the United States Army and enter the officer candidate school this fall. That said, I always find time to be with my friends and family. I know that I will be gone for a very long time after I am done with my time at Concordia. Hence, I will travel to the west coast after completing this capstone course with my fiancé. Although I am aware that going away to the army will be challenging for myself, my family, and my fiancé, I know I am doing it for the future of my family. In the meantime, before I leave for some time, I will be traveling and visiting places my fiancé, and I have always wanted to go to. As I mentioned before, traveling makes me happy, and it is a way of escaping reality; I am thankful that I have an understanding partner who supports me in everything I do. For this road trip, I hope to gain more confidence in myself and to find out more about myself as I have never traveled away from home for more than a month before, let alone with my fiancé. I hope to find peace, and I hope to find out more about my inner self. I believe that the road trip will serve as a big stress reliever and a coping mechanism for myself and my fiancé.

As I mentioned in my philosophy, it is important to not forget to enjoy life while living. That philosophy was originally from Pausch (2007), but I did not think too much of it until I realized how much time and effort I put in each day for work and other activities. I never thought about how life can be taken from us at any moment. Life is delicate and it is important that as a person we take time off from things we do on a daily basis and breathe for a little while. In a way, this philosophy to me ties in with the research topic. For instance, I spoke about what a good leader is and what they should do. Those things were to be open to learning new things and to be open to change even if it is going to make a drastic change in a workplace. Same with Pauch's (2007) philosophy, a lot of the time, as an individual, we tend to forget to give ourselves the credit we deserve and to treat each other to where we can just relax. Moreover, a good

leader, especially in the criminal justice system needs to be firm and comfortable with changes.

Not because the change will make the current situation worse, but to make the current situation

better with time. And it is okay when people do not agree with what they are doing, as long as

the choices they make are ethical and seemed the best for the community. Shackling in my

opinion is inhumane; however, not everyone has that same belief and that is totally acceptable!

At the same time, as long as I know that I am doing the best that I can as a leader, I do not have

to worry because change is not for everyone, but change is necessary when it is time.

Nonetheless, do not ever forget to give yourself the credit you deserve and the hard work you put

in because, at the end of the day, everyone will have their say in the things you choose to do. So

be happy and set yourself free when you are able because our time on earth is limited.

### **Chapter 3: Conclusions**

Women are in prison for the crime they did. However, it should never be okay for anyone

to be held against their will when given birth. Women are at their weakest during labor and

deserve to be placed on regular hospital beds just like any other females giving birth at the

hospital. As we saw in the findings, women are helpless during labor, and they do not pose any

threat or have the ability to jeopardize the correctional guards or medical staff. During the time

of labor when the women are restrained, the possibility of them getting hurt or them getting held

by restraining equipment is very high, and sometimes, these women have complications giving

birth. In contrast, women prisoners, especially the pregnant ones, are vulnerable and they cannot

pose any sort of threat when they give birth. Moreover, shackling women during birth can really

mess them up mentally, not just physically. Many of the women who gave birth in prison had

horrifying experiences and they often experienced post-traumatic stress disorder (PTSD) from

the trauma during their labor.

To sum up, the research let us investigate what we know and what we can do better in the future regarding the issue of restraining pregnant women during childbirth and re-entry of incarcerated women. First, we know that the United States is still using the practice of shackling and cuffing female inmates during labor. To take notes, not every state in the United States is practicing this. In fact, 22 states still do not ban the excessive use of restraints on pregnant inmates during labor. It is important to investigate why some of these laws are still the way they are and why it is still not amended even though there are flaws in them. In a leadership position, we need to implement changes that will better the prison systems, specifically women-dominant prisons. In order for leaders could change this practice of restraining pregnant women at birth and put a stop to this, they would have to use ethical principles so that it could be reviewed by the states and potentially end this horrible practice. On the other hand, many already know the inhumane side of restraining pregnant women during labor as we found that restraining them during labor gives them less opportunity to move around and position themselves when uncomfortable. Mind you, when these women are cuffed and shackled on the hospital bed for the birth of their child, they have pressure pushed down on them. On top of that, women that had given birth in prison in the past experienced PTSD from the trauma they had to go through during labor in prison. "Shackling pregnant women poses serious health risks to both mother and baby, but most incarcerated women in the U.S. are not protected from this dangerous practice. The number of women in jails and prisons in the U.S. increased more than 750% between 1980 and 2017—a rate of growth twice as high as that of men. According to Equal Justice Initiative (2020), "Analyzing the most recent data from the federal Bureau of Justice Statistics, the report found that while the number of men incarcerated far exceeds the number of women incarcerated, the rate of growth for female imprisonment has been twice as high as that of men since 1980"

(para. 2). To add to this, according to a newer article from The Equal Justice Initiative (2020), it states, “There are more than 225,000 women incarcerated today, and as the Guardian reports, only about 15% of them are in federal prisons where they are protected by the new federal prohibition on using restraints during pregnancy, labor, and postpartum recovery. Medical experts say shackling poses safety risks that include “the potential for injury or placental abruption caused by falls, delayed progress of labor caused by impaired mobility, and delayed receipt of emergency care when corrections officers must remove shackles to allow for assessment or intervention” (para. 2-3). According to the Equal Justice Initiative (2020), it states, “restraining women in transport to prenatal care and during labor and delivery can obstruct necessary medical care and, during labor, lead to extreme physical pain and complications because of the mother’s inability to move freely, according to a 2017 report from the American Psychological Association, physicians have reported not being able to administer epidurals due to restraints, and in one documented case, a woman restrained during labor experienced a hip dislocation that caused permanent deformities and pain, stomach muscle tears, and an umbilical hernia. Women subjected to restraint during childbirth also report severe mental distress, depression, anguish, and trauma, the APA reports. Shackling during or immediately following childbirth can cause or exacerbate pregnancy-related mental health problems, including depression and post-traumatic stress disorder” (Equal Justice Initiative, 2020, para. 5). In addition to this, we also have to look at the rate of women going in and out of the prison system. This is alarming and it is only right for leaders to look at the root of this and why women's recidivism rates are so much higher than before. As mentioned, according to the Equal Justice Initiative (2020), “the number of women in jails and prisons in the U.S. increased more than 750% between 1980 and 2017—a rate of growth twice as high as that of men” (para. 2), but



why? Well, looking into the re-entry area, most women who re-enter the world do not have a lot of places to go because a lot of the time, these women lived with their partners, and the partners are the ones that got them into jail in the first place.

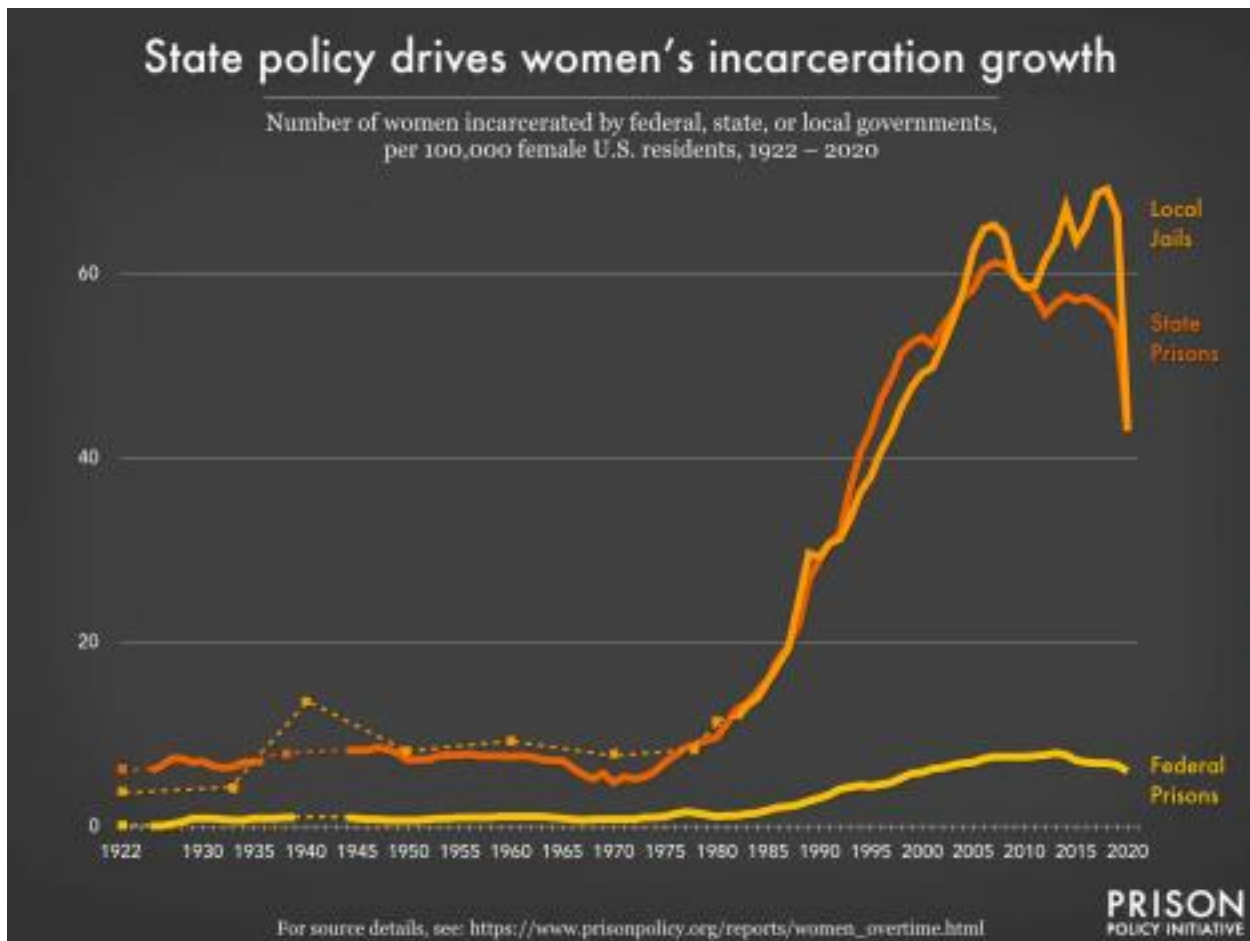
Therefore, they do not have a place to stay, and they do not have the skills or training to find jobs because the prison system does not prepare them for when they are behind bars. According to Gordon (2018) from Washington University in Saint Louis, she states, "Much of the focus in scholarship, media and popular culture today is on what happens before the initial arrest and the circumstances that got someone to that point. However, far less attention is paid to those who were incarcerated once they left. In 2010, 750,000 people were released back into society. That is three-quarters of a million people who are now seeking employment, services, and housing. A majority of those leaving prison are unsuccessful in their efforts, and most end up back in prison. Within three years, 67% of those released return to incarceration (para 32). Additionally, Gordon (2018) added," This struggle of re-entry is especially difficult for women because they are most often the primary caregivers for their children. The added stress and necessity to re-enter quickly in order to support or reconnect with one's family is a unique aspect for women. Although both men and women struggle to successfully transition back into society after prison, women have an added burden that compounds will all of the other barriers to re-entry" (para. 33). We see this a lot with male inmates when they are released, they usually have skills set learned from being in prisons, and sometimes they earn certificates from attending woodworking classes in prisons. So, when these male inmates get out, they at least know where to turn to if they are looking for a job. Whereas for women, when they have nowhere else to turn, they resort back to crime, which brings them back into the system. This is a cycle we do not need as a country and as future leaders; it is important that we take in the importance of these issues

and address them often so that they can be heard. According to an article by Huebner et al. (2009), “most women who are released from prison will have subsequent contact with the criminal justice system. Recent cross-state estimates of recidivism suggest that 58% of incarcerated women are rearrested, 38% are reconvicted, and 30% are returned to prison in the three years following release from prison (para 4). In hindsight, the issues with shackling of women in labor in prison in the United States perhaps still need to be closely examined and carefully studied in order for people to come to a single conclusion of banning this practice. As well as the issues with re-entry to the community for women. Since women are the main caretaker of their children, they again do not have the support to fall into when they are released. They either make it or they will take the route they are used to, which is turning back to crime, which ultimately gets them straight back into incarceration. Moreover, for children, when their mothers or caregivers are sent back to jail or prison, the children have nowhere to go. According to Miller (2021), she states, “The re-entry into society of incarcerated people remains one of the most significant challenges facing the criminal justice system, as correctional facilities in the United States release approximately 600,000 individuals back into communities each year. About 78,000 of those individuals are women, equating to more than 200 every day (para. 1)

Notably, the majority of incarcerated females are parents to children under the age of 18 years old., “Unlike most men who commit crimes, many of these incarcerated mothers have sole custody of their children and plan to resume their parenting roles following release. The average incarcerated female has about 2.5 children. Thus, in any given year, almost 200,000 American children experience the incarceration and subsequent re-entry of their primary caregiver” (para. 7). Although the system fails to protect women in prisons, especially mothers, I strongly still feel as this is an issue that can be resolved in the near future. Some of the problems can be solved

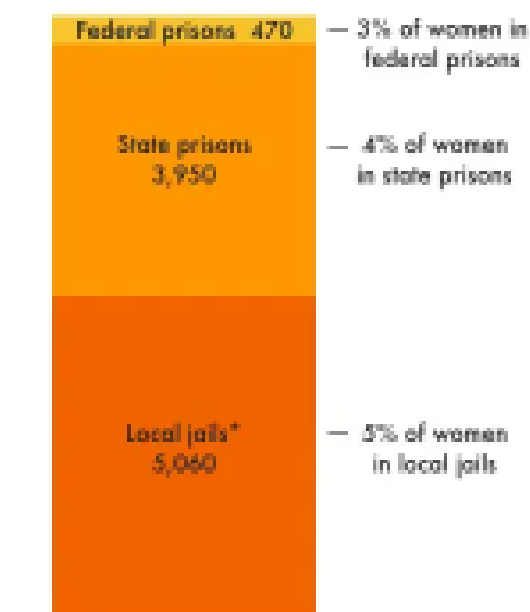
from inside the facilities because I still believe that having programs for mothers is still the way to set them up for a better future when they are released back into the community. By having programs like this one, it will help mothers reconnect with their children in a timelier manner, and the children will not be deprived of being with their caretakers. Also, when the mothers and children can be together, they can have the stability they need. This means the children will not be without guidance and they will not experience the trauma that their caregivers had to go through. As mentioned before, many of the children that grew up without their caregivers tend to suffer from mental disorders, and this can lead to many things and one of the biggest ones is them getting involved in crime. According to Children Trends (2015), it states, "Since incarcerated women are often custodial parents when they are sent to prison, their absence can have a profound effect on their children, partners, and other family members. Maternal incarceration can negatively influence children's well-being. Many of these children demonstrate depression, anxiety, and rule-breaking behavior, and are more likely to drop out of school, be suspended, be absent from school, and do poorly academically, compared with classmates without a parent in prison" (Children Trends, 2015, para. 5).

**Tables:**

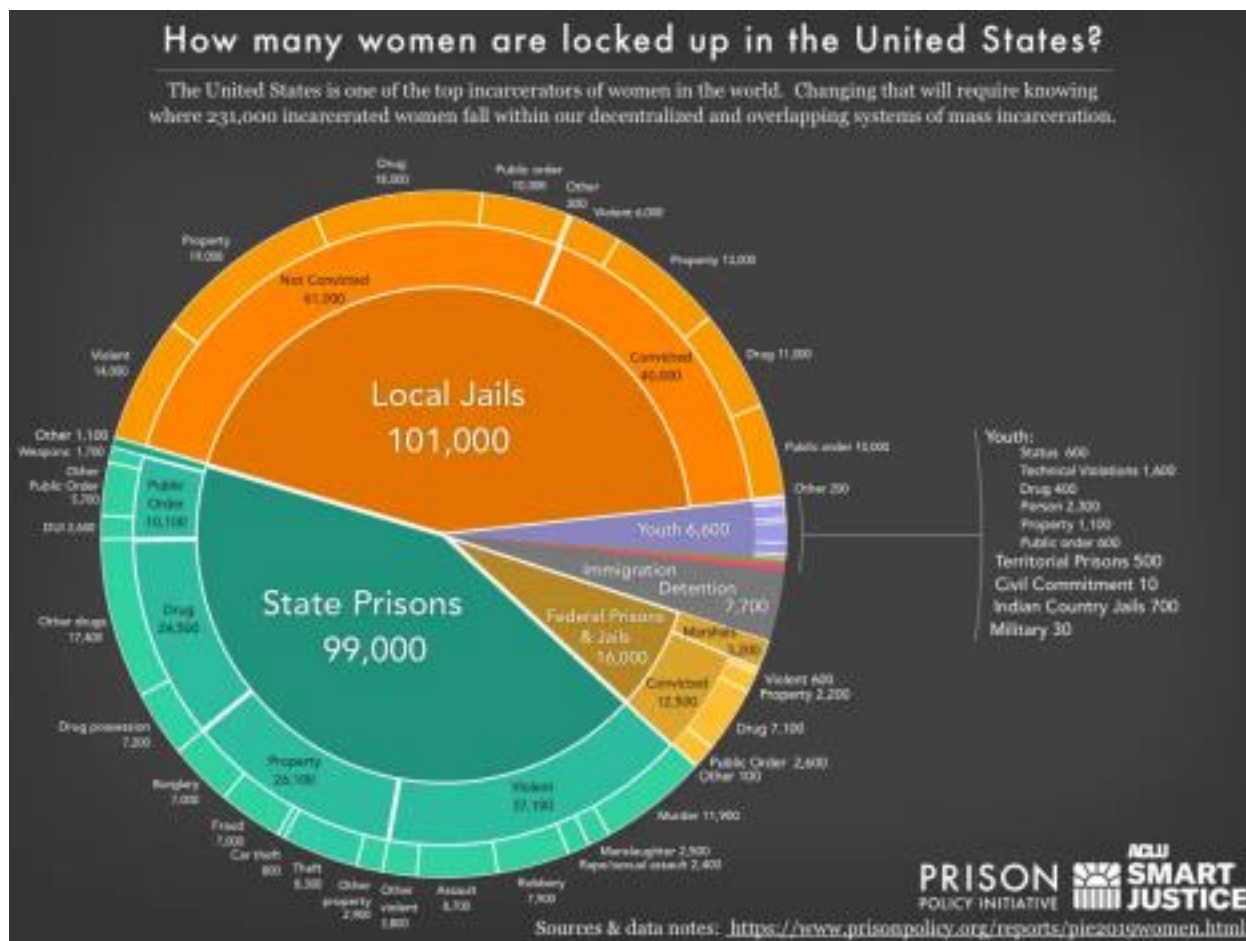


Data Source: For source details, see [https://www.prisonpolicy.org/reports/women\\_overtime.html](https://www.prisonpolicy.org/reports/women_overtime.html). (Graph: Wendy Sawyer, 2022)

## Women in prisons and jails in 2017 who were pregnant when admitted



Data Source: These estimates are based on the [number of women](#) under local, state, and federal jurisdiction in 2017 and the percentages of women in prisons and jails who were pregnant when admitted, as reported by the Bureau of Justice Statistics. \*Note that the estimate for women in local jails is based on the jail population on a single day, not the much greater number of women admitted to jail over the course of a year. (Graph: Wendy Sawyer, 2019)



Data Source: For sources and data notes, see [about the data section](#) of the full report. (Graph: Aleks Kajstura, 2019)

This graph originally appeared in [Women's Mass Incarceration: The Whole Pie 2019](#).

## References

- ACLU. (2012, October 10). *Anti-shackling Briefing Paper Stand Alone - American Civil Liberties Union*. American Civil Liberties Union . Retrieved June 1, 2022, from [https://www.aclu.org/sites/default/files/field\\_document/anti-shackling\\_briefing\\_paper\\_stand\\_alone.pdf](https://www.aclu.org/sites/default/files/field_document/anti-shackling_briefing_paper_stand_alone.pdf)
- Bach, D. (2015, August 11). Behaviors linked to adult crime differ in abused girls and boys, study finds. UW News. Retrieved June 26, 2022, from <https://www.washington.edu/news/2015/08/11/behaviors-linked-to-adult-crime-differ-in-abused-girls-and-boys-study-finds/>
- Bandelet, M. (2017). "Here's How Prison and Jail Systems Brutalize Women, Especially Mothers." American Civil Liberties Union. Retrieved December 12, 2021 <https://www.aclu.org/blog/womens-rights/women-and-criminal-justice/heres-how-prison-and-jail-systems-brutalize-women>
- Bender, A. (2021, August 26). It's National Women's Equality Day-why do we lock up so many women and girls? OK Justice Reform. Retrieved June 26, 2022, from <https://okjusticereform.org/2021/08/national-womens-equality-day/>
- Calvert, D. (2017, January 10). *To lead, you need a personal leadership philosophy. it's not optional any more*. Medium. Retrieved June 11, 2022, from <https://peoplefirstps.medium.com/to-lead-you-need-a-personal-leadership-philosophy->

its-not-optional-any-more-9369e008eec7

Cooley, B., Sample, L., Rolf, K., & Garman, J. (2021, June 2). *Digital Commons - University of Nebraska Omaha*. Digital Commons at UNO. Retrieved June 1, 2022, from <https://digitalcommons.unomaha.edu/cgi/viewcontent.cgi?article=1061&context=criminaljusticefacpub>

Chang, A., Witherspoon, A. (2022, May 26). Outrage and inaction: How the push for U.S. gun control rises and falls with each school shooting. *The Guardian*. Retrieved July 2022, from <https://www.theguardian.com/us-news/2022/may/26/gun-violence-america-graphs>

Child Trends. (2020, March 25). *What happens when Moms Go To Prison*. Child Trends. Retrieved July 1, 2022, from <https://www.childtrends.org/es/blog/what-happens-when-moms-go-to-prison>

Daly, K. (1992). Women's pathways to felony court: Feminist theories of lawbreaking and problems of representation. *Review of Law and Women's Studies*, 2, 13–14

Ehlich, & Paltrwol. (2006, September 20). Finalize details. Citation Machine, a Chegg service. Retrieved July 10, 2022, from <https://www.citationmachine.net/apa/cite-a-website/new>



Equal Justice Initiative. (2018, May 11). *Incarceration of women is growing twice as fast as that of men*. Equal Justice Initiative. Retrieved June 30, 2022, from

<https://eji.org/news/female-incarceration-growing-twice-as-fast-as-male-incarceration/>

Equal Justice Initiative. (2020). *Shackling of pregnant women in jails and prisons continues in the United States*. Retrieved January 9, 2022, from

<https://eji.org/news/shackling-of-pregnant-women-in-jails-and-prisons-continues/>

Fettig, A. (2022, May 12). *Incarcerated women and girls*. The Sentencing Project. Retrieved June 14, 2022, from <https://www.sentencingproject.org/publications/incarcerated-women-and-girls/>

Fogel Law, New York Injury Lawyer. (2022). *Inmate abuse by corrections officers and the legal recourse available*: Law offices of Nussin S. Fogel: New York City. Retrieved July 2022, from <https://www.nsfogel.com/articles/inmate-abuse-by-corrections-officers-and-the-legal-recourse-available/>

Furniture Masters. (2021). *Maine Prison outreach*. Retrieved June 28, 2022, from

<https://furnituremasters.org/maine/>

Gordon, A. (2018, March 25). *Getting out: Women in transition*. American Culture Studies.

Retrieved July 2022, from <https://amcs.wustl.edu/news/getting-out-women-transition>

Gueta, K., & Chen, G. (2016). Men and Women Inmates' Accounts of Their Pathways to Crime: A Gender Analysis. *Deviant Behavior*, 37(12), 1459–1472.

<https://doi.org/10.1080/01639625.2016.1189753>

Howard, S. (2016, October 25). *Leadership mindset: Leadership values: Leadership philosophy*.

Caliente Leadership | The Art of Great Leadership. Retrieved August 12, 2022, from <https://calienteleadership.com/leadership-mindset-2/>

Huebner, B., Dejong, C., Cobbina, J. (2009, April 30). Women coming home: Long-term patterns of recidivism. Taylor & Francis. Retrieved May 28, 2022, from

<https://www.tandfonline.com/doi/full/10.1080/07418820902870486>

Jacobse, E. (2021, December 9). *The great importance of taking a break during working hours*.

Shift base. Retrieved June 28, 2022, from <https://www.shiftbase.com/blog/the-great-importance-of-taking-a-break-during-working-hours>

Kaistura, A. (2017). "Women's Mass Incarceration: The Whole Pie 2017." Women's

Mass Incarceration: The Whole Pie 2017 | Prison Policy Initiative. Retrieved January 2, 2021 <https://www.prisonpolicy.org/reports/pie2017women.html>.

King, L. (2018). Labor in chains: The shackling of pregnant inmates. *Policy Perspectives*.

Retrieved June 28, 2022, from [https://journal.policy-perspectives.org/articles/volume\\_25/10\\_4079\\_pp\\_v25i0\\_18348.html](https://journal.policy-perspectives.org/articles/volume_25/10_4079_pp_v25i0_18348.html)

The Legal Examiner. (2022, June 26). *Inmate abuse in U.S. prison facilities*. The Legal Examiner. Retrieved July 1, 2022, from <https://www.legalexaminer.com/category/legal/inmate-abuse/>

Mahan, T. (2022, July 5). *How to define ethical behavior & why it's important in the workplace*. Work Institute. Retrieved July 15, 2022, from <https://workinstitute.com/how-to-define-ethical-behavior-why-its-important-in-the-workplace-2/>

Martin, D. (2018). "Nature and Extent of Female Crime." Presented at the Women, Crime, and Justice, University of Wisconsin, River Falls. Retrieve on February 2,

Miller, H. V. (2021, May 19). Female re-entry and gender-responsive programming. National Institute of Justice. Retrieved June 2, 2022, from <https://nij.ojp.gov/topics/articles/female-reentry-and-gender-responsive-programming>

Morash, M., Bynum, T., & Koon, B. (1998, August). *Women Offenders: Programming Needs and Promising Approaches*. New OJP Resources. Retrieved June 31, 2022, from <https://www.ncjrs.gov/txtfiles/171668.txt>

National Institute of Justice (2017). Pathways between child maltreatment and adult criminal involvement. Retrieved June 2022, from <https://nij.ojp.gov/topics/articles/pathways-between-child-maltreatment-and-adult-criminal-involvement>

Oxner, R. (2022). 'From Bad to Worse': U.S. Judge Deplores Conditions for Texas Foster Kids

Sent out of States. The Texas Tribune, January 13, 2022. Retrieved

<https://www.texastribune.org/2022/01/12/texas-foster-care-system-fines/>

Pausch, R. (2007). Randy Pausch Last Lecture: Achieving Your Childhood Dreams. Retrieved

[https://youtu.be/ji5\\_MqicxSo](https://youtu.be/ji5_MqicxSo)

Pincott, J. (2016, April 22). *4 powerful psychological reasons even honest people lie and cheat*

*sometimes*. Reader's Digest. Retrieved July 1, 2022, from

<https://www.rd.com/article/why-people-lie/>

Pollock, J. M. (2018). *Ethical dilemmas and decisions in criminal justice* (7th ed.). Cengage

Learning.

Pressley, N. (2020). Second Chance Parenting: Restoring Parental rights. Taxes Public Policy

Foundation. Retrieved [https://www.texaspolicy.com/second-chance-parenting-restoring-](https://www.texaspolicy.com/second-chance-parenting-restoring-parental-rights/)

[parental-rights/](https://www.texaspolicy.com/second-chance-parenting-restoring-parental-rights/)

Quinn, A. (2014, July 26). In labor, in Chains. The New York Times. Retrieved June 28, 2022,

from [https://www.nytimes.com/2014/07/27/opinion/sunday/the-outrageous-shackling-of-](https://www.nytimes.com/2014/07/27/opinion/sunday/the-outrageous-shackling-of-pregnant-inmates.html)

[pregnant-inmates.html](https://www.nytimes.com/2014/07/27/opinion/sunday/the-outrageous-shackling-of-pregnant-inmates.html)

Richardson, A. (2020, March 3). Shackling of pregnant prisoners is ongoing. Bill of Health.

Retrieved July 2022, from

<https://blog.petrieflom.law.harvard.edu/2020/03/04/shackling-of-pregnant-prisoners-is-ongoing/>

Robinson, M. A., & Smith Lee, J. R.(2019). “That’s My Number One Fear in Life. It’s the Police”: Examining Young Black Men’s Exposures to Trauma and Loss Resulting from Police Violence and Police Killings. *Journal of Black Psychology*, 45(3), 143–184.

<https://doi.org/10.1177/0095798419865152>

Simons, C., & Craig, C. (2022). Texascjc.org. Retrieved July 2022, from

<https://texascjc.org/system/files/publications/2022-05/motherhood-and-pregnancy-behind-bars-tcje.pdf> hift

Solutions for safe, healthy, just communities: Texas CJE. Solutions for safe, healthy, just communities | Texas CJE. (2022, May 11). Retrieved June 28, 2022, from

<https://www.texascje.org/>

United Nations Office on Drugs and Crime. (2014). Handbook on women and imprisonment.

Retrieved June 2022, from [https://www.unodc.org/documents/justice-and-prison-reform/women\\_and\\_imprisonment\\_-\\_2nd\\_edition.pdf](https://www.unodc.org/documents/justice-and-prison-reform/women_and_imprisonment_-_2nd_edition.pdf)

Villa, M. (2017, June 22). The Mental Health Crisis facing women in prison. The Marshall

Project. Retrieved July 2022, from

<https://www.themarshallproject.org/2017/06/22/the-mental-health-crisis-facing-women-in-prison>

Wang, L. (2021, August 19). *Unsupportive environments and limited policies: Pregnancy, postpartum, and birth during incarceration*. Prison Policy Initiative. Retrieved June 1, 2022, from

[https://www.prisonpolicy.org/blog/2021/08/19/pregnancy\\_studies/#:~:text=Some%20of%20the%20major%20findings,similar%20to%20those%20among%20adults.](https://www.prisonpolicy.org/blog/2021/08/19/pregnancy_studies/#:~:text=Some%20of%20the%20major%20findings,similar%20to%20those%20among%20adults.)

Webster, R. (2018, July 17). *Women's pathways through the justice system*. Russell Webster.

Retrieved June 21, 2022, from <https://www.russellwebster.com/npcwomen18/>

Yearwood, L. T. (2020). Pregnant and shackled: Why inmates are still giving birth cuffed and bound. Economic Hardship Reporting Project. Retrieved June 28, 2022, from <https://economichardship.org/2020/01/pregnant-and-shackled-why-inmates-are-still-giving-birth-cuffed-and-bound/>