

Congress of the United States
Washington, DC 20515

November 9, 2017

The Honorable Gene Dodaro
Comptroller General of the United States
441 G Street, NW
Washington, DC 20548

Dear Mr. Dodaro,

We are writing to request a Government Accountability Office report on the situation of pregnant women in prisons and Immigration and Customs Enforcement (ICE) detention facilities.

Organizations including the American Civil Liberties Union (ACLU) have highlighted several inhumane practices in prisons that pose serious threats to the health and safety of incarcerated women and their babies. A 2014 report titled *Worse Than Second-Class* by the ACLU revealed that some pregnant inmates face prolonged solitary confinement that adversely impacts the mother's mental and physical health and thereby jeopardizes the course of the pregnancy, the healthy development of the baby, as well as disrupts the bond between the mother and child. Recent reports indicate an increase in the number and length of time served by pregnant women in Immigration and Customs Enforcement (ICE) custody, despite a directive to only detain pregnant women under "extraordinary circumstances". Civil society groups have also revealed dangerous practices such as the shackling of pregnant women, including horrific instances of women shackled during labor. Incarceration and lack of appropriate care can be a serious threat to women's health, leading to extreme stress, infections, depression and even miscarriage.

In addition to solitary confinement and shackling, concerns have been raised regarding the lack of access to appropriate quantities of nutritious food, access to vitamins to prevent birth defects and general accommodation of pre- and post-natal care needs. It has been reported that mothers are often separated from their newborns less than 24 hours after birth, preventing bonding that is important for infant development and for the postpartum health of the mother. Harmful lactation policies, wherein inmates are denied access to breast pumps under the pretext of security measures, create unnecessary risks of painful infections for lactating mothers and deny babies the benefits of breastmilk. The security value of such harsh rules is highly questionable given the vulnerable position of pregnant women.

Given these issues, we are concerned that federal agencies do not have adequate guidelines or enforcement of policies to protect pregnant detainees and inmates. We request that the Government Accountability Office examine the situation of pregnant inmates and immigrant detainees to better understand efforts taken to protect them and their fetus, as well as to protect the bond between the mother and child.


We would like GAO to consider including the following questions in a report regarding Bureau of Prisons (BOP), Immigration and Customs Enforcement (ICE), and the United States Marshals Service (USMS) policies and enforcement methods:

- Do the policies adequately account for the adverse physical and psychological impacts of practices such as shackling and solitary confinement for pregnant women in their guidelines? When were the guidelines last updated and is a comprehensive update necessary at this time?
- How do the agencies implement and enforce current guidelines and updates to the guidelines? Are there adequate audits, assessments or reviews of compliance with existing anti-shackling, restraint and other policies impacting pregnant women?
- What training do staff members receive with respect to pregnant inmates and detainees? Do the trainings correspond with appropriate enforcement of current guidelines?
- Are there comprehensive pre- and post-natal healthcare services accessible to pregnant inmates and detainees? For example, what kind of food and vitamins do pregnant inmates and detainees receive? Do these services meet national standards and guidelines, such as those promulgated by the American Congress of Obstetricians and Gynecologists (ACOG)?
- Are guidelines on lactation policies adequate to allow a mother to provide breastmilk for her baby or safely wean, and are they being properly enforced?
- How cost effective is it to hold pregnant women who have committed low-level infractions in prisons and detention centers? Are cost-effective alternatives to detention being appropriately considered?
- Are there appropriate channels for pregnant women to report mistreatment or lack of access to needed care, including for medical emergencies?
- Do agencies accurately track information on pregnant inmates and detainees, including the number of pregnancies, crimes for which pregnant women have been apprehended and length of their sentences? Does data include how many pregnant women detainees and/or prisoners have reported facing inhumane treatment such as shackling and use of restraints?
- Do privately contracted prisons regularly provide data on pregnant women? If this data is currently not being collected, what steps can be taken by these agencies towards tracking this information?

A Government Accountability Office report and recommendations of these issues will be an important step towards effectively addressing the plight of women in this vulnerable position.

Thank you for your attention to this important issue and we look forward to your response. Please contact Kelsey Mishkin (Kelsey.Mishkin@mail.house.gov) to follow up and with any clarifying questions.

Sincerely,


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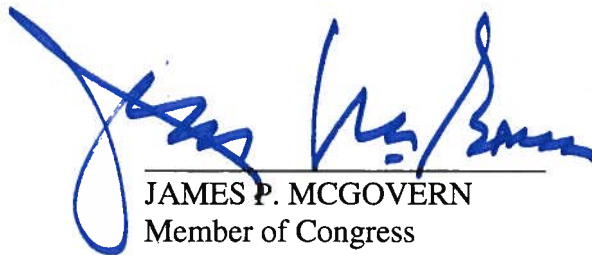
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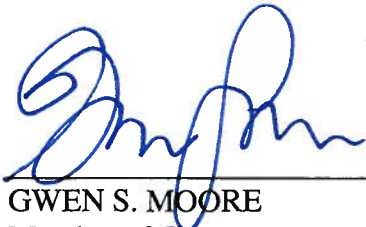
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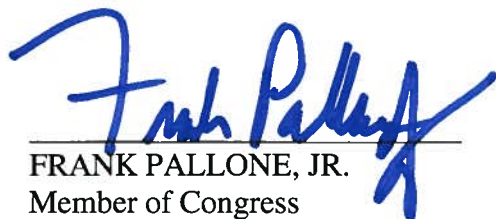
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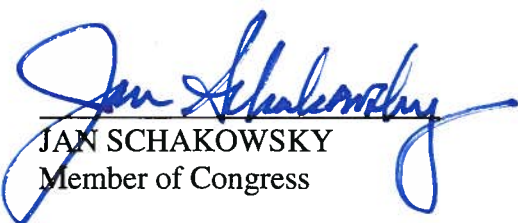
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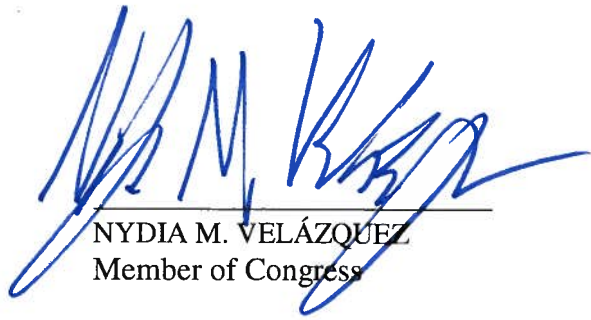
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