

Opinion: How the jail and prison system affects pregnant mothers

Pregnant women continuously struggle in their day-to-day lives. The hormones, the back pain, the lack of sleep, the fluctuating weight and appetite – these are things that they must deal with while carrying a baby in their womb for nine months. Now imagine these very same women struggling with these very same ordeals but incarcerated and in prison.

Mothers are seen in society as the caretaker of the family – the ones who provide for their children and who would do anything to protect them. Mothers are also cared for and protected as they endure changes to their own bodies while bringing life into the world. But can they truly be protected when put into a system filled with violence and uncertainty?

Women incarcerated during pregnancy or childbirth [are exposed to increased risks](#) to their infants' health and wellbeing, as well as their own. This only adds on to the [pre-existing factors](#) that many of these women have faced in society including poor nutrition, domestic violence, mental health, sexually transmitted infections, and dependence on drugs and alcohol.

Between the years 1970 and 2014, the [number of incarcerated women](#) increased from under 8,000 to nearly 110,000 in the United States. As for pregnant women, an estimated 12,000 of U.S. prison residents are [pregnant while serving their sentence](#) and about 2,000 of them give birth while behind bars each year. However, these numbers are not consistently tracked by many prison facilities or federal agency so the numbers may be higher than stated.

Considering the high numbers but unknown rates of incarcerated pregnant women, there is still a lack of prenatal care, or even care to test pregnancy upon prison facility entry. According to a [study](#) on the “Examination of Care Practices of Pregnant Women Incarcerated in Jail Facilities in the United States” in 2017, only 37.7% of facilities pregnancy tested women. Prisons and jails are constitutionally required to provide the necessary health care to those incarcerated. Unfortunately, there are no [existing standards](#) that mandate what health care services are exactly needed, including for prenatal and pregnancy care.

Even though there seems to be an abundance of data and sources that study maternal health in prisons, there is actually a lack of data on these [pregnancy-related outcomes](#) due to the lack of inquiry from national health statistics surveys on incarceration. There is evidence of this shown through the Center for Disease Control's National Vital Statistics System which collects and compiles data from state birth certificates but does not access [maternal incarceration status](#).

Evidently, there are many negative risks and factors that stem from the lack of care towards incarcerated pregnant women. Fortunately, there are policies and legislation that have been passed stepping in the right direction to improve the system.

In December of 2018, President Donald Trump signed the [First Step Act](#) into law. “The act was the culmination of a bi-partisan effort to improve criminal justice outcomes, as well as reduce the size of the prison population while also creating mechanisms to maintain public safety.” One

way the First Step Act improved criminal justice outcomes was that it outlawed the [use of shackles](#) on pregnant women entering the prison facilities.

Another piece of [legislation](#) that went into effect is The Justice for Incarcerated Moms Act. Passed in 2021, it was introduced by Senators Cory Booker, Dick Durbin, and Mazie Hirono with a goal of addressing the maternal health crisis among incarcerated women. Congresswoman Pressley stated that the act “would center the dignity of pregnant people behind the wall by creating systems to protect the health and dignity of incarcerated people and enlist them as partner in our fight for justice and equity.” More specifically, [the act would](#) incentivize state and local prisons to prohibit shackling pregnant women, provide funds to establish programs to assist pregnant women during pregnancy and postpartum in federal, state, and local jails, and study more about maternal mortality and morbidity in the prison system.

Prison reform is a conversation that has been discussed throughout society for as long as one can remember. And what makes this conversation controversial is the argument between whether it is worth all the money spent.

One of the biggest factors that play a role in almost all major decisions in society is the economic factor. The United States is currently in a national debt of over 28 trillion dollars, and the number continues to increase by the second. Regarding the [economics of incarceration](#), the total United States government spending on public prisons and jails is over 80 billion dollars.

Although this is a factor that many policymakers and the people of American society stress over, the long-term result of such efforts will provide a better and more stable environment. Prison reform needs to be promoted to fight for human rights and public health for all, but most importantly, for every single one of the incarcerated women in need of the necessary prenatal and postpartum care to ensure the health and wellbeing of the mother and the baby.

Another argument could be any disagreement with banning the shackling of pregnant women. Fact of the matter is that pregnant mothers are incarcerated because they committed a crime. Like any man or non-pregnant woman, the commitment of violent offenses such as sexual crimes, murder, and abuse will result in a higher chance of shackling for the protection of law enforcement, correctional officers, guards, and other surrounding personnel. If a pregnant woman were to commit a violent crime, does that also mean she is violent enough to harm others in her surrounding?

Women who are pregnant and are about to bring new and innocent life into the world are to be protected, no matter where their life choices lead them. In prison or not, they still deserve to be treated humanely, just as any other person living life. I hope to inspire all people to do what they can to bring this issue to light and to try to change the already debilitating prison system. There needs to be more research and data on pregnancy among incarcerated women to provide the necessary help. Whatever they did to land in a prison cell, they are still people, but more importantly, they are mothers first.

Citations

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