



H.R. 6129 - The Justice For Incarcerated Moms Act

Background

The United States has an incarceration crisis that fails to meet the unique needs of the population it imprisons. More than 2.3 million people are incarcerated across America with women among the fastest growing populations. Nationally, five percent of women in prison and jail are pregnant and over 80 percent are mothers.¹ Today, over 100,000 incarcerated people are women and three-quarters of them are of childbearing age. Women in jail who arrive pregnant are considered high risk, which is often exacerbated due to inadequate medical care.²

Moreover, pregnant women in prisons and jails are regularly shackled during labor and childbirth and separated from their newborns shortly after giving birth – denying them the chance to breastfeed and bond with their babies and leading to adverse medical outcomes for both moms and infants and can lead to the permanent separation of families. The threat is particularly acute for incarcerated Black women, who are imprisoned at twice the rate of white women.³ It is essential that our nation's criminal legal system establish policies that are gender-responsive to meet the needs of women, mothers, and the children and families they leave behind.

Women & Mothers in the Criminal Legal System

- More than 100,000 women are in prison – 5% are pregnant and nearly 80% are mothers.⁴
- 36% of women detained pretrial in Massachusetts were there because they could not afford bail amounts of less than \$500.⁵
- The sexual abuse-to-prison pipeline is real – incarcerated women are often survivors of childhood sexual trauma, sexual assault, and intimate partner violence.
 - 86% experience sexual violence in their lifetime, 77% experienced intimate partner violence, and 60% experienced caregiver violence.

Women are disproportionately affected by the war on drugs – between 1980 and 2009 arrest rates for drug possession or use tripled for women, while the rate for men doubled.⁶

Justice For Incarcerated Moms⁷ Act

Last fall, Congresswoman Pressley introduced [H.Res 702, The People's Justice Guarantee](#) – a comprehensive framework to transform the American criminal legal system into one that guarantees justice for all. Building off the People's Justice Guarantee, and in conjunction with the **Black Maternal**

¹ Overlooked: Women and Jails in an Era of Reform. <http://www.safetyandjusticechallenge.org/wp-content/uploads/2016/08/overlooked-women-in-jails-report-web.pdf>

² Bureau of Justice Statistics. Medical Problems of Prisoners. <https://www.bjs.gov/content/pub/html/mpp/mpp.cfm>

³ *Ibid.*

⁴ Vera Institute for Justice. Improving the Health and Wellbeing of Incarcerated Mothers. <https://www.vera.org/blog/improving-the-health-and-wellbeing-of-incarcerated-mothers>

⁵ Prison Policy Initiative. New government report points to continuing mental health crisis in prisons and jails. https://www.prisonpolicy.org/blog/2017/06/22/mental_health/

⁶ *Ibid. a*

⁷ "Moms" is meant to be inclusive of cis women, transgender people, and gender-nonconforming individuals.

Health Momnibus package – a set of 9 bills aimed at addressing the Black maternal health crisis – Congresswoman Pressley is introducing the Justice for Incarcerated Moms Act to improve maternal health care and support for incarcerated women. Specifically, the [Justice for Incarcerated Moms Act](#) would:

1. **End the shackling of pregnant individuals** by making federal funding to states through the Edward Byrne Memorial Justice Grant Program conditional on states having laws that ban the use of restraints on incarcerated pregnant individuals (“shackling”).
2. **Create model programs for the care of incarcerated individuals in prenatal and postpartum periods** by providing funding to the federal Bureau of Prisons and state and local prisons and jails to establish programs for pregnant and postpartum incarcerated individuals that include access to:
 - Doula services and support from other perinatal health workers, including midwives and OB/GYNs;
 - Healthy foods and nutrition counseling;
 - Training for correctional officers and medical personnel to ensure that pregnant incarcerated individuals receive care that promotes their health and safety;
 - Counseling and treatment for pregnant and postpartum individuals with substance use disorders, mental health conditions, and chronic conditions;
 - Reentry assistance;
 - Pregnancy and childbirth education and parenting support; and
 - Maternal-infant bonding opportunities.
3. **Establish funding for diversion programs** as alternatives to incarceration for pregnant individuals and primary caretakers of minor children.
4. **Create the first-ever comprehensive study on maternal health for incarcerated individuals** with a particular focus on racial and ethnic disparities in outcomes to understand the scope of the maternal and infant health crisis and the impact of health care coverage gaps among incarcerated individuals.

The Justice for Incarcerated Moms Act has been endorsed by Black and Pink Boston, Violence in Boston, Jane Doe Inc, Civil Liberties & Public Policy, Religious Coalition for Reproductive Choice, Black Mamas Matter Alliance, Black Women's Health Imperative, Center for Reproductive Rights, National Partnership for Women & Families, Ancient Song Doula Services, Mamatoto Village Inc, National Perinatal Task Force, Commonsense Childbirth, Families USA, Every Mother Counts, National Birth Equity Collaborative, First Focus Campaign for Children, MomsRising, American Public Health Association, American College of Physicians, American College of Nurse-Midwives, Sésé Doula Services, Mom Congress, NARAL Pro-Choice America, Jamila Taylor, Director of Health Care Reform and Sr. Fellow for the Century Foundation, National WIC Association, EverThrive Illinois, National Health Law Program, Community Catalyst, American Association of Birth Centers, Lamaze International, Children's Hospital of Philadelphia, Save The Mommies, APS Foundation of America, Inc, African American Breastfeeding Network, United Ways of Texas, Society for Public Health Education, AllianceChicago, A Better Balance, Jacobs Institute of Women's Health, Raising Women's Voices for the Health Care We Need, Power to Decide, Association of State Public Health Nutritionists, National Association of Professional and Peer Lactation Supporters of Color (NAPPLSC), Majaica, LLC & Save 100 Babies, Women's Health and Family Planning Association of Texas, SisterReach, Children's Defense Fund – Texas, BreastfeedLA, Healing Hands Community Doula Project, HealthConnect One, Atlanta Doula Collective, Dem Black Mamas Podcast, California Breastfeeding Coalition, The Afiya Center, Northern Illinois Church Of God In Christ, Circle Up - United Methodist Women for Moms, and Muslims for Progressive Values.

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