

# THE LEGAL AID SOCIETY

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## ***Legal Aid, Emery Celli Announce Agreement With NYPD On A \$750,000 Settlement For Client Who Was Illegally Shackled During Labor And After The Delivery Of Her Son***

(BROOKLYN, NY) – The Legal Aid Society, along with co-counsel Emery Celli Brinckerhoff Abady Ward & Maazel LLP, [announced](#) a \$750,000 [settlement](#) on a [lawsuit](#) brought on behalf of a 22-year-old New York City woman, “Jane Doe,” who was arrested when she was more than 40 weeks pregnant, on an investigative card for a minor, later-dismissed charge, and [handcuffed and shackled during labor and after she gave birth to her newborn son](#).

In addition, Ms. Doe requested, and the New York City Police Department agreed, that the NYPD will conduct “roll call” training to all NYPD officers regarding its policies on the use of restraints on pregnant persons.

“Shackling pregnant people is a dehumanizing and pointless practice that has no place in New York City. All New Yorkers should be appalled that the NYPD continues to fail people giving birth at one of the most important and vulnerable moments in their lives, and I am outraged at how this practice consistently targets out Black and Latinx women and people who give birth for treatment no one deserves,” said **Anne Oredoko, Supervising Attorney of the Racial Justice Unit at The Legal Aid Society**. “While we know that this settlement will not completely right the injustice that our client suffered, we hope that it will provide some sense of closure, allowing her and her son to move on with their lives. We hope to never see these abhorrent abuses committed by the NYPD again, but sadly the NYPD has failed to change their policies to adequately ensure that a violation like this will never happen again.”

“The NYPD’s policies for shackling pregnant people are decades behind mainstream law enforcement standards and an embarrassment to the City. At the state level, New York Correction Law § 611 outlaws the use of restraints ‘of any kind’ on women admitted to the hospital for delivery or recovering after giving birth - but the NYPD still refuses to ban these practices,” said **Katherine Rosenfeld, Partner at Emery Celli LLP**. “Jane Doe is a fierce champion for justice, and we urge the City Council to take up her efforts, change the local laws on shackling pregnant people, and force the NYPD to finally ban handcuffing women who are about to give birth or who have just brought a child into the world.”

## **Background**

Filed in Brooklyn Federal court, the lawsuit detailed the NYPD's barbaric treatment of Jane Doe, who was two days past her due date at the time of her arrest. Ms. Doe was asleep in her mother's home when officers knocked on the door to arrest her on a minor charge. After transporting Ms. Doe all over Manhattan and Brooklyn, and keeping her in various holding cells for almost an entire day, NYPD officers finally took Ms. Doe to Kings County Hospital in an ambulance. They handcuffed Ms. Doe to the ambulance gurney on the way to the hospital, even though she was in active labor and excruciating pain.

At the hospital, the NYPD officers insisted that Ms. Doe remain in physical restraints for the next day and a half, often with one arm and one leg each separately shackled to the hospital bed. Ms. Doe struggled to feed her newborn son with one arm, while her other arm was handcuffed to the hospital bed. And, after her son was transferred to the Neonatal Intensive Care Unit, the NYPD would not let her visit without first shackling her legs together. The NYPD also required Ms. Doe to be shackled when she needed to walk around the hospital to make sure that she did not develop blood clots. All of the charges against Ms. Doe were ultimately dismissed.

Medical experts and correctional experts unanimously agree that pregnant women should not be shackled by law enforcement absent the most extraordinary circumstances. Such extraordinary circumstances are limited to situations where a woman poses a significant risk of injury to herself or others that cannot be addressed by less restrictive means.

In January 2020, two years after the NYPD was sued in connection with another horrific incident during which officers shackled a pregnant woman in the Bronx during labor and postpartum, the NYPD issued revised Patrol Guide policies limiting the circumstances when restraints should be applied to pregnant women prior to arraignment. Unfortunately, the NYPD's revised policies are vague and remain inadequate, and do not do enough to prevent further instances of this barbaric practice.

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*The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For 145 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. [www.legalaidnyc.org](http://www.legalaidnyc.org)*

*Emery Celli Brinckerhoff Abady Ward & Maazel is a litigation boutique in New York City that focuses on civil rights, commercial, criminal and ethics matters. [www.ecbawm.com](http://www.ecbawm.com)*