

MedChi

The Maryland State Medical Society

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TO: The Honorable Joseph F. Vallario, Jr., Chair
Members, House Judiciary Committee
The Honorable Jay Jalisi

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman

DATE: March 24, 2016

RE: **SUPPORT WITH AMENDMENT** – House Bill 1634 – *Juveniles – Restraint and Searches – Limitations*

The Maryland State Medical Society (MedChi), which represents more than 7,600 Maryland physicians and their patients, supports House Bill 1634, with amendment.

House Bill 1634 prohibits, except in limited exceptions, the use of physical mechanical restraints on both an inmate child and an inmate child known to be in the third trimester of pregnancy or in labor, delivery, or postpartum recovery.

MedChi confirms the health risks associated with the use of such restraints, including falls, trauma, and limited access for treatment during medical emergencies, and emphasizes their support for providing a safe, humane, and caring environment for our children. House Bill 1634 provides protection against the use of excessive force against incarcerated children and incarcerated mothers who may already be subject to high-risk pregnancies. Physical restraints interfere with the ability of physicians to safely practice medicine by reducing their ability to assess and evaluate the physical condition of an inmate. These restraints therefore place the health and lives of the child, and in the case of a pregnancy, the mother and fetus, at risk.

While MedChi applauds the sponsor's commitment to ensuring humane treatment for incarcerated children, they are concerned with the undoubtedly inadvertent deletion of the prohibition against the use of physical restraints when *transporting* an inmate child who is in the third trimester of pregnancy, or in labor, delivery, or postpartum recovery. The language in Section 9-237(c)(11) of the Human Services Article of the Maryland Code currently provides an explicit prohibition, except in limited circumstances, against the use of physical restraints during transport, and MedChi does not support the bill's removal of this provision. Incarcerated children, particularly incarcerated pregnant women, constitute a particularly vulnerable population, and MedChi urges that the prohibition on physical restraints continue to protect this population during transports. For these reasons, MedChi requests that the Committee consider these concerns and amend House Bill 1634 accordingly before passage.

For more information call:

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