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CIVIL LIBERTIES DEFENSE CENTER

BROUGHT TO YOU BY:

A GUIDE TO PIERCINGS IN JAIL

TRANSDERMAL AND SUBDERMAL PIERCINGS

KNOW YOUR RIGHTS:

A prison regulation or authority that requires jailed individuals to remove transdermal or subdermal piercings without providing a medical doctor is cruel and unusual. This type of conduct clearly violates the established right that detainees and inmates have to medical care under the Eighth and Fourteenth amendment of the U.S. Constitution.

For copies of this brochure to give to police and jailers, contact:

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If you or anyone you know have transdermal or subdermal piercings, you should educate yourself as to your rights in the event you end up in a jail or police custody. Citizens have reported that jail guards have threatened to remove their piercings with pliers or have simply ripped the piercing out of their skin when the citizen informed the guard that they could not simply remove the jewelry without medical assistance. This pamphlet is designed to provide you or your jailer the basic information about what your rights are if you are taken into custody.

The Federal Civil Rights Act requires “every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress...” (42 USC § 1983).

Subdermal and transdermal piercings are implanted in the skin rather than extending through a part of the anatomy such as the lip, earlobe or nostril. Subdermal piercings exist entirely under the skin and can appear as bumps or ridges on the surface of the skin.

The ornament is the only part of a transdermal piercing that is visible; the rest is a flat plate with two or three small holes that sit beneath the skin. As the skin heals it grows into these holes and around the plate making the piercing a permanent feature. Because subdermal and transdermal piercings become apart of the body, a doctor is required to remove them safely.

The deliberate removal of a subdermal or transdermal piercing requires the use of a scalpel and must be done by a doctor. Removing this type of piercing without a scalpel may result in nerve damage, infection, or scarring. The risk of infection is particularly high in jails, prisons and other unsanitary places.

Prison authorities who do not provide access to a medical doctor to perform the necessary operation to remove piercings, or who forcibly remove permanent piercings are liable under 42 USC §1983 or state statues relating to the care of inmates or detainees. This is true even if it is required by prison policy to remove piercings. Jailed individuals must solely rely on authorities for medical care. The U.S. Supreme Court, in *Estelle v. Gamble*, 429 U.S. 97 (1976), ruled that when prison officials show deliberate indifference to an inmate’s medical needs, and if their indifference causes injury, then they will be held liable for all harm that flows from the injury.

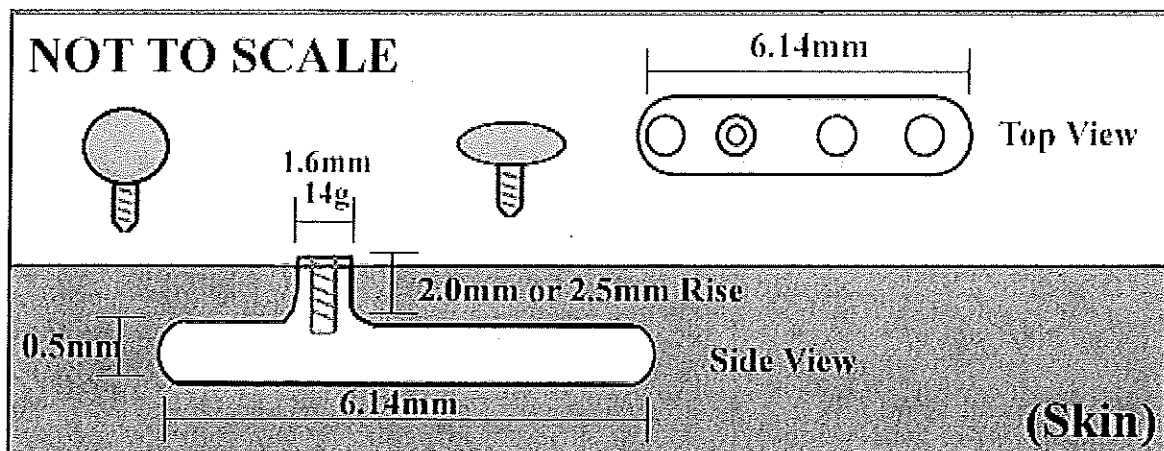


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