

MOTION BY SUPERVISORS HILDA L. SOLIS
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IMPROVING AND ENDING THE INCARCERATION OF PREGNANT GIRLS

On February 13, 2018, the Board of Supervisors unanimously approved a motion titled “Pregnant and Incarcerated Women and Girls,” resulting in the County’s focused attention on researching and evaluating this critical issue. On July 24, 2018, the Department of Health Services released a report titled, “REPORT ON TREATMENT AND PROGRAMS OFFERED TO PREGNANT AND POSTPARTUM ADULTS AND YOUTH INCARCERATED IN LOS ANGELES COUNTY.”

The DHS Report noted that 50 youth (4.8 percent of youth booked in the County) had a positive initial urine pregnancy screen in 2017 alone. Of the 50 pregnant youth identified, 34 were “dual status” youth, or “crossover youth,” meaning they are involved with both Probation and the Department of Children and Family Services (foster care). Thirty-seven of the youth were between the ages of 17 and 18 years old. The DHS Report also revealed:

- There is a need for a unified and collaborative approach toward

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the delivery of educational programming and mental health services specific to pregnancy and parenting for incarcerated youth.

- Various safeguards, such as housing pregnant youth with medically fragile youth, are in place. However, policies should be improved and refined with respect to affirmative protections for youth, such as additional bedding.
- Methods for filing grievances lack privacy, and could be improved. Further, the process may be inaccessible due to language barriers, illiteracy, or bureaucratic procedures—raising concerns about whether pregnant youth have meaningful recourse to ensure their needs, including those related to pregnancy, are accommodated in a timely and fair manner.
- While pregnant individuals at Central Juvenile Hall give birth at LAC+USC, policies on delivery and postpartum visitations and reunification are unclear, including issues pertaining to visitation policies with the baby, and options for breastfeeding and pumping.
- The County has shown substantial commitment toward reducing the number of youth in detention. However, a collaborative and concerted effort should focus keenly and specifically on keeping pregnant girls out of detention. Given its current focus on pre-arrest diversion, YDD has not yet developed policies specifically

for incarcerated pregnant youth.

It is well-established that youth in the juvenile justice system disproportionately have needs rooted in poverty, race or ethnicity, gender nonconformity and sexual orientation, disability, and histories of trauma, among others. In light of the demographics and vulnerabilities of pregnant youth who are detained by the County, improving their care is a matter of reproductive justice. As stated in the DHS Report:

“[r]eproductive justice is achieved when every person can decide if, when, and how to have children, and how to raise the children they have with dignity and respect. It is about ensuring equal access to comprehensive, quality, and confidential reproductive health care, and ensuring that personal decisions about sexual activity and child-bearing are informed, respected, supported, and attainable.”

The Probation Department has made strides diverting youth and providing them with supportive services while incarcerated and in the community. This progress aligns with other efforts made by Probation to provide trauma-informed care to the youth served by the department. In furtherance of this continued progress, coupled with reproductive justice and the original purpose of juvenile justice system (to provide individualized, compassionate assistance to young people perceived to be in need of rehabilitation), a new and different approach to serving youth who are pregnant and incarcerated is the next step.

WE THEREFORE MOVE, that the Board of Supervisors direct Probation, in reliance on the best practices nationwide, and in collaboration with the Department of

Children and Family Services, the Department of Health Services (DHS), the Youth Diversion and Development (YDD) division of the Office of Diversion and Reentry (ODR) housed within DHS, the Department of Mental Health, and in consultation with the Los Angeles County Office of Education, the Public Defender, the Alternate Public Defender, the District Attorney, the Los Angeles Superior Court, and interested stakeholders to report back in 180 days on the following:

1. A strategy to reduce and eventually end the incarceration of pregnant youth, through diversion (as authorized by law) and other methods, including metrics and benchmark goals for doing so, in collaboration with community based organizations and diversion practices;
2. The establishment of policies and procedures governing accessibility to mental health services unique to pregnant and parenting incarcerated youth, taking into account their specialized needs;
3. Written, accessible and culturally competent policies for youth outlining their rights pertaining to pregnancy screening, prenatal care, delivery, postpartum and family planning, for both boys and girls who are incarcerated and parenting;
4. Improved procedures for filing grievances that promote accountability for staff and confidentiality among youth.

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