

MOTION BY SUPERVISORS HILDA L. SOLIS

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Dignity and Health for People Who are Incarcerated: Ensuring Accessibility to Menstrual Products in the Los Angeles County Jails, Probation Detention Facilities, Patrol Lockups, and Court Holding Tanks

Despite efforts and education to ensure that those who are incarcerated are treated with dignity, complaints about inaccessibility or unnecessary barriers to menstrual products continue to arise, for youth and adults. In 2017, the Los Angeles County (County) Board of Supervisors (Board) supported a motion¹ to expand access to menstrual products, including tampons for incarcerated youth in the Probation camps and halls based off best practices on promoting health and dignity and improving outcomes for youth. In 2022, the Board supported a motion² to pilot a countywide program for hygiene products, including menstrual products, to be made available, for free, in County facilities, such as the libraries.

¹ <https://file.lacounty.gov/SDSInter/bos/supdocs/110532.pdf>

² <https://file.lacounty.gov/SDSInter/bos/supdocs/167717.pdf>

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The State of California also took steps to address accessibility of menstrual products by passing a historic bill, Assembly Bill (AB) 732, the “Reproductive Dignity for Incarcerated People Act”, in 2020, which was authored by then-Assemblymember Rob Bonta. The purpose of the bill was to “remedy an array of problems [such as] mandating access to perinatal medical care and banning the use of Tasers and chemical weapons on pregnant inmates [and require] jails and prisons to provide free tampons and sanitary pads.”³ In August 2023, the California Department of Justice (CA DOJ) issued its “Report on Reproductive Healthcare Access in California County Jails” based off reviews of “jail manuals from 53 of 58 counties for compliance with state law...”⁴ CA DOJ had to issue “corrective letters to the 53 counties”⁵ and as of the issuance of the report, “51 counties have now come into compliance with legal requirements; 2 remain out of compliance.”⁶

The Sybil Brand Commission⁷, a commission created by the Los Angeles County (County) Board of Supervisors (Board), is tasked with inspecting all county jail facilities, including the Century Regional Detention Facility (CRDF), which incarcerates a majority of women. Their inspections indicated that there continues to be an inconsistent practice on ensuring menstrual products are readily available and accessible without incarcerated people having to request the products from a deputy or custody assistant. It is one thing to have a policy in place making these assurances, however, there are

³ <https://www.latimes.com/california/story/2024-06-02/for-some-incarcerated-women-getting-ahold-of-menstrual-products-isnt-easy#:~:text=But%20last%20year%20a%20report,counties%20have%20fixed%20their%20policies.>

⁴ <https://oag.ca.gov/system/files/media/reproductive-healthcare-jails-report-082023.pdf>

⁵ Id.

⁶ Id.

⁷ <https://sbc.lacounty.gov/>

serious concerns when the policy is not being practiced, subjectively applied, or consistently followed.

Earlier this year, Assemblymember Isaac Bryan, introduced AB 1810, which would “require the person [who is incarcerated] to have ready access to these menstrual products without having to ask [custody staff].”⁸ It is unfortunate that this bill necessitated the inclusion of the phrase, “shall, without needed to request” to eliminate any barriers from someone needing and requiring menstrual products. The burden to request basic and essential menstrual products should not be placed on the individuals who are incarcerated, especially when the needs for these products can arise at unpredictable times. These products should consistently be readily available.

It is incumbent carceral and detention facilities in the County to not just abide by the law but also ensure consistent practice and implementation because not doing so dehumanizes and ignores the most basic needs of individuals incarcerated at these facilities.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Request the Los Angeles County Sheriff’s Department and direct the Office of Inspector General, Sybil Brand Commission, and the Sheriff Civilian Oversight Commission to:
 - a. Review existing LASD policies to ensure compliance and alignment with AB 732 (2020); availability and accessibility of menstrual products; security search concerns; and ensuring all barriers to the products are removed, including asking staff for products.

⁸ <https://legiscan.com/CA/text/AB1810/id/2936995>

- i. In collaboration with Correctional Health Services, develop a policy that would ensure accessibility and availability of menstrual products for people with mental health needs.
 - b. Ensure all staff are following AB 732 (2020) and custody management and leadership are making sure policies related to the availability and accessibility of menstrual products are followed, through training and oversight.
 - c. Request LASD to provide the OIG, SBC, and COC, with a report back, in writing, in 60 days, on Directive 1, subsections (a) and (b).
 - d. Direct the OIG, SBC, and COC to review LASD's report back and provide the Board, with a report back, in writing, in 60 days with recommendations, including areas of improvement.
 - e. Request LASD and direct OIG, SBC, and COC to provide presentations on the report back at the Sheriff Civilian Oversight Commission and Sybil Brand Commission meetings, following each of the reports requested in Directive 1, subsection (c) and directed in Directive 1, subsection (d).
 - f. Direct the Office of Inspector General to include status on the availability and accessibility of menstrual products and any relevant updates, in its quarterly report to the Board, until further notice.
2. Direct the Probation Department, Office of Inspector General, and the Probation Oversight Commission to:
 - a. Review existing Probation Department policies to ensure compliance

and alignment with AB 732 (2020); availability and accessibility of menstrual products; security search concerns; and ensuring all barriers to the products are removed, including asking staff for products.

- b. Ensure all staff are following AB 732 (2020) and custody management and leadership are making sure policies related to the availability and accessibility of menstrual products are followed, through training and oversight.
 - c. Direct Probation to provide the OIG and POC, with a report back, in writing, in 60 days, on Directive 2, subsections (a) and (b).
 - d. Direct the OIG and POC to review Probation's report back and provide the Board, with a report back, in writing, in 60 days with recommendations, including areas of improvement.
 - e. Direct Probation, OIG, and POC to provide presentations on the report back at the Probation Oversight Commission, following each of the reports directed in Directive 2, subsections (c) and (d).
 - f. Direct the Office of Inspector General to include status on the availability and accessibility of menstrual products and any relevant updates, in its quarterly report to the Board, until further notice.
3. Direct the Chief Executive Office, in collaboration with LASD and the Probation Department to identify a funding plan to make menstrual products, including tampons, free to incarcerated youth and adults, and report back, in writing, to the Board, during Supplemental Budget Phase.

WE, FURTHER, MOVE that the Board of Supervisors:

1. Direct the Chief Executive Office's Legislative Affairs and Intergovernmental Relations branch to send a five-signature letter to support Assembly Bill 1810 and other similar measures that would expand access and increase accessibility to menstrual care and products for incarcerated people.

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